

## **Alcohol Act**

Passed 19 December 2001

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

entered into force 1 September 2002,

amended by the following Acts:

26.11.2009 entered into force 01.01.2010 - [RT I 2009, 62, 405](#);

19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#);

06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#);

19.06.2008 entered into force 01.01.2009 - [RT I 2008, 35, 213](#);

19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#);

31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#);

14.02.2007 entered into force 01.07.2007 - [RT I 2007, 22, 114](#);

24.01.2007 entered into force 15.03.2007 - [RT I 2007, 13, 69](#);

24.01.2007 entered into force 01.01.2008 - [RT I 2007, 12, 66](#);

21.12.2006 entered into force 01.09.2007 - [RT I 2007, 4, 19](#);

07.12.2006 entered into force 01.01.2007 - [RT I 2006, 58, 439](#);

01.06.2006 entered into force 01.07.2006, partially 01.01.2007 - [RT I 2006, 28, 211](#);

20.04.2006 entered into force 01.06.2006 - [RT I 2006, 21, 162](#);

13.04.2005 entered into force 01.11.2005 - [RT I 2005, 24, 181](#);

08.12.2004 entered into force 02.01.2005 - [RT I 2004, 88, 600](#);

19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317;

10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131;

11.02.2004 entered into force 15.04.2004 - RT I 2004, 13, 86;

17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591;

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

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

## Chapter 1

### General Provisions

#### § 1. Scope of application of Act

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

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

(3) This Act does not apply to:

1) medicinal products within the meaning of the Medicinal Products Act which contain ethanol;

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

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

3) alcohol exempt from excise duty pursuant to clauses 27 (1) 1), 1<sup>1</sup>) and 9)–18) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act;

(06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

4) alcoholic beverages delivered into Estonia by travellers in baggage with which the travellers are travelling for use for non-commercial purposes;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

5) alcoholic beverages sent to natural persons who are at least 18 years of age from foreign states for use in Estonia for non-commercial purposes, or alcoholic beverages which natural persons send to foreign states for non-commercial purposes;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

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

7) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17; 06.11.2008 entered into 01.01.2009 - [RT I 2008, 49, 272](#))

(3<sup>1</sup>) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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 or 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.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

(5) In this Act, the definitions of “European Community”, “Member State” and “third country” provided in § 1<sup>1</sup> of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act apply.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

(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).

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(7) For the purposes of this Act, conveyance to Estonia shall mean the release into 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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(8) In this Act, the definition of “release for consumption of alcohol” provided in § 4<sup>1</sup> of the

Alcohol, Tobacco, Fuel and Electricity Excise Duty Act applies.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

## § 2. Alcohol

- (1) “Alcohol” means a food group consisting of spirit and alcoholic beverages.
- (2) “Spirit” means a liquid which is obtained by the fermentation and subsequent processing of raw materials of agricultural origin with an ethanol content of at least 96 per cent by volume.
- (3) “Alcoholic beverage” means beer with an ethanol content of more than 0.5 per cent by volume and other liquids intended for human consumption with an ethanol content of more than 1.2 per cent by volume.
- (4) “Beer” means a beverage which is manufactured from malt, or malt and adjuncts, and from hops and water by fermentation using yeast and which may be pasteurised.
- (5) “Strong alcoholic beverage” means an alcoholic beverage with an ethanol content of more than 22 per cent by volume.
- (6) “Low-alcohol beverage” means an alcoholic beverage with an ethanol content of up to 22 per cent by volume (inclusive).
- (7) “Alcoholic beverage with low ethanol content” means an alcoholic beverage with an ethanol content of up to 6 per cent by volume (inclusive).
- (8) “Ethanol content” means the strength of alcohol in per cent by volume which expresses the ratio of the volume of ethyl alcohol measured at 20 °C to the total volume of alcohol at the same temperature.

## § 3. Handling of alcohol

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

- 1) manufacturing, processing and bottling or packaging (hereinafter production);
- 2) import within the meaning of § 10 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act (hereinafter import);

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17; 06.11.2008 entered into force

01.01.2009 - [RT I 2008, 49, 272](#))

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

(04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17, 06.11.2008 entered into force

01.01.2009 - [RT I 2008, 49, 272](#))

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 trade);

(11.02.2004 entered into force 15.04.2004 - RT I 2004, 13, 86)

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

6) possession, storage or distribution for commercial purposes.

