

Government proposal to Parliament for an Act amending the Alcohol Act

MAIN CONTENT OF THE PROPOSAL

The Proposal proposes amendments to the Alcohol Act.

According to the Proposal, the Alcohol Act would be amended to allow alcohol company Alko Oy and operators with a retail licence to sell alcoholic beverages online and enable other retail distribution and collection concepts for them, such as delivering alcoholic beverages. According to the Proposal, the amendments would be implemented in a way that ensures age limit control.

The Proposal is related to the draft government budget for 2025 and is intended to be discussed in connection with the draft budget.

The Act is intended to enter into force on 1 January 2025.

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RATIONALE

1 Background and preparatory work

1.1 Background

The purpose of the Alcohol Act is to reduce the consumption of alcoholic substances by limiting and controlling the related business activities in order to prevent harm caused by alcohol to its users, to other people and to society as a whole. The last reform of the Alcohol Act took place in 2017. In its current form, the Act entered into force in 2018.

The prepared Proposal is part of the implementation of the Government Programme of Prime Minister Petteri Orpo. In line with the Government Programme, the Government will reform alcohol policy responsibly towards a more European direction and build on the overall reform of the Alcohol Act carried out in 2018. The Government's objective is to promote fair and open competition. A number of legislative amendments related to opening up the market and increasing competition in alcohol trade were agreed in the Government Programme.

The purpose of the Proposal is to enable the delivery of alcoholic beverages from domestic retail trade and the government-owned alcohol company Alko to the customer or other recipient. Domestic sales for home delivery would comply with the derogations for craft breweries, small breweries and farm wines, taking into account the existing strength limits for domestic retail sales. Currently, alcoholic beverages with an alcohol content of more than 2.8 % can only be purchased at outlets with a retail licence or at the government-owned alcohol company Alko's stores.

The Proposal does not change the current legal situation with regard to distance selling, distance purchasing and cross-border deliveries of alcoholic beverages.

1.2 Preparation

The Proposal was prepared by the Ministry of Social Affairs and Health as official work.

Statements on the Proposal were requested to be submitted between 5 July and 30 August 2024. Comments were invited from ministries, authorities, industry organisations, the trade sector and health organisations that are central to the Proposal. The request for statements was also published on the public website of the Ministry of Social Affairs and Health.

The request for statements, the summary of the statements and the statements received can be found on the public service at: www.lausuntopalvelu.fi.

Further preparation

In the further preparation of the law, the Proposal allowed domestic vineyards and craft breweries to deliver their farm wines and craft beers with an alcoholic content up to the percentage allowed under their retail licence. The amendment was implemented by amending section 35a of the original proposal and also by supplementing the detailed rationales for the specific provisions. In addition, the effects of the amendments were described in the impact

assessments and, in this respect, the description of the current status of the Proposal and the explanatory memorandum for the legislative procedure were also supplemented.

On the basis of the comments received during consultation, changes were made to the definition section. The definition of an alcoholic beverage delivery driver was clarified so that alcoholic beverage delivery drivers can also be drivers engaged as contractors. This was also taken into account in sections 17a, 39, 57 and 62, which no longer refer to the staff of holders of a licence to deliver alcoholic beverages, but to alcoholic beverage delivery drivers. In addition, the definition of retail sales was amended to remove references to the receipt of payment from the definition. The definition of serving of alcohol was completely removed from the Proposal, which is why the current definition of serving of alcohol is not changed in the Proposal.

Based on the comments received, the Proposal amended section 17 so that the retail licence may apply to the supply of alcoholic beverages for delivery from the retail outlet pick-up points specified in the licence. In addition, as part of the further preparation, clarifications were made to section 17a with regard to the reports required for the granting of a licence. The licence conditions laid down in the same section were specified and the rationales for these were supplemented.

In the further preparation, the requirement imposed on retailers in section 35 to check the information of the alcoholic beverage delivery drivers was amended to make it sufficient for the information to be verifiable retrospectively and it is not necessary for the information to be provided immediately to the buyer.

Based on the feedback received, the regulations on age verification at the point of delivery in connection with the delivery of alcoholic beverages were tightened. On the basis of sections 35a and 40 of the Act, the recipient's age must be verified upon each delivery.

Amendments were made to section 37 on the prohibitions on delivery. The destinations covered by delivery bans were partly expanded, but the temporary prohibitions and prohibitions imposed by the operators themselves were abandoned. The delivery bans were expanded to include social care units, places serving alcohol and places referred to in section 85 of the Alcohol Act in which a ban on the consumption of alcoholic beverages is in force.

Following the consultation round, an amendment was made to section 90 of the Act so that a person who infringes the prohibition on delivery laid down in section 37, subsections 1–3 may also be convicted of an alcohol infringement.

The provisions on the delivery passport in section 58 were amended so that the test should be offered in Finnish, Swedish and English. In addition, the right of educational establishments to charge a fee for the organisation of the test was amended so that educational establishments are entitled to charge a reasonable fee for the activity.

On the basis of the consultation round, the provisions on the control fee in the Annex to the Alcohol Act were amended. The control fee would be determined on the basis of the basic fee and an additional fee based on the volume of deliveries. The provisions on the collection of control fees were clarified.

In the further preparation, the proposed amendments to sections 8, 64, 65 and 66 that were included in the Proposal circulated for comments were removed from the Proposal. These provisions shall remain as set out in the law in force.

In the further preparation, section 71 on penalty fees was amended so that the financial position of the licence holder is also taken into account in the amount of the penalty fee. In addition, minor and more technical amendments were made to various sections of the Proposal.

Based on the feedback received from the respondents, the assessments of the effects of the Proposal were supplemented in other respects in the further preparation. For example, the impact assessment was supplemented to describe the estimates of the supervisory authorities' budgetary needs, the impacts on gender equality and some other general aspects of licence matters in more detail.

The description of the current state of the Proposal was supplemented on the basis of the comments so that the assessment of the current state also described in more detail the legal position regarding distance selling and distance purchasing of alcoholic beverages, which is still partly unclear, and it was pointed out that this unclear legal position will be specified in the manner described in the Government Programme later during the government term.

The explanatory memorandum for the Proposal was supplemented in the further preparation by describing the relationship between the test purchases related to the Proposal and the delegation of administrative tasks to a party other than an authority as provided in section 124 of the Constitution of Finland.

Finnish Council of Regulatory Impact Analysis

The draft Proposal has been assessed by the Finnish Council of Regulatory Impact Analysis on xx.xx.2024. According to the Council's opinion, the draft Proposal...

Notification

The Proposal was notified to the European Commission in July 2024 in accordance with Directive 2015/1535. On 2 August, the European Commission requested the Finnish authorities to provide additional information on the notified draft and in particular on whether the provisions of the draft are intended to apply to information society service providers within the meaning of Directive 2000/31/EC and providers of intermediary services as defined in Article 3, point (g) of Regulation (EU) 2022/2065. On 16 August 2024, the Finnish authorities replied to the Commission's request for additional information.

2 Current situation and assessment thereof

2.1 Current situation

2.1.1 Legislation

According to section 1 of the Alcohol Act, the objective of the Act is to reduce the consumption of alcoholic substances by limiting and controlling the related business activities in order to prevent harm caused by alcohol to its users, to other people and to society as a whole.

The Alcohol Act provides for a number of licences required for activities under the Alcohol Act. Under section 5 of the Alcohol Act, alcoholic beverages may not be produced or sold without a licence. Spirits may not be produced, imported, sold, used or possessed without a licence. However, section 6 of the Alcohol Act provides for certain exceptions to the licence requirement. For example, the manufacture and sale of alcoholic beverages containing up to 2.8 % by volume of ethyl alcohol is allowed notwithstanding the provisions of Article 5.

When a consumer buys alcohol in Finland, they can buy alcoholic beverages either through retail sale or from a party with a serving licence. According to section 3, subsection 1, paragraph 11 of the Alcohol Act, 'retail sale of an alcoholic beverage' means the sale of an alcoholic beverage for consumption in a place other than premises controlled by the seller or under the supervision of the seller. Under subsection 1, paragraph 12 of the same section, the serving of alcoholic beverages means the sale of alcoholic beverages for consumption on premises controlled by the seller or under the supervision of the seller.

Section 18 of the Alcohol Act governs the issue of the serving licence and the conditions under which it is granted. A serving licence applies to the area licenced for servicing alcohol controlled by the party licenced to serve alcohol, and the licence is granted to an applicant carrying out accommodation and catering activities within the meaning of the Act on Accommodation and Food Service Activities (308/2006), provided that the conditions for the licence are met. Provisions on areas licenced for serving alcohol are laid down in section 36 of the Act. Under said provision, alcoholic beverages may be served only by supplying them to customers for consumption in an area covered by a licence. Only alcoholic beverages sold by the serving licence holder may be consumed in the licenced area. Alcoholic beverages may not be transported or consumed outside the licenced area.

Section 17 of the Alcohol Act governs the retail sale licence and the conditions under which it is granted. According to said section, the retail sale licence for fermented alcoholic beverages containing not more than 8.0 % by volume of ethyl and for alcoholic beverages produced by other methods and containing not more than 5.5 % by volume of ethyl alcohol applies to the retail sale in the interior of a single retail outlet. The place of sale may be either a food shop, a shop truck or boat, an area licenced for serving alcohol or a shop connected to the place of production.

As a general rule, Alko enjoys exclusive rights for the retail sale of alcoholic beverages containing more than 8.0 % by volume of ethyl alcohol and alcoholic beverages produced by other methods and containing more than 5.5 % by volume of ethyl alcohol. Exceptions to the general rule are laid down in section 17 of the Act as regards retail licences for farm wine and craft beer. The derogations allow for the sale of farm wine containing up to 13 % by volume of ethyl alcohol and craft beer containing up to 12% by volume of ethyl alcohol at their retail

outlet. The retail licence for farm wine and craft beer applies to the retail sale inside one retail establishment and is granted to the producers of said alcoholic beverages in a production location where fermentation takes place or in its immediate vicinity, in a building referred to in the Land Use and Building Act. This is a limited exception to Alko's retail monopoly. In addition to the fact that retail sales are tied to the place of production or its immediate vicinity, the production volumes of farm wines and craft beers have been limited. According to the definitions of craft beer and farm wine in section 3 of the Alcohol Act, a maximum of 100 000 litres of farm wine and 500 000 litres of craft beer may be produced per calendar year.

Provisions on retail outlet of alcoholic beverages are laid down in section 35 of the Alcohol Act. Under said provision, the retail sale of alcoholic beverages may be carried out only by supplying them to the customer at an approved retail outlet. The retail licence holder may only sell the alcoholic beverages referred to in the licence. In retail trade, alcoholic beverages must therefore be sold and supplied at the licensed premises. The retail licence holder may also accept orders and payments for alcoholic beverages in its online shop, but the customer must collect the alcoholic beverages at the retail outlet. E-commerce is therefore allowed if the customer collects the online purchases from the retail outlet.

In the case of Alko, section 27 of the Alcohol Act expressly provides that alcoholic beverages purchased from the company may also be delivered to purchasers in open commercial premises, if Alko has concluded a delivery agreement with the operator of the commercial premises ('collection point'). Only alcoholic beverages that were ordered by the purchaser for delivery on the delivery premises may be delivered there. Delivered alcoholic beverages may only be transferred to a purchaser or their agent, and alcoholic beverages that were not picked up must be returned to the Alko no later than two weeks after their arrival at the delivery premises. Even for the part of Alko the regulation does not allow alcoholic beverages to be delivered from the place of supply to a place designated by the consumer. E-commerce is also possible for Alko only in a manner where Alko receives orders and payments in its online shop, but the customer collects the beverages at retail or delivery location. Section 37 of the Alcohol Act lays down prohibitions on retail sales of alcohol and serving alcohol. According to said section, alcoholic beverages may not be sold or otherwise supplied to persons under the age of 18 years or to persons that are clearly intoxicated or behave inappropriately, or to persons in relation to whom there are reasonable grounds for suspecting that the alcoholic beverage will be handed over or brokered in an unauthorised manner. In the case of retail sale, spirit drinks may not, by way of derogation, be sold to persons under the age of 20. In turn, the holding and consumption of alcoholic beverages in the premises licenced for serving alcohol may not be allowed for persons under the age of 18, or persons who are clearly intoxicated or behave inappropriately.

In addition to the abovementioned prohibitions on supply, chapter 5 of the Alcohol Act lays down a number of restrictions and obligations in relation to the retail sale and delivery of alcoholic beverages. Among other provisions, this chapter contains provisions on the requirements on the personnel at retail sale location and locations serving alcohol, age verification when alcoholic beverages are supplied, and the permitted retail sale and serving times.

Under section 7 of the Alcohol Act, the Regional State Administrative Agency acts as the licensing authority for both retail sale and serving licences. In addition, chapter 9 of the Alcohol Act provides for supervision and guidance and chapter 10 provides for prohibitions and penalties for infringements. The Regional State Administrative Agency may, inter alia, prohibit a licence holder from continuing their business insofar as it is materially contrary to

the accepted principles of morality within the meaning of section 4 of the Act and the activity in question has not been rectified or terminated within the prescribed reasonable period, despite the request of the supervisory authority. The provisions also allow issuing a conditional fine or a fine where the holder of the authorisation has breached his obligations under chapter 5, for example.

