

## Alcohol Act

Passed 19 December 2001

(RT<sup>1</sup> I 2002, 3, 7),

entered into force 1 September 2002,

amended by the following Acts:

04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17;

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387.

### Chapter 1

#### General Provisions

##### § 1. Scope of application of Act

(1) This Act provides special requirements for the handling of alcohol, restrictions on the consumption of alcohol, the organisation of supervision over compliance with the special requirements and restrictions, and liability for violations of this Act.

(2) Special requirements are requirements which apply to operations performed with alcohol in addition to the provisions of other legislation.

(3) This Act does not apply to:

1) medicinal products within the meaning of subsection 2 (5) of the Medicinal Products Act (RT I 1996, 3, 56; 49, 954; 1997, 93, 1564; 1998, 36/37, 554; 1999, 58, 608; 2001, 53, 308; 2002, 13, 79; 18, 97; 53, 336; 62, 377; 63, 387; 82, 480) which contain ethanol;

2) synthetic spirit, ester-aldehyde fraction, fusel oil and denaturated alcohol;

3) alcohol exempt from excise duty pursuant to clauses 27 (1) 9)–18) of the Alcohol, Tobacco and Fuel Excise Duty Act (RT I 2003, 2, 17);

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

4) alcoholic beverages exempt from excise duty pursuant to § 47 of the Alcohol, Tobacco and Fuel Excise Duty Act, carried across the customs frontier by a traveller inside the baggage with which he or she is travelling;

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

5) alcoholic beverages exempt from excise duty pursuant to § 48 of the Alcohol, Tobacco and Fuel Excise Duty Act, sent as a postal consignment to a natural person from a foreign state or by a natural person to a foreign state;

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

6) alcohol sent, for comparative testing, to an Estonian laboratory approved to perform the relevant analyses in postal consignments by a foreign laboratory and alcohol sent by an Estonian laboratory approved to perform the relevant analyses to a foreign laboratory;

7) alcoholic beverages carried across the customs frontier for the official purposes of foreign diplomatic representations and consular posts, representations of inter-governmental organisations, foreign diplomatic representatives, consular agents and representatives of special missions accredited to Estonia;

8) alcoholic beverages produced under the conditions provided for in subsection 21 (6) of the Alcohol, Tobacco and Fuel Excise Duty Act.

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

(4) For the purposes of this Act, “approved laboratory” means a laboratory accredited to perform analyses of alcohol which has acquired the right to operate as an approved laboratory. The procedure for the grant, amendment, suspension and revocation of the right to operate as an approved laboratory shall be established by the Government of the Republic.

## § 2. Alcohol

(1) “Alcohol” means a food group consisting of spirit and alcoholic beverages.

(2) “Spirit” means a liquid which is obtained by the fermentation and subsequent processing of raw materials of agricultural origin with an ethanol content of at least 96 per cent by volume.

(3) “Alcoholic beverage” means beer with an ethanol content of more than 0.5 per cent by volume and other liquids intended for human consumption with an ethanol content of more than 1.2 per cent by volume.

(4) “Beer” means a beverage which is manufactured from malt, or malt and adjuncts, and from hops and water by fermentation using yeast and which may be pasteurised.

(5) “Strong alcoholic beverage” means an alcoholic beverage with an ethanol content of more than 22 per cent by volume.

(6) “Low-alcohol beverage” means an alcoholic beverage with an ethanol content of up to 22 per cent by volume (inclusive).

(7) “Alcoholic beverage with low ethanol content” means an alcoholic beverage with an ethanol content of up to 6 per cent by volume (inclusive).

(8) “Ethanol content” means the strength of alcohol in per cent by volume which expresses the ratio of the volume of ethyl alcohol measured at 20 °C to the total volume of alcohol at the same temperature.

## § 3. Handling of alcohol

(1) The following operations performed with regard to the said food group shall be deemed to be handling of alcohol:

1) manufacturing, processing and bottling or packaging (hereinafter production);

2) import within the meaning of § 10 of the Alcohol, Tobacco and Fuel Excise Duty Act (hereinafter import);

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

3) export within the meaning of § 11 of the Alcohol, Tobacco and Fuel Excise Duty Act (hereinafter export);

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

4) offer for sale or sale by an undertaking to another undertaking or to another person who is not a consumer within the meaning of clause 3 1) of the Consumer Protection Act (RT I 1994, 2, 13; 1999, 35, 450; 102, 907; 2000, 40, 252; 59, 379; 2001, 50, 283; 289; 56, 332; 2002, 13, 81; 18, 97; 35, 214; 53, 336; 61, 375; 63, 387) (hereinafter wholesale trade);

5) offer for sale or sale to a consumer (hereinafter retail trade);

6) possession, storage or distribution for commercial purposes.

(2) Operations specified in clause (1) 6) of this section have a commercial purpose if such operations are directed at the sale, processing, packaging or use in barter transactions of alcohol which is at the disposal of a person.

## Chapter 2

### Special Requirements for Handling of Alcohol

#### Division 1

##### Alcohol Permitted to Be Handled

##### § 4. Alcohol permitted to be handled

(1) In addition to other requirements provided by legislation, alcohol being handled shall:

1) conform to the requirements for the definition, description and presentation for sale of alcohol;

2) be entered in the State Register of Alcohol;

3) conform to the characteristics indicated in the declaration of conformity submitted by the producer upon entry of the alcohol in the State Register of Alcohol;

4) conform to the characteristics indicated in the record of test results or certificate (hereinafter test protocol) submitted upon entry of the alcohol in the State Register of Alcohol;

5) conform, with regard to consumer packaging and labelling thereof, to the product sample submitted upon entry of the alcohol in the State Register of Alcohol.

(2) Requirements for the definition, description and presentation for sale of alcohol shall be established by the Government of the Republic.

(3) The list of compulsory items of information to be included in declarations of conformity and test protocols shall be established by the Minister of Agriculture.

(4) The provisions of clauses (1) 1)-5) of this section do not apply to:

- 1) alcohol permitted to be handled to a restricted extent, if the requirements which restrict the handling of such alcohol are observed;
- 2) alcohol which is placed under a customs procedure other than the customs procedures specified in clauses 3 (1) 2) and 3) of this Act, if the requirements established by legislation which restrict the handling of such alcohol are observed;
- 3) alcohol which is on board a watercraft or aircraft used for international carriage of passengers.

§ 5. Exceptions with regard to labelling on consumer packaging of alcoholic beverages

(1) For the purposes of this Act, “consumer packaging of alcoholic beverage” means the sales packaging in which the alcoholic beverage is contained as it is delivered to the consumer.

(2) Labelling on the consumer packaging of an alcoholic beverage may be in a foreign language if correct information in Estonian which is based on the original text is provided upon the sale of goods.

(3) If the consumer packaging of an alcoholic beverage requires special operating skills, instructions for use in Estonian must accompany such consumer packaging.

(4) If the importer of an alcoholic beverage in consumer packaging has the written permission of the producer of the alcoholic beverage to specify or improve in any other manner the labelling on the consumer packaging of the alcoholic beverage provided by the producer, the importer of the alcoholic beverage may do so if the goods are placed under the customs warehousing procedure and if the following conditions are complied with:

- 1) prior to performing the relevant operation, the written permission of the producer of the alcoholic beverage shall be submitted to the appropriate customs official who shall confirm the permission having been submitted by his or her seal and signature on the submitted document and indicate his or her first name and surname and the date on the document;
- 2) the labelling provided by the producer shall not be covered by additional labelling, it shall not be removed, corrected and no other acts shall be performed with regard thereto which could give reason to believe that the labelling is falsified;
- 3) additional labelling is not contrary to the requirements provided by legislation or the labelling provided by the producer;
- 4) prior to the import of a consignment of goods with additional labelling, the alcoholic beverage shall be re-entered in the State Register of Alcohol.