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

(3) It is prohibited to possess or store alcohol on the sales premises of an undertaking or agency 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 notation concerning the corresponding right of sale of alcohol in the registration of the register of economic activities concerning its place of business.

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

(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.

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

## 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;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

3) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

6) be revenue stamped in the cases provided for in the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

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

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

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

(4) If an undertaking importing 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 importing the alcoholic beverage may do so if the following conditions are complied with:

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

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

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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.

(01.06.2006 entered into force 01.07.2006 - [RT I 2006, 28, 211](#))

(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 a third country.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

## Division 2

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

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

(1) 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 entered in the commercial register and registered in the register of economic activities in the area of activity of retail trade, wholesale trade or catering, who holds a registration in the register of economic activities concerning the corresponding alcohol, may import or convey alcohol which is not entered in the state register of alcohol to Estonia from another Member State if it is:

1) a product sample which is to be submitted for research to an Estonian laboratory approved to perform the relevant analyses;

2) alcohol not packaged in consumer packaging which are sealed in any container and which 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 register entries.

(3) An undertaking entered in the commercial register and registered in the register of economic activities in the area of activity of retail trade, wholesale trade or catering, who holds a registration in the register of economic activities concerning the corresponding alcohol, may receive an alcoholic beverage not entered in the state register of alcohol from a foreign undertaking and deliver such alcoholic beverage to a foreign undertaking for examination and, if necessary, presentation of the beverage to third persons whereas the total weight of the consignment of goods and transport packaging thereof shall not exceed 20 kg.

(4) An undertaking may, pursuant to subsections (2) and (3) of this section, import, receive or hand over alcohol specified in subsections 2 (2) and (4)-(7) of this Act concerning which the undertaking holds a registration in the register of economic activities.

(5) An undertaking may import or export alcohol pursuant to subsections (2) and (3) of this section only if the undertaking holds a registration in the register of economic activities which indicates the respective right to import or export alcohol.

(6) Alcohol which has not been entered in the state register of alcohol which has been imported or conveyed to Estonia from another Member State pursuant to subsections (2) and (3) 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 of and wholesale trade in alcoholic beverages produced in accordance with the provisions of subsection 35 (1) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act is prohibited. Retail trade in such alcoholic beverages is permitted only for the producers of such alcoholic beverages.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(1) It is prohibited to handle:

- 1) alcohol which does not conform to the requirements provided for in subsection 4 (1) of this Act;
  - 2) alcohol permitted to be handled to a restricted extent in violation of the requirements which restrict the handling of such alcohol;
  - 3) spirit the packaging of which is identical or confusingly similar to the consumer packaging of an alcoholic beverage;
  - 4) alcoholic beverages, in consumer packaging, the ethanol content of which exceeds 80 per cent by volume;
  - 5) fusel.
  - 6) (Repealed - 19.11.2009 entered into force 20.12.2009 – RT I 2009, 59, 387)
  - (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 - 19.11.2009 entered into force 20.12.2009 – RT I 2009, 59, 387)
  - (4) Undertakings shall ensure that there is no alcohol which is not permitted to be handled anywhere on the premises or in the territories of their enterprises regardless of the ownership of such alcohol or the purpose of possession or storage of such alcohol.
  - (5) A quantity of alcohol which is not permitted to be handled is deemed to be large if the excise duty calculated on the quantity of such alcohol exceeds the excise duty rate specified in subsection 46 (6) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act by ten times or more.
- (04.12.2002 entered into force 01.04.2003 - RT I 2003, 2, 17; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))
- (6) It is prohibited to own or possess an appliance for the distillation of fusel; the local police prefecture 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 or with the consent of the local police prefecture in a collection of a private museum. A police authority has the right to refuse to grant consent if this would bring along a significant risk of illegal handling of alcohol.
- (26.11.2009 entered into force 01.01.2010 - [RT I 2009, 62, 405](#))

### Division 3

#### State Register of Alcohol

## § 8. General principles of operation of state register of alcohol

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

1) entry, in cases provided by this Act, of alcohol in the register of alcohol (making of register entry);

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

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

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

(2) The register of alcohol shall be established, the statutes for maintenance thereof shall be approved and the authorised processor of the register shall be appointed by the Government of the Republic pursuant to the procedure provided for in the Public Information Act.

