



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0387/FI (Finland)

Government proposal to Parliament for an Act amending the Alcohol Act

Date received : 05/07/2024

End of Standstill : 08/10/2024 (withdrawn)

Message

Message 001

Communication from the Commission - TRIS/(2024) 1836

Directive (EU) 2015/1535

Notification: 2024/0387/FI

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20241836.EN

1. MSG 001 IND 2024 0387 FI EN 05-07-2024 FI NOTIF

2. Finland

3A. Työ- ja elinkeinoministeriö
Työllisyys ja toimivat markkinat -osasto
PL 32
FI-00023 VALTIONEUVOSTO
maaraykset.tekniset.tem@gov.fi
puh. +358 29 504 7022

3B. Sosiaali- ja terveysministeriö
Turvallisuus- ja terveysosasto
PL 33
FI-00023 VALTIONEUVOSTO
Jari.Keinanen@gov.fi, Mirka-Tuulia.Kuoksa@gov.fi, Saara.Karttunen@gov.fi

4. 2024/0387/FI - C50A - Foodstuffs



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5. Government proposal to Parliament for an Act amending the Alcohol Act

6. Alcoholic beverages

7.

Directive 2006/123/EC on services in the internal market

Requirements which reserve access to particular providers

In general, the Proposal would boost the functionality of the market and competition by allowing the supply of alcoholic beverages from all holders of licences for the supply of alcoholic beverages. A licence for the supply of alcoholic beverages could be obtained, under the conditions laid down in the Proposal, by all the holders of a retail licence, the government-owned alcohol company and, for example, transport and food catering services. The supply of an alcoholic beverage would be subject to the condition that the alcoholic beverage has been purchased from a retail outlet or an alcohol company. The Proposal would therefore also boost business opportunities for domestic operators lawfully selling alcoholic beverages. In addition, the Proposal would equalise the status of domestic operators in relation to foreign alcohol sellers, since, in the past, it was possible to purchase alcohol on delivery from foreign alcohol sellers under certain conditions, but not from domestic alcohol sellers.

The aim of the proposal is to implement the Government Programme of Prime Minister Petteri Orpo. In accordance with the Government Programme, the Government will reform alcohol policy responsibly in a European direction and continue the overall reform of the Alcohol Act carried out in 2018. The Government's objective is to promote fair and open competition.

The current legislation does not allow the supply of alcoholic beverages from a domestic retail outlet or from the government-owned alcohol company to a location indicated by the buyer. The Alcohol Act would add provisions on the supply of alcoholic beverages from domestic retail outlets directly to the recipient. The Proposal would equalise the status of domestic operators in relation to foreign alcohol sellers.

The proposed regulation will allow for a new way of engaging in the alcohol industry in Finland and may therefore also increase employment in the alcohol industry. This will help safeguard the freedom to conduct a business and the right to work in a manner that is proportionate and consistent with the purpose and objective of the national Alcohol Act. The Proposal would also equalise the status of domestic operators in relation to foreign alcohol sellers, since in the past it was possible to purchase alcohol on delivery from foreign alcohol sellers under certain conditions, but not from domestic alcohol sellers.

8. By legislation, the retail sale of alcoholic beverages is partly only allowed for the government-owned alcohol company and partly allowed for operators with a retail licence. The requirements for granting such a licence are non-discriminatory and would not be amended by the Proposal. The Proposal would allow the supply of alcoholic beverages to the recipient at a location chosen by the recipient by means of a special licence for the supply of alcoholic beverages, i.e. the proposal would enable the transport and delivery of alcoholic beverages to a purchaser. Under the present law, alcohol could only be supplied to the purchaser at a licensed retail outlet or on licensed premises.

The granting of a licence for the retail sales of alcoholic beverages is not subject to any requirements relating to the nationality of the applicant or to the country of origin of the products. The requirements relate to matters such as the applicant's age of majority and reliability (for example, the applicant may not have been declared bankrupt or convicted for an offence related to business practice in the past five years) and the approval of the place of sale (sections 13, 17 and 35 of the Alcohol Act) Furthermore, the proposed issue of a new licence for the supply of alcoholic beverages is not subject to any requirement relating to the nationality of the applicant or to the country of origin of the products. A licence for the supply of alcoholic beverages could be obtained (by way of derogation from the requirements related to retail licences or licensed premises) even if the applicant does not have a place of business in Finland.

Restrictions on the retail sale of alcoholic beverages, including a new licence, are based on the notion that alcohol causes significant social, health and financial harm, which regulation seeks to reduce.

The legal requirements of the retail licensing system were discussed in Case C-198/14 Visnapuu (paragraph 119) and in a



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judgment of the Supreme Court of Finland (KKO 2018:46). The restrictions were seen to comply with the requirements of EU law and fall within the discretion of the Member State.

9. It is proposed to amend the Alcohol Act.

Under the Proposal, the Alcohol Act would be amended to allow the government-owned alcohol company Alko Oy and licensed retail operators to sell alcoholic beverages online and permit other retail distribution and collection options, such as the supply of alcoholic beverages. According to the Proposal, the amendments would be implemented in a way that safeguards age limit control.

10. Basic text references: The basic texts have been provided in connection with an earlier notification:
2016/0653/FIN

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu