

Sweden

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Sweden in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

In Sweden, in addition to legislation adopted by government bodies at national, regional and local level, there are areas for which the municipalities have autonomous regulatory powers, such as in the area of waste disposal, occasional sales (market trading) and the serving of alcohol. As far as professional bodies are concerned, the Swedish Bar Association has been reported by the Swedish authorities to be the only competent body within the meaning of the Services Directive, i.e. the only one able to regulate conditions regarding the exercise of a specific service activity.

Main changes to Swedish legislation

Sweden has opted to implement the Services Directive by means of a new horizontal Law (*Lag (2009:1079) om tjänster på den inre marknaden*, i.e. the Act on services in the Internal market) and an implementing Ordinance (*Förordning (2009:1078) om tjänster på den inre marknaden*, i.e. Ordinance on services in the Internal market). In addition, Sweden has adopted a number of amendments to sectoral legislation (e.g. the Foreign Companies' Branches Act, the Travel Guarantee Act, the Act on Terms of Agreements Between Traders, the Occasional Sales Act, the Product Safety Act, the Distance and Doorstep Sales Act, the Marketing Act).

Examples of authorisation schemes imposed on service providers established in Sweden

Sweden has reported, as a horizontal authorisation scheme, the obligation to register in different special company registers held by *Bolagsverket* (the Company Registration Office). Sweden reported three different registers covering both legal and natural persons: the Companies register, the Associations register and the Trade Register for single traders¹.

Sector-specific authorisations are required for driving schools² and for those (other than driving schools) who want to provide training courses for drivers of different types of vehicles (cars, mopeds, snowmobiles and off-road vehicles)³. An authorisation is required from the Data inspection board for the performance of debt collection services (with some exceptions)⁴ and from the County administrative board for car-scraping activities⁵. Registration

¹ Companies act (2005:551), economic associations act (1987:667), partnership and non registered partnership act (1980:1102) and trade register act (1974:157).

² Driving schools act (1998:493) and driving schools ordinance (1998:978).

³ Driving licence act (1998:488) and driving licence ordinance (1998:980) and act on instruction for drivers of mopeds, snowmobiles and off-road vehicles (2009:121).

⁴ Debt recovery act (1974:182) and debt recovery ordinance (1981:956).

⁵ Ordinance on car scrapping (2007:186).

requirements apply in case of services provided by real estate agents, including rental housing services (register of estate agencies)⁶.

In the field of wholesale or retail, an authorisation is required in respect of the sale of various products (for trade in pet animals or horses⁷, trade in certain species and preparation of animals⁸, the handling of inflammable and explosive products⁹, the transfer of certain particularly dangerous chemical products¹⁰). The sale of methane at filling stations requires both an authorisation and a registration¹¹. An authorisation from the Medical Products Agency is required for trade in narcotic drugs¹², for the sale and purchase of technical spirit via outlets other than pharmacies¹³ and for trade in certain products that are harmful to health¹⁴. A licence is required for the sale of alcohol (spirits, wine and strong beer)¹⁵, while a notification to the municipality in which the sale is taking place is applicable to the sale of beer¹⁶ and tobacco¹⁷ and nicotine medicines¹⁸. Prior notification and registration with the local police authority is necessary for trade in certain second-hand goods in the town in which the trade is to be conducted¹⁹. An obligation to report the activity to the Medical Products Agency is imposed on those wishing to sell certain non-prescription medicinal products via outlets other than pharmacies.²⁰ A special permit from the municipality may be required for businesses using temporary premises, mobile shops or similar facilities, in particular in rural areas, for the sale of certain products such as clothes, shoes or food products²¹.

In the construction and property related area, Sweden has reported various authorisation schemes, such as site improvement permits and demolition permits granted by the Planning and Building Committee²². An authorisation is required for the performance of inspections of ventilation systems²³, of powered devices in buildings²⁴ and for the performance of quality assurance services by a quality assurance supervisor²⁵ and for undertaking type approval or performance inspection for construction works²⁶. An authorisation issued by the Government is required to build and use heavy current cables²⁷. Independent experts need to be authorised

⁶ Estate agents act (1995:400).

⁷ Animal welfare act (1988:534).

⁸ Species protection ordinance (2007:845).

⁹ Act on inflammable and explosive products (1988:868) and ordinance on inflammable and explosive products (1988:1145).

¹⁰ Ordinance on chemical products and biotechnical organisms (2008:245).

¹¹ Regulation of the National inspectorate of explosives and inflammables on filling stations for methane powered vehicles, (SÄIFS 1998:7).

¹² Narcotic drug controls act (1992:860) and narcotic drug controls ordinance (1992:1554).

¹³ Act on the sale of technical spirit (1961:181).

¹⁴ Act banning certain products that are harmful to health (1999:42).

¹⁵ Alcohol act (1994:1738).

¹⁶ Alcohol act (1994:1738).

¹⁷ Tobacco act (1993:581).

¹⁸ Act on retail sale of nicotine medicines (2007:1455).

¹⁹ Trade in second-hand goods act (1999:271).

²⁰ Act concerning the trade of certain non-prescription medicinal products (2009:730).

²¹ Temporary sales act (1990:1183).

²² Planning and building act (1987:10).

²³ Act on technical requirements for construction works (1994:847) and ordinance on technical requirements for construction works (1994:1215).

