

The Alcohol Act

Krogarnas kursmaterial

Introduction

The objective of Swedish alcohol policy is to promote public health by reducing the medical and social harm caused by alcohol. This objective is to be achieved through measures that counteract harmful drinking patterns and contribute to a reduction in overall alcohol consumption. One of the primary and most fundamental policy instruments for achieving this objective is restrictive alcohol legislation. Through well-functioning legislation, society is able to control the handling of alcohol and, in particular, limit its availability in certain environments and contexts. It is especially important that the regulatory framework provides children and young people with the protection they need.

For many people, moderate alcohol consumption is a natural part of social settings; at the same time, alcohol causes significant medical and social problems. The aim of Swedish alcohol policy is therefore to strengthen public health by reducing alcohol-related harm, among other things by limiting availability and counteracting harmful drinking. Restrictive legislation is a central tool for protecting particularly vulnerable groups, such as children and people close to individuals with substance abuse problems.

The restaurant industry plays an important social role, and alcohol policy should not hinder its positive contributions. At the same time, serving practices that may cause alcohol-related policy concerns must be capable of being restricted. When different interests are weighed against one another, the protection of human health shall take precedence over commercial or business-economic interests.

Terminology and Definitions

This document will help you understand the Alcohol Act by giving you an understanding of the terms and concepts used. The definitions are taken from the Alcohol Act and its notes.

If you learn to understand these terms and concepts you will have much of the knowledge that is required to pass the local authority's alcohol knowledge test.

Beverages

Spirits:

By spirits is meant a liquid made by distillation or other chemical process and that contains alcohol.

Alcohol:

By alcohol is meant ethyl alcohol.

Alcoholic beverage:

An alcohol beverage must have an alcohol content above 2.25% by volume. The Alcohol Act divides alcoholic beverages into spirits, wine, beer and other fermented alcoholic beverages.

Alcoholic liquor:

An alcoholic beverage that contains ethyl alcohol. A further requirement is that it contains more than 2.25% by volume. Liqueurs, whisky, Irish coffee and most drinks come under the heading of alcoholic liquor.

Wine:

Wine is a drink produced by fermenting grapes or grape juice. Wine to which spirits manufactured from grape products have been added during its production and which has an alcohol content below 22% by volume is also classified as wine.

Beer:

Beer is a fermented drink made from dried or roasted malt as its primary starch source.

Strong beer:

An alcohol beverage must have an alcohol content above 3.5% by volume.

Medium-strength beer ("folköl"):

Beer with an alcohol content above 2.25% but lower than 3.5% by volume.

Other fermented alcoholic beverage:

Other fermented alcoholic beverages are drinks made by fermenting fruit, berries or other plant parts. Examples of such drinks are cider, fruit wines, berry wines, dandelion wine and mead.

Light drink:

A drink that contains no alcohol or has an alcohol content of at most 2.25% by volume is called a light drink. All drinks with an alcohol content of at most 2.25% by volume are thus classified as light drinks.

Non beverage alcoholic preparations (alkoholdrycksliknande preparat):

When assessing whether an alcoholic content is to be considered an non beverage alcoholic preparation, the following must be taken into account:

1. composition and taste of the preparation,
2. whether by thawing, cooling, separation of components or supply of liquids can convert the preparation into an alcoholic drink, or
3. how the product is marketed. That is to say, if it is for eating/drinking and you can get an intoxicating effect, the preparation must contain at least 2.25% alcohol by volume. The most common is ice cream containing alcohol.

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Alcohol-containing preparation:

Is not considered an alcoholic beverage within the meaning of the Alcohol Act. An alcohol-containing preparation is simply a substance or product that contains alcohol (most commonly ethanol) and is used for a specific purpose, such as disinfection, cleaning, medical use, or cosmetic use.

Reasonable mark-up:

By reasonable mark-up is meant the mark-up for the cost of serving and other handling. The serving of alcohol must therefore bear its own costs. A restaurant with a licence to serve alcoholic beverages to the public should apply a mark-up of at least 25% on the purchase price. Pricing may not be such that the sale of beverages with a higher alcohol content is promoted.

