



Regulations for the sale of electronic cigarettes and refill containers

Information om försäljning av elektroniska cigaretter och påfyllningsbehållare till konsumenter Engelska

Information about the sale of electronic cigarettes and refill containers to consumers

The Act on Tobacco and Similar Products (2018:2088) and the associated ordinances and provisions outline the regulations on electronic cigarettes and refill containers. They include provisions stating that those intending to sell electronic cigarettes and refill containers to consumers must first notify the municipality.

This leaflet summarises some of the regulations that apply to the sale of electronic cigarettes and refill containers. As a retailer, it is important that you are aware of all the regulations that apply for your company.

Definitions in the Act

- An electronic cigarette (e-cigarette) is a product that can be used to consume nicotine vapour via a mouth-piece or another product component. This includes a cartridge, a reservoir and a component without a cartridge or reservoir.
- A refill container holds a liquid containing nicotine and can be used to refill an electronic cigarette.
- Retail refers to selling a product to consumers.
- A point of sale is a physical sales point or a web shop for retail.
- A physical sales point includes specific premises or other delimited space to be used for retail.
- Cross-border distance sales involve products being sold to a person located in Sweden at the time they placed their order, whereas the point of sale is located in a different country, or where the point of sale is located in Sweden and the consumer is located in a different Member State.

Regulations on the sales of electronic cigarettes and refill containers are stipulated in the Act on Tobacco and Similar Products (2018:2088).

Here are some examples of what applies:

- Retailers must first notify the municipality, or the Public Health Agency of Sweden if they intend to conduct cross-border distance sales.
- A person must be aged 18 or above to be able to buy electronic cigarettes and refill containers. The point of sale must visibly display clear information about the 18-year age limit.
- The Public Health Agency of Sweden, municipalities and the police may carry out checks.
- The municipality may conduct test purchases.

Who to notify

If you have a registered office or permanent business establishment in Sweden, you may not sell electronic cigarettes or refill containers unless you have submitted the notification. If you will not be conducting cross-border sales, you must notify the municipality where the physical point of sale is located. If no such physical point of sale exists, you must notify the municipality where the company is based. If your company does not have a registered office in Sweden, then you must notify the municipality where the permanent business establishment is located.

If you will be operating cross-border sales, you must first notify the Public Health Agency of Sweden. Your notification must be confirmed.

Self-monitoring

If you are a retailer of electronic cigarettes and refill containers, you must carry out self-monitoring of both the sales and other handling of the products. You must ensure that your company has a suitable self-monitoring programme in place. The self-monitoring programme must describe the procedures the company follows in order to comply with the law. You must include a copy of your self-monitoring programme with your notification.

You must contact the municipality and/or the Public Health Agency of Sweden without delay if any details change after you have submitted your notification.

Age limits

A company must not sell or hand out electronic cigarettes and refill containers to anyone under the age of 18. Anyone handing out such a product must ensure that the person receiving the item has turned 18.

The person handing out or selling the product must not hand it over if they suspect it will be given to somebody under the age of 18.

The point of sale must visibly display clear information for customers about the ban on sales or distribution of electronic cigarettes and refill containers to people under the age of 18.

It must be possible to verify the recipient's age when selling or handing out electronic cigarettes and refill containers. This applies regardless of whether the sale is via vending machine, online, or similar.

Labelling and information

Electronic cigarette and refill container packaging must contain a declaration of contents in Swedish. Packaging must also be marked with the following text: "Denna produkt innehåller nikotin som är ett mycket beroendeframkallande ämne" [This product contains nicotine which is a highly addictive substance]. The packaging must also include an information leaflet in Swedish.

More detailed information about information and labelling can be found in the Act on Tobacco and Similar Products and the accompanying ordinances and provisions.

Marketing

Marketing on display at physical points of sale must follow the requirement for special moderation. Such marketing must not be intrusive, attractive, or encourage use. Visit www.konsumentverket.se for more information about marketing regulations.

Faulty products

As a retailer, you must contact the Public Health Agency of Sweden immediately if you discover any faults with a product. These may include the product being unsafe, of poor quality, or failing to meet the legal requirements in any other way.

Read more at www.folkhalsomyndigheten.se

Inspections and test purchases

Municipalities, the police and the Public Health Agency of Sweden may inspect your organisation to make sure you are complying with the law.

Municipalities also have the right to make test purchases to ensure that age verification checks are made when selling electronic cigarettes and refill containers.

What can happen if the rules are not followed?

If your company does not comply with the rules, you can receive a warning or order that you must rectify any shortcomings. You can also be banned from selling electronic cigarettes and refill containers.

Legal action can be taken if you violate certain regulations, meaning you could be fined or given a prison sentence.

Therefore, it is important that your company has procedures in place to guarantee that the regulations are followed.

Fees

Municipalities may charge a fee for their supervision of electronic cigarettes and refill containers.