

Statutes for Maintenance of State Register of Alcohol

Approved by Regulation No 249 of the Government of the Republic of 6 August 2002.

(RT¹ I 2002, 69, 417),

entered into force 1 September 2002,

amended by the following Regulations:

30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431, No 262.

16.12.04 entered into force 01.01.05 - RT I 2004, 86, 589, No 359.

29.04.05 entered into force 08.05.05 - RT I 2005, 23, 178, No 90

This Regulation is established on the basis of subsection 8 (2) of the Alcohol Act (RT I 2002, 3, 7; 63, 387) and in accordance with subsection 32 (1) of 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; 2002, 61, 375; 63, 387).

Chapter 1

General Provisions

§1. Establishment of register

The State Register of Alcohol (hereinafter register) is established by Regulation No 157 of the Government of the Republic of 18 May 1999 "Establishment of the State Register of Alcohol (RT I 1999, 46, 532).

§2. Name of register

The official name of the register is the State Register of Alcohol.

§3. Chief processor and authorised processor of register

- (1) The chief processor of the register is the Ministry of Agriculture..
- (2) The authorised processor of the register is the private limited company Areto.

§4. Aim of maintaining register

The aim of maintaining the register is the compilation of an organised database concerning alcohol produced in and brought into Estonia, and the performance of the functions determined in subsection 8 (1) of the Alcohol Act.

(30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

§5. Maintenance of register

The register is maintained in conformity to the Alcohol Act, the Databases Act, the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833; 2000, 50, 317; 92, 597; 104, 685; 2001, 50, 283), this Regulation and other legislation.

The register is maintained as a single-level database.

Chapter 2

Structure of Register, Data to be Entered in Register and Procedure for Processing thereof

§6. Structure of register

The register comprises:

- 1) the digital entry book;
- 2) registry files;
- 3) collection of objects.

§7. Digital entry book

The following data shall be entered in the digital entry book (database):

- 1) the filing date of an application;
- 2) name of applicant;
- 3) name of product;
- 4) type of product;
- 5) subheading of the combined nomenclature established by Council Regulation 2658/87/EEC on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 07.09.87, pp. 1–675);
- 6) address and contact details of producer;

- 7) person conveying the product into Estonia or recipient of the product in Estonia, and contact details thereof;
 - 8) ethanol content of alcohol expressed in per cent by volume;
 - 9) volume of alcohol in consumer package;
 - 10) information concerning the material of the consumer packaging;
 - 11) number and date of register entry;
 - 12) notation concerning preservation, destruction or return of a product sample;
 - 13) notation on repeal or amendment of register entry;
 - 14) information concerning the lot numbers, quantities and recipients of vodka and wine in consumer packaging put up for export, wholesale and retail sale during the past calendar month;
 - 15) written inquiries, date of receipt thereof, person who made an inquiry, date of issue of the document subject to issue, and the person who responded to the inquiry.
- (16.12.04 entered into force 01.01.05 - RT I 2004, 86, 589)

§8. List of source documents

- (1) The following documents are the basis for making a register entry:
 - 1) the application submitted to the register;
 - 2) (Repealed -30.07.2004 entered into force 15.08.04 - RT I 2004, 61, 431)
 - 3) the sample, photo or description of the label of the consumer packaging;
 - 4) customs declaration;
 - 5) report or certificate of test results, or a copy thereof;
 - 6) documents characterising the alcohol and handling thereof;
 - 7) the accompanying document provided in § 45 of the Alcohol, Tobacco and Fuel Excise Duty Act (RT I 2003, 2, 17; 48, 345; 88, 591; 90, 602);
 - 8) 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 (for alcoholic beverages in consumer packaging with additional labelling);
 - 9) in the case of a wine product, accompanying documents established by Commission Regulation Commission Regulation No 883/2001/EC laying down detailed rules for implementing Council Regulation No 1493/1999/EC as regards trade with third countries in products in the wine sector (OJ L 128, 10.05.2001, pp. 1–31), or Commission Regulation No

884/2001/EC of 24 laying down detailed rules of application concerning the documents accompanying the carriage of wine products and the records to be kept in the wine sector (OJ L 128, 10.05.2001, pp. 32–53).

(2) Pursuant to subsection 10 (4) of the Alcohol Act, 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 has made a copy of the original document which shall be certified by signatures of the employee and a representative of the applicant.