Restaurant report:

A person holding a serving licence must once a year submit a restaurant report to the local authority in the municipality where the serving premises are situated. This is to allow the flow and handling of alcoholic beverages to be checked. All purchases and sales of

alcoholic beverages must be clearly stated in the restaurant report in both value and volume (litres).



Sales

Wholesale trade:

Sales that are not directed at the end consumer, for example when a wholesaler sells to Systembolaget or to a restaurant that has a permanent serving licence.

Retail trade:

The state owns the only retail company in Sweden that is permitted to sell alcohol with an alcohol content exceeding 3.5% by volume to end consumers. This company is called Systembolaget. Alcohol is sold direct to consumers who are not allowed to drink the alcohol on the shop premises.

Serving:

Selling alcoholic beverages is called serving if it takes place for consumption on the premises. Serving is a transaction where a person provides alcoholic beverages for payment.

Alcohol from the restaurant:

Alcoholic beverages may not be taken away from the serving location. An exception is medium-strength beer (folköl). The drinks that can be sold in a grocery store can also be taken from a serving place, such as low-alcohol beverages.

Selling:

Selling means operating a commercial business.

Minor:

A person below the age of 18 may not be served or drink alcohol at a pub or restaurant. Restaurants may however allow minors to enter as guests.

Manufacture of spirits:

Manufacturing of spirits refers to every process by which ethyl alcohol is produced or extracted. A special licence is required to manufacture alcoholic beverages.

Spicing of spirits:

After notifying the local authority a person holding a permanent licence to serve spirits is entitled to add spices to spirits to be served as schnapps in his or her own serving business. This is not considered to be manufacture of spirits.

Flavouring of spirits:

A holder of a permanent licence to serve spirits is, after notifying the municipality, entitled to flavour spirits for serving as snaps within their own licenced premises. This is not regarded as the manufacture of spirits. This practice is common in connection with Christmas buffets.

Serving Licence

To serve alcoholic beverages a licence must be obtained from the local authority in the municipality where the serving premises are situated (a serving licence). A serving licence grants the licence holder the right to serve their guests alcoholic beverages covered by the licence for consumption on the premises, in exchange for payment. It is prohibited for guests and staff to bring alcohol off the premises, except for Medium-strong beer ("folköl").

Serving to the public:

Stricter requirements apply to be allowed to serve alcohol to the public (the people do not need to be known previously), for example regarding premises, food and knowledge of alcohol legislation. For example. the premises must be easily overseen.

Private party/function:

To be classified as a private party:

its members must be known before the actual event. It is thus not a private party if for example members can enroll at the event.

the members must have a shared interest or connection as regards content – guests at a hotel, for example, would not normally be regarded as being connected in this way.

The number of members may also be of importance. Associations that comprise a great many of the inhabitants of a community or a local association that is also open to all members of an organisation in a particular region or within the country would normally not be classified as private parties.

Whoever has a permanent serving permit for closed parties may serve several closed parties at the same time, if the parties are kept separate and not mixed. If a permit holder has several premises, it is therefore possible to have different closed parties at the same time but in separate premises.

A licence may cover serving all year round or once a year for a certain period of time (permanent serving licence). A permanent licence is valid until further notice. If special reasons exist, a local authority may limit the validity of the licence to cover a certain period of time.

A temporary serving licence applies to a single period of time or a single occasion. For such licences, lower requirements apply regarding the applicant's education and qualifications compared to a permanent licence for serving to the public.

Catering business:

Catering services involve serving prepared food and alcoholic beverages or non beverage alcoholic preparations (alkoholdrycksliknande preparat) at the request of private groups in a temporarily rented venue or someone's home. A catering company that serves private parties can be granted a permanent serving licence provided that the premises where the food and beverages are served are notified to and approved by the local authority on every occasion. A person wishing to operate a catering service in several different municipalities must apply for a licence in each municipality. The serving hours for a permanent catering licence for private groups may extend no later than 1:00 AM. Catering licences are exempt from the Alcohol Act's requirement that serving licences must cover a specific designated area.



