

The Alcohol Act - Support

Krogarnas kursmaterial

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.

Alcohol policy

☒The objective of Sweden's alcohol policy

The objective is to promote public health by reducing the harmful medical and social consequences of alcohol. The objective will be attained by means of measures to counteract dangerous drinking habits and that contribute to lower overall alcohol consumption. Limiting the harmful effects of alcohol may for example involve over-consumption of alcohol and counteract early-onset drinking.

Alcohol policy instruments

One of the most important and fundamental policy instruments to attain the objectives of the alcohol policy is restrictive legislation in the area of alcohol, e.g. the regulation of serving businesses.

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 a 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.

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 allowed to sell alcoholic beverages. 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.

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. ²

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.

Serving License

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 allows the licence-holder to serve the alcoholic beverages covered by the licence to guests for payment.

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 clear, the food must be prepared and varied and there must be a separate kitchen adjacent to the serving room.

Private party

To be classified as a private party

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

In the case of permanent serving to closed parties, you must be able to serve some form of prepared food, the food selection must therefore not be as varied as the requirement for permanent permission to the public requires. The condition of the premises may also be somewhat lower. 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 together. If a permit holder has several premises, it is therefore possible to have different closed parties at the same time but in separate premises.

Permanent serving licence

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.

Occasional serving licence

A licence may also be granted for a single period of time or a single occasion (occasional serving licence). On these occasions, lower requirements apply to the food selection, the condition of the premises, and the applicant's education compared to a permanent licence for the public restaurant.

Catering businesses

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. To be granted a permanent licence, the business must have its own kitchen for preparing food. A person wishing to operate a catering service in several different municipalities must apply for a licence in each municipality. The company does not however need to have its own kitchen and serving premises in each of the municipalities where a licence is applied for. The same conditions that apply to restaurants concerning the food that must be available also apply to catering businesses.

Tasting events

It is possible to be granted a serving licence for a tasting event. Tasting is permitted on shop premises. The concept of tasting implies that small quantities of different products are involved with the intention of forming an opinion regarding quality and taste. The requirement to serve food does not apply to tasting of alcoholic beverages in connection with trade fairs and similar events or tasting of a business's own alcoholic beverages at the place of manufacture.

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.

Prepared food

The licence-holder must be able to provide food that has been cooked or prepared in some other way. By cooked or prepared is meant that the ingredients must have been refined in some way. Only salads or sandwiches are not prepared food in the eyes of the law and moreover do not meet the requirement of a varied range of dishes being available.

Varied range of dishes

The licence-holder must be able to provide a varied range of dishes. Both starters and main courses and deserts must be available. It is not an absolute requirement that hot dishes be served provided that the range of food on offer and conditions otherwise are of the general standard to be met for a serving licence.

If you run out of food during the serving time, you must close the serving area, no serving may take place, not even soft drinks.

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. With other licences, you may only buy the alcohol from Systembolaget.

Areas

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. The premises must have their own kitchen adjacent to the serving area.

Serving area

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

Other delimited space refers to part of the 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 licensees can apply for a common serving space. 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 particular premises may not be

consumed there. This means that guests may not bring their own alcoholic beverages to drink at the serving premises/restaurant.

When a kitchen is needed

In the case of permanent serving licence to the public, a kitchen must be located adjacent to the serving premises and enable cooked or otherwise prepared food to be provided. In the case of a permanent serving licence for catering operations, there is also a requirement for a kitchen (preparation kitchen), however, this kitchen does not have to be adjacent to the serving room. In other licences, there is no requirement for a kitchen.

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

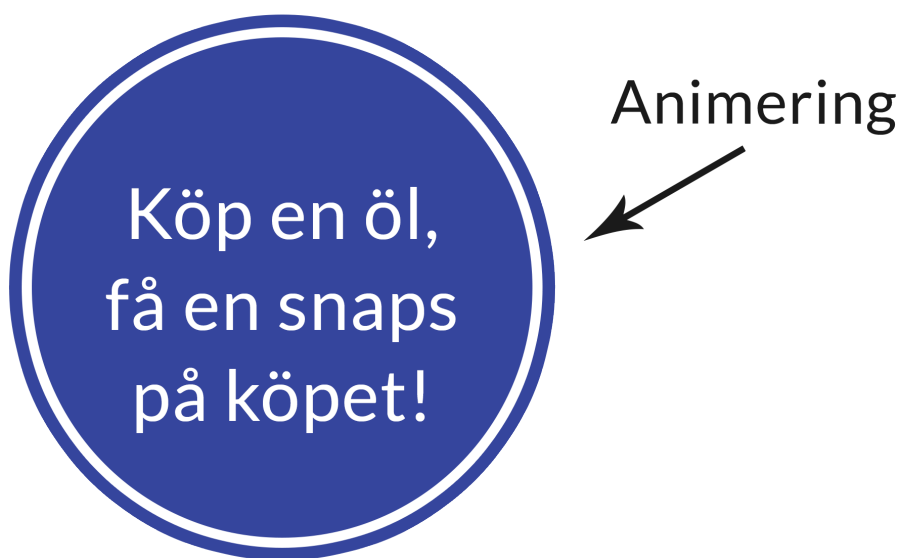
A commercial advertisement is advertising for the purpose of earning money.

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 matter 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 (FHI)

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

The county administrative boards are in charge of supervision inside the county and assist the local authorities with advice.

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

The Swedish Consumer Agency is responsible for supervising adherence to the rules that apply as regards the marketing of alcoholic beverages.

The Swedish Tax Agency

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, provision of cooked food 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 and their and the kitchens' condition, the food on offer, 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.

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 state of affairs 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

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

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 again.

Revocation

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 state of affairs 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

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,
- how and when a drinks bar may be used, etc.

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) and any backers count as PBI. These persons' conduct is checked.

Conduct

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 behavior 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/means

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 alcoholic beverages or in any other way handling illicitly manufactured alcohol may be convicted of illegal handling of alcohol.

Illegal sale of alcohol

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

Illegal possession of alcoholic

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

Illegal acquisition of alcoholic

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

Illegal handling of alcohol

A person who wilfully or through negligence sells or provides alcohol 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.

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.

The idea is that people should be able to go to a restaurant, eat a good dinner, have a glass of wine and just enjoy the positive effects that alcohol has. Serving food and kitchens have been given a central role in the Alcohol Act in order for the per mill content of alcohol not to be so high if food is consumed at the same time. The food does not need to be hot but a variety of dishes needs to be on offer and the food must not be too simple, e.g. sandwiches and pizzas. Simpler dishes may however be offered after 11 p.m.

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 a number of 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 alcohol. 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: 010-157 80 82