

## **N. ALCOHOL**

### **N1 The Alcohol Act**

Passed on 10 February 1999

(RT\* I 1999, 24, 359),

entered into force 15 April 1999,

amended by the following Act:

16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610.

#### **Chapter 1**

##### **General Provisions**

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

This Act provides the general requirements, state organisation and supervision of the handling of alcohol, and liability for violations of this Act.

##### **§ 2. Definitions**

In this Act, the following definitions are used:

- 1) "alcohol" means spirits and alcoholic beverages;
- 2) "ethanol content" means ethanol content expressed in per cent by volume measured per 100 units of volume of a liquid at 20°C;
- 3) "spirit" means a liquid which is obtained by the fermentation and subsequent processing of raw materials of agricultural origin with an ethanol content of at least 96 per cent by volume;
- 4) "alcoholic beverage" means beer with an ethanol content of more than 0.5 per cent by volume and other beverages with an ethanol content of more than 1.2 per cent by volume;  
(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)
- 5) "low-alcohol beverage" means a beverage with an ethanol content of up to 22 per cent volume (inclusive);
- 6) "beer" means a beverage manufactured from malt, or malt and adjuncts, and from hops and water by fermentation using yeast;
- 7) "handling of alcohol" means the production, import and export of alcohol, and wholesale trade and retail trade in alcohol;
- 8) "production of alcohol" means the manufacture, processing or bottling of alcohol with the aim of distribution thereof;
- 9) "import and export of alcohol" means the import and export of alcohol within the meaning of the Customs Act (RT I 1998, 3, 54; 36/37, 552; 51, 756; 1999, 10, 156);
- 10) "wholesale trade in alcohol" means the supply or sale of alcohol by an undertaking to another undertaking;  
(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)
- 11) "retail trade in alcohol" means the supply or sale of an alcoholic beverage to a consumer.

#### **Chapter 2**

##### **State Organisation of Handling of Alcohol**

##### **§ 3. Requirements set for alcohol**

- (1) Alcohol produced in Estonia shall be entered in the State Register of Alcohol (hereinafter register).
- (2) Alcohol imported into Estonia shall be entered in the register, except for in the cases specified in subsection 27 (3) of this Act.
- (3) It is only permitted to trade in alcohol which is entered in the register and which conforms to the sample of the alcohol maintained in the register or to the description thereof.
- (4) The register shall be established by the Government of the Republic on the basis of the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155). The Ministry of Economic Affairs shall be the chief processor of the register.

#### § 4. Register

The main functions of the register are to:

- 1) enter alcohol produced in Estonia and alcohol imported into Estonia in the register;
- 2) process data concerning alcohol entered in the register;
- 3) maintain samples of alcohol entered in the register and descriptions thereof;
- 4) compare samples obtained upon supervision of the handling of alcohol with samples entered in the register or with descriptions thereof;
- 5) process data concerning activity licences for handling alcohol.

#### § 5. Material to be submitted to register

A producer or importer of alcohol shall submit the following to the register for a register entry to be made:

- 1) an application for the entry of alcohol in the register;
- 2) product samples in the quantities determined by the Minister of Economic Affairs;
- 3) a declaration of conformity or certificate of conformity identifying the samples specified in clause 2) of this section, in addition to which a declaration of conformity or certificate of conformity regarding samples of imported alcohol shall bear a notation made by a customs official concerning the presentation of the document during customs control;
- 4) other relevant documents if the register deems this to be necessary.

#### § 6. Entry of alcohol in register

- (1) The entry of alcohol in the register shall be decided by a committee, the membership of which shall be appointed and the procedures of which shall be determined by the Minister of Economic Affairs.
- (2) Alcohol which conforms to the requirements for the definition, description and presentation for sale of alcohol established by the Government of the Republic on the basis of law may be entered in the register.
- (3) When deciding on the entry of alcohol in the register, the committee specified in subsection (1) of this section shall take into account:

- 1) the requirements specified in subsection (2) of this section;
- 2) the documents and samples specified in § 5 of this Act;
- 3) (Repealed - 16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)
- 4) adherence to trade mark requirements.

(4) A producer of alcohol who applies for alcohol produced by the producer to be entered in the register must hold a valid corresponding activity licence for handling alcohol.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

#### § 7. Quality control of alcohol for decision on making register entry

- (1) In addition to the provisions of subsection 6 (3) of this Act, the committee specified in subsection 6 (1) of this Act may refer alcohol for which an application for entry in the register is made for analysis to an accredited laboratory appointed by the Minister of Economic Affairs.
- (2) The producer or importer who applies for the entry of alcohol in the register shall pay for the appropriate analyses to be conducted. The rates of charges for analyses shall be approved by the Minister of Economic Affairs.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

#### § 8. Duty to make additional entry of alcohol in register

Upon alteration of the sales packaging of alcohol or of elements thereof (except to the numerical combination in the producer's lot code), the alcohol is subject to re-entry in the register on the bases provided for in §§ 5-7 of this Act.

#### § 9. Publication of data entered in register

The following shall be published on the Internet home page of the register:

- 1) data concerning alcohol entered in the register;
- 2) data concerning valid and revoked activity licences for handling alcohol.

#### § 10. Activity licences for handling alcohol

(1) Only undertakings which are entered in the commercial register and which hold activity licences for handling alcohol (hereinafter activity licence) are permitted to engage in handling alcohol.

(2) The classes of activity licence are as follows:

- 1) activity licence for production of alcohol;
- 2) activity licence for production of low-alcohol beverages;
- 3) activity licence for import of alcohol;
- 4) activity licence for import of low-alcohol beverages;
- 5) activity licence for export of alcohol;

- 6) activity licence for wholesale trade in alcohol;
- 7) activity licence for retail trade in alcohol;
- 8) activity licence for retail trade in low-alcohol beverages;
- 9) activity licence for retail trade in alcohol at public events;
- 10) activity licence for retail trade in low-alcohol beverages at public events.

(3) The Government of the Republic shall establish a procedure for the issue, amendment and revocation of activity licences on the basis of this Act.

#### § 11. Scope and conditions of activity licences

(1) The activity licences specified in clauses 10 (2) 1) and 2) of this Act grant an additional right to engage in wholesale trade in and export of the alcohol produced on the basis of the licences.

(2) The activity licences specified in clauses 10 (2) 3) and 4) of this Act grant an additional right to engage in wholesale trade in alcohol imported on the basis of the licences.

(3) An undertaking which holds an activity licence may operate only at the place of business entered on the activity licence. Operation outside the place of business entered on an activity licence is deemed to be operation without an activity licence. The above does not apply to a wholesaler who sells alcohol to an undertaking which engages in retail trade at the place of business of the undertaking, if the alcohol sold by the wholesaler is stored at the place of business entered in the activity licence held by the wholesaler.

(4) If an undertaking engages in one type of activity at several places of business, one activity licence which sets out all the places of business shall be issued to the undertaking. All the places of business which belong to an undertaking within the administrative territory of a given local government shall be set out in the activity licence for retail trade. The activity licences specified in clauses 10 (2) 9) and 10) of this Act shall set out the number of places of sale and the form of sale.

(5) Upon the issue of activity licences, executive bodies of local governments have the right to establish additional conditions pursuant to the provisions of § 33 of this Act.

#### § 12. Validity of activity licences

(1) Activity licences are issued for up to three years.

(2) An activity licence for retail trade in alcohol at a public event shall be issued to an undertaking for the duration of the event.

(3) A valid activity licence certifying the right to operate in the corresponding area of activity, or a copy of the activity licence certified by the issuer thereof, shall be displayed at all places of sale of alcohol in a place visible to buyers.

#### § 13. Issuers of activity licences

(1) The activity licences specified in clauses 10 (2) 1)-6) of this Act shall be issued by a committee, the membership of which shall be appointed and the working order of which shall be determined by the Minister of Economic Affairs.

(2) The activity licences specified in clauses 10 (2) 7)-10) of this Act shall be issued by executive bodies of local governments.

(3) Issuers of activity licences are obliged to notify the register of the issue, alteration or revocation of an activity licence immediately.