Retail and delivery charges are laid down in chapter 11 of the Alcohol Act. According to section 75 of the Alcohol Act, the Regional State Administrative Agency charges an annual control fee to cover the costs of controls. In addition, licence fees are laid down separately in the Act on Criteria for Charges Payable to the State.

2.1.2 General development of alcohol consumption and harms

The purpose of the Alcohol Act is to reduce the consumption of alcoholic substances by limiting and controlling the related business activities in order to prevent harm caused by alcohol to its users, to other people and to society as a whole. Under the Alcohol Act, the government-owned alcohol company (hereinafter 'Alko') currently enjoys, with a few exceptions, an exclusive right to retail alcoholic beverages. However, with the entry into force of the 2018 Alcohol Act, stronger alcoholic beverages were liberated from Alko's exclusivity to the retail sale of shops, kiosks and service stations. In addition, in 2024, Parliament adopted a law (305/2024), according to which fermented alcoholic beverages containing up to 8.0 % by volume of ethyl alcohol may be sold in retail trade.

In Finland, total alcohol consumption tripled between 1960 and 2005, when total alcohol consumption per resident aged 15 or over was 12.1 litres of 100 % alcohol. Between 2007 and 2017, total alcohol consumption decreased by about a fifth (Figure 1). Several increases to alcohol taxes and the prolonged economic downturn since 2008 contributed strongly to these developments. In 2023, the total alcohol consumption per person aged 15 or over was 8.7 litres of 100 % alcohol.¹

Similarly, for people of working age, both episodic drinking and high-risk alcohol consumption decreased in the last decade. For pensioners, the trend of episodic drinking remained fairly stable, but high-risk drinking increased. Since the turn of the millennium, the consumption of alcohol by young minors in Finland has continued to decline almost continuously.

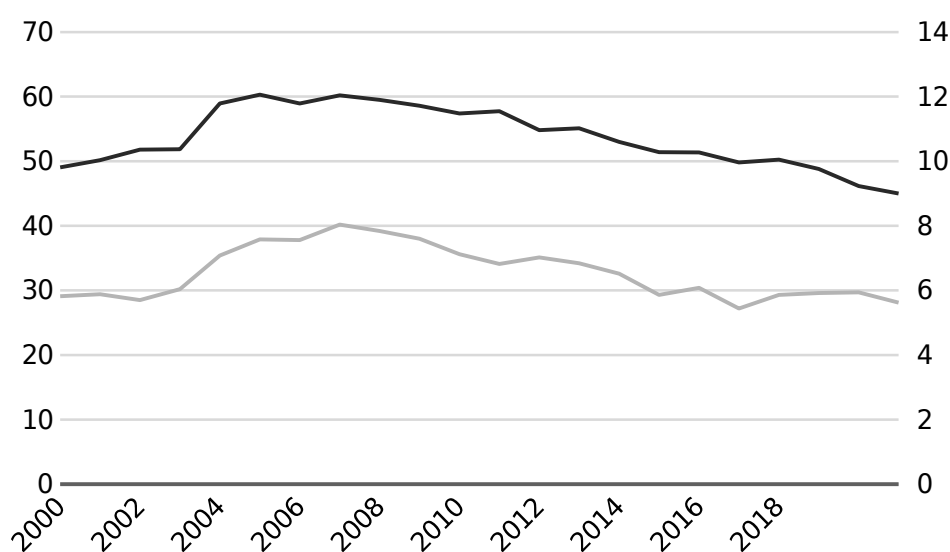
The evolution of alcohol-related harm has largely followed changes in overall consumption. Between 2007 and 2017, mortality rates from alcohol-related diseases and alcohol poisoning decreased sharply, even more strongly than total consumption (Figure 1). The protracted strong downward trend of alcohol mortality reversed in 2018. Although overall alcohol consumption has continued to decline even after the reform in 2018, the expected decrease in alcohol deaths has not been proportionate. This may indicate that alcohol-intensive consumers, who may have already been affected by alcohol consumption, for example in the liver, have increased their consumption of alcoholic beverages more than other consumers since the reform. In addition to the 2018 reform of the Alcohol Act, the escalation of alcohol-related problems related to the COVID-19 pandemic may have increased alcohol-related harm, in particular in 2020. In 2021, alcohol mortality decreased by 4 % compared to 2020,

¹ Consumption of alcoholic beverages 2023. Statistical report 39/2024, Finnish Institute for Health and Wellbeing 17 June 2024. <https://thl.fi/tilastot-ja-data/tilastot-aiheittain/paihteet-ja-riippuvuudet/alkoholi/alkoholijuomien-kulutus>

indicating a variation in alcohol mortality rates depending on the year. In 2022, 1 664 people died from alcohol-related diseases and alcohol poisoning.

Despite the outcome of a survey that high-income earners increased their purchases of new drinks more than those on low incomes following the 2018 reform of the Alcohol Act, between 2017 and 2019, alcohol mortality increased, in particular for men, in the three lowest income quintiles (+ 18–19 %). Inequality in alcohol mortality has thus increased since 2017.

Figure 1. Number of deaths from alcohol-related disease and alcohol poisoning per 100 000 people and total alcohol consumption in 2000–2021.



2.1.3 Assessment of the current situation

Domestic licensing system

As stated above, the objective of the Alcohol Act is to reduce the consumption of alcoholic substances by limiting and controlling the related economic activities in order to prevent harm caused by alcohol to its users, other people and society as a whole.

The Alcohol Act builds on a licensing system that allows the trade in alcoholic beverages to be controlled from their manufacture through wholesale to retail sale and serving. The current legislation has allowed effective supervision by the authorities and ensured that alcohol is not sold in breach of section 37 of the Alcohol Act. The sale of alcohol at a licenced retail outlet has ensured that alcohol is not sold to minors or highly intoxicated people, for example. In addition, efforts have been made to reduce the consumption of alcoholic substances by regulating the times when alcohol may be sold, for example.

The current legislation does not allow the delivery of alcoholic beverages from a domestic retail outlet or the government-owned alcohol company Alko to a location stated by the buyer,

and retail sales are only permitted when the alcoholic beverages are supplied to the customer at an approved retail outlet.

While it is more challenging to control the supply of alcoholic beverages in such cases, the licencing procedure and the provisions governing the supply of alcoholic beverages can reduce the risks of alcoholic beverages being supplied in contravention of the supply bans. In addition, the delivery of alcoholic beverages may be subjected to restrictions and operating conditions similar to those already existing for retail and service. These include provisions on the delivery time for alcoholic beverages and requirements relating to alcoholic beverage delivery drivers.

Relationship with EU law

Article 34 of the Treaty on the Functioning of the European Union (TFEU) prohibits quantitative restrictions on imports and all measures having equivalent effect between Member States. However, Article 36 TFEU provides for exceptions to that prohibition. According to the said article, Article 34 does not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals or plants, the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

National monopolies are special cases in EU law and products subject to a monopoly are provided for in Article 37 TFEU. Under paragraph 1 of that article, Member States are to adjust their State monopolies of a commercial character so as to ensure that the conditions under which goods are procured and marketed do not discriminate against nationals of the Member States. Under paragraph 2 of the Article, Member States shall not adopt any new measure which is contrary to the principles of paragraph 1 or which restricts the scope of the articles prohibiting customs duties and quantitative restrictions between Member States. EU law thus allows a national monopoly to be maintained, provided that the conditions governing the sale or acquisition of goods do not discriminate against nationals of the Member States. Products subject to a monopoly are therefore assessed on the basis of Article 37 TFEU and derogations from the monopoly are assessed on the basis of Articles 34 and 36 TFEU.

In accordance with the systematic nature of the Alcohol Act, Alko has a monopoly on the retail sale of alcoholic beverages, with the exceptions provided for in section 6. In accordance with section 6 of the Alcohol Act, the exceptions to Alko's monopoly are fermented alcoholic beverages containing up to 8.0 % by volume of ethyl alcohol and alcoholic beverages produced by other methods containing up to 5.5 % by volume of ethyl alcohol, as well as farm wines and craft beers as defined in the Alcohol Act. Under the draft Act, the delivery of alcoholic beverages would also be allowed from a retail outlet for farm wine and craft beers. The exceptions for farm wine and craft beers are different from the other retail exceptions to Alko's monopoly, as they only apply to the producers of the alcoholic beverages. The fact that the retail licences for farm wine and craft beers derogate from other retail licences has been considered possible from the perspective of the monopoly and EU law, as the exceptions are limited and small in scale. The "farm wine exception" was originally provided for in the Alcohol Act of 1994 (1143/1994). The exception to Alko's retail monopoly for farm wines up to a maximum of 13 % was initially justified, in particular, on the basis that the activity was

limited and artisanal, and the production and sale of these products were closely linked to horticultural production in rural areas and agritourism.²

Craft beers, on the other hand, were introduced into the Act in the new Alcohol Act of 2017 (the current Act). According to the Alcohol Act, the production and sale of farm wines was to take place in the context of agricultural activity. There is no similar requirement for craft beer, but in accordance with section 17 of the Alcohol Act, a retail licence for farm wines and craft beers may be granted to the producers of those alcoholic beverages in, or in the immediate vicinity of, the place of manufacture where the fermentation of the alcoholic beverage took place. In addition, the Alcohol Act lays down other requirements for the operations, for example that the activity must be limited in the same way as the production of farm wines (up to 500 000 litres per year), and the activity must be limited to traditional and craft beers. In the preparatory work for the Alcohol Act (HE 100/2017 vp), it was also stated that the exception to Alko's retail monopoly for craft beers would, in accordance with the exception for farm wines, be limited to a volume of production that would indicate that the activity is limited, traditional and artisanal. According to the case-law of the Court of Justice of the EU, a retail licence granted for sufficiently limited activities would not necessarily favour domestic production compared to the situation where the only outlet for foreign breweries is Alko. In addition, the Government Proposal states in the detailed rationale for section 17 of the Alcohol Act that, according to the Proposal, the holders of a production licence for farm wine and craft beer would only be able to have a retail licence entitling them to one retail outlet. In practice, limited sales of the operator's own products would mean, for example, sales in the nature of a product demonstration at the end of a tour of the manufacturing site.

The Court of Justice of the European Union (CJEU) has assessed the admissibility of the derogation for the retail sale of farm wines from the perspective of EU law in decision C-198/14 *Visnapuu*. In its judgment, the Court held that the retail sale of farm wines should be assessed on the basis of Articles 34 and 36 TFEU. The Court held that, since the derogation for farm wines can only be applied in favour of producers established in Finland, that provision could lead to the protection of domestic production of fermented alcoholic beverages containing up to 13 % by volume of ethyl alcohol. However, the existence of such an effect is not sufficient to conclude that the public health and public policy grounds relied on by the Finnish authorities have been diverted from their purpose and used in such a way as to discriminate against goods originating in other Member States or indirectly protect certain domestic production within the meaning of Article 36 TFEU and the case-law cited above.³ In its decision, the CJEU stated that it is for the referring court to examine, on the basis of all the relevant legal and factual circumstances, whether the public health and public policy grounds relied on by the Finnish authorities have been diverted from their purpose and used in such a way as to discriminate against goods originating in other Member States or indirectly protect certain domestic production within the meaning of Article 36 TFEU. The CJEU also stated that the relevant factual circumstances include the limited, traditional and artisanal nature of the national production enjoying the benefit of the derogation.⁴

On the basis of the ruling of the CJEU, the Supreme Court assessed the admissibility of the derogations concerning farm wine and craft beers in the ruling KKO 2018:49. In its reasoning, the Supreme Court stated that the production volume of farm wines is small and that they are sold directly from the farm where they are produced. For these reasons, the Supreme Court considered it clear that the licensing system for farm wines has not been used to discriminate

² Cf. Report of the Committee on Social Affairs and Health StVM 32/1994 vp, p. 4.

³ *Visnapuu*, paragraph 126 of the judgment.

⁴ *Visnapuu*, paragraph 128 of the judgment.

against alcoholic beverages from other Member States and indirectly favour domestic production. In its judgment, the Supreme Court also held that the retail sale of both farm wines and craft beers is regionally limited and relatively small in scale, which is why the extension of the retail sales exemption to craft beers would be unlikely to be regarded as a significant change from the point of view of EU law.⁵

The derogation allowing producers of farm wines and craft beers to sell their products from the place of production or its immediate vicinity has been assessed in accordance with EU law, as described above. The procedure has not been considered to discriminate against other Member States, as the derogations have been limited and tied to the manufacturing site. The proposed legislative amendment would also allow farm wines and craft beers to be delivered directly from their retail outlet to the buyer or other recipient. This would extend the derogation granted from Alko's monopoly and the reasoning of the CJEU or the Supreme Court would no longer apply in all respects. The derogation could therefore no longer be justified on the grounds that the sales are tied to the place of production.

If the delivery of farm wine and craft beers to a buyer or other recipient would be enabled, it would be likely that the EU would consider the regulation to discriminate against other Member States. In Finland, the legal position is unclear as to whether foreign operators have the right to sell alcoholic beverages to Finland or not. The Alcohol Act does not contain any specific provisions on distance purchasing or distance selling. According to the current section 35 of the Alcohol Act, the retail sale of alcoholic beverages may only be carried out by handing them over to the customer at an approved retail outlet. Section 32 of the Alcohol Act provides that alcoholic beverages may be imported without a separate import licence for personal use and for commercial or other business purposes. However, for commercial or other business operations involving alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol, the user needs a licence specified in this Act for their operations and the imported alcoholic beverage.