## Division 2

Alcohol Permitted to Be Handled to Restricted Extent and Alcohol Which Is not Permitted to Be Handled

§ 6. Alcohol permitted to be handled to restricted extent

(1) If requirements provided for in subsection 9 (2) of this Act are complied with, alcohol may be produced, in non-commercial quantities, in the course of tests prior to the alcohol having been

entered in the State Register of Alcohol in order to perform operations necessary for further handling of the alcohol or apply for the performance of such operations. An alcoholic beverage may be sent in a postal consignment to a foreign undertaking for examination for the purpose of deciding entry into a transaction provided that the postal consignment does not contain more than 1.5 litres of alcoholic beverage in one or several units of consumer packaging or, if the capacity of a unit of consumer packaging exceeds 1.5 litres, not more than one unit of consumer packaging with the alcoholic beverage.

(2) An importer operating on the basis of a registration in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements may receive an alcoholic beverage not entered in the State Register of Alcohol in a postal consignment from a foreign undertaking for examination and, if necessary, presentation of the beverage to third persons in order to decide entry into a transaction with the undertaking which sent the alcoholic beverage. In such case, a postal consignment shall not contain more than 1.5 litres of alcoholic beverage in one or several units of consumer packaging. If the capacity of a unit of consumer packaging exceeds 1.5 litres, a postal consignment may contain one unit of consumer packaging with an alcoholic beverage.

(3) An importer operating on the basis of a registration in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements may use alcohol which is not entered in the State Register of Alcohol and which is imported pursuant to clauses 18 (2) 2)-4) of this Act only for the purpose indicated in the customs declaration prepared with regard to such alcohol.

(4) The export of and wholesale trade in alcoholic beverages produced in accordance with the provisions of subsection 35 (1) of the Alcohol, Tobacco and Fuel Excise Duty Act is prohibited. Retail trade in such alcoholic beverages is permitted only for the producers of such alcoholic beverages.

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

#### § 7. Alcohol which is not permitted to be handled

(1) It is prohibited to handle:

- 1) alcohol which does not conform to the requirements provided for in subsection 4 (1) of this Act;
- 2) alcohol permitted to be handled to a restricted extent in violation of the requirements which restrict the handling of such alcohol;
- 3) spirit the packaging of which is identical or confusingly similar to the consumer packaging of an alcoholic beverage;
- 4) alcoholic beverages, in consumer packaging, the ethanol content of which exceeds 80 per cent by volume;
- 5) fusel;
- 6) piquette.

(2) "Fusel" means home-produced strong alcoholic beverages which are obtained from the distillation of a compound liquid formed by alcoholic fermentation and which contain fusel oils.

(3) “Piquette” means a low-alcohol beverage which is obtained by the fermentation of untreated grape marc macerated in water or by the extraction of fermented grape marc with water.

(4) Undertakings shall ensure that there is no alcohol which is not permitted to be handled anywhere on the premises or in the territories of their enterprises regardless of the ownership of such alcohol or the purpose of possession or storage of such alcohol.

(5) A quantity of alcohol which is not permitted to be handled is deemed to be large if the excise duty calculated on the quantity of such alcohol exceeds the excise duty rate specified in subsection 46 (6) of the Alcohol, Tobacco and Fuel Excise Duty Act by ten times or more.

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

(6) Alcohol which is not permitted to be handled and appliances for the distillation of fusel shall be confiscated.

### Division 3

#### State Register of Alcohol

##### § 8. General principles of operation of State Register of Alcohol

(1) The main objectives of maintaining the State Register of Alcohol (hereinafter, in this Division, register of alcohol) are:

1) entry of alcohol produced in Estonia and alcohol imported into Estonia in the register of alcohol (making of register entry);

2) processing of data concerning alcohol entered in the register of alcohol;

3) storage of product samples collected to be preserved in the register of alcohol;

4) comparing product samples of alcoholic beverages obtained upon the exercise of supervision with product samples or other material preserved in the register of alcohol.

(2) The register of alcohol shall be established, the statutes for maintenance thereof shall be approved and the authorised processor of the register shall be appointed by the Government of the Republic pursuant to the procedure provided for in the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 24, 133; 2002, 61, 375; 63, 387).

(3) The chief processor of the register of alcohol is the Ministry of Agriculture.

##### § 9. Application for making of register entry

(1) In the case of alcohol produced in Estonia, entry of the alcohol in the register of alcohol shall be applied for by the producer of the alcohol. If there are several producers, the undertaking which places the alcohol on the market in its own name shall be the applicant.

(2) An applicant specified in subsection (1) of this section shall hold an excise warehouse activity licence provided for in § 38 of the Alcohol, Tobacco and Fuel Excise Duty Act and the enterprise where the alcohol is produced shall be approved within the meaning of the Food Act (RT I 1999, 30,

415; 2002, 13, 81; 61, 375; 63, 387; 102, 603), taking account of the provisions of subsection 63 (1) of the Food Act.

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

(3) In the case of alcohol originating from a foreign state, entry of the alcohol in the register of alcohol shall be applied for by the importer of the alcohol.

(4) An applicant specified in subsection (3) of this section shall hold a valid registration in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements.

(5) Requirements for the format of applications submitted for the making of an entry in the register of alcohol shall be established by the Minister of Agriculture.

#### § 10. Material accompanying applications submitted for making of register entry

(1) For an alcoholic beverage in consumer packaging to be entered in the register of alcohol, the following shall be submitted to the authorised processor of the register of alcohol together with a corresponding application:

- 1) a product sample in consumer packaging (hereinafter product sample);
- 2) the original copy of the declaration of conformity supplied by the producer or, in the case of imported alcoholic beverages, a copy certified by the consignor of the alcoholic beverage instead of the original copy;
- 3) the original copy of the test protocol issued by an Estonian laboratory approved to perform the relevant analyses or by a foreign laboratory which is notified in the European Union;
- 4) samples of labels used on the consumer packaging of the alcoholic beverage or a corresponding description or photo;
- 5) the original copy of the customs declaration concerning the import of the product sample accepted by the customs authorities and a notation must be made in the customs declaration indicating that the given product sample shall be submitted for the making of a register entry (in the case of imported alcoholic beverages).

(2) For alcohol not packaged in consumer packaging to be entered in the register of alcohol, the following shall be submitted to the authorised processor of the register of alcohol together with a corresponding application:

- 1) the original copy of the declaration of conformity supplied by the producer or, in the case of imported alcohol, a copy certified by the consignor of the alcohol instead of the original copy;
- 2) the original copy of the test protocol issued by an Estonian laboratory approved to perform the relevant analyses or by a foreign laboratory which is notified in the European Union.
- (3) Besides material which is subject to compulsory submission, an applicant may submit other documents and samples to the authorised processor of the register of alcohol if such documents or samples may prove necessary upon the review of the application or facilitate the exercise of supervision.

(4) The original copy of a document submitted together with an application for alcohol to be entered in the register of alcohol shall be returned to the person who submitted the document immediately after an employee of the authorised processor of the register of alcohol has made a copy of the original document which shall be certified by signatures of the employee and a representative of the applicant.

#### § 11. Making of register entry

(1) The entry of alcohol in the register of alcohol shall be decided within ten working days as of the date of receipt of the corresponding application and material which is subject to compulsory submission.

(2) The authorised processor of the register of alcohol may, in order to decide the making of a register entry:

1) request more specific information concerning the written or oral information submitted by an applicant and make enquiries to verify the correctness of the submitted information;

2) request from the applicant a translation into Estonian of a labelling in a foreign language on a product sample submitted by the applicant or of a document in a foreign language submitted by the applicant.

