

The government has the following suggestions for the wording of the Act

2.1 Suggestions for the Alcohol Act

Chapter 1. Preliminary provisions

Article 1 This law applies to the manufacture, marketing or import of alcoholic drinks and the sale of such goods. The law also applies to the manufacture of spirits and the import, export and sale of spirits, as well as sales of alcoholic preparations.

Article 2 This act contains regulations on

- manufacturing, etc. (Chapter 2),
- general regulations on retail sales (Chapter 3),
- wholesale trade, etc. (Chapter 4),
- retail trade (Chapter 5),
- trading of denatured alcohols and alcoholic preparations (Chapter 6),
- marketing alcoholic drinks (Chapter 7),
- serving alcoholic drinks (Chapter 8),
- supervision, etc. (Chapter 9),
- appeals (Chapter 10),
- penalty regulations (Chapter 11),
- forfeiture (Chapter 12) and
- registration (Chapter 13).

Definitions

Article 3 *Spirits* refers to liquid which is produced by distilling, and contains alcohol.
Alcohol refers to ethyl alcohol.

Article 4 Denatured alcohol refers to spirits designated for technical, industrial, medicinal or other comparable purposes and which pertains to CN-No 2207 or 2208 according to the wording of the Combined Nomenclature (CN), according to the council's decree (EEC) No 2658/87 of 23 June 1987 on custom tariffs and statistical nomenclature and on Mutual custom tariffs which applied on 19 October 1992¹.

Article 5 *Alcoholic drink* refers to a drink with an alcohol level of at least 2.25 per cent volume. In this Act, alcoholic beverages are divided into spirits, wine, beer and other fermented alcoholic beverages.
Beverages with an alcohol level below 2.25 per cent volume are termed *light drinks*.

Article 6 *Spirit beverage* refers to an alcoholic beverage which contains spirit.

Article 7 *Wine* refers to an alcoholic beverage which is produced by fermenting grapes or grape juice. Wine also covers wine which, during production, has spirit made from wine products added, and which has an alcohol level not exceeding 22 per cent volume.

Article 8 *Beer* refers to beverages produced by fermenting dried or roasted malt as the principal extract. Beer with an alcoholic strength by volume of 2.25% and 3.5% are called *medium strength beer*, and beer with an alcoholic strength by volume of 3.5% is called *strong beer*.

¹ EGT L 256, 7 September 1987, p 1-675 (Celex 31987R2658).

Article 9 *Other fermented alcoholic beverage* refers to an alcoholic beverage which is produced by fermenting fruit, berries or other plant parts.

Article 10 *Alcoholic preparations* refer to a product which is completed for final consumption, contains a higher alcoholic strength by volume than 2.25% and which is not an alcoholic beverage or denatured alcohol, or a medicine covered by the Swedish Medicinal Products Law (1992:859).

Article 11 *Manufacturers* refers to those that carry out professional manufacturing according to this Act.

Selling to the consumer is called *retail sales*, or concerning alcoholic beverages for consumption on the premises, *selling*. Other trade is called *wholesale trade*.

Article 12 *Denaturing* refers to a procedure in which one or more ingredients are added to the spirit, or a product which contains spirit, which makes the spirit unsuitable for consumption.

Chapter 2 Manufacturing, etc.

Article 1 Spirit and spirit beverages may only be manufactured by those that, according to Article 9 of the Act (1994:1564) on alcohol tax, have been approved for storing such goods, or as tax-exempted consumers according to Article 31e of the same law.

Devices which are obviously suitable for manufacturing spirits (distillation devices) and parts for such devices may only be manufactured for, handed over to or possessed by persons allowed to manufacture spirit.

The Swedish National Institute of Public Health may provide exemptions from what is written in other sections. Such a concession may be indefinite for a certain time and be withdrawn if circumstances dictate.

Article 2 *Manufacturing of spirit* refers to every process from which spirit is produced or extracted.

Manufacturing spirit also covers the cleaning and recycling of spirit. Manufacturing spirit also covers the removal or weakening of denature, or any other processing of spirit or alcoholic preparations with the aim of making them suitable for consumption.

The spicing of spirit beverages for serving as schnapps in their own establishment, according to Chapter 8(3), is not considered manufacturing spirit beverage.

Article 3 Wine, medium-strength beer and other fermented alcoholic beverages may only be manufactured by those that, according to Article 9 of the Act (1994:1564) on alcohol tax, have been approved for manufacturing or processing such beverages, or as tax-exempted consumers according to Article 31e of the same law.

The instructions in the first subparagraph do not apply to manufacturing in the home for personal use.

Article 4 Manufacturers of spirits may only dispose of the manufactured spirits by export or for use on their own premises and for selling according to the Act (1961:181) on the sale of denatured alcohol.

