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## Alcohol Act

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Amended by the following acts

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11.02.2004	RT I 2004, 13, 86	15.04.2004
10.03.2004	RT I 2004, 18, 131	15.04.2004
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08.12.2004	RT I 2004, 88, 600	02.01.2005
13.04.2005	RT I 2005, 24, 181	01.11.2005
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01.06.2006	RT I 2006, 28, 211	01.07.2006, partially 01.01.2007
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21.12.2006	RT I 2007, 4, 19	01.09.2007
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14.02.2007	RT I 2007, 22, 114	01.07.2007
31.01.2008	RT I 2008, 8, 58	15.05.2008
19.06.2008	RT I 2008, 30, 190	14.07.2008
19.06.2008	RT I 2008, 35, 213	01.01.2009
06.11.2008	RT I 2008, 49, 272	01.01.2009
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09.06.2010	RT I 2010, 41, 240	01.09.2010
17.06.2010	RT I 2010, 44, 262	01.09.2010
23.02.2011	RT I, 18.03.2011, 1	01.07.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
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19.06.2013	RT I, 10.07.2013, 1	15.07.2013, partially 01.01.2014; date of entry into force partially

05.12.2013  
19.02.2014  
05.06.2014  
19.06.2014

RT I, 22.12.2013, 1  
RT I, 13.03.2014, 4  
RT I, 29.06.2014, 1  
RT I, 12.07.2014, 1

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22.12.2013, 1]  
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01.07.2014  
01.01.2015, partially 13.07.2014

## 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 alcoholic beverage, organisation of state supervision over compliance with the special requirements and restrictions, and liability for violations of this Act.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(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, which contain ethanol, within the meaning of the Medicinal Products Act;  
[RT I 2008, 30, 190 - entry into force 14.07.2008]
- 2) synthetic spirit, ester-aldehyde fraction, fusel oil and denatured alcohol;
- 3) alcohol exempt from excise duty on the basis of clauses 27 (1) 1), 1<sup>1</sup>) and 9)–18) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act;  
[RT I 2008, 49, 272 - entry into force 01.01.2009]
- 4) alcoholic beverages delivered into Estonia by a traveller in baggage with which the traveller is travelling for use for non-commercial purposes;  
[RT I 2008, 30, 190 - entry into force 14.07.2008]
- 5) alcoholic beverages sent from a foreign state to a natural person who is at least 18 years of age for use in Estonia for non-commercial purposes, or alcoholic beverages which a natural person sends to a foreign state for non-commercial purposes;  
[RT I 2008, 49, 272 - entry into force 01.01.2009]
- 6) alcohol sent, for comparative testing, in a postal consignment by a foreign laboratory to an Estonian laboratory approved to perform the relevant analyses or alcohol sent by an Estonian laboratory approved to perform the relevant analyses to a foreign laboratory;
- 7) [repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]
- 8) alcoholic beverages produced under the conditions provided for in subsection 21 (6) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.  
[RT I 2008, 49, 272 - entry into force 01.01.2009]

(3<sup>1</sup>) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

(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.

(4<sup>1</sup>) A laboratory located in another Member State of the European Union to whom the Member State has granted the right to perform analyses of alcohol and a laboratory located in a third country of whose right to perform analyses of alcohol the European Commission has notified is also deemed to be an approved laboratory.  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

(5) For the purposes of this Act, the definitions of European Community, Member State and third country are used within the meaning of section 1<sup>1</sup> of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.  
[RT I 2008, 49, 272 - entry into force 01.01.2009]

(6) For the purposes of this Act, Community alcohol is deemed to be alcohol with Community goods status within the meaning of Article 4 (7) of the Council Regulation 2913/92/EEC establishing the Community Customs Code (OJ L 302, 19.10.1992, pp. 1–50) (hereinafter *Community Customs Code*).  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

(7) For the purposes of this Act, conveyance to Estonia means the release for free circulation, within the meaning of the Community Customs Code, of alcohol brought into Estonia from a third country, or conveyance of alcohol to Estonia from another Member State.  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

(8) For the purposes of this Act, the definition of release for consumption of alcohol is used within the meaning of section 4<sup>1</sup> of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.  
[RT I 2008, 49, 272 - entry into force 01.01.2009]

## **§ 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 and the ethanol content of which is at least 96 per cent by volume.

(3) Alcoholic beverage means beer with ethanol content of more than 0.5 per cent by volume and other liquids intended for human consumption with 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 ethanol content of more than 22 per cent by volume.

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

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

(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 section 10 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act (hereinafter *import*);

[RT I 2008, 49, 272 - entry into force 01.01.2009]

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

[RT I 2008, 49, 272 - entry into force 01.01.2009]

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 the Consumer Protection Act (hereinafter *wholesale*);

[RT I 2004, 13, 86 - entry into force 15.04.2004]

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

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.

(3) It is prohibited to possess or store alcohol on the sales premises of an undertaking or establishment operating in the area of activity of wholesale trade, retail trade or catering or in a warehouse which belongs thereto or in any other storage facility of goods regardless of the ownership of such alcohol or the purpose of possession or storage of such alcohol if there is no definition of the alcohol being handled pursuant to subsections 2 (2) and (4) through (7) of this Act in respect of the place of business specified in the information in the register of economic activities.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(4) The provisions of subsection (3) of this section do not apply to alcohol used as raw material for the preparation of food, except in the case provided for in subsection 40 (3) of this Act.