#### § 14. Issue of activity licences

(1) The following shall be submitted to obtain an activity licence, except in the cases specified in subsection (2) of this section:

1) an application which sets out, among other things, the address of each place of business, and the name, official title and details of the person responsible for the given activity;

2) a copy of the commercial registry card;

3) a certificate issued by a local Tax Board Office concerning the absence of tax arrears;

4) upon the issue of an activity licence specified in clauses 10 (2) 1)-5) of this Act, a certificate issued by the Customs Board concerning the absence of tax arrears;

5) upon the issue of an activity licence specified in clause 10 (2) 1) or 2) of this Act, a certificate issued by the Health Protection Inspectorate concerning the conformity of premises and equipment used for production to health protection requirements;

5<sup>1</sup>) upon the issue of an activity licence specified in clause 10 (2) 1) or 2) of this Act, a certificate issued by a local office of the Rescue Service Administration concerning the conformity of premises used for the storage of raw materials and the production of alcohol to fire safety requirements.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

6) upon the issue of an activity licence specified in clause 10 (2) 1) or 2) of this Act, copies of documents which certify the right to use the premises and equipment used for production;

7) upon the issue of an activity licence specified in clauses 10 (2) 3)-6) of this Act, copies of agreements which prove the origin of the alcohol to be handled and copies of authorisation documents or other similar documents;

8) upon the issue of an activity licence specified in clause 10 (2) 7) or 8) of this Act, a copy of the operating licence (trade licence) issued for trading at the given place of business.

(1<sup>1</sup>) The copies of documents specified in clause (1) 7) of this section shall concern alcohol which is entered in the register and, upon application for an activity licence specified in clause 10 (2) 3) or 4) of this Act, the alcohol must be entered in the register on the initiative of the undertaking which applies for the activity licence.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(2) The following shall be submitted to obtain an activity licence specified in clause 10 (2) 9) or 10) of this Act:

1) the application set out in clause (1) 1) of this section;

2) a copy of the activity licence specified in clause 10 (2) 7) or 8) of this Act;

3) the written consent of the organiser of the public event.

#### § 15. Refusal to issue activity licence

(1) The issue of an activity licence shall be refused if the applicant for the activity licence does not submit the relevant documents specified in § 14 of this Act or if the applicant submits inaccurate information.

(2) An issuer of activity licences who issued an activity licence which is revoked on the basis of clause 19 (1) 2) of this Act to an undertaking shall not issue any class of activity licence to the undertaking within one year after revocation of the activity licence.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

#### § 16. Duty to submit additional data

A holder of an activity licence shall give the issuer of the activity licence written notice of a change of person responsible for the activity permitted by the activity licence or of a change in his or her official title or details within five working days.

#### § 17. Amendment of activity licences

(1) An activity licence is subject to amendment:

1) on the application of the holder of the activity licence, upon any amendments to the data entered in the activity licence;

2) on the initiative of the issuer of the activity licence, upon any changes to the conditions of an activity licence.

(2) In the cases specified in subsection (1) of this section, the issuer of an activity licence shall issue a new activity licence of the same class and with the same expiry date as the activity licence to be amended for which no fee shall be charged, and the issuer of the activity licence has the right to demand submission of the relevant documents specified in subsection 14 (1) of this Act.

#### § 18. Suspension of activity licences

(1) The following are permitted to suspend activity licences in the interests of ensuring public order until the circumstances which caused suspension of the activity licences cease to exist:

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

2) county governors, throughout the corresponding county;

3) executive bodies of local governments, throughout the administrative territories thereof or with regard to particular places of business or to one place of business.

(2) If a holder of an activity licence continues to engage in the handling of alcohol as permitted on the basis of an activity licence during a period of time for which the activity licence is suspended, such handling of alcohol is deemed to be operation without an activity licence.

#### § 19. Revocation of activity licences

(1) An activity licence shall be revoked by the issuer thereof on the basis of:

1) an application by the undertaking which holds the activity licence;

2) a reasoned proposal, if the holder of the activity licence or an employee of the holder of the activity licence seriously violates the procedure for the handling of alcohol in the area of activity permitted by the activity licence and if the violation is established by a decision which is in force in the matter of a criminal offence or an administrative offence.