Manufacturers of alcoholic beverages may only dispose of manufactured beverage by sale, according to this Act.

The provisions in the first and second subparagraphs shall not be applied in questions to goods used as stated in Article 7(1)(7) and (8) of the Act (1994:1564) on alcohol tax.

Chapter 3 General regulations on sales

Article 1 Alcoholic beverages may not be sold if there is no right to, according to this Act.

Special regulations apply to retail sales and the serving of medium-strength beer.

Article 2 Alcoholic beverages not sold in shop premises may not be stored on such premises or associated premises.

Shop premises refers to premises where consumers may buy goods or services or hire goods, but not restaurants or other similar food service operations.

Article 3 Notwithstanding the regulations in this Act, alcoholic beverages may be served to passengers in railway cars in international traffic.

The prescriptions in this Act do not restrict the right to sell resulting from the applicable regulations on bonded warehouses, which have been established for storing provisions, etc. or the right to sell tax-free goods in export shops.

Article 4 In questions on the right to dispose of alcoholic beverages as provisions on boats and aircraft in international traffic, the special regulations will apply.

Article 5 Sales of alcoholic beverages must be carried out in such a manner so as to prevent injury. Those selling alcoholic beverages must ensure order and sobriety on the sales premises.

Article 6 Persons not yet 20 years of age, or have a guardian according to Chapter 11(7), of the Children and Parents Code, may not be involved in business activities which include the sale of alcoholic beverages.

Article 7 Alcoholic beverages may not be sold or given to persons not yet 20 years of age. Concerning medium-strength beer, the same applies to persons not yet 18 years of age. Alcoholic beverages may be served to persons of 18 years of age or above.

Article 8 Alcoholic beverages may not be given to those who are significantly affected by alcohol or other intoxicants.

Alcoholic beverages may not be dispensed if there are special reasons for believing that the goods are to be illegally given to somebody.

Those dispensing alcoholic beverages must ensure that the recipient has reached the ages specified in Article 7.

Article 9 It is forbidden, as a representative or in a comparable manner, to obtain alcoholic beverages for a person who, according to Article 7, is not entitled to acquire such goods. It is also forbidden in any other way than specified in Chapter 4(4)(1), (2) and (4)-(7), to any significant degree, appoint another to obtain alcoholic beverages.

Alcoholic beverages may not be given as gifts or loans or offered to persons not yet 20 years of age. Concerning medium-strength beer, the same applies to persons not yet 18 years of age.

It is, however, allowed to offer persons who have not reached the prescribed age an occasional alcoholic beverage, on the assumption that it takes place in a controlled place and manner, and consideration is taken of the child's age, development and circumstances, and that it cannot do him or her any injury. However, the age limits specified in Article 7(2) apply in service premises.

Article 10 The government, or the authority the government appoints, may forbid or limit the sale of alcoholic beverages if there are exceptional reasons for doing so.

The municipality may, in certain circumstances, forbid or restrict the sale of alcoholic beverages if necessary to maintain order.

Article 11 On the transfer of business premises which carry out activities needing approval as specified in Chapter 2(1)(1) or (4)(1) (manufacturing), Chapter 4(1)(1) (wholesale) or Chapter 6(2) (trading of denatured alcohol), the transferor may sell their stock of spirits, spirit beverages, wine, beer or any other fermented alcoholic beverages to the successor, if they are entitled to run such a business.

In the case of bankruptcy, the estate of a deceased person, or seized property, the Swedish Enforcement Authority may, without restriction by the regulations of this Act, sell spirits or alcoholic beverages to those entitled to manufacture such goods. Alcoholic beverage may also be sold to retail undertakings. The same applies to an undertaking, which must be closed down as a result of a judgement, referred to in the first subparagraph, that is withdrawn, or there are other imperative reasons.

Chapter 4 Wholesaling, etc.

Article 1 The wholesaling of spirit beverages, wine, strong beer or other fermented alcoholic beverages may only be carried out by approved warehouse keepers or registered consignees for such goods according to Articles 9 or 12 in the Act (1994:1564) on alcohol tax. As a result, the right to wholesale only refers to beverages covered by the licence.

Wholesalers referred to in this Act are the persons approved in accordance with the regulations specified in the first subparagraph.

In addition to that specified in the first subparagraph, the wholesaling of spirits, wine, strong beer and other fermented alcoholic beverages may be carried out in retail premises in accordance with that which is stated in Chapter 5(1)(3).

Persons with a beverage retail licence may sell occasional goods covered by the permit to wholesalers that are entitled to trade comparable goods.