[RT I 2008, 8, 58 - entry into force 15.05.2008]

# **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) [repealed –RT I 2004, 45, 317 – entry into force 27.05.2004]
- 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;
- 6) be revenue stamped in the cases provided for in the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act. [RT I 2008, 30, 190 - entry into force 14.07.2008]

(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 items of information to be included in test protocols shall be established by the Minister of Agriculture.

[RT I 2004, 45, 317 - entry into force 27.05.2004]

(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 procedure specified in clause 3 (1) 2) of this Act if the requirements established by legislation which restrict the handling of such alcohol are observed;

[RT I 2004, 45, 317 - entry into force 27.05.2004]

3) alcohol which is on board or is brought on board of watercraft or aircraft used for international carriage of passengers;

[RT I 2004, 45, 317 - entry into force 27.05.2004]

4) Community alcohol conveyed to Estonia which is not released for consumption or used for production;

[RT I 2004, 45, 317 - entry into force 27.05.2004]

5) Community alcohol in cases specified in subsections 6 (2) and (3) of this Act;

[RT I 2009, 59, 387 - entry into force 20.12.2009]

6) alcohol conveyed to Estonia which has been released for consumption in another Member State but the state of destination of which is not Estonia;

[RT I 2004, 45, 317 - entry into force 27.05.2004]

7) alcohol conveyed to Estonia for the introduction thereof at a trade fair, exhibition or some other similar event.

[RT I 2009, 59, 387 - entry into force 20.12.2009]

##### **§ 5. Exceptions with regard to labelling on consumer packaging of alcoholic beverage**

(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 an undertaking conducting wholesale 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 undertaking may do so provided that:

1) the labelling provided by the producer is not covered by additional labelling, it is not removed, corrected and no other acts are performed with regard thereto which could give reason to believe that the labelling is falsified;

2) additional labelling is not contrary to the requirements provided by legislation or the labelling provided by the producer;

3) prior to the import or release for consumption of a consignment of goods with additional labelling, the alcoholic beverage is re-entered in the state register of alcohol.

(5) A revenue stamp attached to consumer packaging or a marking indicating the size of packaging deposit affixed to consumer packaging is not deemed to be labelling on consumer packaging of alcoholic beverages. [RT I 2006, 28, 211 - entry into force 01.07.2006]

(6) The requirements for labelling on consumer packaging established by national legislation do not apply to alcoholic beverages produced for export if the labelling on the consumer packaging of the alcoholic beverage meets the requirements of the third country. [RT I 2009, 59, 387 - entry into force 20.12.2009]

## **Division 2**

### **Alcohol Permitted to Be Handled to Restricted Extent and Alcohol Not Permitted to Be Handled**

#### **§ 6. Alcohol permitted to be handled to restricted extent**

(1) An undertaking which complies with the requirements provided for in subsection 9 (2) of this Act may produce alcohol in the course of tests prior to entry 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.

(2) An undertaking operating in the area of activity of retail trade, wholesale trade or catering, and in respect of whom the information in the register of economic activities contains the definition of the corresponding alcohol, may import or convey from another Member State to Estonia alcohol which is not entered in the state register of alcohol if it is:

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

- 1) a product sample which is to be submitted for research to an Estonian laboratory approved to perform the relevant analyses;
- 2) alcohol which is not packaged in consumer packaging and is sealed in any container and is to be submitted for research to an Estonian laboratory approved to perform the relevant analyses;
- 3) a product sample which is to be submitted to the authorised processor of the state register of alcohol for the making of an register entry.

(3) An undertaking operating in the area of activity of retail trade, wholesale trade or catering, and whose information in the register of economic activities contains the definition of the corresponding alcohol, may receive alcoholic beverages not entered in the state register of alcohol from a foreign undertaking and deliver such alcoholic beverages to a foreign undertaking for examination and, if necessary, for presentation of the beverages to third persons; whereas, the total weight of the consignment of goods and transport packaging thereof shall not exceed 20 kg.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(4) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

(5) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

(6) Alcohol which has not been entered in the state register of alcohol and which has been imported or conveyed to Estonia from another Member State pursuant to subsections (2) and (3) of this section may be used only:

- 1) for the purpose indicated in the customs declaration prepared with regard to such alcohol if the alcohol is imported;
- 2) for the purpose indicated in the accompanying documents prepared with regard to such alcohol if the alcohol is conveyed to Estonia from another Member State.

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

[RT I 2009, 59, 387 - entry into force 20.12.2009]

#### **§ 7. Alcohol 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) [repealed – RT I 2009, 59, 387 – entry into force 20.12.2009]

(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) [Repealed – RT I 2009, 59, 387 – entry into force 20.12.2009]

(4) An undertaking shall ensure that there is no alcohol not permitted to be handled anywhere on the premises or in the territories of its enterprise regardless of the ownership of such alcohol or the purpose of possession or storage of such alcohol.

(5) A quantity of alcohol 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, Fuel and Electricity Excise Duty Act by ten times or more.  
[RT I 2008, 49, 272 - entry into force 01.01.2009]

(6) It is prohibited to own or possess an appliance for the distillation of fusel; the police shall be notified immediately if such appliance is found. An appliance for the distillation of fusel may be exhibited in a state or municipal museum as a museum object and with the consent of the Police and Border Guard Board in a collection of a private museum. The Police and Border Guard Board has the right to refuse to grant consent if this would bring along a significant risk of illegal handling of alcohol.  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

## **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) in cases provided by this Act, entry of alcohol into 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 state supervision with product samples or other material preserved in the register of alcohol.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(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 Public Information Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(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 releases the alcohol for consumption 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 section 38 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act and the enterprise where the alcohol is produced shall be approved within the meaning of the Food Act, taking account of the provisions of subsection 63 (1) of the Food Act.