Normal hours:

Unless the local authority decides otherwise, serving of spirits, wine, strong beer or other fermented alcoholic beverages may not begin earlier than 11 a.m. and may not continue longer than until 1 a.m.

In the case of permission to serve until 01:00, guests must be out of the premises no later than 30 minutes later, that is, 01:30. After one hour, 02:30, it is fine for the restaurant to reopen, but then without serving alcohol until the serving time starts again at 11:00.

When a serving licence is not required:

Three requirements must be met for a serving licence not to be needed to serve alcohol:

- # It must be a single occasion for people determined beforehand.
- # It must not be for profit and it must be free of charge to the participants other than the cost of purchasing the drinks
- # The serving must take place on premises where alcoholic beverages or light drinks are not sold commercially.

Who you may buy alcoholic beverages from:

Those who have a permanent serving licence and those who have a temporary licence for the public may buy the alcohol from whole salers and from Systembolaget. For temporary serving licences, alcohol may only be purchased from Systembolaget.

Premises

Serving premises:

A serving licence must apply to a particular serving premises. Serving premises are any premises and areas that are used in a business where alcohol is served.

Serving venue:

A serving area is that part of the serving premises, indoors, where it is permitted to serve alcohol. An important requirement is that it must be possible to overview the entire serving premises, among other things for the serving staff to be able to check which guests have access to alcoholic beverages and detect any disturbance. The premises must have been approved by the fire protection, labour protection and health protection authorities.

Other delimited space (annat avgränsat utrymme):

Other delimited space refers to part of the serving premises that is situated outside and where it is permitted to serve alcohol, e.g. a terrace or pavement café.

Serving space:

Alcohol is allowed to be served in a serving space. Several licence- holders can apply for a licence to use a shared serving space. See next paragraph.

Commonly serving area:

Several licences can apply for a common serving space, the shared serving area can be either indoors or outdoors. Each licence holder must then be responsible for order and sobriety within the serving area. In the event of mismanagement, which cannot be traced to a particular restaurateur, the joint licence may be revoked.

Shop premises:

Shop premises are premises where consumers can buy goods or services or rent goods but not restaurants and other serving premises.

Prohibition to store alcoholic beverages:

Alcoholic beverages that are not allowed to be served on particular premises may not be kept there. The prohibition does not apply in cases where it is obvious that a beverage is not intended to be drunk on the premises, for example when a guest has handed it in to the cloakroom attendant to look after or if it is intended to be used for cooking purposes at the restaurant.

Prohibition to consume:

Alcoholic beverages that are not allowed to be served on premises may not be consumed there. This means that guests may not bring their own alcoholic beverages to drink at the serving premises/restaurant.

Supervision of Service:

The licence holder or a person responsible for the service must supervise the serving area and be present on the premises throughout the serving period. Serving staff must be able to monitor which guests are granted access to alcoholic beverages and alcohol- like preparations and detect if any disturbances occur. This applies regardless of whether the service is conducted in a temporarily rented venue or a private home.

Right of Disposition to the Premises:

The right of disposition means that the applicant has the right to use the relevant serving premises and serving areas. The serving establishment must be a cohesive unit; for example, if the unit includes several separate rooms, the business must have the right of disposition for the spaces connecting those rooms as well. The right of disposition can be demonstrated with documents such as rental agreements or purchase agreements.

Marketing of alcoholic beverages

Particular moderation shall be observed:

Advertising or other forms of marketing must not be intrusive or solicit or encourage the use of alcohol. Nor may they be directed to or depict children or other young people below the age of 25.

