

## Establishment of the State Register of Alcohol

Government of the Republic Regulation No. 157 of 18 May 1999

On the basis of subsection 3 (4) of the Alcohol Act (*Riigi Teataja* I 1999, 24, 359), and 32 (1) of the Databases Act (*Riigi Teataja* I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155), the Government of the Republic resolves:

1. To establish a state register with the official name “State Register of Alcohol”.
2. To approve the “Statutes for Maintenance of the State Register of Alcohol” (annexed).
3. To appoint the Ministry of Economic Affairs as the chief processor of the State Register of Alcohol and the private limited company [ Est. *osaühing*] Areto as the authorised processor of the State Register of Alcohol.
4. To enact that:
  - (1) in 1999 the costs and expenses related to the establishment and maintenance of the State Register of Alcohol shall be funded with 1,134,500 kroons from the Government reserves;
  - (2) from the year 2000 the costs and expenses related to the maintenance of the State Register of Alcohol shall be provided for in the national budget as sums for specific purposes in the chief processor’s budget line.
5. To implement the State Register of Alcohol from the date of entry into force of this regulation.

Prime Minister Mart LAAR

Minister of Economic Affairs Mihkel PÄRNOJA

Secretary of State Aino LEPIK von WIRÉ N

Approved by the decree no. 157 of the Government of the Republic dated 18 May 1999

### **STATUTES FOR THE MAINTENANCE OF THE STATE REGISTER OF ALCOHOL**

#### **I. GENERAL PROVISIONS**

1. The State Register of Alcohol (hereinafter: the Register) is a database established for the performance of the duties and assignments stipulated in the Alcohol Act (*Riigi Teataja* I 1999, 24, 359).
2. The official name of the register is the State Register of Alcohol.
3. The purpose for the establishment of the register is the creation of a categorised database on the alcohol produced in or imported to Estonia, as well as on the data

concerning the activity licences issued for handling alcohol (hereinafter: the activity licence).

4. The main duties of the register are:

- (1) registration of alcohol produced in and imported to Estonia;
- (2) processing of the data on the alcohol entered in the register;
- (3) maintenance of the samples of alcohol entered in the register and of the descriptions thereof;
- (4) comparison of the samples taken in the course of exercising supervision over the handling of alcohol to the samples entered in the register or to the descriptions thereof;
- (5) processing of the data on the activity licences issued for the handling of alcohol.

## II. CHIEF AND AUTHORISED PROCESSOR OF THE REGISTER

5. The chief processor of the register is the Ministry of Economic Affairs, which shall perform the following duties:

- (1) check the performance of the contracts made for the designing and maintenance of the register;
- (2) work out the bills of the legal acts required for the maintenance of the register;
- (3) organise co-operation with the persons submitting the data to the register and with the persons inquiring data from the register, gather and analyse the proposals regarding the maintenance of the register made by the persons filing and inquiring data, as well as by the authorised processor;
- (4) administer the maintenance of the register by providing necessary instructions and assignments to the authorised processors in accordance with the Databases Act (*Riigi Teataja* I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155) and the Alcohol Act;
- (5) be responsible for the lawful maintenance of the register and release of the data;
- (6) exercise supervision over the maintenance of the register;
- (7) settle disputes and claims arising from or related to the maintenance of the register.

6. The authorised processor of the register is the private limited company (Est. *osaühing*) Areto.

7. In maintenance of the register the authorised processor of the Register shall act in pursuance of the Alcohol Act, Databases Act, Personal Data Protection Act (*Riigi Teataja* I 1996, 48, 944; 1998, 59, 941; 111, 1833), these statutes and any other legal acts as well as the instructions and assignments given by the chief processor thereunder.

8. The authorised processor of the register shall:

- (1) process registered data;
- (2) ensure the protection of the register against any accidental or wilful damage, destruction or wilful destruction as well as against unauthorised processing of the register by applying appropriate administrative and physical measures as well as relevant computer soft- and hardware;
- (3) prepare a list of the means used for processing data entered in the register and submit the list to the chief processor of the register for their information;
- (4) carry out or order the development or maintenance of the register software with the consent and approval of the chief processor of the register;
- (5) explain to the persons submitting data the contents of the data requested, if necessary.