²⁴ The inspection of elevators and certain other powered devices in buildings ordinance (1999:371).

²⁵ Planning and building act (1987:10).

²⁶ Act on technical requirements for construction works, etc (1994:857).

²⁷ Electricity act (197:857).

to transfer data to the National Board of Housing, Building and Planning's register of energy certificates and inspection reports²⁸.

As for tourism and related services, Sweden has reported that an authorisation is necessary for offering car rental services²⁹ and for opening facilities for bathing open to the public (to be issued by the municipality)³⁰ and that a general ban on the operation of commercial activities in natural parks applies from which exemptions may be granted in individual cases³¹. Furthermore, an authorisation seems to be needed to open and use tanning salons³².

Examples of other types of requirements imposed on service providers established in Sweden

Sweden reported very few requirements of the kind listed in Article 15 of the Services Directive. In particular it has reported some requirements imposing maximum fees (real estate agents are subject to a maximum fee requirement³³). A shareholding requirement seems to be applicable to the legal profession (only lawyers may be part-owners of or partners in a lawyers' business run as a company unless the Swedish Bar Association grants an exemption)³⁴.

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

It seems that the only profession being subject to such a restriction is the profession of lawyer, as they are forbidden from exercising their profession along with representatives of other professional groups³⁵.

Examples of requirements which apply to service providers established in other Member States and providing services in Sweden

Authorisations are required for cross-border providers of certain services, including certain wholesale and retail services. They have been reported, e.g., for the breeding and trade in pets or horses (permit from the County administrative board)³⁶, the handling and importation of inflammable goods and explosives³⁷. The prior notification requirements (for the sale of beer, tobacco, nicotine medicines outside pharmacies) as well as the notification and registration requirement for trade in second-hand goods, mentioned above, also apply to cross-border providers.

In the construction area, an authorisation is required for persons performing land drainage services³⁸. Accreditation for the performance of inspections of ventilation systems³⁹,

²⁸ Act on energy certificates for buildings (2006:985).

²⁹ Car rental act (1998:492) and car rental ordinance (1998:780).

³⁰ Ordinance on environmentally hazardous activities and public health protection (1998:899)

³¹ Regulation of the Environmental protection agency (NFS 1987:17), etc.

³² Act on protection against radiation (1988:220) and ordinance against radiation (1988:293).

³³ Ordinance concerning the rates for professional housing service (1978:313).

³⁴ Code of judicial procedure (1942:740).

³⁵ Code of judicial procedure (1942:740).

³⁶ Animal welfare act (1988:534).

³⁷ Act on inflammable and explosive goods (1988:868) and regulations of the National Inspectorate of explosives and flammables (SÄIFS 1997:5).

³⁸ Water enterprises act (1998:812) and regulations from the National board of agriculture concerning the eligibility requirements for experts on land drainage (SJVFS 1998:128).

accreditation, and notification to the National Housing Board, for the performance of inspections of lifts and of other powered devices in buildings⁴⁰ have also been reported. A prior notification is needed for the use of chemicals on building sites⁴¹.

Authorisations are also required for cross-border providers of certain services such as for animal insemination⁴², for the use of animals, including animal testing (requirement for ethical approval and a licence)⁴³, annual inspection of circuses prior to their first performance⁴⁴, possession of laser pointers⁴⁵, handling of organic products⁴⁶, organisation of automated games⁴⁷, the organisation of games involving goods gaming machines⁴⁸, the possession and use of tanning salons⁴⁹, land and hydrographical surveying services and aerial photography services in restricted areas⁵⁰.

Accreditation is required for the performance of inspection services of amusement parks and funfairs⁵¹ and marquees⁵² as well as for the certification and technical control of cash registers⁵³ and open tanks and pipelines for inflammable liquids⁵⁴.

³⁹ Act on technical requirements for construction works (1994:847) and ordinance on technical requirements for construction works (1994:1215).

⁴⁰ The inspection of elevators and certain other powered devices in buildings ordinance (1999:371).

⁴¹ Act on measures to prevent or limit the consequences of major chemical accidents (1999:381).

⁴² Ordinance on the monitoring of domestic animals, etc (2006:816).

⁴³ Animal welfare act (1988:534).

⁴⁴ Animal welfare ordinance (1988:539).

⁴⁵ Radiation Safety Authority rules on lasers (SSMFS 2008:14).

⁴⁶ Regulations from the National inspectorate of explosives and inflammables (SÄIFS 1996:4).

⁴⁷ Act on the organisation of certain automated games (1982:636) and the ordinance on the organisation of certain automated games (2004:1062).

⁴⁸ Lotteries Act (1994:1000) and ordinance on lotteries (1994:1451); regulation of the lottery inspection 947/2007.

⁴⁹ Radiation safety authority rules on tanning salons (SSMFS 2008:36).

⁵⁰ Act on the protection of landscape information (1993:1742) and ordinance on the organisation of certain automated games (1993:1745).

⁵¹ Act on the inspection of amusement parks and funfairs (1993:1617) and ordinance on the organisation of certain automated games (1993:1634).

⁵² Act on the inspection of marquees (1993:1617) and ordinance on the organisation of certain automated games (1993:1633).

⁵³ Act on cash registers (2007:592) and the National tax board rules on monitoring devices for cash registers (SKVFS: 2009:2).

⁵⁴ Regulations from the National inspectorate of explosives and inflammables (SÄIFS 2000:7).