Commercial advertisements:

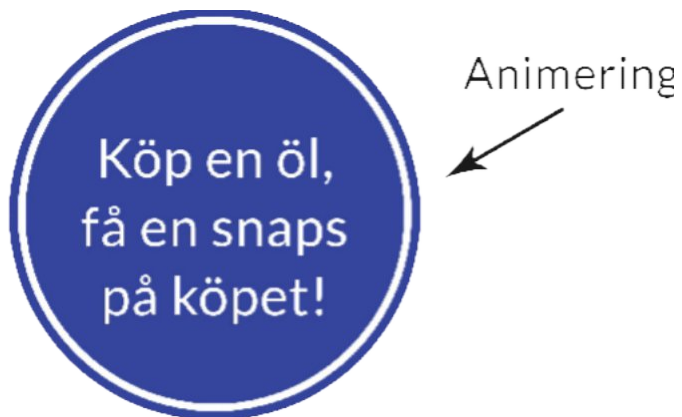
A commercial advertisement is advertising for the purpose of earning money.

Periodic publications:

A periodic publication may be a daily newspaper or other form of publication that appears several times a year.

Prohibition of animation:

Guests are not to be encouraged or persuaded to buy alcoholic beverages. It is thus not permitted to actively exert influence. It is however permitted for serving staff to for example ask guests if they desire more alcoholic beverages when the till is about to close.



General order

When alcohol is served the responsible staff are to ensure that moderation is observed and that disturbances caused by disorderliness or insobriety are avoided.

Order:

A positive atmosphere is to prevail at the serving establishment; there is to be no glass on the floor or quantities of empty bottles on the tables, etc. Disorderliness at the serving establishment is to be prevented. This applies both to disorderliness that is connected to the consumption of alcohol and disorderliness that is not alcohol-related. Examples of the latter might be that guests behave in a disruptive fashion without being intoxicated or that criminal activities are carried on, for example selling drugs or receiving stolen goods. Should disorderliness occur, the unsatisfactory state of affairs is to be rectified. This might for example be done by guests being spoken to or asked to leave or, when no other alternatives remain, clearing the premises.

Sobriety:

Guests must be sober at a serving establishment. They are allowed to be merry (happy and elated) but not noticeably under the influence of alcohol or other drugs. Signs of inebriation might be a person making a disturbance, falling asleep at the table, staggering or having difficulty controlling their speech or their behaviour in general.

Noticeably under the influence of alcohol:

When a person is noticeably under the influence of alcohol, this marks the beginning of the level of intoxication that is not permitted where alcohol is served.

Supervision

One important prerequisite for Sweden's restrictive alcohol policy and the protection of public health is that society has effective control over adherence to laws and regulations. Several authorities have supervisory and control duties regarding the handling of alcohol:

Supervisory authority:

A supervisory authority is an authority that checks that a serving premises adheres to the law.

The Swedish National Institute of Public Health, Folkhälsomyndigheten:

The Swedish National Institute of Public Health (FHI) is responsible for overall supervision of adherence to the provisions of the Alcohol Act.

The County Administrative Board, Länsstyrelsen:

The county administrative boards are in charge of supervision inside the county and assist the local authorities. The County Administrative Board also exercises supervision over the municipalities.

The local authority:

The local authority (municipality) is a licensing authority and exercises supervision of serving premises. The local authority grants licences to serve alcohol and can set conditions. The local authority's task is to guide the licence-holders and check that the rules are adhered to.

The Police Authority:

The Police Authority exercises supervision of serving premises.

The Swedish Consumer Agency, Konsumentverket:

The Swedish Consumer Agency has the primary responsibility for ensuring compliance with the rules governing the marketing of alcoholic beverages. In licenced establishments, supervisory responsibility is shared with the municipality, which monitors that marketing is carried out in accordance with applicable laws and regulations.

The Swedish Tax Agency, Skatteverket:

The Tax Agency exercises supervision of serving premises.

Supervision:

By supervision is meant that checks are made of serving premises that legislation is adhered to.

External inspections:

In an external inspection, a check is made of the general selling regulations. It may concern how the business is run as regards order and sobriety and that alcohol is not served to minors and/or noticeably inebriated persons and that personnel responsible for serving alcohol are present. And also that alcohol is sold in accordance with the terms and conditions of the licence. What kind or kinds of alcoholic beverages that are served, whether they are served to the public or to a private party, the serving areas, serving times, and where applicable whether conditions set are being adhered to. Checks are also made that prohibitions to store and consume are adhered to, that soft drinks are available, that specific regulations regarding marketing are adhered to and that sales are registered.