[RT I 2008, 49, 272 - entry into force 01.01.2009]

(2<sup>1</sup>) In the case of Community alcohol in consumer packaging conveyed to Estonia, entry of the alcohol in the register of alcohol shall be applied for by the person in whose name the alcohol is released for consumption.

(2<sup>2</sup>) In the case of Community alcohol not packaged in consumer packaging conveyed to Estonia, entry of the alcohol in the register of alcohol 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.

(2<sup>3</sup>) 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 of alcohol shall be applied for by the consignee of the alcohol.

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

(4) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

(4<sup>1</sup>) A state fee shall be paid for review of an application for the entry of alcohol in the register pursuant to the rate provided for in the State Fees Act.  
[RT I 2006, 58, 439 - entry into force 01.01.2007]

(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.

(6) If the relevant service has been opened in a data exchange layer of the state information systems, an application specified in this Act which is submitted through a data exchange layer of the state information systems need not be accompanied by a digital signature.  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

## **§ 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 in the case of vodka;  
[RT I 2009, 59, 387 - entry into force 20.12.2009]
- 2) [repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]
- 3) the test protocol issued by an approved laboratory;  
[RT I 2009, 59, 387 - entry into force 20.12.2009]
- 4) samples or colour photos of labels used on the consumer packaging of the alcoholic beverage;  
[RT I 2009, 59, 387 - entry into force 20.12.2009]
- 5) the original copy of the customs declaration accepted by the customs authorities concerning the import of the product sample; whereas, 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);
- 6) the delivery note provided for in section 45 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act for Community alcohol conveyed to Estonia;  
[RT I 2008, 49, 272 - entry into force 01.01.2009]
- 7) the written permission of the producer 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).  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

(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) [repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]
- 2) the test protocol issued by an approved laboratory;  
[RT I 2009, 59, 387 - entry into force 20.12.2009]
- 3) the customs declaration for imported alcohol;  
[RT I 2004, 45, 317 - entry into force 27.05.2004]
- 4) the delivery note provided for in section 45 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act for Community alcohol conveyed to Estonia.  
[RT I 2008, 49, 272 - entry into force 01.01.2009]

(2<sup>1</sup>) For the entry of wine products in the register of alcohol, accompanying documents established by the following legislation may be submitted instead of the test protocol specified in clause (1) 3) and in clause (2) 2) of this section:

- 1) Commission Regulation 883/2001/EC laying down detailed rules for implementing Council Regulation 1493/1999/EC as regards trade with third countries in products in the wine sector (OJ L 128, 10.05.2001, pp. 1–31);
- 2) Commission Regulation 884/2001/EC 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).  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

(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 state supervision.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(4) The original copy of a document on paper 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 an officially certified copy of the original document.

[RT I 2009, 59, 387 - entry into force 20.12.2009]

## **§ 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) ask for more specific information concerning the written or oral information submitted by the 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 prepared by the authorised processor of the register of alcohol and issued, immediately after the register entry is made, to the undertaking which applied for the alcohol to be entered in the register of alcohol.

(4) Where making of a register entry is applied for, the applicant for the making of the register entry is 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 the applicant:

1) does not hold a valid excise warehouse activity licence or if the alcohol has been produced in an enterprise which is not approved within the meaning of the Food Act and the condition specified in subsection 63 (1) of the Food Act has not been fulfilled – in the case of alcohol produced in Estonia;

2) [repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

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

4) 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) has submitted a product sample which is clearly deformed or damaged;

6) 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) has failed 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;

8) has not paid the state fee.

[RT I 2004, 45, 317 - entry into force 27.05.2004]

(2) An undertaking which has submitted an application shall be notified of a refusal to make a register entry in writing, with a reasoned explanation, no later than on the working day following the date of refusal to make the register entry.

(3) [Repealed – RT I 2009, 59, 387 – entry into force 20.12.2009]

(4) [Repealed – RT I 2009, 59, 387 – entry into force 20.12.2009]

(5) If entry of an alcoholic beverage in the register of alcohol is refused, the product sample shall be returned to the undertaking within 30 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 has been submitted to the authorised processor of the register of alcohol pursuant to clause 10 (1) 1) of this Act shall be obtained by the authorised processor of the register of alcohol for preservation in the register of alcohol.