The Ministry of Social Affairs and Health and the National Supervisory Authority for Welfare and Health (Valvira), which is the competent licensing authority under the Alcohol Act, have interpreted that, under the current alcohol legislation, the seller of alcoholic beverages should have a retail licence and a retail outlet in Finland as referred to in the Alcohol Act, and that the requirement for a retail licence also applies to sellers of alcoholic beverages situated abroad. In the decision KKO 2018:45 referred to above, the Supreme Court held that the seller had committed an alcohol offence when the seller transported the beverages from Estonia to Finland without a licence under the Alcohol Act. However, in spring 2022, the prosecutor announced that they had decided to waive charges in the case involving distance selling of alcohol. On 25 September 2020, Valvira had made a request for an investigation in which it had asked the pre-trial investigation authorities to investigate whether the persons in charge of and the parties with control over the Estonian and French companies had committed an offence when selling alcoholic beverages to Finland via the internet.⁶

When adopting the Alcohol Act in 2017, Parliament urged the Government to clarify the provisions on distance selling, taking into account the requirements of EU law and the Supreme Court's future decision in the Visnapuu case. In the preparation under the responsibility of the Ministry of Social Affairs and Health, in addition to the framework conditions laid down in EU law, it must be taken into account that decisions concerning

⁵ KKO 2018:49, paragraphs 70-71 of the judgment.

⁶ Prosecutor's press release, 12 April 2022: <https://syyttajalaitos.fi/-/syyttamattajattamispaatokset-ns.-alkoholin-etamyntiasiassa>

distance selling must not jeopardise the continued exclusive right to the retail sale of alcoholic beverages with an alcohol content exceeding the limit laid down in the Act or the equality of the Finnish business community with its foreign competitors. The requirements relating to the ease of collection of excise duties shall also be taken into account during the preparation.

The Government Programme of Prime Minister Petteri Orpo includes an entry on distance selling. According to the Government Programme, the prevailing unclear interpretation will be clarified unambiguously so that Finns have the right to buy alcohol through distance selling from companies operating in other EU countries. Provisions on the clarification of distance selling from abroad will be laid down in a separate government proposal.

3 Objectives

The aim of the Government 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.

In line with the Government Programme, the Proposal proposes to allow alcohol and retail operators to sell alcoholic beverages online and enable other retail sales concepts based on distribution and collection, while ensuring age limit control. The Proposal would not significantly change Alko's public health role and position. The Proposal would not change the current legal position with regard to distance selling, distance purchasing or cross-border deliveries of alcoholic beverages. The aim of the Proposal is to create conditions for the growth of the domestic market and for the wellbeing and freedom of Finnish citizens.

4 Proposals and their impacts

4.1 Main proposals

The Alcohol Act would enable the delivery of alcoholic beverages from domestic retail trade to customers. The Proposal would not change the current legal position with regard to distance selling, distance purchasing or cross-border deliveries of alcoholic beverages.

In addition to the retail and serving licences, a new licence for the delivery of alcoholic beverages would be introduced to the Alcohol Act. A separate licence would thus be required for the delivery of alcoholic beverages from domestic retail trade or the government-owned alcohol company Alko to the customer. The authorities would be given the right to control deliveries by means of test purchases.

The Act would stipulate that the delivery of alcoholic beverages would only be allowed if the alcoholic beverage was purchased and collected from a domestic retail store or an Alko outlet. The alcoholic beverage delivery driver would only be allowed to supply to the buyer or other recipient such alcoholic beverages that the retail licence holder and the government-owned alcohol company Alko has the right to sell under the retail licence or the law.

In addition, the law would lay down the conditions and requirements of the licence for the delivery of alcoholic beverages. The delivery of alcoholic beverages would only be allowed between 9 and 21.00. However, the delivery of the alcoholic beverages acquired from Alko would be permitted only in accordance with the Alko's retail sale hours. Buyers of alcoholic beverages deliveries would be obliged to prove their age before purchasing the alcoholic beverages. If an alcoholic beverage is purchased remotely, the buyer of the alcoholic beverage would be obliged to prove their age by means of strong electronic identification. In addition, the age of the recipient would need to be verified every time alcoholic beverages are supplied to the recipient. Alcoholic beverages should not be supplied if the recipient refuses to prove their age.

The retail and serving bans laid down in the Alcohol Act would be extended to cover the delivery of alcoholic beverages. In addition, separate provisions on bans on the delivery of alcoholic beverages would be added to the Alcohol Act. Alcoholic beverages shall not be delivered to a social care and health service unit, to a place where early childhood education and care is organised, to a place where pre-primary or basic education is organised, or to a place where activities related mainly to gatherings of children and young people are organised. Furthermore, alcoholic beverages may not be delivered to a place referred to in section 85 of the Alcohol Act in which a ban on the consumption of alcoholic beverages is in force, or to premises or places that have been approved as a licensed area.

The holder of a licence to deliver alcoholic beverages should ensure that the alcoholic beverage delivery drivers acting on its behalf are sufficiently qualified. The delivery licence holder would be required to ensure that the alcoholic beverage delivery drivers acting on its behalf have acquired a certificate in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), demonstrating knowledge of the Alcohol Act's provisions on delivery and the instructions for delivery (*delivery passport*). At the same time, the term 'alcohol passport' ('anniskelupassi'), which is already well established, would be introduced to the Act as a document proving its holder's knowledge of the Alcohol Act.

The provisions of the Alcohol Act on the presence of retail and serving personnel would be clarified. In the future, a representative of the licensee appointed by the authorisation holder would be required to be present at retail locations and premises licenced for serving alcohol, where alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol are sold or consumed and the location is open to customers. The amendment would allow a retail or serving licence to be granted for the period during which alcohol was actually sold at the retail outlet or alcoholic beverages would actually be served or consumed at the premises licenced for serving alcohol. Personnel would therefore only required to be present when alcoholic beverages could be sold, served or consumed.

At the same time, some minor or technical amendments would be made to the Act. For example, the legislation in force would be clarified so that only alcoholic beverages containing more than 2.8 % of ethyl alcohol would be subject to licence under the Alcohol Act.

The maximum amount of the fine provided for in the Alcohol Act would be increased to EUR 20 000. The conditions for withdrawing the licence would be partly relaxed from the current conditions, so that the regulation would support more effective regulatory control. For the sake of clarity, a new section would be added to the Act on the withdrawal of licences.

The scope of the alcohol infringements punishable under the Alcohol Act would be extended to include the supply of alcoholic beverages in connection with the delivery of alcoholic beverages if the prohibition on delivery laid down in the Act in a manner specified in more detail in the section in question is violated. An alcoholic beverage delivery driver would be guilty of an alcohol infringement if, intentionally or through gross negligence, they were to supply alcoholic beverages to, for example, a minor or a severely intoxicated person.

In addition, some other minor or technical amendments would be made to the Act, for example in relation to access to information.

4.2 Principal impacts

4.2.1 General

The production, sale and marketing of alcoholic beverages generates over 1 billion of tax revenues for the society, billions of business income for various businesses and labour income for people involved in the production, sale and marketing of alcohol. However, alcohol consumption costs billions of euros directly and indirectly for the society, businesses and individuals.

E-commerce and delivery of alcohol are relatively new phenomena in alcohol trade. The COVID-19 pandemic has accelerated online sales of alcoholic beverages worldwide and e-commerce and delivery restrictions were relaxed in several countries during the COVID-19 pandemic in order to improve business conditions under the extraordinary circumstances. The e-commerce and delivery of alcoholic beverages as new access channels pose new challenges to the implementation and control of responsible alcohol retail sales. Alcohol is not a normal consumer product but causes a wide range of social and health problems for consumers.

As e-commerce and delivery of alcohol are still relatively new phenomena, only a limited number of articles on the delivery (or home delivery) of alcohol have been published in international literature. In early 2024, Finnish Institute for Health and Welfare (THL) compiled existing research and experience on the impact of delivery activities of alcoholic beverages (in this Proposal, the delivery of alcoholic beverages would include home delivery) in a research publication⁷. This evidence base has also been used in the impact assessment of this draft act.

There is no direct scientific data on whether the supply of alcoholic beverages affects the overall volume of alcohol consumption at individual or social level. In e-commerce, consumers may tend to spend more money on alcohol in one transaction than in a shop, and storing higher volumes of alcohol at home can increase consumption. It is also known that the price of alcoholic beverages has an impact on consumption and alcohol deliveries may reduce the effort involved in obtaining alcohol, including in the form of saved time. The effort involved in purchasing alcoholic beverages can also be seen as a part of the total cost of the drink to the consumer⁸. The ease of ordering could therefore increase the consumption of alcoholic beverages by some consumers. In the future too, the bulk of the alcohol consumed is likely to be bought in physical outlets and the proportion of alcohol purchased through

⁷ Mäkelä, P. & Warpenius, K. (2024) Alkoholijuomien kotiinkuljetus – tietopohjaa sääntelystä ja vaikutuksista. The Tutkimuksesta tiiviisti publication series 11/2024. Finnish Institute for Health and Welfare, Helsinki

delivery is likely to be relatively low. In this way, the draft Act is likely to affect a relatively small proportion of total alcohol consumption and therefore its impact on the overall consumption of alcohol at social level is estimated to be relatively limited. However, this assessment is subject to significant uncertainty. At the individual level, the delivery of alcoholic beverages, in particular fast delivery, can have an impact on high-risk alcohol consumption and episodic drinking, and thus on alcohol-related harm. The impact of the Proposal on alcohol-related harm is described in more detail in the section titled 'Effects on well-being and health' in particular.

The Proposal would have the desired positive economic effects as it would promote consumer consumption and business opportunities for operators selling alcoholic beverages on the market by enabling the delivery of alcoholic beverages. Even if the Proposal would also increase the regulatory burden for businesses, the Proposal would be business-friendly overall. At the same time, the Proposal could have a limited increasing impact on alcohol-related harm and its costs. However, the significance of these disadvantages varies depending on whether they are viewed at the level of an individual, a community or the society. At the social level, the impact of the Proposal on alcohol-related harm is likely to be rather limited, but for some individuals or communities the impact of the Proposal may be significant.

The Government Programme of Prime Minister Petteri Orpo has several objectives in relation to the alcohol market. The Act amending sections 17 and 26 of the Alcohol Act (HE 7/2024) entered into force on 10 June 2024. The Act allows stronger fermented alcoholic beverages to be sold in licensed retail. The amendments to the alcoholic beverage tax (HE 37/2023), which entered into force in January 2024, will reduce the tax collected on beer and increase the tax collected on wines and other fermented beverages containing more than 5.5 % alcohol by volume, intermediate products and ethyl alcohol beverages. Although the Proposal mainly targets the same groups of people and actors as the legislative reform that entered into force earlier in 2024, which allowed the sale of stronger alcoholic beverages than before in licensed retail trade, the proposals would probably not have synergistic effects that significantly strengthen the independent effects of the proposals. Even if both proposals would have an impact on the sales channels of alcoholic beverages, the independent effects of the legislative proposals would probably be quite similar even if the other proposal were not implemented. The bill proposes that the delivery of alcoholic beverages would be allowed if the alcoholic beverages were purchased and collected from domestic retail trade or from the government-owned alcohol company Alko. Allowing the sale of stronger alcoholic beverages in licensed retail has therefore not affected what kind of alcoholic beverages could be delivered under the bill. Looking at the Government's overall alcohol policy during the Government term up to this point, from the perspective of total alcohol consumption it can be seen to have included both measures likely to increase alcohol consumption (sale of stronger fermented alcoholic beverages in licensed retail trade) and tax changes likely to reduce overall alcohol consumption. From a business point of view, the Proposal continues to pursue the objectives of the Government Programme to promote fair and open competition.

4.2.2 Economic impacts

Impact on public finances

⁸ Stockwell T, Gruenewald PJ. (2004) Controls on the physical availability of alcohol, The essential handbook of treatment and prevention of alcohol problems. West Sussex: John Wiley & Sons, pp. 213–33.

As described above, there is no direct scientific evidence of the effect of alcohol deliveries on alcohol consumption and, in general, the impact of the Proposal on overall alcohol consumption is estimated to be limited. Nevertheless, the Proposal may have implications for public finances on the revenues and costs of alcohol consumption. The burden of alcohol on social and health care is significant. If the draft Act were to increase the overall consumption of alcohol or alcohol consumption among alcohol-intensive users, it could also have an impact on the social and health care costs of treating alcohol-related harm. Similarly, if the Proposal were to increase alcohol consumption, this could also have a limited effect on the increase in alcohol tax revenues.

The Proposal could have an impact on alcohol tax revenues if, as a result of the Proposal, some non-Finnish online purchases were transferred to domestic online shops. However, the impact on tax revenue is estimated to be minor. It is unlikely that a significant proportion of foreign e-commerce customers would move to domestic e-commerce, as, for the majority of buyers, the reason for buying from foreign online stores has been to buy alcoholic beverages as cheaply as possible. Currently, alcohol excise duty in accordance with the regulations has been paid on only a small proportion of foreign online sales of alcoholic beverages, either by sellers or buyers. Currently, alcohol excise duties of around EUR 1 million per year have been paid on e-commerce, whereas in 2023, for example, the volume of alcoholic beverages bought online was estimated to be around 0.7 million litres of 100 % alcohol⁹, the calculated amount of alcohol excise duties on which is estimated to be around EUR 30 million. The tax amount reflects the estimated tax gap, i.e. the amount of alcohol tax that should have been paid on online purchases. When interpreting the figures, it should be noted that a corresponding increase in tax revenue would nevertheless not occur if, for example, all online sales of alcoholic beverages could be precisely monitored and taxed. However, by comparing the tax amounts, it can be estimated that tax has not currently been paid in Finland on the majority of online purchases.