(2) The following are deemed to be serious violations of the procedure for the handling of alcohol:

- 1) handling of alcohol without an activity licence;
- 2) designation of alcohol with a symbol which is identical or confusingly similar to a protected trade mark without the consent of the proprietor of the trade mark;
- 3) trading in alcohol which does not have an accompanying document which conforms to requirements;
- 4) failure to comply with the requirement for non-cash settlement upon the import or export of alcohol, wholesale trade in alcohol, or wholesale acquisition of alcohol;
- 5) import and export of alcohol which shall not be imported into Estonia or of counterfeit alcohol or other alcohol which is not entered in the register, and wholesale trade and retail trade in such alcohol;
- 6) violations of the Alcohol Excise Tax Act (RT I 1995, 87, 1539; 1996, 45, 852; 87, 1544; 1997, 35, 540; 1998, 103, 1700) or the Value Added Tax Act (RT I 1993, 60, 847; 1996, 63, 1149; 76, 1344; 81, 1447; 1997, 11, 96; 40, 621; 42, 679; 48, 773 and 776; 72, 1187; 74, 1231 and 1232; 1998, 23, 321; 57, 863; 86/87, 1410; 103, 1702; 1999, 18, 302) upon the handling of alcohol;
- 7) sale of alcohol to persons less than 18 years of age.

(3) The issuer of an activity licence may revoke the activity licence:

- 1) if the holder of the activity licence submitted inaccurate information to the issuer of the activity licence upon application for the activity licence;
- 2) upon failure to comply with the provisions of § 16 of this Act;
- 3) in other cases prescribed by the law.

#### § 20. Proceedings for revocation of activity licence

(1) The issuer of an activity licence shall be given reasoned notice of all judgments which are in force in the matter of a criminal offence or an administrative offence by which the holder of an activity licence or an employee of the holder is convicted of a serious violation of the procedure for the handling of alcohol which occurred in the area of activity permitted by the activity licence.

(2) The issuer of an activity licence shall be notified of the judgment specified in subsection (1) of this section within five working days after the date of entry into force of such judgment.

(3) The official, judge or, in the event of several judges hearing the matter, the presiding judge who pronounced the judgment indicated in subsection (1) of this section is responsible for proper and timely compliance with the provisions of subsection (2) of this section.

(4) A decision concerning revocation of an activity licence shall be made within five working days after receipt of the corresponding proposal or application.

(5) The decision specified in subsection (4) of this section enters into force on the fifth day after the date on which the decision is made. The undertaking shall be given immediate written notice of the decision to revoke the activity licence.

#### § 21. General restrictions on handling of alcohol

(1) Alcohol which is produced in Estonia or imported into Estonia on the basis of an activity licence or in accordance with clause 27 (3) 3) of this Act shall be identifiable on the basis of the producer's lot code (lot number or date of production or year of production or date of minimum durability) displayed on the sales packaging.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(2) It is prohibited to handle, possess, store or distribute alcohol which shall not be imported into Estonia and to handle, possess, store or distribute counterfeit alcohol.

#### § 22. Alcohol which shall not be imported into Estonia

Alcohol which according to the label has been produced in a foreign state and which is not entered in the register is deemed to be alcohol which shall not be imported into Estonia, in the absence of the bases provided for in subsection 27 (3) of this Act.

#### § 23. Counterfeit alcohol

The following are deemed to be counterfeit alcohol:

1) alcohol designated with a symbol which is identical or confusingly similar to a protected trade mark without the consent of the proprietor of the trade mark;

2) alcohol which does not conform to the sample of the alcohol maintained in the register or to the description thereof.

#### § 24. Raw spirits

(1) Home-produced alcoholic beverages which are obtained from the distillation of a compound liquid formed by alcoholic fermentation and which contain fusel oils are deemed to be raw spirits.

(2) The handling, possession, storage and distribution of raw spirits is prohibited.

(3) The manufacture or bottling of raw spirits without the aim of distribution thereof is prohibited.

**§ 25. Measures applied with regard to alcohol which shall not be imported into Estonia, counterfeit alcohol and raw spirits**

(1) Alcohol which shall not be imported into Estonia, counterfeit alcohol and raw spirits, and means and instruments used for the production, processing or bottling thereof which are detected during supervision of the handling of alcohol are subject to seizure either with or without the imposition of punishment on persons who handled, possessed, stored or distributed the substances or objects.

(2) The provisions of subsection (1) of this section extend to persons who produce or bottle raw spirits without the aim of distribution thereof.