### III. PROCEDURE FOR MAINTENANCE OF THE REGISTER

9. For the purposes of these statutes the persons submitting data are:

- (1) the producers or importers applying for the registration of alcohol (hereinafter: the undertaking);
- (2) the committee specified in 13 (1) of the Alcohol Act;
- (3) the executive agencies of local governments.

10. The documents referred to in 5 (1), (3), (4) of the Alcohol Act shall be submitted and filed on paper, the product samples referred to in clause 2 (hereinafter: the product samples) shall be submitted and maintained in the form of samples. The data concerning the activity licences shall be submitted by post or fax or electronically.

11. The register consists of:

- (1) the register book;
- (2) the register files;
- (3) the collection of samples.

12. The register book shall record in chronological sequence all registration procedures. The register book shall, upon receipt of the data submitted, set out the date of data submission, the name of the person submitting data, the contents of the document(s) submitted, the name of the product and the quantity of product samples, the registration committee resolutions, the number and date of entry, as well as written inquiries made to the register, the date of the inquiry, the name of the inquirer, the contents of the document issued and the date of issue. The register book is maintained in electronic form.

13. The register files divide as follows:

- (1) the register files on alcohol and on the undertaking applying for the registration thereof that consist of the respective data and documents;

(2) the register files on the activity licences;

(3) the register files on the responses to the inquiries made to the register.

14. The register file is maintained on paper and the register data related to the register file are maintained in electronic form.

15. The data on the alcohol produced in or imported to Estonia shall be entered in the register on the basis of the committee (hereinafter: the Register Committee) resolution referred to in 6 (1) of the Alcohol Act. The entry in the register of the said data shall be deemed the registration of alcohol.

16. In the event of change of the sales package or any of the elements thereof (except the change of the numerical combination in the producer's lot code) shall be entered in the register. Alcohol shall be re-entered in the register also in case the position of the producer's lot code on the sales package is changed.

17. The data concerning the activity licences shall be entered in the register by the authorised processor of the register according to their actual submission.

18. The data entered in the register shall be deemed registered data.

19. The register has a single level.

20. The following data shall be entered in the first part of the register defined in 13 (1) of these statutes:

(1) the product name;

(2) the product code as established by the "Classification of Estonian Products" approved by the Government of the Republic regulation no. 20 (*Riigi Teataja* I 1999, 13, 211) of 19 January 1999;

(3) the name and contact information of the producer;

(4) the name and contact information of the importer (in the case of imported alcohol);

(5) the volume of ethanol content in alcohol;

(6) the volume of alcohol as indicated on the sales package;

(7) reference to the data maintained in the form of documents.

21. The information shall be entered as the following documents in the part of the register maintained on paper as specified in clause 13 (1) of these statutes:

(1) the application submitted to the register;

(2) the declaration or certificate of conformity;

(3) the documents submitted to the authorised processors of the Register or the Register Committee in accordance with 5 (4) of the Alcohol Act;

- (4) the notice on the organoleptic indicators of alcohol;
- (5) the protocol of test results (where a lab analysis is carried out);
- (6) the Register Committee resolution on the entry of alcohol in the Register;
- (7) the description of the sales package;
- (8) other relevant documents.

22. The documents referred to in 21 (3) of these statutes also include the documents drafted by the undertakings to the effect that they enclose the label or labels of alcohol to be maintained in their original form on the Register file.

23. The description specified in 21 (7) of these statutes means a statement drafted by the authorised processor in as detail as possible on the single elements of the sales package (bottle or jar, label or labels, top or lid, box, etc. ), on the materials used for the production thereof, on the position of the producer's lot code on the sales package and on the specific numerical combination.

24. Technical services to the Register Committee shall be provided by the authorised processor of the Register. The authorised processor of the Register shall arrange, if necessary, the determination of the organoleptic indicators of the alcohol applied to be entered in the Register prior to the meeting of the Register Committee. The costs and expenses related to the determination of the organoleptic indicators of alcohol shall be covered by the undertaking.