The direct budgetary impact of the Proposal would be on the budgets of the authorities supervising the Alcohol Act. The Proposal would increase the workload and costs of the authorities supervising the Alcohol Act – the Regional State Administrative Agencies and the National Supervisory Authority for Social Affairs and Health (Valvira) – as a completely new delivery licence for alcoholic beverages would become subject to control. The Proposal would allow the Regional State Administrative Agencies to charge control fees to cover the increasing workload of the authorities.

Impact on companies

In general, the Proposal would increase the functioning of the market and competition by allowing the delivery of alcoholic beverages for all holders of delivery licences for alcoholic beverages. A delivery licence for alcoholic beverages could be obtained, under the conditions laid down in the draft Act, by all the holders of a retail licence, Alko and transport and

⁹ Alkoholijuomien matkustajatuonti ja verkko-ostaminen 2023. Tilastoraportti publication series 10/2024, 1 March 2024. Finnish Institute for Health and Welfare. <https://thl.fi/tilastot-ja-data/tilastot-ai-heittain/paihteet-ja-riippuvuudet/alkoholi/alkoholin-matkustajatuonti-ja-verkko-ostaminen>

catering services, for example. The delivery of alcoholic beverages would be subject to the condition that the alcoholic beverages have been purchased from retail sale or Alko. The Proposal would therefore also increase the business opportunities of domestic operators lawfully selling alcoholic beverages. In addition, the Proposal would balance the position of domestic operators in relation to non-Finnish alcohol sellers, since previously it was possible to purchase alcohol from non-Finnish alcohol sellers under certain conditions, but not from domestic alcohol sellers.

Retail shops are the largest sales channel for alcohol in Finland. In 2023, almost 50 % of the reported alcohol consumption was purchased from retail sale outside the Alko, i.e. food businesses, kiosks and transport stations. E-commerce of food has become more popular in recent years, accounting for 2.7 % of grocery sales in 2024¹⁰. Currently, consumers are not able to order alcoholic beverages online when ordering food. The draft Act would allow consumers to order all their purchases from the retail shop online, which could contribute to the growth of e-commerce. While some businesses in retail trade would probably deliver alcoholic beverages themselves, a significant number of companies could also rely on external delivery companies to deliver alcoholic beverages.

The draft Act could also increase business opportunities for restaurants. In particular, the delivery of alcoholic beverages could be taken advantage of by restaurants licensed for the retail sale of alcohol, which currently deliver food to customers as their own activity or which have concluded a delivery contract with another company. If the restaurants were to deliver the alcohol themselves to the customer, a delivery licence for alcoholic beverages would be required. If alcoholic beverages are delivered by another company, such as a food delivery service, that other company would be required to have a delivery licence for alcoholic beverages.

Alcoholic beverage delivery drivers acting on behalf of the licence holder for the delivery of alcoholic beverages should have completed alcoholic beverage delivery training (the alcoholic beverage delivery passport). The alcoholic beverages delivery passport would be similar in principle to the current alcohol passport. An alcoholic beverages delivery passport would entail low costs for companies delivering alcoholic beverages in the form of direct training costs and substitute schemes, for example. The direct cost of the delivery passport test is likely to be some dozens of euros per person taking the test. For example, the prices of the alcohol passport tests currently vary mainly between around EUR 30 and EUR 60.

Companies engaged in the delivery of alcoholic beverages would incur costs for applying for a delivery licence, in particular in the form of the licence fee charged by the Regional State Administrative Agencies. Provisions on the licence fees charged by the Regional State Administrative Agencies are laid down in the Decree on the fees of the regional state administrative agencies, and the amount of the licence fee to be charged for applications for a licence to deliver alcoholic beverages would be determined later by government decree. In

¹⁰ The Finnish Grocery Trade Association. (27 March 2024). Päivittäistavarakaupan myynti ja markkinaosuudet 2023. <https://www.pty.fi/blog/2024/03/27/paivittaistavarakaupan-myynti-ja-markkinaosuudet-2023/>

addition, licence holders would be charged an annual control fee. The costs of applying for a licence, as well as the annual control fees, could discourage some small operators from applying for a licence. In the bill, the amount of the control fee for the delivery of alcoholic beverages would vary according to the number of deliveries notified by the licence holder. The control fee would amount to at least a basic fee of EUR 100 and would increase by EUR 0.1 per delivery after 1 000 deliveries. An application for a delivery licence for alcoholic beverages should be made by operators with a sufficient stock of alcoholic beverages and a level of income derived from them in relation to the costs of applying for the licence. Operators currently lawfully selling alcohol who would not themselves start delivering alcoholic beverages after the Proposal's entry into force would be able to use a transport or food delivery service with a licence to deliver alcohol. However, it is unclear how some food delivery services in Finland in particular would organise their delivery licence. Currently, some food delivery services operating in Finland use self-employed persons for their deliveries, and it would be possible for self-employed persons to apply for a licence to deliver alcoholic beverages. However, the licence and control fees incurred by self-employed persons for applying for a licence could be high in proportion to the income generated by the activity. Therefore, it would be more likely that a platform service would apply for the licence and use self-employed persons in its operations.

Impacts on authorities

The control of the retail sale, serving and advertising of alcoholic beverages is the responsibility of the National Supervisory Authority for Welfare and Health (Valvira) and the Regional State Administrative Agencies. The draft Act would require Valvira and the Regional State Administrative Agencies to supervise the delivery of alcoholic beverages. Deliverers of alcoholic beverages would apply for the licence for delivering alcoholic beverages from the Regional State Administrative Agency.

In early 2024, Finland had around 4 200 valid alcohol retail licences and about 490 Alko shops or pick-up outlets and about 9 900 valid licences for serving alcohol. Approximately 1 400 holders of a serving licence also held a licence for the retail sale of alcohol. The draft Act would increase the number of targets to be supervised by the alcohol authorities and thus increase the need for resources of the alcohol authorities to supervise them. A large proportion of applicants for a licence to deliver alcoholic beverages may not necessarily already hold an alcohol retail licence. The delivery of alcoholic beverages as a new licensing process would significantly increase the work of the licensing authorities, at least upon the entry into force of the Act, but also as a regular and permanent form of licensing administration.

The draft Act would significantly increase the number of targets to be supervised by the alcohol authorities and thus increase the need for resources of the alcohol authorities to supervise them. As some 14 500 serving areas or retail outlets have previously been supervised by the alcohol authorities, in future, there will be a virtually unlimited number of delivery points for alcoholic beverages. Valvira would continue to serve as the guiding authority for the enforcement of the Alcohol Act, thereby also supervising the delivery of alcoholic beverages throughout the country. Similarly, the Regional State Administrative

Agencies would supervise the delivery of alcoholic beverages in their territory. The official supervision of the delivery of alcoholic beverages would be carried out in part by means of test purchases, which is a completely new form of official control in Finland in connection with the sale of alcohol. This would require the creation of new practices. It would also lead to a temporary increase in the need for supervision resources. As a new task, Valvira would be responsible for the supervision of educational organisations in relation to the delivery passport test.

When assessing the budget appropriation needs for the coordination of alcohol licensing in the Proposal and the amounts raised in control fees, it has been assumed that there would be approximately 100–300 licence holders for the delivery of alcoholic beverages. This assumption is subject to considerable uncertainty, as it is very difficult to predict how operators engaged in the delivery of alcoholic beverages would organise their activities in practice. In addition, the control fee model has undergone significant changes since the consultation period and key players have not been consulted on the changes due to the tight schedule of the Proposal. Some of the current alcohol retail licence holders could arrange for the delivery of alcoholic beverages themselves, but a significant proportion would probably use an external transport company for the delivery of alcoholic beverages. For this reason, the Proposal is based on the assumption that the number of alcohol delivery licence holders will be significantly smaller than, for example, the number of alcohol retail licence holders.

The Regional State Administrative Agencies would incur costs from issuing licences to applicants for a licence to deliver alcoholic beverages and on the control of the holders of a licence to deliver alcoholic beverages. In the first year of application of the Act, the additional resources required due to licensing and control would amount to a total of approximately EUR 320 000, which would correspond to approximately four person years. In the first year, half of this amount, EUR 160 000, corresponding to two person years, would be allocated to licensing and half, i.e. EUR 160 000, corresponding to two person years, would be allocated to control. The costs of licensing would be covered by the licence fees charged by the Regional State Administrative Agencies from delivery licence applicants. As the number of delivery licence applicants is difficult to predict, the licence fee revenue of the Regional State Administrative Agencies is uncertain. If the licence fee were assumed to correspond to, for example, the licence fee (EUR 950) for a serving licence where the licence applicant does not have premises to serve alcohol, 100 to 300 licence applicants would mean a licence fee revenue of approximately EUR 100 000 to EUR 290 000. After the first year, the additional resources needed for licensing would be reduced and the proportion of control would increase so that, from 2026 onwards, the additional resources needed for control would be EUR 240 000, corresponding to three person years, for the Regional State Administrative Agencies.

The Proposal would also have an impact on the operations of the National Supervisory Authority for Welfare and Health (Valvira) and on the information systems necessary for alcohol control. Valvira would incur a permanent need for additional resources of EUR 80 000 from the new duties under the Proposal, corresponding to one person year. Table 1 shows the impact of the Proposal on the agencies' operating expenditure. In addition to the operating

expenditure shown in Table 1, it is being proposed that Valvira be allocated a one-time additional resource of EUR 375 000 in connection with the third supplementary budget proposal for 2024 for changes to the alcohol trade register, e-services and application forms. Changes to the alcohol trade register, e-services and application forms should be initiated quickly so that, when the Act enters into force, compliance with the requirements of the system can be verified when operations begin. The one-time appropriation for operating expenditure item 33.02.05 (operating expenditure of the National Supervisory Authority for Welfare and Health (Valvira)) would be funded by the state budget. However, the costs caused by the changes to the information system would be allocated to licence and control fees in the coming years in line with the annual depreciation of investment expenditure.

Table 1. Effects on the operating expenditure of the agencies

	In 2025	From 2026 onwards
Regional State Administrative Agencies (item 28.40.01)	160 000	240 000
National Supervisory Authority for Welfare and Health (Valvira) (item 33.02.05)	80 000	80 000

The Regional State Administrative Agencies would charge holders of a licence to deliver alcoholic beverages a control fee to cover the costs incurred by the alcohol administration from the control of the licence to deliver alcoholic beverages. A corresponding control fee is levied on the holders of retail and serving licences. In the Proposal, the control fees would be determined on the basis of the number of deliveries made by the licence holder for the delivery of alcoholic beverages. All delivery licence holders would be charged a basic fee of EUR 100. After one thousand deliveries, the amount of the control fee would be EUR 0.1 per delivery in addition to the basic fee. For example, a licence holder making 10 000 deliveries per year would pay a control fee of EUR 1 000. The control fees to be collected are subject to significant uncertainty as regards the estimation of both the number of delivery licence holders and the number of deliveries by delivery licence holders. When assessing the amount of fees to be collected, it has been assumed that a large proportion of licence holders (around three-quarters) would be relatively small operators paying the basic fee. In addition, about a quarter of licence holders would be slightly larger operators with a delivery volume of some tens of thousands of deliveries per year. In addition to these, there would be a few large operators with an annual delivery volume of some hundreds of thousands of deliveries. Based on the assumptions described above, the annual revenue from control fees is estimated to be in the range of EUR 200 000 to EUR 350 000.

Revenue from the control fees for alcohol control will be credited to item 11.10.19 of the state budget (other tax-like payments), but the full estimated amount would only be reached from 2027 onwards. The control fee revenue collected could be used to finance the additional resources needed for the operating expenditure items of the Regional State Administrative Agencies and the National Supervisory Authority for Welfare and Health (Valvira), as previously estimated in the Government proposal. In the first year of the Act's application, the additional resources required for the operating expenses of the agencies would be financed by central government budget funding, as the control fees would only be invoiced retrospectively on the basis of the actual deliveries notified by the licence holder. Budget item 11.10.19 (other tax-like payments) would not receive the full revenue from control fees for 2026 either, as due to the transitional period of the Act, the Act would probably apply from 1 June 2025 at the earliest. This means that the control fees collected based on the number of deliveries reported by the licence holders would only be received for part of 2025. The amount of collected control fees to be credited to item 11.10.19 (other tax-like payments) from the control fees for the licence to deliver alcoholic beverages in 2026 is estimated to be approximately EUR 100 000–200 000. The need for additional resources for the agencies and the level of the control fees may need to be examined after the change enters into force, taking into account the final number of delivery licence holders and the experiences gained in the practical implementation of the control work.

A comprehensive reform of the state's regional administration is currently being prepared by the Ministry of Finance. If implemented, the regional administration reform will have a significant impact on the activities of the licensing and supervisory authorities under the Alcohol Act, as the regional administration reform would involve, for example, the merger of the National Supervisory Authority for Welfare and Health (Valvira) and the Regional State Administrative Agencies into a single national licensing and supervisory agency. The legislative proposals on the regional administration reform are expected to enter into force at the beginning of 2026. Therefore, the proposed amendment to the Alcohol Act and its effects on the licensing and supervisory authorities referred to in the Alcohol Act would remain in effect for an intermediate period of no more than one year before the start of operations of the national licensing and control agency, provided that the regional administration reform is implemented within the planned timeframe.