Article 2 Wholesalers may sell goods to:

1. the retail premises specified in Chapter 5(1),
2. other wholesalers entitled to trade comparable goods,
3. persons that have been awarded a permanent beverage retail licence in accordance with the regulations in Chapter 7, and
4. persons that have been approved as tax-exempt consumers, according to Article 31e of the Act (1994:1564) on alcohol tax, of technical, industrial, medicinal, scientific or similar business.

Wholesalers may also export goods. Sales may also be made to persons with a permit, according to the Act (1999:446) on supply of ships and aircraft.

Only wholesalers may repack or rebottle alcoholic beverages.

Article 3 When wholesaling spirit beverages, wine, strong beer or other fermented alcoholic beverages, the seller must ensure the buyer is entitled to purchase or resell goods.

Admission and import

Article 4 Spirit beverages, wine, strong beer and other fermented alcoholic beverages may only be brought into the country by wholesalers and retail undertakings so that the undertaking may fulfil its duties specified in Chapter 5(4).

In addition to that which is stated in the first subparagraph, spirit beverages, wine, strong beer and other fermented alcoholic beverages may be imported:

1. by those entitled to toll exemption according to Article 4 of the Act (1994:1547) on custom tariff exemption, etc.,
2. by an individual that has reached 20 years of age and has acquired the beverages and personally transports them to Sweden, or who performs work on means of transport, if the beverages can be considered for this person or their family's personal use, or as gifts for relative's or their family's personal use,
3. as provisions on ships or aircraft according to specific regulations,
4. by an individual or in the professional conveyance of an individual that has reached 20 years of age and has moved to Sweden, if the beverages are considered for this person or their family's personal use,
5. by an individual or in the professional conveyance of an individual that has reached 20 years of age and has acquired the beverages by inheritance or testament, if the beverages are considered for this person or their family's personal use,
6. as an occasional gift shipment by professional conveyance from an individual in another country to an individual in Sweden that has reached 20 years of age, if the beverages are considered for this person or their family's personal use,
7. by an individual that has reached 20 years of age by professional conveyance or by another independent intermediary, and the admission is from a country within the European Economic Area (EEA) and the beverages are considered for this person or their family's personal use,

Spirit beverages, wine, strong beer and other fermented alcoholic beverages used as provisions on trains in international traffic may be admitted for the purposes of serving passengers during the train's journey into the country.

Chapter 5 Retail trade

Retail trade of spirit beverages, etc.

Article 1 The retail trading of Spirit beverages, wine, strong beer and other fermented alcoholic beverages, require a limited undertaking especially for this purpose (retail trade undertaking). The undertaking must be owned by the state.

Retail undertakings may not export or manufacture such beverages specified in the first subparagraph. The undertaking may only import such beverages to fulfil their duties stated in Article 4.

Retail undertakings may not carry out any wholesale trade other than sales to those with beverage retail licences. This does not, however, apply to sales of occasional small lots to wholesalers.

The regulations for retail undertakings' activities and operations and on specific control by the state must be present in an agreement between the state and the undertaking.

Article 2 Only retail undertakings may carry out the retail trade of spirit beverages, wine, strong beer and other fermented alcoholic beverages.

Article 3 The retail undertaking must decide the sales outlet's location according to guidelines in agreement between the state and undertaking.

Sales must be by collection or ordering. Sales may also be by auctioning of spirit beverages, wine, strong beer or other fermented alcoholic beverages, at the expense of another, according to guidelines in the agreement between the state and undertaking.

Article 4 Spirit beverages, wine, strong beer or other fermented alcoholic beverages not stocked by the retail undertaking must be acquired by the undertaking on request from the consumer.

Retail trading of medium-strength beer

Article 5 Retail trading of medium-strength beer is, with the restrictions prescribed in this Act, allowed on the condition the business is run in such premises or another room in the building or means of transport:

1. which are part of establishments which are approved according to the regulations issued pursuant to Article 1(1) of the Act on foodstuffs (2006:804) or registered according to the European Parliament and the Council's decree No 852/2004 of 29 April 2004 on food hygiene², and

2. which is designated for the permanent selling of foodstuffs, and where food is also sold.

Notwithstanding that which is written in the first subparagraph, the trading of medium-strength beer may be carried out by the retail undertaking and manufacturers of such beer.

Persons trading medium-strength beer must register the business with the municipality where the trade takes place. Trading may not take place before the undertaking has been registered.

Those that trade in medium-strength must carry out specific controls (self-inspection) of the sales and ensure the personnel have the required knowledge of the conditions of sales. There must be a special programme for self-inspection.

Chapter 6 Retail of denatured alcohol and alcoholic preparations

Retail of denatured alcohol

Article 1 Denatured alcohol may only be sold, bought, admitted, imported or exported if undertakings have permission to do so according to this Act.