(3) Punishment shall not be imposed on natural persons who possess, store or distribute alcohol which shall not be imported into Estonia for their own use in less than significant quantities. A significant quantity is a quantity upon which calculated excise duty exceeds one half of the minimum monthly wage.

### **Chapter 3**

#### **General Requirements for Handling of Alcohol**

##### **§ 26. Production of alcohol**

(1) Premises and equipment used for the production of alcohol shall be in the sole use of the producer of the alcohol.

(2) Producers of alcohol shall keep records concerning raw materials, production and numerical combinations in producer's lot codes used to designate production.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(Repealed - 16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(4) The use of denaturated alcohol and synthetic spirit as raw materials for the production of alcohol is prohibited.

##### **§ 27. Import and export of alcohol**

(1) Alcohol imported or exported on the basis of an activity licence is only permitted to be conveyed into or out of the customs territory after the handler of the alcohol has, in addition to the requirements provided for in the customs rules, presented the following documents to the customs authorities:

1) the original activity licence, or a copy of the activity licence certified by the issuer thereof;

2) a certificate from the register concerning entry of the alcohol in the register.

(2) A declaration of goods concerning alcohol imported or exported on the basis of an activity licence shall set out the definition of the alcohol pursuant to clause 29 (1) 1) of this Act.

(3) Alcohol may be imported without an activity licence:

1) by an undertaking with the aim of displaying the alcohol on exhibition for up to one year, if the undertaking adheres to the requirements concerning import provided for in the Customs Act and undertakes to re-export the alcohol in an unaltered state;

2) pursuant to the procedure and in the quantities prescribed by the customs rules for travellers;

3) for submission to the register as a sample, if a declaration of conformity or a certificate of conformity identifying the sample is presented during customs control;

4) by diplomatic and consular missions of foreign states on the basis of § 56 of the Customs Act.

##### **§ 28. Settlement upon import and export of alcohol and wholesale trade in alcohol**

In the event of import or export of alcohol or wholesale trade in alcohol on the basis of an activity licence, the alcohol shall be paid for by way of a non-cash settlement from the bank account of the buyer to the bank account of the seller.

##### **§ 29. Document accompanying alcohol**

(1) Wholesale trade in 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 law, the accompanying document shall set out:

1) the definition of the goods (type or class, name, producer, producer's lot code, volume of sales packaging, and ethanol content in per cent by volume);

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

2) the number and date of the register entry of the alcohol to be sold;

3) the number of the activity licence of the wholesaler;

4) the number of the declaration of goods (only in the case of imported goods).

(2) Upon the acceptance of alcohol for sale, 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) Wholesale trade and retail trade in alcohol is permitted only on the basis of an accompanying document which conforms to requirements. An accompanying document which conforms to requirements shall be kept at the place of sale of alcohol until the end of the sale of the goods procured on the basis thereof.

(4) Undertakings are permitted to replace an accompanying document issued by the consignor with an internal accompanying document.

(5) An internal accompanying document is deemed to conform to requirements if the document contains references to the original document to the extent referred to in clauses (1) 1)-4) of this section and if the document enables identification of the goods and the lot thereof.

#### § 30. Selling price of alcohol

(1) The selling price of alcohol shall be displayed at the place of sale together with a sample of the goods or shall be set out in the menu.

(2) The selling price of alcohol shall be set out in the accompanying document in the form of a permanent entry.

(3) (Repealed - 16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

#### § 31. Prohibitions upon retail trade in alcohol

Retail trade of alcohol is prohibited:

1) to persons less than 18 years of age, in addition to which the seller is required to demand identification from the buyer if doubts concerning the age of the buyer arise and to refuse to sell alcohol if the buyer fails to present such identification;

2) to persons in an obvious state of intoxication;

3) by persons less than 18 years of age;

4) if the ethanol content of the alcohol is more than 80 per cent by volume.

#### § 32. Restrictions upon retail trade in alcohol

(1) Retail trade in alcohol is permitted only in shops, mass catering establishments and street trading and at public events, and only retail trade in alcoholic beverages with an ethanol content of up to 6 per cent by volume (inclusive) is permitted in street trading.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(2) Retail trade in alcohol removed from its packaging is permitted only in mass catering establishments and at public events, in addition to which the preparation of mixtures of alcohol is permitted only in mass catering establishments and only if a consumer has ordered such a mixture.

(3) Retail trade in spirits is permitted only in pharmacies on the basis of a prescription.

(4) Retail trade in alcohol in the premises and territory of child care institutions, medical institutions, public places of worship, social welfare institutions, penal institutions and units of the armed forces is not permitted.

#### § 33. Competence of local governments in regulation of retail trade in alcohol

(1) Local government councils have the right, within their administrative territories, to:

1) establish restrictions concerning the selection, places of sale and forms of sale in the retail trade of alcohol in addition to the provisions of § 32 of this Act;

2) restrict the time for trading in alcohol.

(2) Executive bodies of local governments have the right to:

1) determine the conditions of retail trade in alcohol with regard to one place of sale in accordance with the provisions of subsection (1) of this section;

2) refuse to issue an activity licence to a person who applies for an activity licence for retail trade in alcohol at public events, in the interests of ensuring public order.

### Chapter 4

#### Supervision and Liability

#### § 34. Authorities exercising supervision over handling of alcohol

The Tax Board, the Border Guard Administration, the Police Board, the Consumer Protection Board, the Customs Board, city governments and rural municipality governments shall exercise supervision over the handling of alcohol.

#### § 35. Rights of officials exercising supervision over handling of alcohol

Officials exercising supervision over the handling of alcohol have the right to:

1) monitor compliance with this Act without hindrances and without giving prior notice and, if necessary, to make purchases for the purpose of monitoring compliance with this Act;

- 2) enter the territory, buildings, structures and premises of handlers of alcohol, and open the means of transport of handlers of alcohol;
- 3) demand immediate presentation of documents concerning the handling of alcohol, verify the documents on site, receive copies or excerpts of the documents, and confiscate documents relevant to the just adjudication of the matter on the basis of a report on seizure;
- 4) take samples and refer such samples for analysis to an accredited laboratory appointed by the Minister of Economic Affairs;
- 5) take samples and submit such samples for comparison to the register, proprietors of trade marks, holders of rights of proprietors of trade marks, or the representatives of proprietors of trade marks or of holders of rights of proprietors of trade marks;
- 6) demand termination of an offence;
- 7) seal alcohol storage facilities and means of transporting alcohol, and to seize alcohol in the event of a violation of this Act;
- 8) conduct proceedings in criminal matters or matters concerning administrative offences in connection with failure to comply with this Act, pursuant to the procedure provided for in a specific Act;
- 9) obtain any data from the register.

**§ 36. Bases for imposition of liability**

- (1) Violation of the requirements provided for in this Act brings about criminal or administrative liability.
- (2) Criminal or administrative liability imposed on a natural person for violation of this Act does not preclude the imposition of administrative liability on a relevant legal person.

**§ 37. Administrative liability of legal person**

- (1) A fine in the amount of 50 000 kroons to 500 000 kroons shall be imposed if a legal person:
  - 1) handles alcohol without an activity licence, or
  - 2) designates alcohol with a symbol which is identical or confusingly similar to a protected trade mark without the consent of the proprietor of the trade mark, or
  - 3) trades in alcohol which does not have an accompanying document which conforms to requirements, or
  - 4) fails to comply with the requirement for non-cash settlement upon the acquisition or sale of alcohol, or
  - 5) imports or exports alcohol which shall not be imported into Estonia, or imports or exports counterfeit alcohol or other alcohol which is not entered in the register, or
  - 6) engages in wholesale trade or retail trade in alcohol which shall not be imported into Estonia, or engages in wholesale trade or retail trade in counterfeit alcohol or other alcohol which is not entered in the register, or
  - 7) possesses, stores or distributes alcohol which shall not be imported into Estonia, or possesses, stores or distributes counterfeit alcohol or other alcohol which is not entered in the register.
- (2) A fine in the amount of 5000 kroons to 50 000 kroons shall be imposed if a legal person violates this Act in a manner not specified in subsection (1) of this section.