(24.01.2007 entered into force 01.01.2008 - [RT I 2007, 12, 66](#))

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(2) An applicant specified in subsection (1) of this section shall hold an excise warehouse activity licence provided for in § 38 of the Alcohol, Tobacco, 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.

(06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(4) An applicant specified in subsections (2<sup>1</sup>), (2<sup>2</sup>), (2<sup>3</sup>) and (3) of this section shall hold a valid registration in the register of economic activities.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131; 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(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.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 07.12.2006 entered into force 01.01.2007 - [RT I 2006, 58, 439](#))

(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.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

## § 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;

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

- 2) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

- 3) the test protocol issued by an approved laboratory;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

- 4) samples or colour photos of labels used on the consumer packaging of the alcoholic beverage;

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

- 5) the original copy of the customs declaration concerning the import of the product sample accepted by the customs authorities and a notation must be made in the customs declaration indicating that the given product sample shall be submitted for the making of a register entry (in the case of imported alcoholic beverages);

- 6) the accompanying documents provided by § 45 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act for Community alcohol conveyed to Estonia;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

- 7) the written permission of the producer of the alcoholic beverage to specify or improve in any other manner the labelling on the consumer packaging of the alcoholic beverage provided by the producer (for alcoholic beverages in consumer packaging with additional labelling).

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

- (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 - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

- 2) the test protocol issued by an approved laboratory;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

3) the customs declaration for imported alcohol;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

4) the accompanying documents provided by § 45 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act for Community alcohol conveyed to Estonia.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

(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 (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).

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(3) Besides material which is subject to compulsory submission, an applicant may submit other documents and samples to the authorised processor of the register of alcohol if such documents or samples may prove necessary upon the review of the application or facilitate the exercise of supervision.

(4) The original copy of a document 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.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

## § 11. Making of register entry

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

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

register entry:

- 1) request more specific information concerning the written or oral information submitted by an applicant and make enquiries to verify the correctness of the submitted information;
- 2) request from the applicant a translation into Estonian of a labelling in a foreign language on a product sample submitted by the applicant or of a document in a foreign language submitted by the applicant.
- (3) Entry of alcohol in the register of alcohol is certified by a certificate which shall be issued by the authorised processor of the register of alcohol to the undertaking which applied for the alcohol to be entered in the register of alcohol immediately after the register entry is made.
- (4) Upon application for the making of a register entry, the applicant for the making of the register entry shall be responsible for the correctness of the information submitted by the applicant.

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

- (1) The authorised processor of the register of alcohol shall refuse to enter alcohol in the register of alcohol if:
    - 1) in the case of alcohol produced in Estonia, an applicant does not hold a valid excise warehouse activity licence or if the alcohol is produced in an enterprise which is not approved within the meaning of the Food Act and the requirement specified in subsection 63 (1) of the Food Act does not apply;
    - 2) in the case of alcohol conveyed to Estonia, an applicant does not hold a valid registration in the register of economic activities;
- (10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)
- 3) an applicant fails to submit the documents specified in subsections 10 (1) and (2) of this Act or other materials;
  - 4) an applicant applies for alcohol which does not meet the requirements established for alcohol permitted to be handled to be entered in the register of alcohol;
  - 5) an applicant submits a product sample which is clearly deformed or damaged;
  - 6) an applicant submits falsified or fictitious documents or if submitted documents do not comply with the requirements or cannot be used to identify the given product sample;
  - 7) an applicant fails to comply with the request of the authorised processor of the register of alcohol to supply a translation specified in clause 11 (2) 2) of this Act;

8) an applicant has not paid the state fee.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

(3)-(4) (Repealed - 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

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

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

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

(2) (Repealed - 19.11.2009 entered into force 20.12.2009 – RT I 2009, 59, 387)

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

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))



(5) Product samples submitted in the cases specified in subsections (3) and (4) of this section shall be returned to undertakings which submitted the product samples when preservation thereof is no longer necessary. A product sample shall be returned on the initiative of either the undertaking which submitted the product sample or the authorised processor of the register of alcohol. The opinion of one or several supervisory agencies concerning the need for further preservation of a product sample may be obtained. If the provisions of subsection (4) of this section apply to a product sample, it is mandatory to obtain the opinion of the supervisory agency on whose proposal the product sample was obtained for preservation. A report shall be prepared concerning the return of a product sample.