That which is written in the first subparagraph does not apply to spirits which have been completely denatured in accordance with the Commission's decree (EEC) No 3199/93 of 22 November 1993 on the mutual acknowledgement of procedures for denaturing alcohol to obtain exemption from excise duty.³

² EUT L 139, 30 April 2004, p. 1-54 (Celex 32004R0852)

³ EGT L 288, 23 November 1993, p.12 (Celex 31993R3199).

Article 2 The sale of denatured alcohol may only be carried out by the authorized warehouse keepers of such spirits according to Article 9 of the Act (1994:1564) on alcohol tax.

Article 3 Denatured alcohol which is used or sold domestically and is not completely denatured according to Article 1(2), must be denatured in such a way as to, as much as possible, restrict consumption of the spirit without restricting the intended purpose.

Article 4 When selling denatured alcohol, the salesperson must ensure that the buyer is entitled to purchase or resell.

The salesperson must ensure that prohibited use of the spirit is prevented.

Article 5 Those entitled to sell denatured alcohol may also buy, admit and import and export such spirit.

Sales may be made to:

1. those entitled to manufacture alcoholic beverages,
2. those that have been approved as tax-exempt users of such goods according to Article 31e of the Act (1994:1564) on alcohol tax,
3. pharmacies,
4. universities or colleges for scientific purposes,
5. hospitals for medicinal purposes.

Trading of alcoholic preparations

Article 6 With the restrictions resulting from this Act, alcoholic preparations may be sold domestically under the general conditions for trading.

Additional restrictions on trading alcoholic preparations may result from other legislation.

Article 7 Alcoholic preparations may not be sold or given if there are specific reasons to believe the good is to be used as an intoxicant.

Article 8 Alcoholic preparations not designated for consumption, must not, by taste, colour or packaging, or in any other fashion, run the risk of being mistaken for an alcoholic beverage, or in any way encourage consumption.

Article 9 Alcoholic preparations not intended for consumption and which are to be sold domestically must be denatured in such a way as to prevent, as much as possible, consumption.

Authorisation

Article 10 The government or the authority that the government appoints can issue regulations on:

1. which, in addition to those specified in Article 5, and to what degree persons are entitled to buy denatured alcohol,
2. the hiring of inspection undertakings for the admission and import of denatured alcohol,
3. the denaturing of denatured alcohol and alcoholic preparations, and in which cases denaturing may be omitted, and
4. whether trading of denatured alcohol and alcoholic preparations is needed to protect life and health.

Chapter 7 Marketing of alcoholic beverages

Article 1 When marketing alcoholic beverages to consumers, particular moderation must be observed. Advertisement and other marketing activities must not be insistent upon or urge the use of alcohol.

Marketing may not be directed at, or depict, children or youths below 25 years of age.

Article 2 Those that manufacture, sell or mediate in the sale of alcoholic beverages may only dispense such products as gifts as test samples on their premises.

When marketing services or when selling goods other than alcoholic beverages, these beverages may not be given as gifts.

Article 3 Commercial advertisements on the radio or TV programmes may not be used when marketing alcoholic beverages to consumers. This also applies to TV broadcasts by satellite covered by the Radio and TV Act (1996:844)

Article 4 When marketing alcoholic beverages which contain more than 15% alcohol by volume to consumers, commercial advertisements may not be used in periodical publications or other publications for which the Freedom of the Press Act applies, and anything, in respect of the order on publishing, that is comparable to publications. This does not apply to publications which are only available at the sales premises of such beverages.

Article 5 When marketing alcoholic beverages to consumers through commercial announcements, picture presentations must only include a reproduction of:

1. the product or raw materials in the product,
2. occasional packaging, or
3. trademarks or comparable symbols.

Commercial advertisements in periodical publications or other publications, for which the Freedom of Press Act applies, and anything, in respect of the order on publishing, that is comparable to periodical publications, may not be larger than 2 100 column millimetres. The advertisements must clearly state the beverage's alcohol content but must not present high alcohol content as a positive characteristic.

An advertisement referred to in the first and second subparagraphs must not conflict with fair practice through the context in which it occurs, use methods which are unfit in respect of the consumer, or contain false or misleading information on alcohol, alcohol consumption, alcohol's effects and other characteristics.

Article 6 Marketing in a commercial advertisement of alcoholic light drinks for consumers must be designed in such a way that it cannot be mistaken for the marketing of alcoholic beverages. Marketing of alcoholic beverages which contain a maximum of 15% alcohol by volume in commercial advertisements must be designed in such a way that it cannot be mistaken for the marketing of alcoholic beverages containing more than 15% alcohol by volume.

The first sentence of the first subparagraph does not apply as the marketing of alcoholic beverages containing a maximum of 15% alcohol by volume is allowed.

The regulations on marketing alcoholic light drinks in the first subparagraph are not applicable in cases where this is unreasonable.

