

ANVISNINGAR TILL ANSÖKAN OM TOBAKSFÖRSÄLJNIGNSTILLSTÅND

enligt 5 kap. 3 § lag om tobak och liknade produkter
(2018:2088)

There are two types of tobacco sales authorizations / permit

Those who want to sell tobacco to consumers must apply for a *retail permit*. This also applies to those who sell tobacco via the internet to consumers. Those who want to sell tobacco to shops apply for a *wholesale trade Permit*. The permit may be valid for either an ongoing sale or for a limited time period only.

Basic conditions for granting a permit

The law imposes high demands on those who seek permission. Söderåsens miljöförbunds task is to investigate whether the requirements are met or not.

In order to be granted a permit, the applicant must be personally and financially suitable. We investigate the applicant's background. In order to be considered suitable, it is necessary, that the applicant company and persons who have a significant influence in the business have organized finances and that they do not appear in the criminal record for serious crime. Miljöförbundet also looks at how you have previously handled your tobacco sales.

If any of the persons who have significant influence over the applicant company is registered/resident in a country other than Sweden, documents showing the suitability of the person must be attached to the application. It may be e.g. extracting from the police criminal records in their home country and certificates from the tax authorities of the home country showing whether the person has tax debts. It should also show how the person has been supporting themselves financially in the last few years, with e.g. declaration, salary specification or similar.

Annual fee for the control

Each year, you should pay a supervisory fee. The supervisory fees are shown on the Söderåsens miljöförbunds website and are billed once a year.

Here's how to apply for a permit to sell tobacco

1. the application can be downloaded

from our website or collected at our office.

Website and visiting address see footer.

Fill in and send the form to us. Attach documents as shown below. The application must be signed by the signatory.

2. Pay the application fee

The application fee (Retail license), which is 8 hours, 7624 KR (2019) will be charged to the company applying for authorization immediately upon arrival of the application.

The invoice is sent separately and must be paid within 30 days. If it is not paid no permit will be investigated or approved.

3. Documents to be attached to the application

Below you will find a list of the documents to be attached to the application.

1. Registration certificate from Bolagsverket

Registration certificates attached to the application can't be more than **six** months old.

If you are looking for an individual company that is not registered with Bolagsverket, you should instead attach a copy of your company's registration with the Swedish Tax Agency / Skatteverket.

2. Any authorization

If a representative is hired, a written authorization must be attached.

3. Ownership conditions, etc.

The application must state who owns the company.

Company:

If the applicant is a limited/stock company, the terms of ownership must be submitted with the general meeting, share register or equivalent document. The document must indicate who owns the shares in the

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company and how the shares are distributed between the owners. If the owner is a company, the ownership conditions must be proven in the same way in this company.

If the applicant is part of a group, you must provide an organizational chart in which the companies that own the company and the percentage they own. Ownership conditions in owner companies must also be strengthened.

Partnership and limited partnerships:

If the applicant is a trading company or a limited partnership, the ownership relationships can be evidenced by a company agreement showing how the company's shares are distributed between the owners. In the absence of a corporate agreement, the ownership structure is otherwise substantiated.

Other corporate engagements

All owners, board members and any other representatives must also report other corporate commitments/involvements.

Send in the Bolagsverkets certificate of assignment as a functionary if you are going to report board assignments in other companies. Shareholdings in other companies are reported in the application.

4. Purchase Agreement/Lease agreement/Rental Agreement

Purchase Agreement/Lease agreement/rental Agreement must be attached to the application if you have taken over an existing business.

5. Statement of costs and financing

Use the application to explain the financing.

Report how you financed the purchase of the business, start-up costs and additional investments. The report must also state where the capital used is coming from.

To substantiate the information of

funding, documents must be attached. This applies whether it is bank loans, private loans or own funds that have been used. Examples of such documents are loan agreements, verification of transactions, bank statements, etc.

If it is a question of private loans, it must indicate where the lender has received the funds to lend out, for example. If the money comes from savings or loans. Social Security numbers for private lenders are needed for the miljöförbundet to be able to perform a suitability test. Private lenders may be treated as 'persons with significant influence', which means that the personal and economic suitability of those persons may be investigated.

The funds used for the purchase price should be transferred by bank and posted to the applicant company. Miljöförbundet must be able to see that payment is finally received by the seller. Therefore, enclose the receipt to the purchase price.

6. Egenkontrollprogram / User control program

A self-control program should be attached to the application. The program is an important part of your application – be careful when designing your document. Miljöförbundet provide no example or template.

The self-control program shall contain at least:

- Company Name
- Name of the business
- Routine on age limit signs
- Age control routine
- Routine on tobacco labeling and warning text
- Routine on information and support about the law's requirements for staff
- Routine on marketing
- Routine that packaging must not contain less quantity than specified in the law
- Identity and security labeling routine

7. If you wish, you can send a receipt on the paid application fee.

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Processing of the application

Miljöförbundet may send the case for referral to the police authority for an opinion. If you apply for a wholesale trade permit, the case will also be sent to the Customs office.

The municipality sends a request for information to the Swedish tax agency and retrieves data from credit reporting agencies.

When retrieving information about natural persons (private person and individual company), partnerships or limited partnerships, a copy of the request is always sent to the person in question.

You are always given the opportunity to respond to the investigations that may adversely affect your application, such as information from the Swedish tax agency which shows that you have not managed tax payments or that the police assessed someone as inappropriate due to prior crimes.

If the investigation shows that you meet the requirements, a permit will be granted by Söderåsens miljöförbund.

If Söderåsens miljöförbund after authorizing process determines that you do not meet the requirements to be granted permission, an inquiry is written that you can comment on. The decision on the matter is then taken by the head of department or the Executive Board, who meets once a month.

From the time the application is complete, all documents have been submitted, the estimated processing time is up to four months.

Other, in case of bankruptcy

If the person who holds a marketing authorization goes bankrupt, the permit expires. If the bankruptcy trustee intends to continue the business, the trustee must submit a new application for a permit. The municipality shall treat such an application with priority.

Ansökan skickas till:

Söderåsens miljöförbund
Box 74
264 21 Klippan

Övrig information hittar du på www.smfo.se
eller ring till oss 0435 – 78 24 70