(2) [Repealed – RT I 2009, 59, 387 – entry into force 20.12.2009]

(3) If an undertaking on whose application an alcoholic beverage has been entered in the register of alcohol finds that in order to facilitate state 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. [RT I, 13.03.2014, 4 - entry into force 01.07.2014]



(4) On the proposal of a law enforcement agency, the authorised processor of the register of alcohol shall request, in order to facilitate state supervision, that the producer of an alcoholic beverage or a person who conveys it to Estonia immediately submit a product sample for preservation in the register of alcohol.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(5) A product sample submitted in the cases specified in subsections (3) and (4) of this section shall be returned to the undertaking which submitted the product sample 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 law enforcement agencies concerning the need for further preservation of a product sample may be obtained. If the provisions of subsection (4) of this section have been applied to a product sample, it is mandatory to obtain the opinion of the law enforcement agency on whose proposal the product sample was obtained for preservation. A report shall be prepared concerning the return of a product sample.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(6) 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 of alcohol has the right to destroy the spoiled product sample. A report shall be prepared concerning the destruction of the product sample and the undertaking who submitted the product sample shall be informed of the destruction.  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

(7) The undertaking who submitted a product sample destroyed pursuant to subsection (6) of this section is required to submit a new product sample during the period of time specified by the authorised processor of the register of alcohol if preservation of a product sample of the alcoholic beverage in the register of alcohol is mandatory. The period of time specified for the submission of a new product sample shall be at least 30 working days.  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

### **§ 13<sup>1</sup>. Duration of validity of register entry**

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

(2) If an undertaking submits a corresponding application to the authorised processor of the register of alcohol at least 30 days before the expiry of the period of time specified in subsection (1) of this section, the validity of the register entry made on the undertaking's application shall be renewed by a period of five years. A state fee shall be paid for review of an application for renewal of register entry pursuant to the rate provided for in the State Fees Act.  
[RT I 2006, 58, 439 - entry into force 01.01.2007]

(3) The requirements provided in subsections 14 (3)–(6) of this Act apply to alcohol the register entry of which has become invalid due to the expiry of the period of time.

(4) The authorised processor of the register of alcohol shall publish a notice that a register entry has become invalid on the website of the register of alcohol.

### **§ 14. Invalidation of register entry**

(1) The authorised processor of the register of alcohol shall invalidate a register entry if:  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

- 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 authorised processor of the register of alcohol thereof;  
[RT I 2009, 59, 387 - entry into force 20.12.2009]
- 3) an undertaking has 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) The authorised processor of the register of alcohol shall immediately notify the undertaking which applied for the alcohol to be entered into the register of alcohol and law enforcement agencies of a decision to invalidate a register entry and shall organise the publication of a notice concerning the invalidation of the register entry in the official publication *Ametlikud Teadaanded* and on the website of the register of alcohol.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) Unless otherwise provided by law, a court judgment or court ruling or precept of a competent official, the production, use for production, import and release for consumption 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 was made. Upon expiry of the above-mentioned period of time, alcohol the register entry of which has been invalidated shall be deemed to be alcohol not permitted to be handled, taking account of the provisions of subsection (4) of this section.

[RT I 2004, 45, 317 - entry into force 27.05.2004]

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

[RT I 2004, 45, 317 - entry into force 27.05.2004]

(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 sections 9–13 of this Act.

(2) The obligation to re-enter an alcoholic beverage in the register of alcohol does not apply if the 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 expired or invalidated register entries;

[RT I 2004, 45, 317 - entry into force 27.05.2004]

- 3) [repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]

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

- 1) [repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]
- 2) the date of the register entry;
- 3) the type;
- 4) the name;
- 5) the producer;
- 6) the country of location of the producer;
- 7) the applicant;

[RT I 2004, 45, 317 - entry into force 27.05.2004]

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

[RT I 2009, 59, 387 - entry into force 20.12.2009]

- (4) [Repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]

## **Division 4 Maintaining Records of Circulation of Alcohol**

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

(1) A handler of alcohol shall keep records of alcohol produced or conveyed to Estonia thereby according to the producer's lot codes used on the sales packaging of the alcohol.

[RT I 2004, 45, 317 - entry into force 01.01.2005]

(2) Undertakings engaged in the handling of wine shall submit to the authorised processor of the state register of alcohol, by the 15<sup>th</sup> day of each month, a report prepared on paper or electronically concerning the wine despatched thereby for export, wholesale or retail during the previous month.

[RT I 2009, 59, 387 - entry into force 20.12.2009]

(3) The duties provided for in subsections (1) and (2) of this section do not apply to handlers who engage only in retail sale of alcohol.

[RT I 2004, 45, 317 - entry into force 01.01.2005]

(4) The procedure for submission of the report specified in subsection (2) of this section and the formal requirements for the report shall be established by the Minister of Agriculture.

[RT I 2004, 45, 317 - entry into force 01.01.2005]

#### **§ 18. Documents upon import of alcohol**

(1) Upon the import of alcohol, in addition to the requirements provided for in the customs rules, a customs officer shall verify the existence of an entry in the state register of alcohol indicating that the alcohol being imported has been entered in the state register of alcohol on the application of the importer.

[RT I 2004, 45, 317 - entry into force 01.01.2005]

(2) An entry in the state register of alcohol is not required upon the import of alcohol if a customs declaration is prepared concerning the alcohol pursuant to the provisions of subsection 6 (2) or (3) of this Act.

[RT I 2009, 59, 387 - entry into force 20.12.2009]

(3) In the cases specified in subsection 6 (2) of this Act, a corresponding notation shall be made in the customs declaration.

[RT I 2009, 59, 387 - entry into force 20.12.2009]

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

- 1) the definition of the alcohol pursuant to clause 21 (1) 1) of this Act;
- 2) [repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

#### **§ 19. Documents upon export of alcohol**

(1) [Repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]

(2) [Repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]

(3) [Repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]

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

- 1) the definition of the alcohol pursuant to clause 21 (1) 1) of this Act;
- 2) [repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

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

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

(2) The requirement provided for in subsection (1) of this section does not apply to alcohol intended for use on board watercraft or aircraft operating internationally.