(3) Entry of alcohol in the register of alcohol is certified by a certificate which shall be issued by the authorised processor of the register of alcohol to the undertaking which applied for the alcohol to be entered in the register of alcohol immediately after the register entry is made.

(4) Upon application for the making of a register entry, the applicant for the making of the register entry shall be responsible for the correctness of the information submitted by the applicant.

#### § 12. Refusal to make register entry

(1) The authorised processor of the register of alcohol shall refuse to enter alcohol in the register of alcohol if:

1) in the case of alcohol produced in Estonia, an applicant does not hold a valid excise warehouse activity licence or if the alcohol is produced in an enterprise which is not approved within the meaning of the Food Act and the requirement specified in subsection 63 (1) of the Food Act does not apply;

2) in the case of imported alcohol, an applicant does not hold a valid registration in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements;

3) an applicant fails to submit the documents specified in subsections 10 (1) and (2) of this Act or other materials;

4) an applicant applies for alcohol which does not meet the requirements established for alcohol permitted to be handled to be entered in the register of alcohol;

5) an applicant submits a product sample which is clearly deformed or damaged;

6) an applicant submits falsified or fictitious documents or if submitted documents do not comply with the requirements or cannot be used to identify the given product sample;



7) an applicant fails to comply with the request of the authorised processor of the register of alcohol to supply a translation specified in clause 11 (2) 2) of this Act.

(2) An undertaking which submitted an application shall be notified of a refusal to make a register entry in writing, with a reasoned explanation, not later than on the working day following the date of refusal to make the register entry.

(3) A refusal to make a register entry may be contested to the chief processor of the register of alcohol within fifteen days as of the date of refusal to make the register entry.

(4) The chief processor of the register of alcohol may declare the decision of the authorised processor of the register of alcohol to be unlawful and request that the authorised processor of the register of alcohol re-examine the application the refusal of which was contested.

(5) If entry of an alcoholic beverage in the register of alcohol is refused, the product sample shall be returned to the undertaking within thirty days as of the date of refusal to make the register entry. If refusal to enter an alcoholic beverage in the register of alcohol is contested, the product sample shall be returned to the undertaking after the final settlement of the complaint (unless subsections 13 (1) or (3) of this Act apply upon entry of the alcoholic beverage in the register of alcohol). A notation concerning the return of a product sample shall be made in the corresponding application.

(6) A refusal to make a register entry does not deprive an applicant of the right to re-apply for the alcohol to be entered in the register of alcohol.

### § 13. Samples of alcoholic beverages entered in register of alcohol

(1) A product sample of vodka entered in the register of alcohol which is submitted to the authorised processor of the register of alcohol pursuant to clause 10 (1) 1) of this Act shall be accepted by the authorised processor of the register of alcohol for preservation in the register of alcohol.

(2) A product sample of an alcoholic beverage, except vodka, entered in the register of alcohol which is submitted to the authorised processor of the register of alcohol pursuant to clause 10 (1) 1) of this Act need not be preserved in the register of alcohol and shall be returned to the undertaking which submitted the product sample. A corresponding notation concerning the return of a product sample shall be made in the application.

(3) If an undertaking on whose application an alcoholic beverage is entered in the register of alcohol finds that in order to facilitate supervision, it is necessary to preserve, in the register of alcohol, a product sample of the alcoholic beverage entered in the register of alcohol, the undertaking may submit, at any time, a product sample to the authorised processor of the register of alcohol for preservation in the register of alcohol.

(4) On the proposal of a supervisory agency, the chief processor of the register of alcohol shall request that, in order to facilitate supervision, the producer or importer of a specific alcoholic beverage immediately submit a product sample to the authorised processor of the register of alcohol for preservation in the register of alcohol.

(5) Product samples submitted in the cases specified in subsections (3) and (4) of this section shall be returned to undertakings which submitted the product samples when preservation thereof is no longer necessary. A product sample shall be returned on the initiative of either the undertaking which submitted the product sample or the authorised processor of the register of alcohol. The opinion of one or several supervisory agencies concerning the need for further preservation of a

product sample may be obtained. If the provisions of subsection (4) of this section apply to a product sample, it is mandatory to obtain the opinion of the supervisory agency on whose proposal the product sample was obtained for preservation. A report shall be prepared concerning the return of a product sample.

#### § 14. Invalidation of register entries

(1) The chief processor of the register of alcohol shall invalidate a register entry if:

- 1) invalidation of the register entry is applied for by the undertaking on whose application alcohol was entered in the register of alcohol;
- 2) it has been established by a court judgment which has entered into force that the handling of alcohol entered in the register of alcohol damages the lawful rights of a third party and the court has notified the chief processor of the register of alcohol thereof;
- 3) an undertaking submitted inaccurate information when applying for alcohol to be entered in the register of alcohol;
- 4) alcohol entered in the register of alcohol does not meet the requirements established for alcohol permitted to be handled.

(2) If a decision to invalidate a register entry is made, the chief processor of the register of alcohol shall notify the undertaking which applied for the alcohol to be entered in the register of alcohol, government agencies exercising supervision and the authorised processor of the register of alcohol thereof immediately. The chief processor of the register of alcohol shall organise the publication of a notice concerning the invalidation of the register entry in the official publication *Ametlikud Teadaanded*<sup>2</sup>. The authorised processor of the register of alcohol shall organise the publication of a notice concerning the invalidation of the register entry on the website of the register of alcohol.

(3) Unless otherwise provided by law, a court judgment or court ruling or the precept of a competent official, the production and import of alcohol the register entry of which has been invalidated shall be terminated on the third day after the decision to invalidate the register entry is made. Upon expiry of the above-mentioned term, alcohol the register entry of which has been invalidated shall be deemed to be alcohol which is not permitted to be handled, taking account of the provisions of subsection (4) of this section.

(4) The invalidation of a register entry has no legal effect with regard to alcohol produced or imported prior to the invalidation of the register entry unless otherwise provided by law, a court judgment or court ruling or precept.

(5) The product sample preserved in the register of alcohol for an alcoholic beverage the register entry of which has been invalidated shall not be returned to the undertaking which submitted the product sample. The product sample shall remain in the possession of the authorised processor of the register of alcohol. When the preservation of the product sample is no longer necessary, the authorised processor of the register of alcohol shall destroy the product sample and a report shall be prepared concerning the destruction of the product sample.

(6) The invalidation of a register entry does not deprive an undertaking of the right to re-apply for the alcohol to be entered in the register of alcohol.

#### § 15. Obligation to re-enter alcoholic beverage in register of alcohol

(1) Upon alteration of the consumer packaging of an alcoholic beverage entered in the register of alcohol or of elements thereof (except alterations to the producer's lot code or the location thereof), the alcoholic beverage is subject to re-entry in the register of alcohol on the bases provided for in §§ 9–13 of this Act.

(2) The obligation to re-enter an alcoholic beverage in the register of alcohol does not apply if an alcoholic beverage entered in the register of alcohol is going to be placed on the market:

1) in same wrapping together with another alcoholic beverage or product other than alcoholic beverage;

2) in grouped packaging.

#### § 16. Website of register of alcohol

(1) The following information shall be published on the website of the register of alcohol:

1) data concerning alcohol entered in the register of alcohol;

2) information concerning invalidated register entries;

3) information concerning laboratories notified in the European Union.

(2) The following information shall be published concerning alcohol entered in the register of alcohol:

1) the number of the register entry;

2) the date of the register entry;

3) type;

4) name;

5) producer;

6) the country of location of the producer;

7) the importer (in the case of imported alcohol);

8) the capacity of consumer packaging (in the case of alcoholic beverage in consumer packaging);

9) ethanol content;

10) comments concerning consumer packaging, where necessary.