(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 is prepared concerning the destruction of the product sample and the person who submitted the product sample shall be informed of the destruction.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(7) The undertaking who submitted a product sample destroyed pursuant to subsection (6) of this section is required to submit a new sample during the term 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 term specified for the submission of a new product sample shall be at least thirty working days.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131; 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

### § 13<sup>1</sup>. Term of validity of registry entry

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

(2) A registry entry made on application of an undertaking shall be renewed by a period of five years if the undertaking submits an application to this effect to the authorised processor of the register of alcohol at least thirty days before the expiry of the term specified in subsection (1) of this section. A state fee shall be paid for review of an application for renewal of registry entry pursuant to the rate provided for in the State Fees Act.

(07.12.2006 entered into force 01.01.2007 - [RT I 2006, 58, 439](#))

(3) If, as a result of expiry of a registry entry concerning alcohol, the entry becomes invalid, the requirements provided in subsections 14 (3)–(6) of this Act apply to the alcohol.

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

#### § 14. Invalidation of register entries

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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;

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

3) an undertaking submitted inaccurate information when applying for alcohol to be entered in the register of alcohol;

4) alcohol entered in the register of alcohol does not meet the requirements established for alcohol permitted to be handled.

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

(3) Unless otherwise provided by law, a court judgment or court ruling or the 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 is made. Upon expiry of the above-mentioned term, alcohol the register entry of which has been invalidated shall be deemed to be alcohol which is not permitted to be handled, taking account of the provisions of subsection (4) of this section.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

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

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

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

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

- 1) in same wrapping together with another alcoholic beverage or product other than alcoholic beverage;
- 2) in grouped packaging.

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

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

- 1) data concerning alcohol entered in the register of alcohol;
- 2) information concerning expired or invalidated register entries;

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

3) (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

1) (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

2) the date of the register entry;

3) type;

4) name;

5) producer;

6) the country of location of the producer;

7) the applicant;

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

9) ethanol content;

10) comments concerning consumer packaging, where necessary.

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

(4) (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

## 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.

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(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.

(10.03.2004 entered into force 01.01.2005 - RT I 2004, 18, 131)

#### § 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 imported alcohol has been entered in the state register of alcohol on the application of the importer.

(19.05.2004 entered into force 01.01.2005 - RT I 2004, 45, 317)

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

1) a definition of the alcohol pursuant to clause 21 (1) 1) of this Act;

2) the number of the registration in the register of economic activities concerning the person who imports alcohol.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(1) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(2) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

(3) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

- 1) a definition of the alcohol pursuant to clause 21 (1) 1) of this Act;
- 2) the number of the registration in the register of economic activities concerning the person who imports alcohol.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

#### § 21. Document accompanying alcohol

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

- 1) the definition of alcohol (type, name, producer, capacity of sales packaging, ethanol content, producer's lot code and if lot number and year of production are used simultaneously, both must be indicated);
- 2) the number of the register entry concerning the alcohol handled if the alcohol is entered in the state register of alcohol;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

3) the number of the registration in the register of economic activities concerning the undertaking carrying out the wholesale trade in alcohol or exporting the alcohol;

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

4) the number of the customs declaration or accompanying documents provided by § 45 of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act (for alcohol conveyed to Estonia).

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

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

(3) Retail trade in an alcoholic beverage is permitted only if there is an accompanying document concerning the alcoholic beverage which meets the requirements provided for in subsection (1) of this section.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131; 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

(4) An accompanying document which conforms to requirements shall be submitted to an official exercising supervision immediately at the request of the official, except in cases where submission of the accompanying document at the moment of inspection is impossible due to other obligations imposed on the undertaking by law.

§ 22. (Repealed - 31.01.2008 entered into force 15.05.2008 – RT I 2008, 8, 58)

## Division 5

### Import of, and Wholesale and Retail Trade in Alcohol

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

(1) Undertakings entered in the commercial register and registered for operation in the area of activity of wholesale trade in the register of economic activities (hereinafter register) whose registration in the register includes a notation concerning the corresponding alcohol have the right to carry out wholesale trade in alcohol.

(2) Undertakings entered in the commercial register and registered for operation in the area of activity of wholesale trade in the register whose registration in the register includes a notation concerning the import or export of spirit have the right to import or export spirit.

(3) Undertakings entered in the commercial register and registered for operation in the area of activity of retail or wholesale trade or catering in the register whose registration in the register

includes a notation concerning the import or export of alcoholic beverages have the right to import or export alcoholic beverages.

(4) An undertaking may carry out wholesale trade in, import or export only such alcohol specified in subsections 2 (2) and (4) – (7) of this Act concerning which a notation has been made in the undertaking's registration in the register.

(5) The provisions of this section do not apply in cases where alcohol is handled in the course of enforcement proceedings.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

#### § 24. Registration application

An undertaking which wishes to carry out wholesale trade in, import or export of alcohol shall submit an application for making a notation provided for in subsections 23 (1) - (3) of this Act in the registration in the register which shall, in addition to the information provided for in the Register of Economic Activities Act and the Trade Act, set out at least the following:

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

1) specific data concerning the activity (import of alcohol, wholesale trade in alcohol or export of alcohol);

2) the definition of the handled alcohol pursuant to the provisions of subsections 2 (2) and (4)-(7) of this Act.

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

#### § 25. Registration proceedings

The provisions of the Trade Act and the Register of Economic Activities Act (RT I 2004, 12, 79) apply to the registration procedure with the specifications arising from this Act.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 26. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 27. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)



§ 28. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 29. Place of business specified in registration

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

(2) (Repealed - 31.01.2008 entered into force 15.05.2008 – RT I 2008, 8, 58)

(3) The provisions of subsection (1) of this section do not apply to wholesale trade in alcohol:

1) at the place of business of the person who further handles the alcohol if alcohol is sold thereto;

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

2) upon export of alcohol.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

Division 6

Retail Trade in Alcohol

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

Subdivision 1

Retail Trade in Alcohol Based on Registration

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 30. Right of retail trade in alcoholic beverages

(1) The following agencies and persons holding a registration in the register which indicates the right to carry out retail trade in alcohol have the right to engage in the retail trade of alcohol:

(13.04.2005 entered into force 01.11.2005 - [RT I 2005, 24, 181](#))

1) undertakings entered in the commercial register;

2) sole proprietors who are not entered in the commercial register, if they engage only in retail trade of alcoholic beverages produced by them under the conditions provided for in subsection 35

(1) of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act.

(06.11.2008 entered into force 01.01.2009 - [RT I 2008, 49, 272](#))

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

(2) The provisions of subsection (1) of this section do not apply to retail trade in alcoholic beverages carried out in the course of enforcement proceedings.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

### § 31. Registration application

An undertaking or agency which wishes to carry out retail trade in alcoholic beverages and the accompanying import or export shall submit an application for making a notation concerning retail trade in alcoholic beverages in the registration in the register or a notation provided for in subsections 23 (1) - (3) of this Act in the registration in the register which shall, in addition to the information provided for in the Register of Economic Activities Act and the Trade Act, set out at least the following:

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

1) specific data concerning the activity (retail trade in alcoholic beverages, the accompanying import, export);

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

2) the definition of the handled alcoholic beverage pursuant to the provisions of subsections 2 (4)-(7) of this Act.

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

### § 32. Registration proceedings

(1) The provisions of the Trade Act and the Register of Economic Activities Act apply to the registration procedure together with the specifications arising from this Act.