[RT I 2004, 45, 317 - entry into force 27.05.2004]

#### **§ 21. Document accompanying alcohol**

(1) Wholesale 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; whereas, if lot number and year of production are used simultaneously, both must be indicated);
- 2) the number of the register entry concerning the alcohol handled if the alcohol has been entered in the state register of alcohol;

[RT I 2009, 59, 387 - entry into force 20.12.2009]

3) [repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

4) the number of the customs declaration or delivery note provided for in section 45 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act (for alcohol conveyed to Estonia).

[RT I 2008, 49, 272 - entry into force 01.01.2009]

(2) Upon receipt of alcohol by way of wholesale, 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) Retail of an alcoholic beverage is permitted only if there is an accompanying document, which meets the requirements provided for in subsection (1) of this section, concerning the alcoholic beverage.  
[RT I 2008, 8, 58 - entry into force 15.05.2008]

(4) An accompanying document which conforms to requirements shall be submitted to a law enforcement agency immediately at the request of the law enforcement agency, 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.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

**§ 22. [Repealed – RT I 2008, 8, 58 – entry into force 15.05.2008]**

## **Division 5**

### **Import, Retail Sale, Wholesale and Export of Alcohol**

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

#### **§ 23. Notification obligation**

(1) A notice of economic activities shall be submitted for engaging in the sale of alcohol in the following areas of activity:

- 1) retail trade;
- 2) wholesale trade;
- 3) catering.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(2) In addition to that provided for in the General Part of the Economic Activities Code Act, a notice of economic activities shall set out the following information:

- 1) the place of business or places of business (determination of the place of business, name, and website address in the case of e-commerce);
- 2) the definition of the alcohol being handled pursuant to subsections 2 (2) and (4) through (7) of this Act, whereas the relevant information shall be set out for every place of business;
- 3) if an undertaking operating in the area of activity of wholesale trade wishes to engage in the import or export of alcohol, then information to that effect;
- 4) if an undertaking operating in the area of activity of retail trade or catering wishes to engage in the import or export of an alcoholic beverage, then information to that effect.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(3) The notification obligation provided for in this section shall only be performed through the Estonian information gateway or a notary.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014, applicable as of 1 July 2016]

(4) If a notice specified in subsection 58 (1) of the General Part of the Economic Activities Code Act is not submitted through the Estonian information gateway, it shall be submitted to the local government of the location of the undertaking who shall enter the information set out in the notice into the register of economic activities.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014, applicable as of 1 July 2016]

#### **§ 24. Registration application**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

#### **§ 25. Registration proceedings**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

**§ 26.–§ 28.**[Repealed – RT I 2004, 18, 131 – entry into force 15.04.2004]

#### **§ 29. Territorial restrictions upon wholesale of alcohol**

The wholesale of alcohol is only permitted through the place of business specified in the information in the register of economic activities, except upon the export of alcohol or in the case alcohol is sold to the person who further handles the alcohol at the latter's place of business.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

## **Division 6**

### **Retail Sale of Alcohol**

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

## **Subdivision 1**

### **Prohibition on Retail Sale of Spirit and Suspension of Right of Retail Sale of Alcoholic Beverage**

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

#### **§ 30. Prohibition on retail sale of spirit**

Retail sale of spirit is prohibited.  
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

#### **§ 31. Registration application**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

#### **§ 32. Registration proceedings**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

**§ 33.–§ 35.**[Repealed – RT I 2004, 18, 131 – entry into force 15.04.2004]

#### **§ 36. Suspension of right of retail sale of alcoholic beverage**

(1) In the interests of ensuring public order, the right of retail sale of alcoholic beverages may be suspended until circumstances which caused 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 right of retail sale of alcoholic beverages is suspended throughout the state, throughout a county or throughout the administrative territory of a local government, the holder of the right of retail sale of alcoholic beverages shall be notified thereof immediately through the media.

(3) If the right of retail sale of alcoholic beverages is suspended with regard to particular places of business or to one place of business, the holder of the right of retail sale of alcoholic beverages shall be immediately sent a notice to this effect.

[RT I 2004, 18, 131 - entry into force 15.04.2004]

**§ 37.–§ 39.**[Repealed – RT I 2004, 18, 131 – entry into force 15.04.2004]

## **Subdivision 2**

### **Requirements for Retail Sale of Alcoholic Beverage**

#### **§ 40. Restrictions upon retail sale of alcoholic beverage**

(1) Retail sale of alcoholic beverage is permitted:

- 1) in shops;
- 2) in catering establishments;
- 2<sup>1</sup>) outside the place of business of an undertaking if the undertaking operating in the area of activity of catering sells alcoholic beverages in the course of catering;  
[RT I 2008, 8, 58 - entry into force 15.05.2008]
- 3) in accommodation establishments;
- 4) on the premises and in the territories of performing arts institutions, community centres and museums if it is carried out on the premises or in the territory of the establishment for consumption on the premises, or if takeaway alcoholic beverages are sold as a souvenir produced in connection with the exposition of the museum;  
[RT I, 10.07.2013, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]
- 5) on board watercraft or 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 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;  
[RT I 2010, 41, 240 - entry into force 01.09.2010]
- 11) in the course of enforcement proceedings;
- 12) by e-commerce through shops or catering establishments belonging to an undertaking specified in the information in the register of economic activities.  
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(1<sup>1</sup>) Retail sale of alcoholic beverages in places of business specified in clauses (1) 1) and 7) of this section is permitted from 10.00 to 22.00. This restriction does not apply in customs control areas of airports open for international traffic and on board watercraft or aircraft used for international carriage of passengers.  
[RT I 2008, 30, 190 - entry into force 14.07.2008]

(2) Retail sale of alcoholic beverages for consumption on the premises is permitted only in places of business specified in clauses (1) 2)–6) and 8)–10) of this section. The sale of takeaway alcoholic beverages is prohibited from 22.00 to 10.00.  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

(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, if a consumer orders such a mixture, in places of business where retail sale of alcoholic beverages for consumption on the premises is carried out.

#### **§ 41. Prohibitions upon retail sale of alcoholic beverage**

(1) Retail sale of alcoholic beverage is prohibited on the premises and in the territories of the following persons, authorities and organisations:  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

1) pre-school child care institutions, basic schools, upper secondary schools, vocational educational institutions, youth work institutions, youth associations, hobby schools, youth camps and youth project camps (except in the cases provided for in clauses 40 (1) 9) and 10) of this Act);  
[RT I 2010, 44, 262 - entry into force 01.09.2010]

2) health care providers;  
[RT I 2009, 59, 387 - entry into force 20.12.2009]

3) social welfare institutions;

4) custodial institutions;

5) the Defence Forces.

[RT I 2008, 35, 2013 - entry into force 01.01.2009]

(2) Retail sale of alcoholic beverage is prohibited:

1) in excise warehouses;

2) in motor vehicles used to provide passenger transport services;

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

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

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

(4) If, upon retail sale of 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 permitted selection on sales premises of alcoholic beverages regardless of the ownership of such alcoholic beverages or the purpose of possession or storage thereof.

(5) Handing alcoholic beverages over to a consumer upon the provision of delivery services is prohibited from 22.00 to 10.00.

[RT I 2009, 59, 387 - entry into force 20.12.2009]

(6) An undertaking is permitted to sell by way of retail only alcoholic beverages defined in the notice of economic activities only through the place of business specified in the information in the register of economic activities.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

#### **§ 42. Competence of local government in regulating retail sale of alcoholic beverage**

(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 those specified in sections 40 and 41 of this Act;

2) [repealed – RT I 2008, 30, 190 – entry into force 14.07.2008]

(2) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014]

#### **§ 43. Selling price of alcoholic beverage**

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

(2) The selling price of alcoholic beverages is not permitted to 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 the alcoholic beverage;

2) [repealed – RT I 2004, 45, 317 – entry into force 27.05.2004]

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

(4) In a place of sale of alcoholic beverages the obligatory information on the labelling on consumer packaging, arising from legislation, shall be made available in writing in Estonian.

[RT I, 18.03.2011, 1 - entry into force 01.07.2011]

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

Retail sale of alcoholic beverages in shops and catering establishments is permitted if there is a cash register in the place of business and all transactions performed upon the retail sale of alcoholic beverages are registered using the cash register.

[RT I 2004, 18, 131 - entry into force 15.04.2004]

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

(1) It is prohibited to sell alcoholic beverages to persons exhibiting signs of intoxication.

[RT I, 12.07.2014, 1 - entry into force 13.07.2014]

(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 persons exhibiting signs of intoxication.

[RT I, 12.07.2014, 1 - entry into force 13.07.2014]

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

## **Chapter 3 RESTRICTIONS ON CONSUMPTION OF ALCOHOLIC BEVERAGE**

#### **§ 46. Prohibition on consumption of alcoholic beverage for minors**

Minors are prohibited from consuming alcoholic beverages.

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

(1) Minors are prohibited from owning or possessing alcoholic beverages.

(2) It is prohibited to offer, transfer or hand over alcoholic beverages to minors.

(3) In order to observe the prohibition provided for in subsection (2) of this section, a person transferring an alcoholic beverage or handing an alcoholic beverage over may demand identification from the recipient and refuse to hand the alcoholic beverage over in case of failure to present such identification.

(4) Alcoholic beverages shall not be transferred or handed over knowingly to a person who receives alcoholic beverages for the purpose of offering or handing the alcoholic beverages over to minors.

(5) Minors shall not be employed for work related to the handling of alcohol, except upon storage or distribution of such alcohol for commercial purposes if it is ensured that in the course of it minors come into contact with alcohol only in unopened packaging.

(6) If alcoholic beverages have been transferred into the ownership of a minor as part of his or her estate, the legal representative of the minor shall ensure that the alcoholic beverages do not go into the direct possession of the minor.

[RT I 2008, 30, 190 - entry into force 14.07.2008]

#### **§ 48. Consumption of alcoholic beverage in public places**

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **Chapter 4 STATE SUPERVISION**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

#### **§ 49. State supervision**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) State supervision over the compliance with the requirements of this Act and of legislation established on the basis of this Act, except for the compliance with the requirements for food safety, for the definition, description and presentation for sale of alcohol, and with the requirements related to the operation of the state register of alcohol as well as the import and export of alcohol, and with the restrictions related to the consumption of alcoholic beverages, shall be exercised by the Consumer Protection Board.

(2) State supervision over the compliance with the requirements relating to the handling of alcohol, except for the compliance with the requirements for food safety and the definition, description and presentation for sale of alcohol, shall be exercised by the Tax and Customs Board.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(3) State supervision over the compliance with the requirements related to food safety, the definition, description and presentation for sale of alcohol, and the operation of the state register of alcohol shall be exercised by the Veterinary and Food Board.