**§ 38. Proceedings in matters of administrative offences of legal persons**

- (1) Proceedings in matters of administrative offences provided for in § 37 of this Act by legal persons, including the imposition and contestation of punishment, shall be effected pursuant to the procedure established in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1997, 66-68, 1109; 73, 1201; 81, 1361 and 1362; 86, 1459 and 1461; 87, 1466 and 1467; 93, 1561 and 1563-1565; 1998, 2, 42; 17, 265; 23, 321; 30, 410; 34, 484; 36/37, 552 and 553; 38, 562; 51, 756 and 759; 52/53, 771; 60, 951 and 952; 64/65, 1004; 86/87, 1409; 98/99, 1574; 103, 1695; 108/109, 1783; 1999, 4, 53; 10, 149 and 156; 16, 267, 271, 272, 276).
- (2) Officials of agencies specified in § 34 of this Act have the right, according to their competence, to prepare reports on administrative offences concerning administrative offences which are committed by legal persons and which are provided for in § 37 of this Act.
- (3) Matters of administrative offences which are committed by legal persons and which are provided for in § 37 of this Act shall be heard by administrative court judges.
- (4) Alcohol which was the direct object of an administrative offence shall be seized in the case of administrative offences specified in subsection 37 (1) of this Act.

**§ 39. Operations performed with confiscated and seized alcohol**

- (1) The storage of alcohol confiscated during supervision shall be organised by the Minister of Economic Affairs until the entry into force of a judgment which concerns the seizure of alcohol and which is made in the proceedings of administrative offence matters or in criminal matters.



(2) The costs of compliance with the duty specified in subsection (1) of this section shall be prescribed in the state budget as costs intended for specific purposes.

(3) As an alternative to the provisions of subsection (1) of this section, alcohol confiscated during supervision may be stored in the physical evidence storage facility of the agency whose official confiscated the alcohol or in other premises in the possession of the agency.

(4) Upon the entry into force of a judgment concerning seizure, seized alcohol shall be:

1) sold, in co-ordination with the Tax Board, through the county government of the location of the alcohol for processing for technical purposes, or

2) destroyed.

§ 40. Compensation for costs incurred in connection with storage of alcohol confiscated during supervision of handling of alcohol

Costs incurred in connection with the storage of alcohol confiscated during supervision of the handling of alcohol shall be compensated by the offender pursuant to the procedure provided for in the Code of Administrative Offences or the Code of Criminal Procedure (ENSV ÜT† 1961, 1, 4 and appendix; RT I 1998, 82-84, 1385; 111, 1834; 1999, 4, 53; 16, 271).

## Chapter 5

### Amendments to Other Acts

§ 41. The State Fees Act (RT I 1997, 80, 1344; 86, 1461; 87, 1466 and 1467; 93, 1563; 1998, 2, 47; 4, 63; 23, 321; 36/37, 552 and 553; 52/53, 771; 57, 859; 59, 941; 60, 951; 61, 979 and 985; 64/65, 1004, 1005 and 1008; 86/87, 1408; 97, 1519; 103, 1701; 108/109, 1783; 111, 1829; 1999, 16, 275) is amended as follows

1) the word "alcohol," is omitted from subsection 189 (2);

2) the words "alcohol and" are omitted from subsection 189 (3);

3) subsections (32 ) and (33 ) are added to section 183 worded as follows:

"(32) A state fee shall be paid for the issue of an activity licence for the handling of alcohol for a term of one year to three years in the following areas of activity in the following amounts:

1) production of alcohol - 110 000 kroons;

2) production of low-alcohol beverages - 65 00 kroons;

3) import of alcohol - 140 000 kroons;

4) import of low-alcohol beverages - 80 000 kroons;

5) export of alcohol - 5000 kroons;

6) wholesale trade in alcohol - 50 000 kroons;

retail trade in alcohol - 22 000 kroons;

retail trade in low-alcohol beverages - 8000 kroons.