(2) In addition to the cases provided by the Trade Act and the Register of Economic Activities Act, grant of the right to engage in the retail trade in alcohol shall be refused if the person wished to carry out retail trade in alcohol

- 1) at places of business or under conditions prohibited by legislation;
- 2) in a place of business where the right of retail trade in alcoholic beverages granted to the person earlier has been revoked on the grounds specified in subsection (4) of this section and less than six months have passed since the date of entry into force of the decision revoking the said right.
- (3) In the interests of ensuring public order, a person who wishes to engage in retail trade in alcoholic beverages at a public event may be denied the right to trade in any alcoholic beverages or in alcoholic beverages with a certain ethanol content or in alcoholic beverages of a certain type.
- (4) In addition to the cases provided by the Trade Act and the Register of Economic Activities Act, the notation in a registration concerning the right to carry out the retail trade in alcohol may be deleted if any of the following occur:
  - 1) retail trade in alcoholic beverages at a time when the right of retail trade in alcoholic beverages was suspended;
  - 2) retail trade in alcohol which is not permitted to be handled;
  - 3) possession or storage of alcohol which is not permitted to be handled in the place of business regardless of the ownership of the alcohol and the purpose of possession or storage of such alcohol;
  - 4) sale of alcoholic beverages to minors;
  - 5) failure to comply with the special requirements arising from the provisions of § 42 of this Act.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 33. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 34. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 35. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

- (1) In the interests of ensuring public order, the right of retail trade in alcoholic beverages may

be suspended until circumstances which cause the suspension cease to exist:

- 1) by the Government of the Republic, throughout the state;
- 2) by county governors, throughout the corresponding county;
- 3) by rural municipality and city governments, throughout the administrative territories thereof or with regard to particular places of business or to one place of business.

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

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 37. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 38. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 39. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

## Subdivision 2

### Requirements for Retail Trade in Alcoholic Beverages

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

(1) Retail trade in alcoholic beverages is permitted:

- 1) in shops;
- 2) in catering establishments;
- 2<sup>1</sup>) outside the place of business of an undertaking if an undertaking operating in the area of activity of catering sells alcoholic beverages in the course of catering;

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

- 3) in accommodation establishments;
- 4) on the premises and in the territories of performing arts institutions, community centres and museums;
- 5) on board watercraft and aircraft used to provide passenger services;
- 6) in restaurant cars of passenger trains;
- 7) in mobile shops;
- 8) at public events;
- 9) in sales premises located on the premises or in the territories of vocational educational institutions used for the practical training of students pursuant to the curricula of the said educational institutions;
- 10) on the premises and in the territories of primary schools, basic schools, upper secondary schools and vocational educational institutions if an event for adults takes place on such premises while the educational institution is not operating;
- 11) in the course of enforcement proceedings;
- 12) through shops and caterers belonging to an undertaking by e-commerce if the registration in the register includes a notation concerning the corresponding alcoholic beverage specified in subsections 2 (4)-(7) of this Act.

(31.01.2008 entered into force 15.05.2008 - [RT I 2008, 8, 58](#))

(1<sup>1</sup>) Retail trade in 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 water craft or aircraft used for international carriage of passengers.

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

(2) Retail trade in 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.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

(3) The preparation of a mixture of alcohol (a drink consisting of two or more components at least one of which is an alcoholic beverage) is permitted in places of business where retail trade in alcoholic beverages for consumption on the premises is carried out if a consumer orders such a mixture.

§ 41. Prohibitions upon retail trade in alcoholic beverages

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

2) health care providers;

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

3) social welfare institutions;

4) custodial institutions;

5) the Defence Forces.

(19.06.2008 entered into force 01.01.2009 - [RT I 2008, 35, 213](#))

(2) Retail trade in alcoholic beverages is prohibited:

1) in excise warehouses;

2) in motor vehicles used to provide passengers services;

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

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

(3) Retail trade in alcoholic beverages 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.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

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

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

2) (Repealed - 19.06.2008 entered into force 14.07.2008 – RT I 2008, 30, 190)

(2) Rural municipality and city governments may, upon making notations concerning the retail trade in alcoholic beverages, establish conditions on the retail trade of alcoholic beverages based on the provisions of subsection (1) of this section.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

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

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

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

1) the type and name of an alcoholic beverage;

2) (Repealed - 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

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

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

- (1) It is prohibited to sell alcoholic beverages to intoxicated persons.
- (2) A seller shall not knowingly serve any persons who buy alcoholic beverages for the purpose of offering or handing the alcoholic beverages over to intoxicated persons.
- (3) On sales premises where retail trade in alcoholic beverages is carried out for consumption on the premises, the seller has the right not to serve any persons who consume alcoholic beverages obtained outside the sales premises and has the right to request that such persons leave.