Internal inspection:

In an internal inspection, a check is made that the prerequisites for a licence still exist. This might concern whether the requirement concerning fire safety is still satisfied or details of how the licence-holder, i.e. the company that has the licence, is conducting itself from a financial point of view. The requirement concerning financial conduct also applies to people with considerable influence in the company.

Coordinated inspection:

A coordinated inspection is a more probing inspection that several authorities plan and/or carry out together. The authorities participate supported by the legislation that applied in their respective areas of expertise. A local authority may engage an expert to assist during the inspection visit, e.g. an officer from the tax agency when the accounts are to be checked.

Licence-holder:

The licence-holder is the person who runs the serving business and has ultimate responsibility over the serving. He or she must be at least 20 years of age. Serving manager: The licence-holder or a person designated by the licence-holder is to supervise the serving of alcohol and be present whenever the serving premises are open. A serving manager must be at least 20 years of age and be suitable for the task as regards his or her personal qualities and circumstances in general. A serving manager must have sufficient knowledge of Swedish alcohol legislation to be able to carry out their tasks of a serving manager.

Person Responsible for Serving (serveringsansvarig):

The licence holder, or a person appointed by them as responsible for serving, must oversee the service and be present at the establishment throughout the serving period. The person responsible for serving must be at least 20 years old and deemed suitable for the role, considering their personal qualities and other relevant

circumstances.

The responsible person must have sufficient knowledge of Swedish alcohol legislation to fulfil their duties as the person in charge of serving. Those designated as responsible for serving must be registered with the municipality.

Employed staff:

Only a person employed by the licence-holder or who has been hired through a staffing agency may work in the kitchen or as serving staff or perform tasks of significance for order and sobriety. The requirement to use employed staff in principle covers all staff used to run the serving business. The staff who are not part of the serving business proper do not need to be employed by the licence-holder or hired through a staffing agency; these may include cloakroom attendants, musicians (e.g. troubadours), casino staff, security staff and similar persons. The Alcohol Act does not stipulate a minimum age for serving staff.

Accounts:

The licence-holder's accounts must be so arranged that it is possible for the supervisory authority to check the business operations. The person operating the business is obliged to produce the accounting documents when a supervisory authority so requests.

Intervention

Interventions by the local authority exist to remove any unsatisfactory situation and prevent new ones arising. Action taken against the licence-holder is not a punishment but a means of creating a good restaurant environment.

Caution (erinran):

If the holder of a serving licence behaves in contravention of the Alcohol Act and the conditions and regulations imposed, the local authority may issue a caution. A caution is used in case of minor offences.

Warning (varning):

In more serious cases or for repeated offences a warning may be issued without a caution having been given. Such cases might be shortcomings from a financial point of view or personal suitability, serving minors and repeated offences albeit of a minor nature. If a person has received repeated cautions, in particular if they concern the same kind of offence, a warning should be issued if it is repeated.

Revocation (återkallelse):

If a licence-holder has been given one or more warnings and commits a new offence that cannot be considered minor or fails to rectify an unsatisfactory situation that has led to a warning, revocation of the licence should be considered. In certain cases, a licence can be revoked without a preceding warning. Examples of such cases include financial malpractice, committing a criminal offence that renders the licence-holder unsuitable, criminal activities at or related to the serving premises with the licence-holder's knowledge and without him or her taking action, more than occasional serving of a minor or repeated occurrences of disorderliness on the premises without the licensing authority being notified.

Stay of enforcement (inhibition):

If a licence-holder appeals against a revocation, he may be granted a stay of enforcement and can continue to run his serving business during the investigation.

Conditions:

The local authority may set conditions for how the serving business is to be run. Conditions according to the Alcohol Act may only be set to counteract harmful effects as regards alcohol policy. The local authority can for example set conditions concerning:

- # what serving areas may be used and how,
- # that security staff must be present
- # that alcoholic beverages may only be served at table,
- # serving hours.