(3) Decisions of the authorised processor of the register of alcohol concerning invalidated register entries shall be published.

(4) The list of laboratories notified in the European Union shall be published by countries of location.

#### Division 4

#### Maintaining Records of Circulation of Alcohol

## § 17. Records of producer's lot codes

(1) A producer or importer of alcohol shall keep records of alcohol produced or imported by the producer or importer according to the producer's lot codes used on the sales packaging of the alcohol.

(2) An undertaking which produces or imports vodka in consumer packaging shall submit to the authorised processor of the State Register of Alcohol a notice concerning the lot code used on the consumer packaging of vodka sent by the undertaking for export, wholesale trade or retail trade during the previous month by the fifteenth day of each month and indicate the following, based on the number of register entry of the vodka and the producer's lot code affixed to the consumer packaging of the vodka:

- 1) undertakings to which vodka was sent and the quantities of vodka sent;
- 2) commercial enterprises owned by the undertaking which produced or imported the vodka to which vodka was sent and the quantities of vodka sent.

## § 18. Documents upon import of alcohol

(1) Upon the import of alcohol, in addition to the requirements provided for in the customs rules, a certificate of the State Register of Alcohol indicating that the imported alcohol has been entered in the State Register of Alcohol on the application of the importer shall be submitted to the customs authorities.

(2) A certificate of the State Register of Alcohol is not necessary upon the importation of alcohol if a customs declaration is prepared concerning:

- 1) an alcoholic beverage pursuant to the provisions of subsection 6 (2) of this Act;
- 2) product samples to be submitted for research to an Estonian laboratory approved to perform the relevant analyses pursuant to the provisions of clause 10 (1) 3) of this Act;
- 3) amounts of alcohol not packaged in consumer packaging which are sealed in any container and which are to be submitted for research to an Estonian laboratory approved to perform the relevant analyses pursuant to the provisions of clause 10 (2) 2) of this Act;
- 4) product samples which are to be submitted to the authorised processor of the State Register of Alcohol for the making of register entries.

(3) In the cases specified in clauses (2) 2)-4) of this section, a corresponding notation shall be made in the customs declaration.

(4) A customs declaration concerning imported alcohol shall set out:

- 1) a definition of the alcohol pursuant to clause 21 (1) 1) of this Act;
- 2) the registration number of the importer.

## § 19. Documents upon export of alcohol

(1) Upon the export of alcohol, in addition to the requirements provided for in the customs rules, a certificate of the authorised processor of the State Register of Alcohol indicating that the exported

alcohol has been entered in the State Register of Alcohol on the application of the exporter shall be submitted to the customs authorities.

(2) If alcohol is exported by an undertaking which has not been issued a certificate specified in subsection (1) of this section, a document prepared by the authorised processor of the State Register of Alcohol which is issued to the undertaking, if the undertaking submits an accompanying document conforming to the requirements and certifying the origin of alcohol entered in the State Register of Alcohol and being exported, may be submitted instead of the certificate specified in subsection (1).

(3) The requirement to submit a certificate or document provided for in this section does not apply upon the export of alcoholic beverages pursuant to subsection 6 (1) of this Act.

(4) A customs declaration concerning exported alcohol shall set out:

- 1) a definition of the alcohol pursuant to clause 21 (1) 1) of this Act;
- 2) the registration number of the exporter.

#### § 20. Settlement upon handling of alcohol

Upon the import of, wholesale trade in and export of alcohol, payment for alcohol shall be made by way of non-cash settlement.

#### § 21. Document accompanying alcohol

(1) Wholesale trade in and export of alcohol shall be formalised on paper by an accompanying document which enables identification of the goods and the lot. In addition to other requirements provided by legislation, an accompanying document shall set out:

- 1) the definition of alcohol (type, name, producer, capacity of sales packaging, ethanol content, producer's lot code and if lot number and year of production are used simultaneously, both must be indicated);
- 2) the number and date of the register entry of the alcohol handled;
- 3) the registration number of the undertaking carrying out the wholesale trade in alcohol or exporting the alcohol;
- 4) the number of the customs declaration (in the case of imported alcohol).

(2) Upon receipt of alcohol by way of wholesale trade, the conformity of the accompanying document to requirements and the conformity of the producer's lot code to the lot code set out in the accompanying document shall be verified.

(3) The export of, wholesale trade and retail trade in alcohol by an undertaking which is not the producer or importer of the alcohol and the distribution of alcohol by an undertaking outside the place of business of the undertaking is permitted only if the undertaking holds an accompanying document which conforms to the requirements concerning the said alcohol.

(4) An accompanying document which conforms to requirements shall be submitted to an official exercising supervision immediately at the request of the official, except in cases where submission

of the accompanying document at the moment of inspection is impossible due to other obligations imposed on the undertaking by law.

## § 22. Internal accompanying document

(1) An undertaking may send alcohol produced or imported by another undertaking to different places of business of the undertaking for wholesale or retail trade with an internal accompanying document.

(2) An internal accompanying document is required upon wholesale or retail trade in alcohol produced by a producer of alcohol in a commercial enterprise owned by the producer.

(3) An internal accompanying document is required upon wholesale or retail trade in alcohol imported by an importer of alcohol in a commercial enterprise owned by the importer.

(4) An internal accompanying document is deemed to meet the requirements if the document:

1) sets out information specified in clauses 21 (1) 1) and 2) and, in the case of imported alcohol, in clause 21 (1) 4) of this Act;

2) in the case specified in subsection (1) of this section, sets out information concerning the undertaking which dispatched the alcohol for wholesale trade (business name, registration number, number and date of the accompanying document);

3) enables identification of the goods and the lot;

4) meets other requirements provided by legislation.

## Division 5

### Operation on Basis of Registration

## § 23. Right to import alcohol, carry out wholesale trade in alcohol and export alcohol

(1) The import of, wholesale trade in and export of alcohol may be carried out by an undertaking which is entered in the commercial register and holds a valid registration in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements (hereinafter, in this Division, register).

(2) For the import of alcohol, an activity licence specified in subsection 42 (1) of the Food Act is not required.

(3) If alcohol is handled in the course of enforcement proceedings, the bailiff's rights and obligations are similar to those of an undertaking.

## § 24. Registration application

(1) An undertaking which wishes to carry out the import of, wholesale trade in or export of alcohol shall submit to the authorised processor of the register a corresponding application which shall set out at least the following:

1) the business name, commercial register code, address and other details of the undertaking;

2) the clearly worded content of the application;

- 3) the name and details of the person responsible for the import of, wholesale trade in or export of alcohol; if the application is submitted by a sole proprietor, the same person shall be responsible for the import of, wholesale trade in or export of alcohol;
- 4) the address of the place of business or addresses of places of businesses;
- 5) the number of a decision of approval within the meaning of the Food Act made concerning the enterprise or a part thereof, the date of making the decision and the name of the agency which made the decision (taking account of the provisions of subsection 63 (1) of the Food Act);
- 6) the date of submission of the application, and signature;
- 7) the name, official title and details of the person who signed the application.

(2) The person who submits a registration application shall be responsible for the correctness of the information set out in the registration application.

## § 25. Registration

(1) A registration is made, within two working days as of receipt of a registration application, on the basis of information set out in the application submitted by an undertaking provided that:

- 1) the application meets the requirements;
- 2) a response to an enquiry submitted by the authorised processor of the register to the authorised processor of the Punishment Register reveals that no circumstances specified in clauses 26 (1) 2) or 3) of this Act exist regarding the applicant.

(2) Registration data are:

- 1) the registration number;
- 2) the date of making the registration;
- 3) the activity permitted on the basis of the registration;
- 4) the business name, commercial register code, address and other details of the undertaking;
- 5) the name and details of the person responsible for the import of, wholesale trade in or export of alcohol;
- 6) the address of the place of business or addresses of places of businesses;
- 7) a notation concerning a temporary cessation of the activity permitted pursuant to the registration.

(3) Registration data are published on the website of the register.

(4) The authorised processor of the register shall make official extracts from the registration data if an undertaking so requests.

## § 26. Refusal to register

(1) Registration is refused if:

- 1) a registration application does not meet the requirements;

2) a response to an enquiry submitted to the Punishment Register reveals that an undertaking which is the applicant for registration has been punished for a criminal offence specified in §§ 226, 227, 230, 255, 256, 372, 374, 375, 386–388 or 390–394 of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22) and the term specified in subsection 25 (1) of the Punishment Register Act (RT I 1997, 87, 1467; 2002, 82, 477) has not expired;

3) a response to an enquiry submitted to the Punishment Register reveals that compulsory dissolution has been imposed on the legal person which is the applicant for registration for any criminal offence or that an occupational ban has been imposed on the sole proprietor who is the applicant for registration for any criminal offence and the occupational ban is relevant and valid with regard to the given case.

(2) A reasoned notice concerning a refusal to make a registration shall be sent to the undertaking which submitted the registration application not later than on the working day following the date of making the decision to refuse registration.

#### § 27. Deletion of registration data

(1) Registration data shall be deleted:

- 1) on the basis of an application of the undertaking concerning which the registration was made;
- 2) if the undertaking concerning which the registration was made is punished for a criminal offence specified in clause 26 (1) 2) of this Act;
- 3) if the undertaking concerning which the registration was made has been subject to a measure specified in clause 26 (1) 3) of this Act;
- 4) if a decision of approval within the meaning of the Food Act made concerning an enterprise or a part thereof is revoked.

(2) If the authorised processor of the Punishment Register receives information concerning the circumstances specified in clauses (1) 2) or 3) of this section in relation to a person specified in subsection 23 (1) of this Act, the authorised processor of the Punishment Register shall inform the authorised processor of the register thereof immediately.

(3) The Veterinary and Food Board shall immediately forward a copy of a decision revoking a decision of approval within the meaning of the Food Act made concerning an enterprise or a part thereof to the authorised processor of the register.

(4) A reasoned notice concerning the deletion of registration data shall be immediately sent to the undertaking concerning which the registration was made.

#### § 28. Obligation to give notice of change in data

(1) An undertaking concerning which a registration is made is required to notify the authorised processor of the register immediately of the following:

- 1) any change in registration data;
- 2) the cessation of import of, wholesale trade in or export of alcohol for longer than three months.



(2) A registration concerning which a notation has been made pursuant to the provisions of clause (1) 2) of this section is not valid. Clause (1) 1) of this section shall be applied prior to the continuation of activity permitted on the basis of the registration.

#### § 29. Place of business specified in registration

(1) Wholesale trade in alcohol is permitted only in the place of business specified in a registration.

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

(2) Places of business upon wholesale trade in alcohol are:

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

1) excise warehouses;

2) customs warehouses;

3) warehouses not subject to regulation prescribed by taxation laws or in the Customs Act.

(3) The provisions of subsection (1) of this section do not apply to wholesale trade in alcohol if alcoholic beverages are sold to an undertaking which engages in retail trade in alcoholic beverages at the place of business of the undertaking and if alcoholic beverages sold by way of wholesale trade are stored in the place of business of the undertaking carrying out the wholesale trade as specified in the registration.

### Division 6

#### Operation on Basis of Trade Licence

##### Subdivision 1

#### *Bases for Grant of Right of Retail Trade in Alcoholic Beverages and for Suspension and Revocation Thereof*

#### § 30. Right of retail trade in alcoholic beverages

(1) The following persons and agencies may engage in retail trade in alcoholic beverages if such persons or agencies hold a valid trade licence with a notation granting the right of retail trade in alcoholic beverages:

1) undertakings entered in the commercial register;

2) sole proprietors who are not entered in the commercial register, if they engage only in retail trade of alcoholic beverages produced by them under the conditions provided for in subsection 35 (1) of the Alcohol, Tobacco and Fuel Excise Duty Act.

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17)

3) performing arts institutions, community centres and museums, if retail trade in alcoholic beverages is carried out on the premises or in the territory of the establishment for consumption on the premises.

(2) The provisions of subsection (1) of this section do not apply to retail trade in alcoholic beverages:

1) on board a watercraft or aircraft used for international carriage of passengers;

2) in the course of enforcement proceedings.

(3) Upon retail trade in alcoholic beverages, the requirements established for undertakings specified in clause (1) 1) of this section apply to performing arts institutions, community centres and museums, and bailiffs engaged in retail trade in alcoholic beverages.

(4) A notation granting the right of retail trade in alcoholic beverages shall be made, exempt from state fees, on a trade licence on the basis of a corresponding application of an undertaking:

1) upon the first issue of the trade licence;

2) upon amendment of the trade licence.

(5) A notation on a trade licence is valid under the conditions indicated on the trade licence during the period of validity of the trade licence unless otherwise provided by legislation.

§ 31. Application submitted for grant of right of retail trade in alcoholic beverages and material accompanying such application

(1) An application submitted for the grant of right of retail trade in alcoholic beverages shall set out at least the following:

1) the clearly worded content of the application;

2) the name and registry code of the applicant and the name of the corresponding register, the address and other details of the applicant;

3) a definition of the place of business pursuant to subsection 40 (1) of this section;

4) the name of the enterprise (if there is any) and address of the place of business or the information specified in subsection (2) of this section;

5) in the case of an undertaking which possesses a mobile shop, locations of places of sale;

6) the name and details of the person responsible for retail trade in alcoholic beverages; if the application is submitted by a sole proprietor, the same person shall be responsible for retail trade in alcoholic beverages;

7) the date of submission of the application, and signature;

8) the name, official title and details of the person who signed the application.

(2) If an application is submitted for retail trade in alcoholic beverages in a mobile shop, on board watercraft or aircraft used to provide passenger services or in the restaurant car of a passenger train, the mark identifying the said vehicle shall be indicated in the application instead of the address of the place of business. If an application is submitted for retail trade in alcoholic beverages at a public event, the name, time and location of the public event and the number of places of sale of the undertaking shall be indicated in the application instead of the address of the place of business.

(3) If the right of retail trade in alcoholic beverages is applied for upon the first issue of a trade licence, the corresponding application need not be submitted as a separate document if the information specified in subsections (1) and (2) of this section is set out in an application specified in subsection 14<sup>4</sup> (1) of the Consumer Protection Act.

(4) If the right of retail trade in alcoholic beverages at a public event is applied for, written consent of the organiser of the event must be submitted together with the application. If the right of retail trade in alcoholic beverages in a mobile shop is applied for and places of sale are located in the territory of another local government, written consent of the rural municipality or city government of the location of such places of sale must be submitted together with the application.

#### § 32. Grant of right of retail trade in alcoholic beverages

(1) In order to decide the grant of right of retail trade in alcoholic beverages, the issuer of a trade licence may request from an undertaking or a representative thereof and from state agencies or local government agencies more specific information concerning the written or oral information submitted upon application for the right of retail trade in alcoholic beverages, and make enquiries to verify the correctness of the submitted information, including at the place of business.

(2) If no circumstances exist which would preclude the grant of right of retail trade in alcoholic beverages, the issuer of a trade licence shall forward to the authorised processor of the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements a copy of the administrative act by which the grant of right of retail trade in alcoholic beverages was decided. The authorised processor of the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements shall make a registration on the basis of the received document within two working days as of receipt of the document and notify the issuer of the trade licence immediately thereof and inform the issuer of the trade licence of the registration number.

(3) Registration data are:

- 1) the registration number;
- 2) the date of making the registration;
- 3) information specified in clauses 31 (1) 2)–6) of this Act.