### Chapter 3

#### Restrictions on Consumption of Alcoholic Beverages

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

Minors shall not consume alcoholic beverages.

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

- (1) Minors shall not own or possess alcoholic beverages.
- (2) It is prohibited to offer, transfer alcoholic beverages or hand alcoholic beverages over 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 alcoholic beverages over if the recipient fails 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 transfer 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 directly into the possession of the minor.

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

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

Consumption of alcoholic beverages in public places is permitted:

- 1) in places where retail trade in alcoholic beverages is carried out for consumption on the premises, if the alcoholic beverages are obtained in the said place of sale;
- 2) in the cases prescribed in legislation issued by local government councils.

### Chapter 4

#### Supervision

#### § 49. Supervisory authorities

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

- 1) officials of the Tax and Customs Board;

(17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

- 2) (Repealed - 26.11.2009 entered into force 01.01.2010 – RT I 2009, 62, 405)
- 3) police officers (except security police officers);
- 4) officials of consumer protection authorities;
- 5) (Repealed - 14.02.2007 entered into force 01.07.2007 – RT I 2007, 22, 114)
- 6) (Repealed - 17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)
- 7) officials of the Veterinary and Food Board;
- 8) officials of a rural municipality or city government.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

- (2) The Veterinary and Food Board shall exercise supervision over compliance with the

requirements for the definition, description and presentation for sale of alcohol.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317; 01.06.2006 entered into force 01.01.2007 - [RT I 2006, 28, 211](#))

(3) – (4) (Repealed - 01.06.2006 entered into force 01.01.2007 - [RT I 2006, 28, 211](#))

## § 50. Rights of persons exercising supervision

(1) A person exercising supervision has the right to:

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

- 1) monitor compliance with this Act without hindrances and without giving prior notice;
- 2) enter the territory, buildings, structures and premises of a handler of alcohol, and open the means of transport of a handler of alcohol in the presence of the handler or a representative thereof;
- 3) demand immediate presentation of documents concerning the handling of alcohol and the provision of explanations, receive excerpts from and copies of all relevant documents presented to him or her, verify received information on site, take notes and, with the knowledge of the handler of alcohol or a representative thereof, use equipment to record the facts;
- 4) take samples for laboratory analysis and refer such samples for analysis to a laboratory approved to perform the relevant analyses;
- 5) take samples and submit such samples for comparison to the authorised processor of the state register of alcohol or to persons whose intellectual property rights may be infringed by the handling of such alcohol or to holders of the rights or representatives of such persons;

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

- 6) by its precept, demand termination of an offence and that acts be performed for the prevention of future offences;

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

- 7) seal storage facilities of alcohol which is or may be subject to confiscation;
- 8) if alcohol which is or may be subject to confiscation is discovered in a motor vehicle or a trailer attached to a motor vehicle, direct the motor vehicle to the nearest location where the confiscated alcohol can be stored in order to unload the alcohol transported in the vehicle or trailer;
- 9) obtain, for official purposes, any data from the state register of alcohol and the register of economic activities;

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131; 19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

10) make a reasoned proposal to the rural municipality or city government to delete a notation made in a registration concerning the right of retail trade in alcoholic beverages and to receive a reasoned response to such proposal.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(2) Upon failure to comply with a precept specified in clause (1) 6) of this section, a coercive measure may be imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 50 000 kroons.

(19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

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

(1) A police authority may, in the interests of ensuring public order, make a reasoned proposal to:

- 1) the county governor or the rural municipality or city government to suspend the right of retail trade in alcoholic beverages pursuant to the provisions of clauses 36 (1) 2) and 3) of this Act;
- 2) a rural municipality or city government to refuse grant of the right of retail trade in any alcoholic beverages or in alcoholic beverages with a certain ethanol content or in alcoholic beverages of a certain type at a public event.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(2) An appropriate official shall give notice of acceptance or rejection of a proposal specified in subsection (1) of this section to the police authority which submitted the proposal.