(33) A state fee shall be paid for the issue of an activity licence for the handling of alcohol for a term of up to one year in the following areas of activity in the following amounts:

1) production of alcohol - 40 000 kroons;

2) production of low-alcohol beverages - 25 000 kroons;

3) import of alcohol - 50 000 kroons;

4) import of low-alcohol beverages - 30 000 kroons;

5) export of alcohol - 2000 kroons;

6) wholesale trade in alcohol - 20 000 kroons;

7) retail trade in alcohol - 8000 kroons;

8) retail trade in low-alcohol beverages - 3000 kroons;

9) retail trade in alcohol at public events - 500 kroons;

10) retail trade in low-alcohol beverages at public events - 500 kroons. "

§ 42. The Alcohol Excise Duty Act (RT I 1995, 87, 1539; 1996, 45, 852; 87, 1544; 1997, 35, 540; 1998, 103, 1700) is amended as follows:

1) the words "belong to a legal person registered in a foreign state and" are omitted from clause 6 7);

2) clause 6 8) is amended and worded as follows:

"8) alcohol submitted to the State Register of Alcohol as a sample, if a declaration of conformity or a certificate of conformity identifying the sample is presented during customs control; ";

3) Clause 10) is added to § 6 worded as follows:

"10) seized alcohol sold for processing pursuant to the established procedure. "

§ 43. The Consumer Protection Act (RT I 1994, 2, 13; 1995, 20, 297; 1996, 49, 953; 1997, 93, 1561; 1999, 10, 156) is amended as follows:

- 1) the word "alcohol," is omitted from the first sentence of subsection 11 (3);
- 2) the word "alcohol," is omitted from the heading of § 171 ;
- 3) subsection 171 (1) is repealed;
- 4) the words "(1) and" are omitted from subsection 171 (3);
- 5) the words "(1) and" and the word "alcohol," are omitted from subsection 171 (4);
- 6) subsection 18 (5) is amended and worded as follows:  
“(5) Criminal or administrative liability imposed on a natural person for violation of this Act does not preclude the imposition of administrative liability on a relevant legal person. ”;
- 7) the word "alcohol" in the appropriate case form is omitted from the heading and text of § 181 .

## Chapter 6

### Implementing Provisions

#### § 44. Implementation of Act

(1) Activity licences which were issued prior to the entry into force of this Act pursuant to the procedure established by the Government of the Republic for the production, import, or export of alcohol or for wholesale trade or retail trade in alcohol and which expire on or before 1 January 2000 are valid until the due date specified therein.

(2) Pursuant to the procedure established by the Government of the Republic, a holder of an activity licence which was issued prior to the entry into force of this Act for the production, import or export of alcohol or for wholesale trade or retail trade in alcohol and which is not specified in subsection (1) of this section shall be granted the corresponding class of activity licence provided for in subsection 10 (2) of this Act by an issuer of activity licences specified in subsection 13 (1) or (2) of this Act with the same term of validity as the activity licence which was issued prior to the entry into force of this Act, taking into account the prohibitions and restrictions established by this Act and subject to a fee which is reduced by the size of the fee paid for the activity licence which was issued prior to the entry into force of this Act.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(3) Issuers of activity licences shall, not later than by 15 May 1999, submit data to the register concerning the activity licences specified in subsections (1) and (2) of this section which were issued by them prior to the entry into force of this Act.

(4) Producers or importers of alcohol which was produced in Estonia or imported into Estonia pursuant to legislation in force prior to the entry into force of this Act and which is in circulation upon the entry into force of this Act shall apply for entry of the alcohol in the register; the requirement for a notation made by a customs official provided for in clause 5 3) of this Act does not apply in the case of imported alcohol.

(5) Spirits and alcoholic beverages which were produced in Estonia or imported into Estonia pursuant to legislation in force prior to the entry into force of this Act and which are not entered in the register may be in circulation until 1 January 2000; the provisions of clause 29 (1) 2) of this Act do not apply. Upon retail trade in such alcohol, the prohibitions and restrictions established by this Act shall be taken into account.

(16.06.99 entered into force 19.07.99 - RT I 1999, 58, 610)

(6) A fine which is imposed according to § 37 of this Act and on the basis of a report on an administrative offence prepared by an official of a city or rural municipality government shall be paid into the budget of the corresponding local government.

#### § 45. Entry into force of Act

(1) This Act enters into force on 15 April 1999, taking account of the specifications provided for in § 44 of this Act and in subsection (2) of this section.

(2) The provisions delegating authority for the passing of regulations by the Government of the Republic or the Minister of Economic Affairs which are contained in this Act enter into force on the date following the date of publication of this Act in the Riigi Teataja; regulations passed on the basis of the provisions delegating authority do not enter into force before 15 April 1999.