(4) A notation granting the right of retail trade in alcoholic beverages shall be made on a trade licence on the basis of the information submitted by an undertaking after receiving confirmation of the making of a registration from the authorised processor of the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements, and entry of the registration number on the trade licence is mandatory.

(5) Documents submitted for the grant of right of retail trade in alcoholic beverages shall not be returned to the undertaking or a representative thereof.

#### § 33. Refusal to grant right of retail trade in alcoholic beverages

(1) The grant of the right of retail trade in alcoholic beverages shall be refused if the person applying for the right of retail trade in alcoholic beverages:

- 1) fails to submit documents which meet the requirements or submits inaccurate information;

2) wishes to engage in retail trade in alcoholic beverages in a place of business or under the conditions prohibited by legislation;

3) wishes to engage in retail trade in alcoholic beverages in a place of business where the right of retail trade in alcoholic beverages granted to the person earlier has been revoked on the grounds specified in subsection 37 (2) of this Act and less than six months have passed since the date of entry into force of the decision revoking the said right.

(2) The issuer of a trade licence may, in the interests of ensuring public order, refuse to grant a person who wishes to engage in retail trade in alcoholic beverages at a public event the right to trade in any alcoholic beverages or in alcoholic beverages with a certain ethanol content or in alcoholic beverages of a certain type.

(3) A copy of an administrative act issued concerning a refusal to grant the right of retail trade in alcoholic beverages shall be sent to the undertaking which submitted the corresponding application not later than on the working day following the date of making the relevant decision.

(4) Documents submitted for the grant of the right of retail trade in alcoholic beverages shall not be returned to an undertaking or a representative thereof.

(5) A refusal to be granted the right of retail trade in alcoholic beverages does not deprive an undertaking of the right to submit an application with the same content again.

#### § 34. Place of business upon retail trade in alcoholic beverages

(1) Retail trade in alcoholic beverages may be carried out only in the place of business within the meaning of § 14<sup>2</sup> of the Consumer Protection Act as entered on a trade licence.

(2) The provisions of subsection (1) of this section do not apply to an undertaking which sells alcoholic beverages outside the permanent place of sale on orders placed with the undertaking if the alcoholic beverages sold are stored in the place of business entered on the trade licence and “lubatud alkohoolse joogi kohalevedu”[delivery of alcoholic beverages permitted] is indicated on the trade licence as a special condition.

#### § 35. Obligation to give notice of change in data

(1) An undertaking is required to notify the issuer of a trade licence immediately of any change of the person responsible for retail trade in alcoholic beverages or of a change in his or her official title or details.

(2) The issuer of a trade licence is required to notify the authorised processor of the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements of any changes in the information specified in clauses 31 (1) 2)–6) of this Act concerning undertakings which have the right of retail trade in alcoholic beverages.

#### § 36. Suspension of right of retail trade in alcoholic beverages

(1) In the interests of ensuring public order, the validity of a trade licence with regard to the right of retail trade in alcoholic beverages may be suspended until circumstances which cause the suspension cease to exist:

1) by the Government of the Republic, throughout the state;

2) by county governors, throughout the corresponding county;

3) by rural municipality and city governments, throughout the administrative territories thereof or with regard to particular places of business or to one place of business.

(2) If the validity of a trade licence with regard to the right of retail trade in alcoholic beverages is suspended throughout the state, a county or the administrative territory of a rural municipality or city government, the holder of the trade licence shall be notified thereof immediately through the media.

(3) If the validity of a trade licence with regard to the right of retail trade in alcoholic beverages is suspended with regard to particular places of business or to one place of business, a corresponding notice shall be sent to the holder of the trade licence immediately.

#### § 37. Revocation of right of retail trade in alcoholic beverages

(1) The issuer of a trade licence shall revoke the right of retail trade in alcoholic beverages by its administrative act if the holder of the right so requests.

(2) The issuer of a trade licence may revoke the right of retail trade in alcoholic beverages by its administrative act if any of the following occur:

1) submission of inaccurate information upon application for the right of retail trade in alcoholic beverages;

2) retail trade in alcoholic beverages at a time when the right of retail trade in alcoholic beverages was suspended;

3) retail trade in alcohol which is not permitted to be handled;

4) possession or storage of alcohol which is not permitted to be handled in the place of business regardless of whether such alcohol belongs to the holder of the trade licence, an employee of the holder of the trade licence or a third person or the ownership of the alcohol is unclear and regardless of the purpose of possession or storage of such alcohol;

5) material violation of an Act concerning a tax or repeated violation of an Act concerning a tax related to retail trade in alcoholic beverages in the given place of business;

6) sale of alcoholic beverages to minors;

7) failure to comply with the special requirements arising from the provisions of § 42 of this Act.

(3) A decision to revoke the right of retail trade in alcoholic beverages enters into force on the due date indicated in the administrative act issued concerning the matter.

(4) After revocation of the right of retail trade in alcoholic beverages, the issuer of the trade licence shall immediately send a copy of the administrative act:

1) to the person regarding whom the decision to revoke the right is made;

2) to the authorised processor of the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements who shall delete the corresponding registration.

#### § 38. Amendment of trade licence due to revocation of right of retail trade in alcoholic beverages

If the right of retail trade in alcoholic beverages is revoked, the issuer of a trade licence shall amend the trade licence of the undertaking which held the right of retail trade in alcoholic beverages and indicate on the amended trade licence that retail trade in alcoholic beverages is prohibited.

#### § 39. Information concerning undertakings engaged in retail trade in alcoholic beverages

Records on undertakings which have the right of retail trade in alcoholic beverages are maintained:

- 1) in databases maintained by issuers of trade licences;
- 2) in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements.

#### Subdivision 2

##### *Requirements for Retail Trade in Alcoholic Beverages*

#### § 40. Restrictions upon retail trade in alcoholic beverages

(1) Retail trade in alcoholic beverages is permitted:

- 1) in shops;
  - 2) in catering establishments;
  - 3) in accommodation establishments;
  - 4) on the premises and in the territories of performing arts institutions, community centres and museums;
  - 5) on board watercraft and aircraft used to provide passenger services;
  - 6) in restaurant cars of passenger trains;
  - 7) in mobile shops;
  - 8) at public events;
  - 9) in sales premises located on the premises or in the territories of vocational educational institutions used for the practical training of students pursuant to the curricula of the said educational institutions;
  - 10) on the premises and in the territories of primary schools, basic schools, upper secondary schools and vocational educational institutions if an event for adults takes place on such premises while the educational institution is not operating;
  - 11) in the course of enforcement proceedings.
- (2) Retail trade in alcoholic beverages for consumption on the premises is permitted in places of business specified in clauses (1) 2)–6) and 8)–10) of this section.
- (3) The preparation of a mixture of alcohol (a drink consisting of two or more components at least one of which is an alcoholic beverage) is permitted in places of business where retail trade in

alcoholic beverages for consumption on the premises is carried out if a consumer orders such a mixture.

#### § 41. Prohibitions upon retail trade in alcoholic beverages

(1) Retail trade in alcoholic beverages is prohibited on the premises and in the territories of the following agencies and organisations:

1) pre-school child care institutions, nursery-primary schools, primary schools, basic schools, upper secondary schools, vocational educational institutions, hobby schools and youth camps (except in the cases specified in clauses 40 (1) 9) and 10) of this Act);

2) health care institutions;

3) social welfare institutions;

4) custodial institutions;

5) units of the Defence Forces.

(2) Retail trade in alcoholic beverages is prohibited:

1) in excise warehouses;

2) in motor vehicles used to provide passengers services;

3) in peddling (retailing by hand or using barrows, hand baskets, postable trays or boxes);

4) at the location of events for children during the time of such events.

