

# **Decree of the Ministry of Social Affairs and Health**

## **amending the Decree of the Ministry of Social Affairs and Health on the enforcement of the Alcohol Act**

In accordance with the decision of the Ministry of Social Affairs and Health, Sections 3.5, 6-8 and 9(1), introductory sentence, (2), introductory sentence and (3) of the Decree on the Enforcement of the Alcohol Act (158/2018) *are amended*; and a new section 5a is *added* to the Decree, as follows:

### **Section 3**

#### *General content of the self-monitoring plan for the serving of alcoholic beverages*

The self-monitoring plan for serving alcoholic beverages shall contain:

- 1) a description of how the alcoholic beverages are stored and of the storage facilities;
- 2) a description of the concept of the licensed establishment and, where appropriate, the monitoring priorities and risks associated with it and the location of the licensed establishment;
- 3) a description of the duties of the licensee's representative assigned by the licensee and a plan on the number of staff and duties for monitoring compliance with the prohibitions and obligations laid down in Sections 35, 37 and 38 of the Alcohol Act and for monitoring compliance with the prohibitions and obligations laid down in Sections 35(1), 37(1) and 38(5) of the Alcohol Act at any pick-up points pursuant to Section 17(5) of the Alcohol Act, as well as for security arrangements for the establishment during the allowed serving period;
- 4) a description of the organisation of retail activities and the implementation of point-of-sale arrangements at the retail outlet and, where applicable, at pick-up points pursuant to in Article 17(5) of the Alcohol Act, if the licensed establishment also carries out retail sales of alcoholic beverages;
- 5) a description of how the licensee ensures that alcoholic beverages are handed over to the holder of a delivery licence or to a person acting on the behalf thereof, and how the licensee can subsequently verify the name and licence number of the alcohol delivery licence holder where the alcoholic beverages are handed over for delivery.

### **Section 5**

#### *Self-monitoring plan for the retail sale of alcoholic beverages*

The self-monitoring plan for the retail sale of alcoholic beverages shall contain:

- 1) a description of how the alcoholic beverages are stored and of the storage facilities;
- 2) a description of the retail business concept and, where appropriate, the monitoring priorities and risks associated with it and the retail outlet;
- 3) a description of the placement of alcoholic beverages in the retail outlet, if the alcoholic beverages are not uniformly placed on shelves or a compartment reserved only for alcoholic beverages;

4) a description of the organisation of retail activities and the implementation of point-of-sale arrangements at the retail outlet and, where applicable, at pick-up points pursuant to in Article 17(5) of the Alcohol Act;

5) a description of the duties of the licensee's representative assigned by the licensee and a plan on the number of staff and duties for monitoring compliance with the prohibitions and obligations laid down in Sections 35, 37 and 38 of the Alcohol Act at the retail outlet and for monitoring compliance with the prohibitions and obligations laid down in Sections 35(1), 37(1) and 38(5) of the Alcohol Act at any pick-up points pursuant to Section 17(5) of the Alcohol Act;

6) a description of the compliance policy regarding the time limit for the sale of alcoholic beverages;

7) a description of the sales arrangements and placement in the store of the alcohol products pursuant to Section 55(2) of the Alcohol Act, if said products are sold at a retail outlet;

8) a description of how the licensee ensures that alcoholic beverages are handed over to the holder of a delivery licence or to a person acting on the behalf thereof, and how the licensee can subsequently verify the name and licence number of the alcohol delivery licence holder where the alcoholic beverages are handed over for delivery.

## Section 5a

### *Self-monitoring plan for the delivery of alcoholic beverages*

The self-monitoring plan for the delivery of alcoholic beverages shall contain:

1) a description of the business concept, scope and area of operation;

2) a description of procedures in different risk situations and procedure for what to do when refusing to hand over the alcoholic beverages is necessary;

3) a description of the implementation of age limit controls in the operation;

4) a description of the measures taken to prevent hand-overs or forwarding prohibited under the Alcohol Act;

5) a description of the procedures for complying with delivery times for alcoholic beverages and how to proceed if the recipient is not available or the alcoholic beverages cannot be delivered within delivery times;

6) a description of the tasks of the delivery personnel and a plan of their number and tasks for the purpose of monitoring compliance with the prohibitions and obligations laid down in sections 35a, 37 and 38 of the Alcohol Act in delivery services.

The holder of an alcohol delivery licence shall keep a record of the training of new alcoholic beverage couriers and verifications of completed delivery passports.

## Section 6

### *Content and evaluation of the alcohol service and delivery passport test*

A university of applied sciences or educational institution pursuant to section 58(1) of the Alcohol Act shall organise the service passport test, which must contain at least 30 questions. The test questions must be based on the guidelines on the serving of alcoholic beverages issued by the Finnish Supervisory Authority. The issues must include at least provisions of the Alcohol Act regarding serving bans, supervision and security by the personnel, the licensed establishment and the serving hours.

An educational institution pursuant to Section 58(2) of the Alcohol Act shall organise a delivery passport test, which shall include at least 20 questions. The test questions must be based on the guidelines on the delivery of alcoholic beverages issued by the Finnish

Supervisory Authority. The questions must be based on at least the provisions of the Alcohol Act regarding delivery bans, the supervision of alcoholic beverage delivery services, and delivery times.

The test shall be deemed to have been passed if the score of the examinee is at least 80 per cent of the maximum.

## Section 7

### *Qualifications corresponding to the test*

A basic qualification in the restaurant and catering sector, a vocational qualification in restaurant customer service, and a qualification from a University of Applied Sciences in tourism and catering pursuant to Section 58(1) of the Alcohol Act shall be considered equivalent to the completion of the serving passport test referred to in Section 6(1) above if the qualification includes competence in the subject areas covered by the test.

## Section 8

### *Approval of a certificate issued in Åland*

A certificate issued by an Åland-based educational institution providing training in the restaurant sector attesting to knowledge of the provisions on the sale of alcoholic beverages shall be recognised as a serving passport within the meaning of sections 57(2) and 58(1) of the Alcohol Act.

## Section 9

### *Submission of notifications and information to the licensing authorities*

The manufacturer, wholesaler and importer of alcoholic beverages shall submit to the Finnish Supervisory Authority the following:

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The manufacturer, seller and importer of a spirit must submit the following to the Finnish Supervisory Authority:

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The holder of an alcohol retail licence shall report once a year to the licensing authority the value of its sales of alcoholic beverages and food products, the quantity and value of delivered alcoholic beverages, and the alcohol delivery licensees used. The holder of an alcohol serving licence shall report twice a year to the licensing authority the value of its served alcoholic beverages and the number of its personnel, as well as the quantity and value of its retail sale of alcoholic beverages if the licensed establishment operates a pick-up point. In addition, the holder of a serving licence must notify the licensing authority twice a year of the quantity and value of alcoholic beverages acquired pursuant to in Section 46(2) of the Alcohol Act.

This Decree shall enter into force on [date] [month] 20xx.

Helsinki xx xx 20xx

Minister of Social Security Sanni Grahn-Laasonen

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