(4) State supervision over the compliance with the requirements related to the retail sale of alcoholic beverages and the restrictions on the consumption of alcoholic beverages shall be exercised by rural municipality or city governments on their respective administrative territories.

(5) State supervision over the restrictions on the consumption of alcoholic beverages by minors shall be exercised by police officers.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

#### **§ 49<sup>1</sup>. Special state supervision measures**

(1) In order to exercise the state supervision provided by this Act, a law enforcement agency may apply the special state supervision measures provided for in sections 30, 31, 32, 49, 50, 51 and 52 of the Law Enforcement Act on the bases of and pursuant to the procedure provided by the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) In addition to the special measures provided for in subsection (1) of this section, the Tax and Customs Board may also apply for the exercise of state supervision the special measure provided for in section 45 of the Law Enforcement Act on the bases of and pursuant to the procedure provided by the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) In addition to the special measures provided for in subsection (1) of this section, police officers may also apply for the exercise of state supervision the special measures provided for in sections 37, 38, 39, 40, 42, 47 and 48 of the Law Enforcement Act on the bases of and pursuant to the procedure provided by the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) Upon the examination of movable property, a law enforcement agency may take samples and specimens and, if necessary, order expert assessments at the expense of the person. If according to an expert assessment a sample or specimen of movable property conforms to requirements, the law enforcement agency shall cover the expenses related to the expert assessment and if the sample or specimen of movable property is not returned, the law enforcement agency shall compensate the undertaking for the cost thereof. If according to an expert assessment a sample or specimen of movable property does not conform to requirements, the certified expenses which arose upon the examination shall be covered by the undertaking and if the sample or specimen of movable property is not returned, the undertaking shall not be compensated for the cost thereof.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

#### **§ 50. Specifications of state supervision**



[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) The measures provided for in sections 49 and 50 of the Law Enforcement Act may only be applied by the Consumer Protection Board, the Tax and Customs Board, the Veterinary and Food Board as well as rural municipality or city governments upon entering the territory, buildings, civil engineering works and premises of a handler of alcohol, or upon opening the means of transport of a handler of alcohol in the presence of the handler or a representative thereof.

(2) Law enforcement agencies have the additional right to:

- 1) seal storage facilities of alcohol which is or may be subject to confiscation;
- 2) 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 for unloading the alcohol to the nearest location where the confiscated alcohol can be stored;
- 3) obtain, for official purposes, any data from the state register of alcohol.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

### **§ 51. Competence of Police and Border Guard Board upon ensuring public order**

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **§ 52. Storage of alcohol taken into storage**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Alcohol which has been taken into storage shall be stored in the physical evidence storage facility of the law enforcement agency which took the alcohol into storage or in other premises in possession of the law enforcement agency until further disposal of the alcohol is decided.

(2) If it is not possible to store the amount of alcohol taken into storage in the physical evidence storage facility of the law enforcement agency which took the alcohol into storage or in other premises in possession of the law enforcement agency, the alcohol shall be deposited into storage with liability in a customs warehouse, an excise warehouse or a customs terminal.

(3) The storage of alcohol taken into storage in a customs warehouse, an excise warehouse or a customs terminal shall be organised by customs authorities.

(4) The costs of storing alcohol taken into storage in a customs warehouse, an excise warehouse or a customs terminal shall be prescribed in the state budget as costs intended for specific purposes.

(5) Upon the application of the special state supervision measure provided for in section 52 of the Law Enforcement Act on the bases of and pursuant to the procedure provided for in the Law Enforcement Act, police officers have the right to hand alcohol taken into storage over to a legal representative of a minor.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

## **Chapter 5 LIABILITY**

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

(1) Trade in alcohol which is not marked with a revenue stamp or is not permitted to be handled, also the possession, storage or distribution for commercial purposes of alcohol which is not marked with a revenue stamp or is not permitted to be handled

is punishable by a fine of up to 300 fine units or by detention.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) An extra-judicial body conducting proceedings specified in clauses 73 (2) 1)–4) of this Act or a court may confiscate the substance and object which was the direct object of commission of a misdemeanour provided for in this section.

[RT I 2008, 30, 190 - entry into force 14.07.2008]

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

(1) Knowingly acquiring, possessing or distributing alcohol not permitted to be handled

is punishable by a fine of up to 100 fine units or by detention.

(2) An extra-judicial body conducting proceedings specified in clauses 73 (2) 1)–4) of this Act or a court may confiscate the substance and object which was the direct object of commission of a misdemeanour provided for in this section.

[RT I 2008, 30, 190 - entry into force 14.07.2008]

#### **§ 55. Manufacture, possession, delivery, acquisition and transfer of appliance for distillation of fusel**

(1) 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 2,000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) An extra-judicial body conducting proceedings specified in clauses 73 (2) 1)–4) 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.

[RT I 2008, 30, 190 - entry into force 14.07.2008]

#### **§ 56. Failure to submit product sample to authorised processor of state register of alcohol**

(1) Failure to submit a product sample to the authorised processor of the state register of alcohol on the proposal of a law enforcement agency

is punishable by a fine of up to 150 fine units.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 1,600 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

#### **§ 57. [Repealed – RT I 2004, 18, 131– entry into force 15.04.2004]**

#### **§ 58. Absence of accompanying document**

(1) Export, wholesale, retail sale or distribution of alcohol for commercial purposes without a proper accompanying document

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 3,200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

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

(1) Failure to submit, at the moment of inspection, a proper accompanying document upon export, wholesale, retail sale 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 1,300 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

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

(1) Failure to prepare a proper accompanying document upon wholesale 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 2,000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

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

(1) Failure to comply with the requirement of non-cash settlement provided by this Act upon 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 3,200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 62. Failure to register transaction upon retail of alcoholic beverage**

(1) Failure to register a transaction using the cash register upon retail sale of alcoholic beverage 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 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

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

(1) Failure to disclose information concerning the selling price of alcoholic beverage or disclosure of such information in a manner which does not meet the requirements upon retail sale of alcoholic beverage 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 1,300 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 64. Possession or storage of alcohol in stands or on sales premises for street or market trading**

(1) Possession or storage of alcohol in stands or on sales premises for street and market 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 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 65. Violation of restrictions and prohibitions applying to retail of alcoholic beverage**

(1) Violation of restrictions or prohibitions applicable to the retail sale of 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.  
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended – RT I, 22.12.2013, 1)]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 66. Violation of requirements applying to provision of delivery services of alcoholic beverage**

(1) Violation of the requirements applying to the provision of delivery services of alcoholic beverage 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 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 67. Violation of age limit upon handling of alcoholic beverage**

(1) Violation of the age limit upon the handling of alcoholic beverage 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 3,200 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

## **§ 68. Sale of alcoholic beverage to person exhibiting signs of intoxication**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Sale of alcoholic beverage to a person exhibiting signs of intoxication is punishable by a fine of up to 200 fine units.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2,000 euros.  
[RT I 2010, 22, 108 - entry into force 01.01.2011]

**§ 69. Purchase of alcoholic beverage for minor or person exhibiting signs of intoxication**  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Purchase of alcoholic beverage for a minor or a person exhibiting signs of intoxication is punishable by a fine of up to 300 fine units.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

**§ 70. Consumption of alcoholic beverage in public place or appearance in public place while intoxicated**

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

**§ 71. Consumption of alcoholic beverage by minor**

Consumption of alcoholic beverage by a minor is punishable by a fine of up to ten fine units.

**§ 72. Purchase of alcoholic beverage by minor**

Purchase of alcoholic beverage 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 sections 53–72 of this Act.

(2) The extra-judicial body conducting proceedings in matters of misdemeanours provided for in sections 53–72 of this Act is:

- 1) the Tax and Customs Board;
- 2) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 3) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 3<sup>1</sup>) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- 4) the Police and Border Guard Board;  
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]
- 5) the Consumer Protection Board;
- 6) [repealed – RT I 2007, 22, 114 – entry into force 01.07.2007]
- 7) [repealed – RT I 2003, 88, 591 – entry into force 01.01.2004]
- 8) the Veterinary and Food Board;
- 9) a rural municipality or city government.

(3) [Repealed – RT I 2006, 28, 211 – entry into force 01.01.2007]

**§ 74. Accrual of fines**

If the extra-judicial body conducting proceedings 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 sections 53–72 of this Act shall be transferred to the budget of the local government who made the decision.  
[RT I 2002, 63, 387 - entry into force 01.09.2002]

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

(1) Confiscated alcohol shall be destroyed or denatured to conform to the requirements provided by subsection 13 (1) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.  
[RT I, 08.03.2012, 1 - entry into force 01.04.2012]

(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, no later than on the date of delivery of such alcohol, a notice to the Tax and Customs Board and the Veterinary and Food Board concerning the quantity of alcohol transferred and the person who acquired the alcohol.

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

(5) Confiscated appliances for the distillation of fusel shall be destroyed.  
[RT I 2003, 88, 591 - entry into force 01.01.2004]

## **Chapter 6**

# IMPLEMENTATION OF ACT

## § 76. Transitional provisions

(1) Activity licences specified in clauses 10 (2) 1)–6) 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 a registration is made in the register of economic activities 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 the entry into force of this Act, except for 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 authorities 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 the date of entry into force of this Act.

(5) The obligatory information presented on the labelling on consumer packaging provided in subsection 43 (4) of this Act shall be made available in writing in Estonian as of 1 July 2013.  
[RT I, 18.03.2011, 1 - entry into force 01.07.2011]

(6) Subsection 23 (4) of this Act shall be applied until 30 June 2016.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(7) Subsection 23 (3) of this Act shall be applied as of 1 July 2016.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(8) An accommodation undertaking whose registration in the register of economic activities includes, upon the entry into force of the General Part of the Economic Activities Code Act, a notation regarding the retail sale of alcoholic beverages in a guestroom or reception room of the accommodation establishment shall submit, if the economic activity is continued, a notice of economic activities in the area of activity specified in clause 23 (1) 3) of this Act within the period of time specified in subsection 76 (3) of the General Part of the Economic Activities Code Act.  
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

## § 76<sup>1</sup>. Expiry of register entries in state register of alcohol

(1) The register entries made in the state register of alcohol before 1 June 2004 expire on 1 June 2009.

(2) The validity of register entries which expire on the basis of subsection (1) of this section may be renewed pursuant to the procedure provided for in subsection 13<sup>1</sup>(2) of this Act.  
[RT I 2004, 45, 317 - entry into force 27.05.2004]

## § 77. Repeal of previous Act

[Omitted from this text.]

## § 78. Entry into force of Act

This Act enters into force concurrently with the Penal Code.