Article 7 When marketing alcoholic beverages to consumers, by commercial advertisements in periodical publications, or other publications for which the Freedom of the Press Act applies, and, in respect of the order on publishing, are comparable to periodical publications, the advertisements must contain a clear text stating the adverse effects of alcohol (information text). If there are several information texts, at least one of them must be shown. For recurring advertisements, the different information texts must be used in rotation and if possible to equal extent.

The government may announce directions on which texts must be shown and how they should be designed.

Article 8 An action which conflicts with Articles 1-6 and Article 7(1), or regulations designed with the support of Article 7(2), by virtue of Articles 5, 23 and 26 of the Marketing Act (2008:486) is considered inappropriate to the consumers, and in cases referred to in Article 2, also to the merchant. An action which conflicts with Article 3 may incur market disruption charges according to the regulations in Articles 29 to 36 of the Marketing Act.

Article 9 In relation to foreign states, the government may decide that the following apply.

When marketing alcoholic beverages, it is forbidden to use incorrect or misleading marks of origin, through which beverages directly or indirectly states goods produced or manufactured in the foreign state or in a region or location in the foreign state. This applies if the genuine original is stated, or if the

designation is only used in translation or accompanied by terms such as "type", "kind", "type" or similar terms.

An action which conflicts with the second subparagraph must, through the application of the Marketing Act (2008:486) be considered inappropriate to consumers and the merchant.

Chapter 8 Serving alcoholic beverages

Article 1 For the serving of spirit beverages, wine, strong beer or other fermented alcoholic beverages; a permit is needed from the municipality in which the food service premises is located (beverage retail licence).

The serving permit which concerns serving in domestic traffic on ships, aircraft or rail-cars (traffic serving) must be registered with the municipality in which the undertaking has its headquarters, or where the person who will do the serving has their domicile. If the business does not have its headquarters in Sweden or the person's domicile is not in Sweden, the permit must be reported to Stockholm municipality.

The beverage retail licence is not required if the serving:

1. concerns a single event for predetermined people,
2. is not for gain and does not incur costs for the participants other than the costs of purchasing the beverages, and
3. owns rooms in premises in which no professional selling of alcohol or light drinks occurs.

Notwithstanding the regulations in the first subparagraph, retail undertakings may run tastings of alcoholic beverages for the public, according to guidelines in agreement between the state and undertaking.

Article 2 A beverage retail licence may be awarded for serving the public or in associations, undertakings or other closed undertakings. The permit may refer to serving all year round or annually for a certain period (permanent permit). It may also refer to a single period or a single event (temporary beverage retail licence).

Permanent permits apply for an indefinite duration. However, if there are special reasons, the licensing authority may restrict the licence's validity to a certain period.

The beverage retail licence can apply to spirit beverages, wine, strong beer or other fermented alcoholic beverages, or one or more of these beverages.

The licence for tastings of alcoholic beverage according to Articles 6 and 7 may be awarded for a permanent or a single period.

Article 3 Those with a permanent licence to serve spirit beverages have the right, after notifying the municipality, to spice spirits for serving as schnapps in their own serving premises.

Article 4 Persons running a catering business for closed groups may be awarded a permanent licence on condition that the premises in which the serving takes place is registered with, and approved by, the licensing authority.

Persons running a catering business must have their own cook for preparing food to receive a permanent beverage retail licence.

Article 5 Hotels with a restaurant business with a serving licence on its premises may serve alcoholic beverages in hotel rooms (room service). Such hotels may also dispense from mini-bars in the hotel room.

Article 6 Tasting of spirit beverages, wine, strong beer or other fermented alcoholic beverages at events for the public is permitted on condition that:

1. the organiser has a permanent beverage retail licence which covers beverages which it is intended to offer at the tasting, and the premises the tasting is to take place, or
2. the wholesalers that participate individually or jointly seek, and receives, a temporary licence for tasting the beverages it is intended to offer.

Notice must be given to the municipality before the event takes place by the holder of the licence referred to in Subparagraph 1(1).

Article 7 Producers or manufacturers from raw materials produced in their own estates and have a permanent beverage retail licence are entitled to, after notifying the municipality, offer tastings of their self-produced beverages at the manufacturing site.

If this license is lacking, the manufacturer may offer tastings of their self-produced alcoholic beverages at the manufacturing site with a special licence for tastings.

Article 8 The serving of medium-strength beer is, with the restrictions prescribed in this Act, allowed if the business is run in such premises or another room in the building or means of transport which:

1. which are part of establishments which are approved according to the regulations issued pursuant to Article 7(1) of the Act on foodstuffs (2006:804) or registered according to the European Parliament and the Council's decree No 852/2004 of 29 April 2004 on food hygiene⁴, and

2. is designated as a permanent activity with foodstuffs, and where food is served simultaneously.