(3) Retail trade in alcoholic beverages in street trading is prohibited. In order to ensure that the said prohibition is observed, it is prohibited to possess or store alcohol on sales premises for street trading regardless of the ownership of such alcohol or the purpose of possession or storage of such alcohol.

(4) If, upon retail trade in alcoholic beverages, restrictions concerning the selection of alcoholic beverages have been established by legislation, it is prohibited to possess or store alcoholic beverages not included in the selection on sales premises of alcoholic beverages regardless of the ownership of such alcoholic beverages or the purpose of possession or storage thereof.

#### § 42. Competence of local governments in regulating retail trade in alcoholic beverages

(1) In its administrative territory, a local government council may:

1) establish restrictions concerning the selection, places of sale and forms of sale in retail trade in alcoholic beverages in addition to the provisions of §§ 40 and 41 of this Act;

2) restrict the time for trade in alcoholic beverages.

(2) Upon grant of the right of retail trade in alcoholic beverages, the issuer of a trade licence has the right to establish additional conditions to retail trade in alcoholic beverages pursuant to the provisions of subsection (1) of this section which shall be entered on the trade licence.

#### § 43. Selling price of alcoholic beverages

(1) The selling price of alcoholic beverages must be indicated upon retail trade in alcoholic beverages.

(2) The selling price of alcoholic beverages shall not be indicated in a manner displaying the initial selling price and new selling price of an alcoholic beverage to the consumer simultaneously.

(3) The following shall be displayed together with the selling price of alcoholic beverages:

1) the type and name of an alcoholic beverage;

2) in the case of beer, the colour;

3) the quantity of the alcoholic beverage corresponding to the selling price indicated, upon retail trade in alcoholic beverages for consumption on the premises.

#### § 44. Existence of cash register and requirement of use thereof

Retail trade in alcoholic beverages in shops and catering establishments is permitted on the condition that there is a cash register in the place of business and all transactions performed upon the retail trade in alcoholic beverages shall be registered using the cash register.

#### § 45. Measures to ensure order and security

(1) It is prohibited to sell alcoholic beverages to intoxicated persons.

(2) A seller shall not knowingly serve any persons who buy alcoholic beverages for the purpose of offering or handing the alcoholic beverages over to intoxicated persons.

(3) On sales premises where retail trade in alcoholic beverages is carried out for consumption on the premises, the seller has the right not to serve any persons who consume alcoholic beverages obtained outside the sales premises and has the right to request that such persons leave.

### Chapter 3

#### Restrictions on Consumption of Alcoholic Beverages

#### § 46. Prohibition on consumption of alcoholic beverages for minors

Minors shall not consume alcoholic beverages.

#### § 47. Measures to enforce prohibition on consumption of alcoholic beverages for minors

(1) Minors shall not obtain alcoholic beverages.

(2) It is prohibited to transfer alcoholic beverages to minors. In order to observe the above-mentioned prohibition, a seller may demand identification from the buyer and refuse to sell alcoholic beverages if the buyer fails to present such identification.

(3) Minors shall not be employed for work related to the handling of alcohol.

(4) Adults are prohibited from buying alcoholic beverages for, offering alcoholic beverages to and handing alcoholic beverages over to minors.



(5) A seller shall not knowingly serve any person who buys alcoholic beverages for the purpose of offering or handing the alcoholic beverages over to minors.

(6) Providers of delivery services of alcoholic beverages are prohibited from handing alcoholic beverages over to a minor. In order to observe the above-mentioned prohibition, an employee of the service provider may demand identification from the person who ordered alcoholic beverages and refuse to hand alcoholic beverages over if the person who ordered alcoholic beverages fails to present such identification.

(7) Minors do not have the right to send or receive alcoholic beverages in postal consignments.

#### § 48. Consumption of alcoholic beverages in public places

Consumption of alcoholic beverages in public places is permitted:

1) in places where retail trade in alcoholic beverages is carried out for consumption on the premises, if the alcoholic beverages are obtained in the said place of sale;

2) in the cases prescribed in legislation issued by local government councils.

### Chapter 4

#### Supervision

#### § 49. Supervisory authorities

Supervision over compliance with the special requirements and restrictions established by this Act is exercised, according to their competence, by the following:

- 1) taxation officials;
- 2) border guard officials;
- 3) police officers (except security police officers);
- 4) officials of consumer protection authorities;
- 5) health protection officials;
- 6) customs officials;
- 7) officials of the Veterinary and Food Board;
- 8) officials of a rural municipality or city government.

#### § 50. Rights of persons exercising supervision

A person exercising supervision has the right to:

- 1) monitor compliance with this Act without hindrances and without giving prior notice;
- 2) enter the territory, buildings, structures and premises of a handler of alcohol, and open the means of transport of a handler of alcohol in the presence of the handler or a representative thereof;

- 3) demand immediate presentation of documents concerning the handling of alcohol and the provision of explanations, receive excerpts from and copies of all relevant documents presented to him or her, verify received information on site, take notes and, with the knowledge of the handler of alcohol or a representative thereof, use equipment to record the facts;
- 4) take samples for laboratory analysis and refer such samples for analysis to a laboratory approved to perform the relevant analyses;
- 5) take samples and submit such samples for comparison to the authorised processor of the State Register of Alcohol or to persons whose intellectual property rights may be infringed by the handling of such alcohol or to holders of the rights or representatives of such persons;
- 6) demand termination of an offence;
- 7) seal storage facilities of alcohol which is or may be subject to confiscation;
- 8) if alcohol which is or may be subject to confiscation is discovered in a motor vehicle or a trailer attached to a motor vehicle, direct the motor vehicle to the nearest location where the confiscated alcohol can be stored in order to unload the alcohol transported in the vehicle or trailer;
- 9) obtain, for official purposes, any data from the State Register of Alcohol and the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements;
- 10) make a reasoned proposal to the issuer of a trade licence to revoke the right of retail trade in alcoholic beverages and to receive a reasoned response to such proposal from an appropriate official.

#### § 51. Competence of police authorities upon ensuring public order

- (1) A police prefecture may, in the interests of ensuring public order, make a reasoned proposal to:
  - 1) the county governor or the rural municipality or city government to suspend the right of retail trade in alcoholic beverages pursuant to the provisions of clauses 36 (1) 2) and 3) of this Act;
  - 2) the issuer of a trade licence to refuse grant of the right of retail trade in any alcoholic beverages or in alcoholic beverages with a certain ethanol content or in alcoholic beverages of a certain type at a public event.
- (2) An appropriate official shall give notice of acceptance or rejection of a proposal specified in subsection (1) of this section to the police prefecture which submitted the proposal.

#### § 52. Storage of confiscated alcohol

- (1) Alcohol which is or may be subject to confiscation shall be stored in the physical evidence storage facility of the agency of the official who confiscated the alcohol or in other premises in possession of the agency until further disposal of the alcohol is decided.
- (2) If it is not possible to store the amount of confiscated alcohol in the physical evidence storage facility of the agency of the official who confiscated the alcohol or in other premises in possession of the agency, confiscated alcohol shall be deposited into storage with liability in a customs warehouse or customs terminal regardless of which agency employs the official who confiscated the alcohol.

(3) Storage of confiscated alcohol in a customs warehouse or customs terminal shall be organised by customs authorities.

(4) The costs of storing confiscated alcohol in a customs warehouse or customs terminal shall be prescribed in the state budget as costs intended for specific purposes.