PBI:

PBI means persons with considerable influence in the company. All members of the board (including any deputy members if they have the right to sign for the company), owners and any backers count as PBI. These persons' conduct is checked.

Conduct, vandel:

Conduct means conscientiousness and general good behaviour. When a person's conduct is checked, an enquiry is sent to, among others, the police. Conduct refers to both general and financial conduct.

Alcohol policy

Alcohol policy goals:

The goal of alcohol policy is to promote public health by reducing the medical and social harms of alcohol. The goal must be reached through initiatives that counteract harmful drinking behaviour and contribute to a reduction in total alcohol consumption. Limiting the harmful effects of alcohol can, for example, be to prevent overconsumption of alcohol, and to prevent an all-too-early onset of alcohol.

Alcohol policy instruments:

One of the main and most fundamental political instruments to achieve the goals of alcohol policy is restrictive legislation in the area of alcohol, for example the regulation of the serving business.

Penalties

Illegal handling of alcohol:

A person manufacturing alcohol or in any other way handling illicitly manufactured alcohol may be convicted of illegal handling of alcohol.

Illegal sale of alcohol:

A person who willfully or through negligence sells alcohol without being in possession of a licence or serves alcohol in a way contradictory to the Alcohol Act can be convicted of illegally selling alcohol.

Illegal possession of alcoholic:

A person possessing alcohol for the purpose of selling them illicitly may be convicted of illegal possession of alcohol.

Illegal acquisition of alcoholic:

A person who willfully or through negligence acquires, provides or offers alcoholic beverages in contravention of the Alcohol Act may be convicted of illegal acquisition of alcohol.

Illegal handling of alcoholic (olovlig hantering av alkohol):

A person who willfully or through negligence sells or provides alcoholic to someone who has not reached the prescribed age (18) or who is noticeably under the influence of alcohol or other intoxicant, and a person acting in contravention of the prohibition to store may be convicted of illegal handling of alcoholic beverages.

In other words

Alcohol is harmful both to society and the individual in excessive amounts. People die of alcohol-related illnesses, families are destroyed, accidents occur and a great deal of violence results from alcohol. The Alcohol Act exists to minimise these negative effects. The intention of the Alcohol Act is for people to drink less alcohol. Research has shown that the alcohol policy, for example the state monopoly on retail sales (only Systembolaget may sell alcohol to the public), tax rules, strict serving rules, etc. have had a positive effect on society.

It is the local authority where the serving premises are located that takes decisions concerning serving licences and can also set conditions for serving alcohol. Such conditions may only be related to the alcohol policy. The local authority also conducts inspections of serving premises to check that the conditions and applicable legislation are adhered to. The police authority also makes inspections to see that the Alcohol Act is adhered to. If the serving premises, i.e. the restaurant, does not adhere to the law, the local authority has several courses of action available, e.g. issue a caution or warning or revoke its serving licence. These measures exist to give the restaurant a “nudge” in the right direction. The local authority should be seen as a helping hand.

Order and sobriety are to prevail at a serving premises. There must not be any noisy or unruly behaviour, glass on the floor, too many people, criminal activities being carried on openly, over-serving, etc. In other words, a positive atmosphere. Order must also prevail outside the restaurant, for example in the queue to the serving premises. Sobriety means that guests must not be so intoxicated that they are disorderly or a danger to themselves and there must be no noticeably inebriated persons inside the restaurant. If a person is so intoxicated that he may not be served, he must be asked to leave.

The licence-holder (the manager of the restaurant) must ensure that all the staff have good knowledge of the Alcohol Act. The licence-holder has the ultimate responsibility for the restaurant. If the licence-holder cannot be present he must designate a serving manager, the staff are to know who the serving manager is, and he must also notify the local authority.

Anyone who serves alcohol to a noticeably inebriated person or a minor may be convicted of illegal handling of beverages. The serving premises may also be given a caution or warning or its licence revoked.

Contact

If you have questions and concerns, which you have not received an answer to in this material or in any of our training videos, please contact us, and we will help you!

Mail: kundtjanst@krogarna.se or call customer service on tel: 010-139 19 90