25. The authorised processor of the Register shall, prior to the relevant meeting of the Register Committee, prepare the initial Register of the alcohol the entry of which in the Register is applied for. Following the resolution of the Register Committee on the entry in the Register of alcohol the register file is compiled on the basis of the initial file in accordance with clauses 19–23 of these statutes.

26. The initial file compiled by the authorised processor of the Register on the alcohol not entered in the Register by the Register Committee resolution shall be maintained by the authorised processor of the Register for five years.

27. The authorised processor of the Register shall issue a statement to the undertaking upon the registration of alcohol certifying that the alcohol has been entered in the Register. The statement shall be certified with the signature of a competent employee of the authorised processor and with the seal of the authorised processor. No fee shall be charged for the statement.

28. In addition to the entry in the Register of alcohol the Register Committee may decide on the maintenance of the product sample under consideration provided that the product sample to be maintained is not alcohol which has been already used in the registration procedure for the determination of the organoleptic indicators or lab analysis of the alcohol.

29. The product samples that have been used in the registration procedure for the determination of the organoleptic indicators or lab analysis of alcohol are not subject to return to the undertaking. Such samples shall be destroyed by the competent employee of the authorised processor. The product samples that have not been used for carrying out analyses shall be returned to the undertaking.

30. If the Register Committee does not find it necessary to maintain a product sample, the authorised processor of the Register shall return the product sample to the undertaking after the provision of the description specified in clause 21 (7) of these statutes.

If the Register Committee refuses to enter alcohol in the Register the product sample submitted for possible maintenance thereof shall be returned to the undertaking without providing the aforementioned description.

31. The decision to be recorded in the minutes of the Register Committee meeting that determines the registration or non-registration of alcohol shall set out a notation on the maintenance or return of the product sample as well as on the return of samples not used for making an analysis.

32. The Register Committee shall be entitled to determine the termination of the maintenance of the product sample as an item specified in clause 28 of these statutes. In such case the Register Committee shall decide whether the sample is returned to the undertaking or destroyed. The sample shall be destroyed by a competent employee of the authorised processor.

33. The following information on the activity licences shall be entered in the file specified in 13 (2) of these statutes:

- (1) the name of the issuer of the activity licence;
- (2) the type of the activity licence;
- (3) the registration number indicated by the issuer of the activity licence;
- (4) the holder of the activity licence (business name, registry code, mailing address, the location of the registered office(s));
- (5) special terms and conditions stipulated upon the issue of the activity licence;
- (6) the date of issue and expiry of the activity licence;
- (7) the date of the resolution cancelling the activity licence and the date of entry into force of the resolution (if the activity licence is cancelled);
- (8) the person responsible for the licensed activity (the name and title, as well as phone and fax numbers and e-mail address, if available).

34. The issuers of the activity licences shall submit to the authorised processors of the register data on the issue, change and cancellation of activity licences to the extent specified in clause 33 of these statutes immediately after the issue, change or cancellation of the activity licence, but in any event no later than on the working day following the respective procedure.

35. In respect of the activity licences the files specified in 13 (2) of these statutes shall be compiled of the data submitted by the issuers of the activity licences in connection with the issue, change and cancellation of the activity licences.

36. In respect of the activity licences the register files shall be compiled by the names of the issuers of the activity licences.

#### IV. PROCEDURES RELATED TO INCORRECT REGISTERED DATA

37. The person submitting data shall be responsible for the correctness and completeness of the data submitted to the authorised processor of the Register.

38. In the event of doubt about the correctness of the data, the authorised processor of the Register shall be entitled to make inquiries to the person submitting such data.

39. The authorised processor of the Register shall immediately inform the police of the submission of any forged or fictitious data. For the purposeful submission of incorrect data the person submitting such data shall be held responsible pursuant to the procedure prescribed by law.

40. If the person submitting data discovers that he or she has inadvertently submitted incorrect data to the Register, he or she shall immediately provide the authorised processor of the Register a written notice thereof and correct data. The authorised processor of the Register shall record the notice received and shall immediately enter a respective amendment (with the exception of the data specified in clause 15 of these statutes, in which case the amendment shall be made only after a pertinent decision of the Register Committee) in the Register with a reference to the date of amendment and to the document on the basis whereof the amendment was made.

41. The authorised processor shall immediately inform the person, who has received incorrect information from the Register, of the provision of incorrect data following the receipt by the authorised processor of the relevant notice, and shall supply correct data to the person receiving the data immediately or after the receipt of correct data.

#### V. ACCESS TO THE REGISTERED DATA

42. The authorised processor of the Register shall ensure the completeness of the data and the confidentiality of classified data, as well as the maintenance of the database and the processing and protection of data contained therein in accordance with Article 7 of the Databases Act.

43. Classified data may be accessed by the persons with the statutory right to access such data.

44. Public data shall be published without any restriction on the access on the web site of the Register (hereinafter: the web site). The completeness and authenticity of the data shall be ensured by the authorised processor.

45. The data on the alcohol entered in the Register and on the activity licences issued for the handling of alcohol shall be published on the web site.

46. Public data on the alcohol entered in the Register are:

- (1) the number of entry in the Register;
- (2) the date of entry in the Register;
- (3) the name of alcohol;
- (4) the producer;
- (5) the importer (only in the case of imported alcohol);
- (6) the volume of alcohol in the sales package;
- (7) the volume of ethanol content in alcohol.

47. By the Register Committee resolution and in order to facilitate the use of the data published on the web site, notations on the alcohol entered in the Register may be published on the web site.

48. Public data on the activity licences issued for the handling of alcohol are:

- (1) the name of the issuer of the activity licence;
- (2) type of the activity licence;
- (3) the registration number indicated by the issuer of the activity licence;
- (4) the business name, registry code, mailing address and the location of the registered office(s) of the undertaking;
- (5) special terms and conditions stipulated upon the issue of the activity licence;
- (6) the date of issue and expiry of the activity licence;
- (7) the date of the resolution cancelling the activity licence and the date of entry into force of the resolution (if the activity licence is cancelled).

49. The data published on the web site on the activity licences issued for the handling of alcohol shall be deleted from the web site:

- (1) in six months after the expiry date or the date of entry into force of the resolution cancelling the activity licence – in the case of activity licences specified in 10 (2) clauses 1–6 of the Alcohol Act;
- (2) in one month after the expiry date or the date of entry into force of the resolution cancelling the activity licence – in the case of activity licences specified in 10 (2) clauses 7–10 of the Alcohol Act.

50. The authorised processor of the Register shall issue official certified excerpts from the registered data on the basis of written applications. The application shall set out the

quantity and content of the data requested, the intended use thereof as well as the name of the person to whom the data are to be issued.

51. Data shall be issued from the Register in electronic form or on paper as requested by the applicant.

52. Upon the issue of the data, the date of issue, the name of the person receiving data, the data concerning the relevant inquiry and the document issued, the content of the data issued and the method of issue of the data shall be fixed.

53. A separate register file shall be compiled of the inquiries and responses to the inquiries made to the Register.

54. The authorised processor of the Register shall respond to the inquiries no later than on the tenth working day following the receipt of the respective inquiry.

55. Registered data shall be released free of charge.

## VI. SUPERVISION OVER THE MAINTENANCE OF THE REGISTER

56. Supervision over the legality of maintenance of the Register shall be exercised by the data protection supervision authority and by the officers of the chief processor of the Register within the limits of their competence.

57. The person exercising supervision shall be entitled to:

(1) inspect the data entered in the Register and the documents related to the maintenance of the Register;

(2) have access to the rooms where data are stored, processed or where the equipment used for processing data are situated;

(3) receive information about the release from the Register and use of data.

58. In the event of detection of any defect in the maintenance of the Register the authorised processor of the Register shall eliminate all the defects set out in the injunction of the person exercising supervision by the deadline designated by the latter.

## VII. FINAL PROVISIONS

59. The maintenance of the Register shall be funded from the state budget whose funds shall be assigned as sums for specific purposes in the chief processor's budget line.

60. The Register shall be liquidated in pursuance of the procedure prescribed by the Databases Act.

Minister of Economic Affairs Mihkel PÄRNOJA