(26.11.2009 entered into force 01.01.2010 - [RT I 2009, 62, 405](#))

#### § 52. Storage of confiscated alcohol

(1) Alcohol which is or may be subject to confiscation shall be stored in the physical evidence storage facility of the agency of the official who confiscated the alcohol or in other premises in possession of the agency until further disposal of the alcohol is decided.

(2) If it is not possible to store the amount of confiscated alcohol in the physical evidence storage facility of the agency of the official who confiscated the alcohol or in other premises in

possession of the agency, confiscated alcohol shall be deposited into storage with liability in an excise warehouse, a customs warehouse or a customs terminal regardless of which agency employs the official who confiscated the alcohol.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

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

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

## 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 or the possession, storage or distribution of such alcohol for commercial purposes is punishable by a fine of up to 300 fine units or by detention.

(24.01.2007 entered into force 15.03.2007 - [RT I 2007, 13, 69](#))

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

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

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387; 19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

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

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

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

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387; 19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

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

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

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

(3) An extra-judicial body specified in clauses 73 (2) 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.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387; 19.06.2008 entered into force 14.07.2008 - [RT I 2008, 30, 190](#))

§ 56. Failure to submit product samples 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 proposal of a supervisory authority is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 25 000 kroons.

(19.11.2009 entered into force 20.12.2009 - [RT I 2009, 59, 387](#))

§ 57. (Repealed - 10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 58. Absence of accompanying document

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Failure to disclose information concerning the selling price of alcoholic beverages or

disclosure of such information which does meet the requirements upon retail trade in alcoholic beverages is punishable by a fine of up to 100 fine units.

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

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

(1) The 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 30 000 kroons.

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

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

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

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

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

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

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

(1) Violation of the age limit upon the handling of alcoholic beverages is punishable by a fine of up to 300 fine units.

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

kroons.

(08.12.2004 entered into force 02.01.2005 - [RT I 2004, 88, 600](#))

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

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

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

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

The purchase of alcoholic beverages for a minor or an intoxicated person is punishable by a fine of up to 300 fine units.

(08.12.2004 entered into force 02.01.2005 - [RT I 2004, 88, 600](#))

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

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

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

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

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

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

#### § 73. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour



Procedure apply to misdemeanours provided for in §§ 53-72 of this Act.

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

1) the Tax and Customs Board;

(17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

2)-3<sup>1</sup>) (Repealed - 26.11.2009 entered into force 01.01.2010 - [RT I 2009, 62, 405](#))

4) police authority;

(26.11.2009 entered into force 01.01.2010 - [RT I 2009, 62, 405](#))

5) the Consumer Protection Board;

6) (Repealed - 14.02.2007 entered into force 01.07.2007 – RT I 2007, 22, 114)

7) (Repealed - 17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

8) the Veterinary and Food Board;

9) a rural municipality or city government.

(3) (Repealed - 01.06.2006 entered into force 01.01.2007 – RT I 2006, 28, 211)

#### § 74. Accrual of fines

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

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

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

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

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

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

the quantity of alcohol transferred and the person who acquired the alcohol.

(17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

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

(17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

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

## Chapter 6

### Implementation of Act

#### § 76. Transitional provisions

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

(10.03.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

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

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

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

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

than four months as of entry into force of this Act.

§ 76<sup>1</sup>. Invalidity of registry entries in State Register of Alcohol

(1) The registry entries made in the State Register of Alcohol before 1 June 2004 become invalid on 1 June 2009.

(2) The validity of registry entries which become invalid on the basis of subsection (1) of this section may be renewed pursuant to the procedure provided in subsection 131 (3) of this Act.

(19.05.2004 entered into force 27.05.2004 - RT I 2004, 45, 317)

§ 77 (omitted from this text)

§ 78. Entry into force of Act

This Act enters into force concurrently with the Penal Code.

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

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