## Chapter 5

### Liability

#### § 53. Violation of procedure for handling of alcohol

(1) Trade in alcohol which is not permitted to be handled or the possession, storage or distribution of such alcohol for commercial purposes is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(3) An extra-judicial body specified in clauses 73 (2) 2)-4) and 7) of this Act or a court shall confiscate the substance or object which was the direct object of commission of a misdemeanour provided for in this section.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

#### § 54. Acquisition, possession and distribution of alcohol which is not permitted to be handled

(1) The acquisition, possession or distribution of alcohol which is not permitted to be handled is punishable by a fine of up to 100 fine units or by detention.

(2) An extra-judicial body specified in clauses 73 (2) 2)-4) and 7) of this Act or a court shall confiscate the substance or object which was the direct object of commission of a misdemeanour provided for in this section.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

#### § 55. Manufacture, possession, delivery, acquisition or transfer of appliances for distillation of fusel

(1) The manufacture, possession, delivery, acquisition or transfer of an appliance for the distillation of fusel is punishable by a fine of up to 200 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(3) An extra-judicial body specified in clauses 73 (2) 2)-4) and 7) of this Act or a court shall confiscate the object which was the direct object of commission of a misdemeanour provided for in this section.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

#### § 56. Submission of false information and failure to submit information

(1) The submission of inaccurate information or failure to submit information subject to submission on time or failure to submit information subject to submission to the authorised processor of the State Register of Alcohol or the authorised processor of the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements or the issuer of trade licences or

failure to perform the obligation provided for in subsection 13 (4) of this Act is punishable by a fine of up to 300 kroons.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 57. Concealment of place of business

(1) The import of, wholesale trade in or export of alcohol through a place of business not indicated in a registration is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 58. Absence of accompanying document

(1) The export of, wholesale trade or retail trade in or distribution of alcohol for commercial purposes without an accompanying document which conforms to the requirements is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 59. Failure to submit accompanying document at moment of inspection

(1) Failure to submit, at the moment of inspection, an accompanying document upon the export of, wholesale trade or retail trade in or distribution of alcohol for commercial purposes is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.

#### § 60. Failure to prepare accompanying document

(1) Failure to prepare an accompanying document which meets the requirements upon wholesale trade in or export of alcohol is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

#### § 61. Failure to comply with requirement for non-cash settlement

(1) Failure to comply with the requirement of non-cash settlement provided by this Act upon the acquisition or sale of alcohol is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 62. Failure to register transaction upon retail trade in alcoholic beverages

(1) Failure to register a transaction using the cash register upon retail trade in alcoholic beverages is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

#### § 63. Failure to disclose information concerning selling price of alcoholic beverages

(1) Failure to disclose information concerning the selling price of alcoholic beverages or disclosure of such information which does not meet the requirements upon retail trade in alcoholic beverages is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.

#### § 64. Possession or storage of alcohol on sales premises for street trading

(1) The possession or storage of alcohol on sales premises for street trading is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

#### § 65. Violation of restrictions and prohibitions applying to retail trade in alcoholic beverages

(1) Retail trade in alcoholic beverages without a licence or at a time when retail trade in alcoholic beverages was not permitted or violation of other restrictions and prohibitions applying to retail trade in alcoholic beverages, if elements of another misdemeanour specified in this Chapter are not present, is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 66. Violation of requirements for provision of delivery services of alcoholic beverages

(1) Violation of the requirements for the provision of delivery services of alcoholic beverages is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

#### § 67. Violation of age limit upon handling of alcoholic beverages

(1) Violation of the age limit upon the handling of alcoholic beverages is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

#### § 68. Sale of alcoholic beverages to intoxicated persons

(1) The sale of alcoholic beverages to an intoxicated person is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

#### § 69. Purchase of alcoholic beverages for minors or intoxicated persons

The purchase of alcoholic beverages for a minor or an intoxicated person is punishable by a fine of up to 50 fine units.

#### § 70. Consumption of alcoholic beverages in public places or appearance in public places while intoxicated

The consumption of alcoholic beverages on the street, in a stadium, green area, park, public transport vehicle or another public place, except in the case prescribed by legislation issued by a local government council or in a place where retail trade in alcoholic beverages is carried out for consumption on the premises, or appearance in a public place while intoxicated which offends human dignity and public morality is punishable by a fine of up to 100 fine units or by detention.

#### § 71. Consumption of alcoholic beverages by minors

The consumption of alcoholic beverages by a minor is punishable by a fine of up to 10 fine units.

#### § 72. Purchase of alcoholic beverages by minors

The purchase of alcoholic beverages by a minor is punishable by a fine of up to 20 fine units.

#### § 73. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to misdemeanours provided for in §§ 53-72 of this Act.

(2) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided for in §§ 53-72 of this Act:

- 1) the Tax Board;
- 2) the Border Guard Administration;
- 3) the Central Criminal Police;
- 4) a police prefecture;
- 5) the Consumer Protection Board;
- 6) the Health Protection Inspectorate;
- 7) the Customs Board;
- 8) the Veterinary and Food Board;
- 9) a rural municipality or city government.

#### § 74. Accrual of fines

If the extra-judicial body which imposed a fine as a warning or a fine is a rural municipality or city government, fines imposed as a warning and fines imposed for misdemeanours provided for in §§ 53–72 of this Act shall be transferred to the budget of the local government who made the decision.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

#### § 75. Operations performed with confiscated substances and objects

(1) Confiscated alcohol shall be destroyed or sold for processing for technical purposes.

(2) The transferor of confiscated alcohol has the right to request that a person who wishes to acquire such alcohol submit proof certifying the person's intention and opportunities to use the alcohol for technical purposes and to verify the correctness of information submitted, including in the enterprise of the said person.

(3) The transferor of confiscated alcohol shall send, not later than on the date of delivery of such alcohol, a notice to the Customs Board and the Veterinary and Food Board concerning the quantity of alcohol transferred and the person who acquired the alcohol.

(4) The Customs Board and the Veterinary and Food Board have the right to monitor further use of confiscated alcohol in an enterprise of the person who acquired such alcohol.

(5) Confiscated appliances for the distillation of fusel shall be destroyed.

## Chapter 6

### Implementation of Act

#### § 76. Transitional provisions

(1) Activity licences specified in clauses 10 (2) 1)–6) of the Alcohol Act (RT I 1999, 24, 359; 58, 610; 92, 827; 102, 907; RT III 2000, 12, 125; RT I 2001, 18, 87) which is repealed shall be valid, if the activities permitted by the activity licence are not contrary to the provisions of this Act, until a registration is made in the State Register of Undertakings Operating in Areas of Activity Subject to Special Requirements concerning the holder of the licence but not for longer than the date of expiry indicated on the activity licence.

(2) Activity licences specified in clauses 10 (2) 7)–10) of the Alcohol Act which is repealed shall be valid, if the activities permitted by the activity licence are not contrary to the provisions of this Act, until the trade licence issued to the holder of the licence is brought into conformity with legislation but not for longer than the date of expiry indicated on the activity licence.

(3) Product samples collected for preservation in the State Register of Alcohol prior to entry into force of this Act, except product samples of vodka, shall be returned to undertakings which submitted the product samples when preservation of such product samples is no longer necessary. A product sample shall be returned on the initiative of either the undertaking which submitted the product sample or the authorised processor of the register and a report shall be prepared concerning the return of the product sample. The opinion of one or several supervisory agencies concerning the need for further preservation of a product sample may be obtained.

(4) Legislation issued on the basis of the Alcohol Act which is repealed shall be in force insofar as such legislation is not contrary to this Act and until new legislation is passed but not for longer than four months as of entry into force of this Act.

#### § 77. Repeal of earlier Act

The Alcohol Act (RT I 1999, 24, 359; 58, 610; 92, 827; 102, 907; RT III 2000, 12, 125; RT I 2001, 18, 87) is repealed.

#### § 78. Entry into force of Act

This Act enters into force concurrently with the Penal Code.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> *Ametlikud Teadaanded* = *Official Notices*