Notwithstanding the first subparagraph, medium-strength beer may be served in circumstances set out in Article 1(2), and by those holding a beverage retail licence.

Those intending to serve medium-strength beer must register the business with the municipality where the serving will take place. Trading may not take place before the undertaking has been registered. This does not apply to cases referred to in Article 1(2) or to those holding a beverage retail licence.

Those that are obliged to register according to the third subparagraph must observe special control (self-inspection) of the service. There must be a programme for self-inspection specially adapted for the undertaking.

Article 9 The municipality must supply information on what applies, according to this Act and associated regulations and guidelines, when applying the regulations in the municipality.

Article 10 The application for a beverage retail licence must be in writing.

The municipality may take a charge for the trial according to the grounds decided by the local councillors. A charge may also be taken for the costs supervision according to Chapter 9.

The government may issue the regulations on the time within which the municipality must make a decision on beverage retail licences.

Article 11 An application for a permanent beverage retail licence will not be approved without a statement of opinion from the Police. The same applies to temporary beverage retail licences for serving the public if it does not involve events of insignificant scope.

The Police must, in its statement of opinion, account for all circumstances on which their decision is based in the particular case, and give their opinion of the applicant's suitability for the enterprise.

If an applicant intends to serve in, or close to, a military area, a statement of opinion must be obtained from a relevant military chief before the application is approved.

Article 12 The beverage retail licence will only be awarded to those that can show they are, in respect of their personal and economic circumstances, capable of running the business and that the business will be run in accordance with the requirements set out in this Act.

The applicant must, through a test, show that they are aware of the characteristics of this Act and associated regulations which are required to run this service business in a lawful manner.

The government or the authority that the government appoints can issue regulations for the test referred to in the second subparagraph and exemptions in certain cases from having to take the test.

Article 13 Those with a licence to serve the public or a permanent licence for serving closed groups may only purchase the required spirit beverages, wine, strong beer or other fermented alcoholic beverages from the premises of wholesalers or retail undertakings. Those with a licence to serve a closed group at occasional events or at occasional times, may only purchase similar beverages from a retail undertaking.

Premises and equipment

Article 14 The beverage retail licence covers a limited room which the license holder has the use of.

⁴ EUT L 139, 30 April 2004, p 1-54 (Celex 32004R0852).

Special licences may, however, be awarded for several holders of the licenses to use a common serving room. Each license holder is responsible for order and sobriety, and that the other points of this Act are observed during the period they perform the service.

Article 15 Permanent licenses for serving the public are only awarded if the serving premises have their own cook connected to the service premises who supplies cooked food or prepares food. The guest must be offered several courses of various types. After 23:00, the food choice can be limited to a small number of simple meals.

The establishment must be equipped, in relation to the room's size, with a suitable number of seating places for food service. If there is a bar it may only take up a small part of the establishment's total area and be located close to the dining room.

Temporary beverage retail licences for serving the public must be registered if the establishment offers any form of prepared food. The same applies to licences for serving closed groups.

Licences for serving strong beer and wine in the foyers of theatres or concert halls during intermissions in the performance or concerts can be awarded with no requirement for food. There are no requirements for serving food at tastings according to Articles 6 or 7.

Article 16 The premises used for serving the public or for serving closed groups by holders of permanent beverage retail licences must be fit for purpose in relation to fire safety.

Article 17 If, because of the establishment's location or other reasons, it is feared that the serving of alcohol may lead to trouble in relation to order and sobriety, or a particular risk to people's health, the beverage retail licence may be refused even if the other requirements of the Act are fulfilled.

Personnel and service regulations

Article 18 When serving alcoholic beverages, responsible personnel must ensure that sobriety is maintained and that disturbances due to disorder or drunkenness are prevented.

Article 19 The license holder or their appointed service agent must supervise the service and be in the establishment during the entire service. The above does not apply to room service. The person responsible for the service must have reached 20 years of age and be capable of the task in respect of their personal abilities and other circumstances.

The license holder must register with the licensing authority the person or persons appointed to be responsible for serving alcoholic beverages.

Only the person employed by the licence holder or hired by a staff agency may be employed as a cook or service personnel, or for tasks which are important to order and sobriety. This does not apply to patrolmen appointed by the National Police Board or a police authority. Restaurant schools with beverage retail licences and, after agreement with the school, other restaurants with such a licence may, for the purpose of training, employ the restaurant school's pupils.

Article 20 The licensing authority decides during which times alcoholic beverages may be served. When setting the time for service, special attention must be given to what is stated in Article 17.

If no licensing authority decides otherwise, the serving of spirit beverages, wine, strong beer or other fermented alcoholic beverages should not begin before 11:00 and not occur later than 01:00

The establishment must be empty no later than 30 minutes after the end of service.