(30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

§9. Registry files

(1) Registry files are maintained on paper.

(2) Registry files are divided into:

1) registry files concerning the alcohol and the undertaking which applied for entry in the register thereof, which include the source documents and the decision to enter the alcohol in the register or to refuse to enter the alcohol in the register;

2) registry files concerning the written inquiries submitted to the register and the responses given to the inquiries;

3) registry files concerning issued certificates;

4) registry files concerning the reports specified in subsection 17 (2) of the Alcohol Act.

(16.12.04 entered into force 01.01.05 - RT I 2004, 86, 589)

§10. Collection of objects

(1) Product samples in consumer packaging are preserved in the form of a collection of objects pursuant to the procedure provided by the Alcohol Act.

(2) If the health or property of other persons is at risk due to the spoilage of a preserved product sample, the authorised processor of the register has the right to destroy the spoiled product sample. A report is prepared concerning the destruction of the product sample and the person who submitted the product sample shall be informed of the destruction.

(30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

§11. Legal regime of register data

Register data have legal effect to the extent provided by the Alcohol Act.

§ 11¹. Interbase cross-usage of data

If such service is registered in the state register of databases, interbase cross-usage of data is carried out with other databases, taking account of the conditions and restrictions determined by the description of the service.

(16.12.04 entered into force 01.01.05 - RT I 2004, 86, 589)

Chapter 3

Aim of Maintaining Register

§12. Applicant for register entry

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

(2) In the case of Community alcohol in consumer packaging conveyed to Estonia, entry of the alcohol in the register shall be applied for by the person in whose name the alcohol is released for consumption.

(3) In the case of Community alcohol not packaged in consumer packaging conveyed to Estonia, entry of the alcohol in the register shall be applied for by the person in whose name the alcohol is released for consumption, or by the person who uses such alcohol for production.

(4) In the case of alcohol released for consumption in another Member State and conveyed to Estonia for commercial purposes, entry of the alcohol in the register shall be applied for by the consignee of the alcohol.

(5) In the case of imported alcohol, entry of the alcohol in the register shall be applied for by the importer.

(6) A person who applies for entry in the register shall be responsible for the correctness of the information presented to the register

(30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

§13. Procedure for submission of information in register

(1) The data submitted in the register shall be submitted on paper or by digital means and product samples shall be submitted as objects. A document submitted in digital form shall be accompanied by a digital signature. A document submitted to the register by an authenticated user through a data exchange layer of an information system need not be accompanied by a digital signature.

(2) The data specified in clause 7 14) shall be submitted to the authorised processor pursuant to the procedure established on the basis of clause 17 4) of the Alcohol Act.

(16.12.04 entered into force 01.01.05 - RT I 2004, 86, 589)

§14. Making of register entry

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

(2) In order to decide on making a register entry pursuant to subsection 11 (2) of the Alcohol Act, the authorised processor of the register may:

1) request more specific information concerning the written 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) Upon entry of alcohol in the register, the authorised processor of the register shall issue a certificate to the undertaking which verifies that the alcohol has been entered in the register. The certificate shall be certified by the signature of a competent employee of the authorised processor register and the seal of the authorised processor.

(4) The authorised processor of the register shall refuse to enter alcohol in the register on the bases provided by § 12 of the Alcohol Act.

§15. Procedure for correction of inaccurate information and for giving notice of correction

(1) Upon discovery of inaccurate information in the register, such information shall be closed until such time as they have been corrected.

(2) The authorised processor of the register shall correct the inaccurate data and where necessary, send a notice to such effect together with the correct data by sending an unregistered letter by post to the person who has received inaccurate data from the register within two working days after receipt of the correct data.

§16. Invalidation of register entries

(1) The chief processor of the register shall invalidate a register entry on the bases provided by subsection 14 (1) of the Alcohol Act.

(2) On the basis of subsection 14 (1) of the Alcohol Act, 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.

(3) The chief processor of the register shall organise the publication of a notice concerning the invalidation of the register entry in the official publication *Ametlikud Teadaanded*².

(4) The authorised processor of the register shall publish a notice concerning the invalidation of a register entry in the website of the register.

§16¹. Expiry of register entry and notification thereof

(1) An entry in the register is valid for a period of five years.

(2) A register entry made on application of an undertaking shall be renewed by a period of five years if the undertaking submits an application to this effect to the authorised processor of the register at least thirty days before the expiry of the term specified in subsection (1).

(3) The authorised processor of the register shall publish a notice concerning the expiry of a register entry in the website of the register.

(30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

Chapter 4

Access to Registry Data

§17. Protection of registry data

Based on the requirements of § 7 of the Databases Act, the authorised processor of the register shall guarantee the integrity of the data, the confidentiality of non-public information, the maintenance of the database and the processing, protection and preservation of the data contained therein.

§18. Access to information entered in register

- (1) The data entered in the register are public unless otherwise provided by law.
- (2) Data entered in the register, access to which is restricted pursuant to other legislation shall be issued only to the persons entitled thereto.
- (3) Public registry data shall be published on the website of the authorised processor of the register.

§19. Data subject to publication on website

Pursuant to subsection 16 (1) of the Alcohol Act, the following data is subject to publication on the website of the authorised processor of the register:

- 1) data concerning alcohol entered in the register;
 - 2) information concerning invalidated or expired register entries;
 - 3) (Repealed -30.07.2004 entered into force 15.08.04 - RT I 2004, 61, 431)
- (30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

§20. Procedure for release of data from register

- (1) Data are released from the register on paper or by digital means.
- (2) The authorised processor of the register issues registry data based on an application. The application shall set out the person who wishes to receive the data, the amount and composition of the data and the purpose of their use. A document issued on paper shall be certified by the signature of a competent employee of the authorised processor of the register and the seal of the authorised processor. A document issued in digital form shall be certified by the digital signature of a competent employee of the authorised processor of the register.
- (3) The data entered in the register are issued free of charge unless otherwise provided by law.

(30.07.04 entered into force 01. 01.2005 - RT I 2004, 61, 431)

§21. Procedure for maintaining records of receipt of data in and release of data from register
Records on receipt of data in the register and release of data from the register shall be maintained in the digital entry book.

Chapter 5

Supervision over and Financing of Maintenance of Register and Liquidation of Register

§22. Persons entitled to exercise supervision over maintenance of register

The chief processor of the register exercises supervision over the legality of maintenance of the register. Data protection supervision of the legality of maintenance of the register shall be exercised by the Data Protection Inspectorate according to its competence.

§23. Procedure for supervision

(1) A person exercising supervision has the right to, within the limits of his or her competence, to examine registry data and the documents concerning the maintenance of the register, to enter the premises where data is stored, processed or where the processing equipment is located, to receive information on the release of data from the register and the use of data, and to verify the conformity of the maintenance of the register to Acts and other legislation.

(2) If deficiencies become evident upon the maintenance of the register, the authorised processor of the register is required to eliminate the deficiencies indicated in the precept of the person who exercises supervision within the term designated by the person.

§24. Procedure for financing maintenance of register

The maintenance of the register shall be financed from the state budget and shall be included in the budget of the chief processor of the register as separate budget line items intended for specific purposes.

§25. Procedure for liquidation of register

The register shall be liquidated pursuant to the procedure provided for in the Databases Act.

Chapter 6

Implementing Provisions

§26. Storage of activity licences of undertakings in register

The authorised processor of the register shall store information in the register concerning the activity licences for handling of alcohol issued on the basis 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; 2002, 3, 7) which are stored in the register.

§26¹. Verification of payment of state fee by electronic means

It shall be guaranteed that electronic verification of the receipt of the state fee payable for making a register entry is possible by 1 January 2005. Until the electronic verification system is fully operational, the authorised processor of the register has the right to demand the submission of a document in proof of payment of the state fee.

(30.07.04 entered into force 15.08.04 - RT I 2004, 61, 431)

§26². Labelling of consumer packaging of alcoholic beverage entered in register with designation of packaging deposit

An alcoholic beverage, on the consumer packaging of which a designation of the size of the packaging deposit required on the basis of the Packaging Act (RT I 2004, 41, 278; 89, 611) has been entered, need not be re-entered in the register.

(29.04.05 entered into force 08.05.05 - RT I 2005, 23, 178)

§§ 27 and 28 (omitted from this text)

¹ RT = *Riigi Teataja* = State Gazette

² *Ametlikud Teadaanded* = Official Publications