The regulations in the first to third subparagraphs do not apply to room service in hotels or mini-bars in hotel rooms, according to Article 5.

Article 21 The price of an alcoholic beverage received through service may not be lower than the purchase price of the beverage including reasonable additions. Price setting is not allowed whereby the sale of beverages with higher alcohol content is promoted. Guests must not be urged or in any way encouraged to buy alcoholic beverages.

Article 22 When serving alcoholic beverages there must be a satisfactory amount and choice of light beverages available.

Article 23 Nobody may remove spirit beverages, wine, strong beer or other fermented alcoholic beverages from premises with a beverage retail licence. This does not apply to hotel rooms and mini-bars.

Article 24 In an establishment with a beverage retail licence, persons may not drink or allow other alcoholic beverages than those served in accordance with the licence to be drunk. This does not apply to hotel rooms.

It is not permitted to imbibe alcoholic beverages in an establishment without a licence for serving such beverages or in a room which is commercially leased to organise gatherings of closed groups at which food or beverages are supplied by the proprietor or their appointee, and at which the serving of alcoholic beverages is not licensed.

Alcoholic beverages not served in a premises referred to in this paragraph may not be stored in the premises or associated rooms.

The prohibition according to this paragraph does not apply to medium-strength beer.

Chapter 9 Inspection etc.

Article 1 The State Public Health Institute may, with the limitations specified in Articles 3 and 4, inspect the application of this Act and the regulations issued with the support of the Act.

The county administrative board has oversight within the country. The county administrative board must help the municipalities with advice in their affairs.

Article 2 The municipality and police authority monitor the application of the regulations which apply to the serving of alcoholic beverages.

The municipality and police authority also monitor the retail trade of medium-strength beer.

The municipality must produce an inspection plan which is given to the county administrative board.

Article 3 There are separate rules for monitoring compliance with the regulations on marketing in Chapter 7 of the Marketing Act (2008:486). Monitoring of compliance with the regulations versus those with beverage retail licence, in questions of marketing in the establishment is also exercised by the municipality. Chapter 7(8) does not apply to the municipality's monitoring.

Article 4 Revenue supervises the application of the provision in Chapter 4(2).

Article 5 The municipality's costs according to this Act must be fulfilled by themselves or the panel of lay assessors appointed by the municipal council.

Article 6 A municipality may make an agreement with another municipality that the costs the municipality has according to the Act is wholly or partly catered for by the other municipality. The municipality may not, however, transfer the authority to settle affairs concerning:

1. measures according to Chapter 3(10),
2. issuing of beverage retail licences according to Chapter 8(1),
3. issuing of reminders and warnings according to Chapter 9(17),
4. issuing of beverage retail licences according to Chapter 9(18),
5. issuing of sales prohibitions according to Chapter 9(19).

Article 7 Municipalities that have made a decision in a matter according to this Act, must send a copy of the decision to the State Public Health Institute, the county administrative board and police authority affected by the decision. If the decision concerns the special regulations on marketing, a copy of the decision must also be sent to the National Board for Consumer Policies.

A municipality must issue a certificate of the licence the municipality has issued.

The government, or the authority the government appoints, issues the regulations on what costs such a certificate should incur.

Article 8 On request from another regulatory authority, the municipality must surrender the information the authority needs for its monitoring. The municipality must also, on request from the Revenue or Customs house surrender the information needed for taxing or the imposing of a toll.

The police authorities must inform all regulating authorities of any circumstances of importance to the authority's regulation.

The enforcement service must inform the authorising authority concerned if a licence holder defaults in their duties to pay tax or social security contributions. On request from the County Administrative Board, such intelligence must be given to it.

On request of a supervisory authority, the police authorities and the Revenue and other authorities which uphold or collect taxes or charges must surrender information which the supervisory authority needs for licence testing or monitoring.

Article 9 The Police authority must, on request, give another supervisory authority the help needed for the application of Articles 13-15.

A request according to the first subparagraph may only be met if:

1. there are, special circumstances, fears that the measure cannot be achieved without the special powers of the police according to Article 10 of the Swedish police act (1984:387), or
2. there are other exceptional reasons.

Article 10 State and municipal authorities must notify the authority the government appoints if, in their duties, they become aware of something which may affect the application of the regulations in Chapter 6 on the sale of denatured alcohol and alcoholic preparations.

Article 11 Those that have been granted a licence according to this Act must notify the supervisory authority when they intend to start their operations.

Notification must also be made if operations are stopped or interrupted. If the operation changes in scope or in any fashion of importance to the licence, it must also be reported, just like if there are considerable changes to the ownership circumstances.

The report must be made in advance. If the circumstances which brought about the notification obligation could not have been seen, the notification must be made without delay.

Article 12 If the person that has received the beverage retail licence according to this Act has passed away or an administrator has been appointed according to Chapter 11(7) of the Children and Parents Code with a mandate which encompasses the enterprise, and if the decedent estate or the administrator will continue the enterprise, the municipality must be notified. The notification must be made no later than two months after the death or the decision of the administrator. If the notification has not arrived within this time, the licence will no longer be valid when the time ends.

If the person that has received a beverage retail licence is declared bankrupt, the licence ceases to be valid immediately. If the bankrupt estate wishes to continue the business, a new application must be made to the municipality. The municipality must give priority to such an application.

Regarding the person that manufactures or wholesales according to this Act, a corresponding notification according to the first and second subparagraph must be made to the State's Institute of Public Health.

Article 13 If a supervisory authority so requests, the licence holder or the person running the business with the entitlement of this Act, must grant access to the establishment and associated rooms and make available actions which affect the business, and without compensation help the monitoring, supply the product test needed and show the information on the businesses scope and development.

That which is written in the first subparagraph also applies in the relationship between a wholesaler and the Revenue.

Article 14 The accounts of a business which is licence obliged or which is entitled to do business according to this Act must be designed so that the undertaking may be checked. Those running the business are obliged, upon request from the supervisory authority, to show the accounting records.

Licence holders, manufacturers and wholesalers are obliged to surrender to the supervisory authority the information necessary so that the authority can make statistics for the business according to this Act.

Article 15 On request from the supervisory authority, the person serving or retail selling medium-strength beer must surrender the information and documents needed for the supervision. The supervisory authority is entitled to gain access to the business' offices to perform the supervision.

Article 16 The Revenue must inform the Swedish National Institute of Public Health if their investigations reveal that regulations in this Act have been violated.

Intervention and withdrawal

Article 17 Municipalities must send the holder of a beverage retail licence a reminder or a warning in serious cases or for frequent violations, if the holder does not:

1. fulfil the requirements applicable to the licence holder, or
2. follow the regulations applicable to serving, according to this Act or the conditions or regulations issued with the support of the Act.

Article 18 Municipalities must withdraw a beverage retail licence:

1. if the licence is no longer utilised,
2. if, with the knowledge of the licence holder, serious criminal activities have taken place in the establishment, or the licence holder has not intervened to prevent it, or
3. if the licence holder has violated this Act or, in relation to that which applies to the licence, a warning is not a sufficient measure, or the licence holder has received one of more warnings without the circumstances which prompted the warning being corrected.

If several licence holders have used a common establishment according to Chapter 8, Articles 14(2), and it cannot be investigated which licence holder is responsible for an action which may bring about a withdrawal of the beverage retail licence, the common beverage retail licence is withdrawn.

Article 19 If the retail trading of medium-strength beer causes disturbances to order and sobriety, or if the regulations of this Act are not followed, the municipality can prohibit the person trading from continuing their business, or if a prohibition is considered too harsh an intervention, a warning may be issued.

A prohibition according to the first subparagraph may be limited to a particular period or to certain specific circumstances. The prohibition is issued for a period of six months, or twelve months for recurring or serious negligence, from the time the person trading receives the decision.

The municipality in which the retail outlet is located determines the intervention according to this paragraph. If there is no fixed retail outlet, the decision is made by the municipality in which the seller has their headquarters or where the seller has their domicile, or if the person has no domicile within the country, by Stockholm's municipality.

Chapter 10 Appeals

Article 1 The Swedish National Institute of Public Health's or a municipality's decision according to this Act or according to the regulations issued with the support of the Act may be appealed to an administrative court.

A review permit is required for an appeal to the administrative court of appeal.

Decisions according to this Act are immediately applicable if nothing else is stated in the decision.

Chapter 11 Penalty provisions

Article 1 Those who:

1. manufacture spirits or spirit beverages without being entitled to,
2. acquire, possess, transport, conceal or store spirits or spirit beverages which are illegally manufactured,

will be convicted for *illegal dealings in spirits* with fines or imprisonment for a maximum of two years.

Article 5 The regulations in the Personal Data Act (1998:204) on corrections and damages also apply to managing personal data according to this Act.

1. This Act (the new Act) shall enter into force on 1 July 2010, with the exception of what is stated in Point 2, when the Alcohol Act (1994:1738) (the old Act) is no longer valid.

2. The regulations in Chapter 1(4) and (10) and Chapter 6(10) and (16) shall enter into force on 1 January 2011.

3. The notification on the retail sale and serving of beer according to Chapter 5(6) and Chapter 6(1a) of the old Act applies as the notification on the sale and serving of medium-strength beer according to Chapter 5(5) and Chapter 8(8) of the new Act.