The Proposal could also have implications for the police. Alcohol is the most common factor behind violence, accidents and accidents. Alcohol consumption, in particular episodic drinking, increases the risk of both committing and becoming a victim of a violent crime. In 2023, the police had approximately 22 4000 alcohol-related emergency calls¹¹. The draft Act could increase public order related calls and criminal offences and thus the workload of the police. In particular, the emergency calls to private homes could increase if the use of alcohol in the home environment is increased as a result of the Proposal. However, alcohol-related emergency calls occur particularly during evening and night-time periods. Since the delivery

¹¹ Alcohol-related emergency calls are defined here as assault, emergency calls to private homes, inappropriate public behaviour and violence, driving while intoxicated and other call-outs related to intoxicated persons.

of alcoholic beverages would only be allowed from 9 a.m. to 9 p.m., the draft Act is unlikely to have a significant impact on police call-outs during night time.

The Proposal would allow educational establishments to organise delivery passport tests, after passing which a person would receive a delivery passport certificate. The delivery passport would be an indication of the competence of the deliverer of the alcoholic beverage. Educational establishments would be entitled to charge a fee for the test. In general, the number of persons taking the test would depend on the number of companies applying for a licence to deliver alcohol. For each undertaking applying for a delivery licence, the number of alcoholic beverage delivery drivers completing the test could range from a handful of individuals to thousands of persons. Demand for delivery passport tests is likely to be high immediately after the entry into force of the Act.

Impact on the situation of households and consumers

While the regular consumption of alcohol by Finns has decreased, weekly alcohol consumption still stood at 48 % for men and 22 % for women in 2023. The share of fully sober persons in 2023 was 12 % of the population¹². The reform would benefit the significant proportion of Finns who consume alcohol, as the purchasing alcoholic beverages would not require visiting a physical point of sale. Consumers who have alcohol delivered by would save time and costs for shopping. A significant proportion of Finns would still continue to buy their alcoholic beverages by going to a physical point of sale. Delivering alcohol to consumers is likely to be the easiest and cheapest in densely populated areas where deliveries can be made cheaply. In these areas, the distances to the nearest shop or Alko are still mostly short.

4.2.3 Other impacts on people and society

Impacts on wellbeing and health

In Finland, the number of people who die from alcohol-related diseases and poisonings is more than three times as high as in Sweden and Norway. Alcohol is also a determinant of many diseases. There is a significant increase in the risk of developing cancers of the oral cavity, larynx, throat, oesophagus and liver, and a mildly increased risk of breast and colorectal cancer. For example, alcohol increases the risk of breast cancer even at low levels of consumption and the risk increases in proportion to alcohol consumption. Although the overall consumption of alcoholic beverages as well as risk consumption has decreased steadily over the past decade, high-risk alcohol consumption in Finland remains widespread.

Academic literature shows that those who purchase alcohol online and have it delivered (the studies use the term *home delivery* meaning ‘kotiinkuljeuts’) include a higher-than-average

¹² Suomalaisten alkoholinkäyttötavat 2023. THL’s Tilastoraportti publication series 59/2023, 30 October 2023. https://www.julkari.fi/bitstream/handle/10024/147677/Tilastoraportti_59_2023_Suomalaisten_alkoholink%C3%A4ytt%C3%B6tavat_2023_s.pdf?sequence=1&isAllowed=y

share of high-risk alcohol users¹³. However, it is possible that high-risk alcohol consumers prefer to buy online more than other consumers, as opposed to online shopping in itself increasing the consumption of alcohol of those who have it delivered. However, the draft Act may have a negative impact on alcohol-related harm, especially for those who already consume alcohol at a high level.

For many people with alcohol problems, purchasing alcoholic beverages has required them to be fit to drive, which would no longer be necessary if alcoholic beverages can be delivered. If the compliance of alcoholic beverage deliveries with legislation cannot be sufficiently ensured, there is a risk that alcohol consumption by person suffering from alcohol addiction will increase if there is no longer a need to be sober when purchasing alcohol. In general, it is much more difficult to assess the state of intoxication at the time of delivery of an alcoholic beverage, as the person who hands them out is not able to observe the intoxicated person for signs of intoxication in the same way as in a shop.

Indeed, the delivery of alcoholic beverages may lead to prolonged drinking situations for some people and to drinking large quantities of alcohol at a time when orders are made¹⁴. In an Australian study, the above problem has been linked in particular to fast deliveries. Callinan et al. (2023)¹⁵ stressed that fast deliveries increase the possibility of impulsive consuming alcohol consumption, and impulsiveness is a key factor of high-risk alcohol consumption and related harms. However, the draft law would limit the deliveries of alcoholic beverages between 9 a.m. and 9 p.m. This would prevent, in particular, impulsive ordering of alcoholic beverages very late in the evening. In Finland, episodic drinking (five or more doses consumed) usually happens in the evening. Of the times Finns (aged 20 to 79) drink until intoxication, in 74% of the cases alcohol was also consumed outside the time between 9 a.m. and 9 p.m.¹⁶.

Alcohol-related harms manifest in older people at a significantly lower number of units than in young people. The delivery of alcoholic beverages could make it easier to buy alcohol, especially for elderly people who are in poor health, thereby increasing their alcohol consumption and the resulting harms. Both the alcohol-related harms caused by long-term alcohol consumption and accidents in the home could increase if the Proposal were to increase alcohol consumption among the elderly.

Impact on children and young people

¹³ Coomber K. ym. (2023) Characteristics of high- and low-risk drinkers who use online alcohol home delivery in Western Australia. *Drug and Alcohol Review*, pp. 1–9.

¹⁴ Colbert S ym. (2023) Cross-sectional survey of a convenience sample of Australians who use alcohol home delivery services. *Drug Alcohol Rev.* 42, pp. 986–995

¹⁵ Callinan S. ym. (2023) In order to assess the impact of home delivery expansion within Australia, researchers need regulators to collect and share data on sales. *Drug Alcohol Rev.* 42, pp. 1309–1311.

¹⁶ The data is based on a 2023 drinking habit study produced by THL

In Finland, the most typical alcohol-drinking situation is the home environment (own home or another's home or other private space)¹⁷. The Proposal could lead to an increase in alcohol consumption, especially in home conditions. Finland currently has an estimated 65 000–70 000 children (around 6 % of minors) of whose other or both parents have a substance abuse problem. At the age of 13–17, the risk of mental health problems in children with parental substance abuse is about one and a half times higher and the risk of harmful substance use is twice as high as for children whose parents do not have a substance abuse problem. However, the negative effects of alcohol on children and adolescents are not only related to children of severely substance-dependent parents. High-risk alcohol consumption is also common in many families. In families with risk consumption, there is also an increased risk of children and adolescents feeling of unsafe, fearfulness of different kinds and of their care being neglected. If the use of alcohol in home conditions is increased as a result of the Proposal, especially in families where one parent has a problem with alcohol or engages in risk-consumption of alcohol, children's wellbeing could also be reduced in those families.

Alcohol is a major determinant of domestic violence.¹⁸ If the Proposal were to increase alcohol use, especially at home, the risk of increased domestic violence would also increase. The link between the increase in alcohol consumption and the increase in domestic violence also affects children. In the home, children may themselves be subjected to violence by a parent or they may witness violence between parents or by one parent against the other parent.

In Finland, one of the key factors contributing to the decline in alcohol consumption among young people has been the difficulty in accessing alcohol that young people have experienced,¹⁹ i.e. more effective age-limit controls in practice. Both private retail establishments and Alkos stepped up age control in the 2010s. Based on the experience of countries that currently allow the delivery of alcohol, the main problem of responsible sales and sales control in the delivery of alcoholic beverages is related to the checking of age limits and the supply of alcohol to minors. For example, in the Netherlands, regulatory controls carried out in early 2024 revealed that 70 % of sellers of alcoholic beverages did not check the age of the recipient at the time of delivery of the alcoholic beverage and handed the alcoholic beverage over to a minor test buyer²⁰. The Proposal would provide that the age of the recipient should be verified in connection with the delivery of alcoholic beverages, and alcoholic beverages should not be supplied to a person who was not 18 years of age at the time of delivery. However, if age-limit

¹⁷ Mäkelä, P. et al. (2023) Drinking in the home: what does it entail for younger and older Finns? *Drug and Alcohol Review* 42, pp. 1004–1012.

¹⁸ Ministry of Social Affairs and Health 2007. A vicious circle for the whole family. Interpersonal violence and alcohol. Reports of the Ministry of Social Affairs and Health 2007:27, p.31. Online: <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72104/Selv200727.pdf?sequence=1&isAllowed=y>.

¹⁹ Raitasalo, K. et al. (2018) What is going on in underage drinking? Reflections on Finnish ES-PAD data. *Drug and Alcohol Review* 37, pp 76–84.

²⁰ Inspectieresultaten - Pilot leeftijdsgrenscontrole bij aflevering van alcoholhoudende dranken bij online networkop. Dutch Food and Consumer Product Safety Authority, 31 May 2024. <https://www.rijksoverheid.nl/documenten/publicaties/2024/05/31/inspectieresultaten-pilot-leeftijdsgrenscontrole-bij-aflevering-van-alcoholhoudende-dranken-bij-online-verkoop>

control is not effectively implemented, the delivery of alcohol may increase the availability of alcohol, especially for young people.

In Australia, fast deliveries were particularly common for people under the age of 25. In this way, fast deliveries can lead to prolonged drinking situations and an increase in the quantities of alcohol consumed at one time, especially for young people. However, the bill would not allow delivery after 9 p.m., which would prevent fast deliveries late in the evening and drinking episodes being prolonged late to the evening and or night-time. In about 60 % of the drinking episodes of young people (aged 20–34) in the home environment, alcohol was also consumed outside the time between 9 a.m. and 9 p.m. Of the drinking episodes of young people in the home environment, where alcohol was consumed until intoxication, 90% ended outside the time between 9 a.m. and 9 p.m.

Impact on gender equality

According to Statistics Finland's 2021 survey on the use of information and communications technology by the population, online shopping is roughly as common among men and women.²¹ Nevertheless, the main effects of the bill can be estimated to affect women and men in different ways. In the case of men, the effects may be particularly visible as an increase in alcohol consumption and, consequently, in alcohol-related harms. The key risks of the Proposal related to the increase in alcohol-related harms are especially related to prolonged drinking sessions and to an increase in the number of units consumed at one time, which can be seen to be linked to express orders in particular. These risks can be estimated to be particularly pronounced in the case of individuals who already consume a lot of alcohol. As it is significantly more common for men than women to suffer from serious alcohol problems, it can be estimated that the Proposal may have a greater impact on men's health than on women's health.

Alcohol mortality is higher among men than among women. A total of 1 664 people died of alcohol-related diseases and alcohol poisoning in Finland in 2022. Of these, 1 251 were men and 413 were women.²² According to the 2023 drinking habits survey, men consume alcohol more often than women. Among men, the proportion of people consuming alcohol on a weekly basis was 48 % and for women the proportion was 22 %. Men's binge drinking is also much more common than women's. The percentage of people getting drunk on a monthly basis was 32 % for men and 10 % for women.²³ The moderate risk limit for alcohol consumption

²¹ Statistics Finland: E-commerce in transition, 30 November 2021, https://stat.fi/til/sutivi/2021/sutivi_2021-11-30_tie_001_en.html

²² Statistics Finland's statistics on causes of death, https://pxdata.stat.fi/PxWeb/pxweb/en/StatFin/StatFin_ksyyt/statfin_ksyyt_pxt_11bx.px/, 23 August 2024.

²³ National Institute for Health and Welfare, Statistical Report 59/2023, Finnish alcohol consumption habits 2023. pp. 3-4.

(more than 14 units per week for men and more than 7 units per week for women) was exceeded by 15 % of men and 9 % of women.²⁴

If home delivery were to increase alcohol-related harms, more men than women would likely experience these additional problems. The regulation, licencing and regulatory control of the alcoholic beverage deliveries can contribute to the realisation of risks. In particular, the extent to which the delivery of alcoholic beverages complies with the prohibition on serving alcohol to intoxicated persons is of particular importance for ensuring that the availability of alcohol to intoxicated persons is not improved as a result of the Proposal.

Alcohol is also an important driver of domestic violence. If the proposal were to increase alcohol use, especially in the home, the risk of a rise in domestic violence can also be estimated to increase. domestic violence is a common and serious occurrence in Finland. Most of the victims of domestic violence are women or girls. According to a recent statistical report, domestic violence and domestic violence offences involving 10 900 victims were reported to the authorities in 2021. Of adult victims, 75 % were women and 77 % of those suspected of domestic violence were men. However, far from all cases of domestic and domestic violence are reported to the authorities.²⁵ According to statistics, around a third of women have experienced physical violence, threats of physical violence or sexual violence from a partner at some point in their lives. Less than one-fifth of men have experienced such violence from a partner.²⁶

Heavy alcohol consumption increases the risk of domestic violence and affects the recurrence, severity and consequences of violence. The perpetrator's inebriation increases the risk more than the victim's inebriation. Drinking large amounts is a more significant factor than the frequency of drinking. The consequences are more severe when the perpetrator or both parties to the violence are intoxicated.²⁷ The perpetrator of domestic violence is intoxicated in almost half of the situations involving violence and the consequences of alcohol-related domestic violence are often more serious than those of non-alcohol-related domestic violence.

domestic violence often takes place in homes or other private places. As the bill could have the effect of increasing drinking at home, it could also increase the risk of domestic violence. In particular, enabling express deliveries would increase this risk, as such orders can be placed on impulse and possibly while intoxicated. According to the Proposal, the delivery of alcoholic beverages would comply with the same prohibitions on the supply of alcoholic beverages as, for example, has been the case so far in retail sales. This means that alcoholic beverages should not be supplied to a clearly intoxicated person. The extent to which the prohibitions on supply are complied with is significant for the realisation of the risks.

²⁴ THL Statistical Report 59/2023, Finnish alcohol consumption habits 2023, p. 6.

²⁵ THL statistical report 43/2023, domestic violence 2021. 23 August 2024, p. 3.

²⁶ Statistics Finland: Gender-based violence and domestic violence in Finland 2021, p. 17.

²⁷ Finnish Institute for Health and Welfare: Alcohol as a risk factor for domestic violence https://www.julkari.fi/bitstream/handle/10024/116695/Alkoholi_1%c3%a4hirv%c3%a4violence_risk_technician%c3%a4n%c3%a4_2014.pdf?sequence=1&isAllowed=y, 2014.

In recent decades, Finnish homicides have been most likely to take place in private dwellings. Of the offences committed during the period under review, 68 % had been committed in private dwellings. Finnish homicides are closely related to alcohol consumption and situations involving alcohol use. The majority of homicides in Finland are related to situations involving alcohol use by middle-aged men who are not gainfully employed. Between 2010 and 2018, in 58 % of adult homicides, all parties were drunk at the time of the crime, while in 77 % of crimes at least one of the parties was drunk. The association with alcohol consumption was particularly strong in men: 72 % of adult males involved in homicides were drunk at the time of the crime. The men and women who committed the crimes and who were caught immediately after the act had on average a blood alcohol content of just under 2.0 per mille (2 %) and the victims well over 2.0 per mille (2 %). In the case of the culprits, the results cannot be generalised, as it is likely that the level of intoxication affected the risk of being caught. On the other hand, in the case of the victims, the level of intoxication had no effect on the survey results whereas it was likely to impact victim selection. In alcohol-related homicides, the victims' level of intoxication was usually higher than that of the perpetrators. Severe intoxication may have made it more difficult for victims to function in conflict situations – both mentally and physically. Of the male suspects who were drunk at the time of the crime, 67 % were intoxicated by alcohol alone and 33 % were under the influence of alcohol and some other (or several other) substance(s). The corresponding proportions for female suspects were 69 % and 31 %.²⁸

Effects on Alko's position

The section above on the relationship with EU law describes how enabling the delivery of farm wines and craft beers directly from the point of sale to the buyer would also affect the legal position regarding distance selling. As described in the section, enabling the delivery of farm wine and craft beers from the place of production to the place indicated by the buyer would probably lead the EU to require the application of similar provisions to sellers from other Member States. Distance selling from abroad would therefore be explicitly allowed for all alcoholic beverages containing up to 13 % by volume of ethyl alcohol.

If distance selling were to become possible, alcohol products that fall under Alko's monopoly could be sold to Finland. This could have an impact on Alko's position. The effects on Alko's position would partly depend on the extent to which consumers would replace their previous purchases from Alko with alcoholic beverages purchased via distance selling. Alko's sales could decrease, which would weaken the economic conditions for operations. On the other hand, enabling distance selling could affect Alko's monopoly position in such a way that the justification for its existence would be undermined. The Alcohol Act grants Alko exclusive rights to sell alcoholic beverages for public health reasons. A reduction in the scope of the monopoly would also weaken the public health rationale.

²⁸ Lehti, Martti (2020) Homicide Review 2020. University of Helsinki, Institute of Criminology and Legal Policy, Reviews; 41/2020.

5 Other implementation options

5.1 Options and their impacts

Delivery of alcoholic beverages under a retail licence

As an alternative to the amendments now proposed, a regulatory model was considered which would allow the delivery of alcoholic beverages only for the retail licence holders referred to in the Alcohol Act. The options considered were a model where delivery would automatically be included in the retail licence, without any separate application for a delivery licence. As a second option, a model was considered where only retail licence holders could apply for a licence to deliver alcoholic beverages. The licence would then have been applied for either as an amendment to an existing retail licence or in conjunction with the application for a new retail licence.

It was recognised in the preparation that including the licence to deliver alcoholic beverages in the retail licence would least change the current licensing system under the Alcohol Act. With this model, the ability of alcohol traders to meet their obligations would be considered in the licence process and their data would already be included in the register for regulatory control purposes. Responsibility for operations and compliance with the law would clearly lie with the licence holder, who would also have concrete means to guide the work of their staff. Under this model, the necessary changes to the alcohol business register would be the least costly. Similarly, the scope of regulatory control and the number of persons to be controlled was deemed unlikely to increase significantly, as the number of operators licenced for retail sale was not estimated to change significantly under this option.

This option was deemed as least likely to require extensive changes to alcohol legislation as other regulatory options under assessment. The adverse effects of the amendments enabling the delivery of alcoholic beverages would also be assessed to be the least significant in this option. However, this regulatory option is unlikely to make it possible for new operators to enter the market to the same extent as the option chosen, and would thus be less effective in achieving the underlying objective of the regulation.

Enabling the delivery of alcoholic beverages is driven in particular by the Government's objective of promoting fair and open competition. The Government's aim is to create conditions for the growth of the domestic market and for the wellbeing and freedom of Finnish citizens. The Government will also continue to open the market with determination and responsibility. The Government also aims to reform alcohol policy responsibly towards a more European direction. It was estimated that the option where the delivery licence of alcoholic beverages was included in the retail licence would not be as effective as the regulatory option chosen to achieve the objectives of the Government and the proposed change to open the market and to promote fairer and more transparent competition. It was estimated in the preparation that, even if the adverse effects of that option were likely to be lower than the regulatory option chosen, the positive effects of regulation would also be smaller than those of the chosen option. In addition, the delivery licence included in the retail licence would not allow new operators to enter the market and the regulatory option now chosen will therefore better promote the right to business than this option.

Delivery licence for alcoholic beverages only to home and business addresses

An alternative that would otherwise be identical with the proposed regulation was considered in the preparation, but in this option, alcoholic beverages could only have been delivered to home and business addresses. Under this regulatory option, alcoholic beverages could have been ordered as in the amendment now proposed, but delivery could only have been made to fixed home or business addresses and thus deliveries could not have been made to public spaces, for example.

It was estimated in the preparation that this regulatory option would have achieved well the purpose and objective of the Alcohol Act, but would not have been as well and broadly in line with the objective set out in the Government Programme as the regulatory option chosen. The regulatory option might have better minimised the possible increase in public disorder possibly resulting from deliveries of alcoholic beverages, but at the same time, it could have created confusion for deliverers of alcoholic beverages as regards the addresses to which alcoholic beverages would be allowed to be delivered and which addresses not.

Delivery of alcoholic beverages as an activity subject to a declaration

Another option in the preparation was to assess a model in which the deliverer of alcoholic beverages would submit a notification to the authority prior to the start of the delivery activities. The advantage of this model would be that, like retail licence holders, deliverers of alcoholic beverages would continue to be registered with the authority. However, with regard to the activities subject to notification, there would be no assessment of the capacity of the operator engaged in the delivery of alcoholic beverages, that is to say, there would be no prior control by the authorities. Under this regulatory option, the number of operators and thus the number of operators the public authorities would have to supervise, would be likely to increase more and it would be more challenging to address illegal activities than in the regulatory option chosen. This model would make it easier for the trader to start delivering alcoholic beverages than the one chosen and would thus open up more competition than the one chosen, in line with the Government's objectives. However, it was estimated in the preparation that the problems of supervising and addressing illegal activities as well as the potential harmful effects of alcoholic beverages would be significantly higher under this option than in the chosen model. The model chosen also better serves the purpose and objective of the alcohol legislation than this regulatory option.

Delivery of alcoholic beverages without a licence or notification procedure

One option was also assessed where the delivery of alcoholic beverages would not require notification to the authorities or the application for a separate licence. This would be the lightest model for traders and would allow all operators to enter the market freely.

Under this regulatory option, operators involved in the delivery of alcoholic beverages would not be included in the register of the authority or be covered by the licensing system, and their general conditions for acquiring a licence would not be examined. In this case, operators who would not be able to obtain a licence under the Alcohol Act could still provide delivery services. The number of deliverers would also be totally unrestricted and even retailers of alcoholic beverages, let alone the public authorities, would have no knowledge of the those who handle the deliveries or the legality of their activities. The risks of increasing alcohol-related harm, including the grey economy, would be the highest under this regulatory option compared to the other regulatory options under assessment.

It was noted that a regulatory option allowing alcoholic beverages to be delivered freely to customers by anyone would call into question the licensing system of the existing alcohol legislation and would also blur the limits of the activity subject to licensing. It was noted in the preparation that the prohibition on brokering alcohol for remuneration, which is included in the Criminal Code as an alcohol offence, would be rendered meaningless in practice in this legislative option. Under this option, the legitimacy of the licensing system under the alcohol legislation would also be called into question if the supply of alcoholic beverages at premises licenced for serving alcohol and by retail outlets were subject to licensing, but the same requirement would not apply to delivery, even though studies have shown that the risks of violating prohibitions on serving alcohol are higher for alcohol deliveries than for premises licenced to service alcohol or retail outlets.

It was estimated that this regulatory option would outweigh the benefits and would not be acceptable from the point of view of the spirit and purpose of the Alcohol Act.

5.2 Legislation and other means used in other countries

E-commerce and delivery or home delivery of alcoholic beverages are relatively new phenomena in alcohol trade in a global context. The coronavirus outbreak contributed to the acceleration of online sales of alcoholic beverages. In various parts of the world, restrictions on e-commerce and deliveries were eased during the COVID-19 outbreak in order to improve the business environment under the extraordinary circumstances.²⁹ However, many of these rapid policy changes remained in force on a permanent basis. The delivery of alcoholic beverages is allowed in Finland's nearest analogue countries, such as Sweden, Norway, Denmark, Estonia, Latvia and Lithuania.

Sweden

In Sweden, the production, import and export of alcoholic beverages, and their marketing, wholesale and retail trade and disposal are regulated by the 2010 alcohol legislation (Alkohollag 2010:1622). The government-owned alcohol company Systembolaget Aktiebolag, founded in 1955, has an exclusive right to the retail sales of spirits, wine and strong beer (above 3.5 %). In Sweden, alcohol trade is thus almost entirely centralised in the state system of exclusive rights (Systembolaget) and the same applies to online sales and the delivery of alcoholic beverages.

Norway

The Norwegian alcohol act (LOV-1989-06-02-27) governs the manufacture, import and export of alcoholic beverages, the sale and distribution of alcoholic beverages and the related licensing system and marketing.

²⁹ Huckle, T. & et al. (2021) Online alcohol delivery is associated with heavier drinking during the first New Zealand COVID-19 pandemic restrictions. *Drug and Alcohol Review* (July 2021) 40, pp. 826–834.

Callinan, S. & et al. (2023) In order to assess the impact of home delivery expansion within Australia, researchers need regulators to collect and share data on sales. *Drug Alcohol Rev.* 42, pp. 1309–1311.

Lemp, JM & et al. (2023) Here to stay? Policy changes in alcohol home delivery and “to-go” sales during and after COVID-19 in the United States. *Drug Alcohol Rev.* 2023, pp. 1–6.

The Norwegian alcohol act divides alcoholic beverages into three different categories. The first category includes alcoholic beverages between 2.5 % and 4.7 % in strength. The second category includes alcoholic beverages between 4.7 % and 22 % in strength. The third category includes all strong alcoholic beverages above 22 % in strength. A sales licence must be applied for the retail sale of the first category of alcoholic beverages. Licences are granted by the municipality in which the point of sale is located. In Norway, the sale of strong alcohol (categories 2 and 3) is controlled by the Norwegian government monopoly Vinmonopolet. Vinmonopolet has an exclusive right to the retail sales of alcoholic products in Norway of more than 4.7 % in strength, with the exception of ciders and fruit wines which may be sold directly from producer farms' own shops for up to 15 000 litres per year. In addition, in Norway, the auctioning of alcohol has been made possible through an auction company, but even in this case the sale takes place under the mandate of Vinmonopolet.

The Norwegian alcohol act allows alcoholic beverages belonging to alcohol category 1 to be sold online (e.g. mild beers). In this case, an application must be made for a licence to sell the alcohol from the municipality in which the point of sale or warehouse is located. In addition, the sales licence must be applied for separately from all municipalities in whose territory the alcohol is to be delivered. The delivery of alcohol must take place within the shelf-life of the alcohol in each municipality. The recipient must be able to prove their identity at the time of delivery and the delivery may not be handed over to an intoxicated person. In practice, this means that e.g. grocery shops may deliver mild products of alcohol category 1 in connection with a food delivery, provided that the local municipality has granted a sales licence.

The online sales of categories 2 and 3 are made via Vinmonopolet. It is possible to order alcoholic beverages from Vinmonopolet's website either for pick-up at the selected Vinmonopolet shop, at a self-selected pick-up location or at a home address. Pick-up and home delivery must take place within the opening hours of Vinmonopolet. The recipient must be able to prove their identity at the time of delivery and the delivery may not be handed over to an intoxicated person. In Norway, the home deliveries of Vinmonopolet are carried out by the Norwegian state post company.

Denmark

In Denmark, regulation of the retail sales of alcoholic beverages has been minimal. The food trade licence granted by the authorities also includes a licence for the sale of alcoholic beverages. Retail opening hours were abolished in 2012, with the exception of a dozen public holidays during shops must be closed. There are no time restrictions on the sale of alcohol.

In Denmark, the retail sale of alcohol is therefore not subject to a separate licence for the retail sale of alcoholic beverages, nor is the delivery of alcohol subject to authorisation in Denmark.

When selling beverages containing between 1.2 % and 16.5 % alcohol by volume in online shops, the seller must require the customer to declare that they are at least 16 years of age before the sale takes place. Similarly, for alcoholic beverages above 16.5 % in strength, the customer is required to declare that they are at least 18 years old.

Iceland

In Iceland, a licence is required for the sale of alcohol. Selling alcohol to persons under 20 years of age is prohibited in Iceland and sellers may refuse to sell alcohol to a person who is obviously intoxicated. In Iceland, alcohol advertising is not allowed. The Icelandic state

alcohol and tobacco company Vínbúðin has a monopoly on the retail sale of alcohol. However, many companies have started selling alcoholic beverages online in Iceland and the Icelandic Government is currently considering a legislative initiative that would presumably regulate this situation. Delivery of alcoholic beverages in Iceland is not possible.

Estonia

Estonia's independence led to the privatisation of the alcohol trade, with little initial regulation on alcohol. Legislation aimed at preventing alcohol-related harm came back in 1995. Kiosk sales of alcoholic beverages were banned altogether in 2001. In 2008, sales times were harmonised throughout the country so that sales are allowed from 10 a.m. to 22 a.m.

In Estonia, the retail and online sales of alcohol do not require a separate sales licence. However, the seller must declare its activity to the Agricultural and Food Board and declare the economic activity in the business register. Online sales of alcoholic beverages must be linked to a physical address. However, an online sales outlet does not have to have commercial premises, but can instead operate from a warehouse, for example.

The delivery of alcohol is permitted with the same time limit as its retail sale, i.e. from 10 a.m. to 10 p.m. Furthermore, no specific licence is required for deliveries. When ordering from an online shop, the age of the buyer must be verified before the delivery of the alcohol. The handover may take place by means of a courier or a pick-up device.

Latvia

In Latvia, e-commerce is subject to licence and linked to a physical point of sale.

Lithuania

In Lithuania, e-commerce is subject to a licence and linked to a physical point of sale. Under Lithuanian alcohol legislation, the directorate for the control of the wholesale and retail sale of medicines, tobacco and alcohol authorises, inter alia, the wholesale distribution of alcoholic beverages and may issue warnings on the possible suspension or revocation of a licence, or suspend or revoke a licence, for example. That directorate also monitors that those holding a licence for the wholesale or retail distribution of alcoholic beverages comply with the terms of the activity subject to licence. In Lithuania, the mayor of the municipality or the municipal administration authorised by the mayor issues the retail licences for alcoholic beverages and supplements or amendments to the licence and specifies the conditions of the licence. The mayor of the municipality or the municipal administration authorised by the mayor may also issue warnings of the possible suspension or revocation of the licence.

Licences are granted to companies, European legal persons and their branches which have submitted a licence application to produce alcoholic products, or to engage in the wholesale or retail sale of alcoholic beverages provided that they fulfil the conditions for obtaining a licence laid down in law.

In Lithuania, alcohol may not be sold to people under the age of 18. The sale of alcohol in Lithuania is prohibited, inter alia, in prisons, military and paramilitary services, police, health care, educational establishments, and in the territories of these institutions and in houses of worship. In addition, alcohol may not be sold in retail shops where goods for children and adolescents account for at least 30 % of the retail sales of goods, at trade fairs (except

fermented alcoholic beverages with an ethyl alcohol content not exceeding 7.5 % by volume), exhibitions (with the exception of fermented natural alcoholic beverages with a maximum ethyl alcohol content of 13 %), or in vending machines and, as a general rule, alcohol may not be sold in temporary retail outlets and public catering.

The sale of alcohol online and delivering alcoholic beverages is allowed in Lithuania. The online sale or delivery of alcoholic beverages does not require a separate licence or authorisation, but a trader wishing to sell alcoholic beverages online and/or deliver alcoholic beverages must obtain a legal retail licence and have a shop where the retail trade takes place. The delivery of alcohol in Lithuania is subject to the same requirements for the sale of alcoholic beverages as for retail outlets.

Poland

In Poland, the sale of alcoholic beverages is subject to licence and the requirement applies to all products containing more than 0.5 % ethyl alcohol. In Poland, there are separate types of licences for alcoholic products of different strengths: (a) licence for products containing less than 4.5 % alcohol and beer products (b) licence for products containing between 4.5 % and 18 % alcohol, and (c) licence for products containing more than 18 % alcohol. Licences are subject to a fee and are granted by the municipal or municipal council. Each municipality or city grants a limited number of sales licences for alcoholic products per year.

The Polish legislation on alcohol dates back to 1982 and because of this, online sales as one of the authorised sales outlets are not covered. In the past, the Polish authorities and courts have taken the view that the absence of e-commerce on the list of authorised sales places means that the sale of alcoholic beverages in online shops is prohibited. The judgment of the Polish supreme administrative court of 8 September 2022 changed the above approach, stating that e-commerce is not a separate place for the sale of alcohol, but a form of communication between the entrepreneur and potential customers and a tool that also allows sales via a computer network. According to the judgment of the Polish supreme administrative court, the current regulations do not prohibit the sale of alcohol via the internet, and the absence of a clear prohibition therefore means that the sale in this form is lawful. The online sale of alcohol in Poland requires the seller to have a valid licence to sell alcohol products at fixed points of sale.

According to the reasoning of the Polish supreme administrative court, the correct determination of the terms and conditions for the sale of alcohol in the e-commerce rules is crucial in order to safeguard that sales model. The decisive factor in the positive judgments handed down to operators selling alcohol was that, at the time of purchase, customers were required to accept rules stating that the place of sale of the alcoholic beverages is deemed to be the point of sale of the products and not the place of delivery of the alcohol, and if the customer orders the products at home, the products are deemed to have been delivered to the customer at the same time as they are handed over by the seller to a delivery operator authorised by the customer, e.g. courier. In other words, the buyer authorises a transport company or a courier to collect and deliver the products, for example.

England and Wales

In England and Wales, the sale of alcoholic beverages is subject to licence. There are two types of licence: a premises licence, required for restaurants and bars wishing to sell alcohol, for example, and a personal licence required for persons selling alcohol. In addition, each for

premises licence at least one person holding a personal licence must be designated. The person concerned does not need to be present at all times, but they are responsible for ensuring that the alcohol is sold in accordance with the law. The applicant completes the Personal Licence Holders Qualification Certificate. The permit is issued by a local council.

In England and Wales, the minimum age for buying alcohol is 18 years, and this applies to both mild and high-strength alcoholic beverages. However, people aged 16 and 17 can drink mild alcoholic beverages in the supervision of an adult, provided that this happens in the context of eating and in a designated space. Shops in England and Wales can sell alcohol 24 hours a day, except on Sundays when sales can only start after 10:00 a.m. At serving premises, customers can buy alcohol until 11:00 p.m. However, bars and restaurants and similar may apply for an extension of the sales licence through which sales may continue through the night. In England and Wales, it is illegal to sell or serve alcoholic beverages to intoxicated persons.

Online sales of alcoholic beverages in England and Wales are permitted and online sales require the same licences as are required for a bar, for example, meaning a premises licence and an personal licence to sell alcohol. E-commerce requires buyers to declare that they are of age, but this is not controlled and does not require identification. The delivery of alcoholic beverages is subject to the condition that the premises licence includes the right to sell alcohol outside the premises. The alcohol product must be handed over against proof of identity if the purchaser appears to be a minor. When buying the product, you must also declare that you have reached the age of majority.

Spain

The sale of alcoholic beverages in Spain is subject to licence, which is obtained from the local municipal or municipal administration. Sales of alcohol in Spain are generally allowed between 8 a.m. and 10:00 p.m., depending on the autonomous community. Drinking and selling alcohol in public places is prohibited unless it happens on a terrace of a private operator (such as a bar or restaurant).

The authority responsible for the sale and home delivery of alcoholic beverages is the tax administration (Agencia Tributaria). In addition, the trader must be registered in the general health register of food businesses (Registro General Sanitario de Empresas Alimentarias y Alimentos, RGSEAA). Alcohol sales are monitored by the directorates for consumer affairs of the autonomous regions (Direcciones generales de Consumo de las CCAA). In addition, the supervision of marketing and age control is decentralised to more than one authority.

It is possible to sell alcohol online, and it is controlled in the same way as other sales. Delivery of alcohol is also possible in Spain. The same time constraints, age limits and other physical sales restrictions also apply to deliveries.

France

In France, anyone intending to open an establishment selling alcoholic beverages, whether as a principal activity or as a secondary activity, must have a licence (Permis d'Exploitation), both in the case of on-the-spot sales (e.g. restaurants, night clubs, etc.) or to-go sales (e.g. supermarkets, mail order or internet sales). In order to obtain a licence, a training course of 20 hours must be completed. The completion is valid for 10 years. Licences are applied from the town hall – in which a certificate of such training is requested – when the business is being

opened or if a person applies for a business licence. In France, licences are granted by the municipality (i.e. local authority, or *mairie*) in which the business selling alcohol is established.

When alcoholic beverages are served with meals, the owner of the restaurant must be in possession of a restaurant licence (for all alcoholic beverages) or a 'petite licence de restaurant' (only for wines, ciders and beers). Mobile sellers (food trucks, caterers, pizza trucks, etc.) are only allowed to sell beverages with an alcoholic strength of up to 18 %, i.e. they only need a 'small restaurant licence'. Temporary licences (such as sporting events for sports clubs and associations) are also possible within the limits of French public health legislation.

The sale of alcohol to minors (under 18 years of age) and pregnant women is prohibited in France in restaurants, shops and bars. Service stations may not sell alcoholic beverages to-go between 6:00 p.m. and 8:00 a.m. All take away operators (supermarkets, grocery shops, etc.) wishing to sell alcohol between 10:00 p.m. and 8:00 a.m. need to undergo specific training in order to be authorised to sell alcoholic beverages at night.

In France, sales of alcohol on the internet are subject to the same legislation as alcohol sold on the spot. Thus, holders of 'petite licence' are allowed to sell category 1 beverages (non-alcoholic) and category 3 (less than 18 %) beverages on the internet. A licence is required for the sale of beverages such as rum in category 4. The licence allows operators to sell alcoholic beverages below and over 18 % of alcohol online. The delivery of alcoholic beverages is also possible in France and is subject to the same legislation as alcohol sold to-go. The sale and delivery of alcoholic beverages to people under the age of 18 is also prohibited in the case of delivery, but ordering alcohol online and having it delivered does not require identification.

In France, sales of alcoholic beverages are primarily controlled by the police (police administrative). The gendarmerie primarily supervises temporary alcohol licences (e.g. mobile sellers), but the municipal police also participate in monitoring them.

Italy

In Italy, the sale of alcoholic beverages is subject to a licence issued by the Italian customs and monopolies agency (Agenzia delle Dogane e dei Monopoli). Licences are subject to the condition that the applicant has not been convicted of the illegal production of alcohol or tax evasion. In Italy, it is possible to sell alcoholic beverages online and deliver alcoholic beverages under the licence in question.

Greece

In Greece, there is no specific licensing process for the sale of alcohol. The sale of alcohol should be mentioned in the description of the company's activities when it applies for an operating licence. Alternatively, information on the sale of alcohol should be brought to the attention of the authorities if alcoholic beverages are added as a product sold at a later stage. In Greece, alcohol is also sold in supermarkets.

In Greece, the only restriction on the sale of alcohol is that alcohol may not be sold to persons under the age of 18. However, it is the seller's responsibility to supervise compliance with this age limit. The authorities may carry out spot checks, in particular in bars and nightlife leisure establishments, including in relation to alcoholic beverages that may be served to minors. In

Greece, there are no restrictions on selling alcohol online or on the delivery of alcoholic beverages. However, in the case of online sales, personal data must normally be filled in, indicating the age of the customer.

In Greece, various authorities supervise trade in alcoholic beverages: the control units of the customs and tax authorities mainly supervise taxes and duties paid on imported alcohol (if imported from third countries). The ministry of development also has its own inspectors, who carry out inspections mainly on the basis of complaints made. One particular reason for the control by the Greek authorities are the alcoholic mixes sold at some nightlife leisure establishments, which can be dangerous to consumers' health.

6 Content of statements submitted

7 Feedback from consultation

The draft Government proposal was published in the electronic consultation service Lausuntopalvelu on 5 July 2024. A summary of the draft Proposal in Swedish was also published in the consultation service³⁰. In addition, the invitation for opinions and a summary of the draft in Swedish were sent to several addressees. The deadline for replying was 30 August 2024.

A total of 85 comments were received. Comments were submitted by the Ministry of Justice, the Ministry of Education and Culture, the Ministry of the Interior, the Ministry of Economic Affairs and Employment, the Ministry of Finance, the Regional State Administrative Agency for Southern Finland, the Finnish Competition and Consumer Authority, the Office of the Ombudsman for Children, the Finnish National Agency for Education, the National Police Board, the Finnish Food Authority, the National Supervisory Authority for Welfare and Health (Valvira), the Office of the Ombudsman for Equality, the Finnish Institute for Health and Welfare, the Finnish Institute of Occupational Health, the Ombudsman for Older People, the Government of Åland, the wellbeing services county of South Karelia, the wellbeing services county of South Savo, the wellbeing services county of Kanta-Häme, the wellbeing services county of Central Ostrobothnia Soite, the wellbeing services county of Central Uusimaa, the wellbeing services county of Pirkanmaa, the wellbeing services county of North Karelia Siun Sote, the wellbeing services county of Western Uusimaa, the wellbeing services county of North Savo, the wellbeing services county of Satakunta Welfare Area, HUS Group, the City of Helsinki, the City of Hämeenlinna, the Municipality of Kangasniemi, the substance abuse association A-kiltojen Liitto ry, the A-clinic Foundation, Alko Oy, the Association for the Development of Professional Competence AMKE, Delivery Hero Finland Oy, EHYT Finnish Association for Substance Abuse Prevention, EHYT ry's Substance Abuse Ombudsman activities, the Network of Preventive Substance Abuse Work, Confederation of Finnish Industries EK, the Federation of Mother and Child Homes and Shelters, Hermannin Viinitila Oy, the Finnish Association of Private Care Providers Hyvinvointiala HALI ry, the wellbeing services county company Hyvinvointialueyhtiö Hyvil Oy, Häme Vocational Institute Oy, International Blue Cross, the Finnish Commerce Federation, the Finnish Association on Intellectual and Developmental Disabilities, Kesko Corporation, the K-Retailers' Association, the Consumers' Union, the Central Union for Child Welfare, Lidl Finland, the Central Union of Agricultural Producers and Forest Owners MTK, Mannerheim

³⁰ The summary in Swedish contained the main content of the draft Act, the main reasons, the draft Act (the draft sections) and a narrative of the draft Act and its main effects.

League for Child Welfare, the Finnish Hospitality Association MaRa ry, MIELI Mental Health Finland, Olutliitto ry beer consumers' association, Oy Hartwall Ab, Oy Matkahuolto Ab, Service Union of Finnish Professionals PAM, the Federation of the Brewing and Soft Drinks Industry, the independent brewers' association Pienpanimoliitto, Finnish Society of Addiction Medicine, the Finnish Grocery Trade Association, the gambling addiction association Sininauhaliitto ry, Talentia Union of Professional Social Workers, SOSTE Finnish Federation for Social Affairs and Health, Starship Technologies, The Association of Alcoholic Beverage Suppliers in Finland, ASroweH Finland, the Association of Finnish Cities and Municipalities, the bone health association Luustoliitto, the Finnish Medical Association, the Central Finnish Cooperative Society SOK, the Finnish Wine Growers' Association, the Finnish General Practitioners' Federation, the Cancer Society, the Tunne rintasi breast cancer organisation, the Uusimaa Centre of Expertise in Social Services Socca and Wolt Enterprises Oy. In addition, two individuals commented on the matter. The Ministry of Agriculture and Forestry and Finnish Customs stated that they had no comments on the Proposal.

The majority of the consultees opposed the Proposal. Twenty-three of the consultees welcomed the Proposal, but the majority of those who took a positive view of the Proposal called for extensive changes to the Proposal. Some of the respondents did not express their views on the proposed amendment in their comments, but these comments too included several suggestions for correction and development of the draft Act. Several comments included section-by-section comments on various required changes, and in some cases the views of different commentators contradicted each other.

Several comments pointed out that the proposed amendment to the alcohol legislation is incompatible with the purpose and objective of the Alcohol Act, which is based on the protection of public health. In its comment, the National Institute for Health and Welfare states that the proposed amendment concerning the delivery of alcohol can be considered to be contrary to the purpose of the Alcohol Act, i.e. to reduce alcohol-related harms, and therefore the National Institute for Health and Welfare does not support the proposed legislative amendment. In its comment, the Government of Åland states that the proposal appears to be contrary to the overall objective laid down in section 1 of the Alcohol Act, which is to reduce the consumption of alcoholic substances and to prevent harms to users, other persons and society as a whole. In its comment, the Government of Åland pointed out that the more alcoholic beverages are available, the greater the impact of possible future reductions in alcohol tax on consumption, which, in the region's view, would also increase alcohol-related harms. In its comment, the region's government expressed doubts, in particular, about the necessity of supplying spirits, although it considered that limiting delivery times would seem to partly mitigate the matter. Among others, the substance abuse association A-kiltojen Liitto ry, the A-clinic Foundation, EHYT Finnish Association for Substance Abuse Prevention, the wellbeing services county company Hyvinvointialueyhtiö Hyvil Oy, the City of Hämeenlinna, the Municipality of Kangasniemi, the wellbeing services county of North Karelia Siun Sote, the wellbeing services county of North Savo, the gambling addiction association Sininauhaliitto ry, Talentia Union of Professional Social Workers, SOSTE Finnish Federation for Social Affairs and Health and the Finnish Medical Association pointed out in their comments that the Proposal is contrary to the purpose and objective of the Alcohol Act.

Several comments pointed out that the bill not only contradicts the objective and purpose of the Alcohol Act, but also contradicts the Constitution of Finland and the Convention on the Rights of the Child. In its comment, ASH Finland, for example, points out that the proposed legislative amendment is not only contrary to the obligations of the Convention on the Rights of the Child and the main government party's own government programme, but also contrary

to the obligations laid down in section 19 of the Constitution to develop the conditions of society in a direction that generally promotes health in the different areas of public authority. The City of Helsinki, for example, also states in its opinion that the task of the public authorities is to promote the health of the population – and the proposed amendment does not fulfil this obligation, as it does not strengthen structures that promote health. The opinion of the Office of the Ombudsman for Children states that the best interests of the child and the child's right to special protection are not realised in the draft Proposal. The comment by the Office of the Ombudsman for Children states that the UN Committee on the Rights of the Child has recommended in its latest conclusions to Finland that Finland intensify its efforts to prevent the use of drugs, alcohol and tobacco among young people. In the view of the Office of the Ombudsman for Children, the Government proposal does not promote the recommendation of the UN Committee on the Rights of the Child; on the contrary, it clearly contradicts it. In its opinion, the Central Union for Child Welfare also points out that allowing the delivery of alcoholic beverages is contrary to the best interests of the child. MIELI Mental Health Finland states in its comment that the Proposal is clearly contrary to the Government Programme, which states that the Government will promote the building of a child-friendly society.

Several consultees pointed out in their responses that the amendments to be made to the Alcohol Act under the Government Programme should be made by means of the same proposal, not by means of separate proposals, the combined effects of which cannot be fully assessed. In its comment, the gambling addiction association Sininauhaliitto ry, for example, criticises the Government's approach to liberalising the supply of alcohol in small steps, thus eroding public health, the welfare state and Alko's position. According to Sininauhaliitto ry, the proposed legislative amendment is part of a series of several proposals, and by breaking down the amendments to the Alcohol Act into several parts, the Government can, according to Sininauhaliitto, claim that each part is of minor importance, even though the combined effects of several proposals will be disastrous, according to Sininauhaliitto. In its opinion, the Network of Preventive Substance Abuse Work points out that it called for an overall assessment of future changes already in connection with the previous amendment to the Alcohol Act, and that it is continuing to call for this. In its opinion, the Federation of Mother and Child Homes and Shelters expressed serious concern that the alcohol legislation is being reformed piecemeal. In its opinion, the Länsi-Uusimaa wellbeing services county states that several amendments to the current Alcohol Act are to be made during the current government term, and the effects of the amendments should be examined in terms of their potential combined effects, not just separately. In addition, the National Supervisory Authority for Welfare and Health (Valvira), which does not support the proposed amendment, considered it unsustainable that the legal position regarding the distance selling of alcohol would remain unclear when enacting provisions on the delivery of alcohol. In addition, in its opinion, the Ministry of Economic Affairs and Employment, which supported the proposal, considered it extremely regrettable that the legislative amendments concerning online and distance selling and purchasing of alcohol included in the Government Programme entry have not been included in the legislative proposal now out for consultation. The Finnish Competition and Consumer Authority also found it surprising that the legal position regarding distance selling of alcohol is not being clarified at the same time as changes are otherwise being made to the regulation of online sales of alcohol. In its opinion, the Finnish Institute for Health and Welfare (THL) pointed out that the rules on the delivery of alcoholic beverages should be consistently the same regardless of whether the retailer of alcoholic beverages is established in Finland or in another Member State of the European Union.

Several of the consultees that opposed the Proposal voiced their concerns about the situation of children and young people in particular. According to the Finnish Institute for Health and Welfare (THL), the delivery of alcoholic beverages to home environments can increase harmful experiences in families, especially among children and young people, such as insecurity caused by parents' alcohol consumption, neglect, exposure to accidents and mental disorders, and witnessing violence or becoming a victim of violence. The Finnish Association on Intellectual and Developmental Disabilities notes that the proposed change increases the risk of developing alcohol-related harms during the foetal period, and points out in its opinion that between 600 and 3 000 children are born each year in Finland who have been harmed by alcohol during the foetal period. The Finnish Association on Intellectual and Developmental Disabilities states that alcohol consumption during pregnancy is the most significant cause of intellectual disability in Western countries and the only one that could be completely prevented. In the view of the Central Union for Child Welfare, enabling the delivery of alcoholic beverages increases the availability of alcohol in a completely new way, weakens age limit controls and increasingly shifts consumption towards the home. The Central Union for Child Welfare considers that the proposed changes, especially in conjunction with other measures planned by the Government that will adversely affect the situation of children and families, will decrease children's wellbeing. In its opinion, the Central Union for Child Welfare expresses serious concern that increasing the availability of alcohol will endanger the safety of children. The Mannerheim League for Child Welfare opposes the bill and considers it particularly problematic for the realisation of children's rights and children's wellbeing. In addition, the Mannerheim League for Child Welfare considers the bill to be harmful due to the increase in social and health-related harms and the increased burden on social care and health services and public finances.

In its opinion, the Finnish National Agency for Education also expressed concerns about the effects of the amendment to the Alcohol Act on children and young people and their families. According to the Ministry of Justice, the explanatory memorandum for the enactment procedure of the Proposal should explicitly state whether the proposed changes will significantly weaken the situation of families with children and whether the combined effects of the various reforms will be unreasonable in terms of the overall circumstances of these families with children. According to the Ministry of Education and Culture, as part of the liberalisation of the delivery of alcohol, special focus must be given to ensuring the wellbeing of children and young people.

A large number of respondents were also concerned that the proposed change would increase alcohol consumption and thereby also increase the harms caused by alcohol, and would further burden social care and health services that are already under strain. According to the National Institute for Health and Welfare, the home delivery of alcohol also makes it easier for old and infirm persons to buy alcohol, which would probably also increase their alcohol consumption, as alcohol consumption weakens the functional capacity of the elderly and increases the risk of accidents, which can be seen, for example, in hip fractures in emergency departments and orthopaedic care. The National Institute for Health and Welfare states that the consumption of alcohol by vulnerable population groups could increase the burden on the service system in child welfare, home care, substance abuse and addiction services, emergency departments and other social care and health care services, which would further weaken the difficult financial situation of the wellbeing services counties and the availability of other care and services. In its comment, the City of Hämeenlinna points out that the possibility of delivering alcoholic beverages may facilitate the availability of alcohol and thereby increase the harms caused by alcohol to users, to children or other family members who may be at home, and to society. The Kanta-Häme wellbeing services county considers

there to be a very high risk that the proposed change will increase the total consumption of alcohol, the consumption of alcohol by groups at risk, alcohol-related harms and illnesses, increase the costs of both social care and health services in the wellbeing services county, and therefore contribute to weakening the finances of the wellbeing services counties and the wellbeing, health and safety of residents. In its opinion, the Pirkanmaa wellbeing services county expressed great concern about the potential adverse effects of the Proposal on health and general wellbeing. According to the North Savo wellbeing services county, there is a risk that the reform will increase the total consumption of alcohol, the consumption of alcohol by groups at risk, alcohol-related harms and illnesses and the costs of social care and health services. In its opinion, International Blue Cross states that online sales of alcohol promote easy access to alcohol and increase consumption and related harms. International Blue Cross points out that alcohol-related harms include endangering the safety of communities, weakening the protection of young people, increasing alcohol-related harms, and increasing domestic violence and deaths.

In its opinion, the National Police Board points out that, as proposed, the legislative amendment is not feasible from the point of view of the police and would create a large number of additional duties for the police in the form of various disturbances. The Ministry of the Interior also estimates that the proposal could have an impact on the work of the police: the tasks of the police will increase if the delivery of alcoholic beverages leads to an increase in disruptive behaviour and crime. In addition, the Ministry of the Interior points out that there is a risk that an alcoholic beverage delivery driver would be subjected to violence if the delivery driver did not hand over alcoholic beverages that had been ordered and paid for due to the proposed prohibitions on supply in section 37 – this would also increase the duties of the police. In its opinion, the Ministry of the Interior considered that the delivery and supply of alcohol should not be possible in public places and in places where the consumption or possession of alcohol would otherwise be prohibited. The Ministry of the Interior also considers that assistance from the police should not be free of charge as proposed in the Proposal, but that if it were to be laid down as being free of charge, the costs arising from the duties should be transferred to the budget operating expenditure item for the police. In its opinion, the Ministry of Justice emphasised the link between alcohol consumption and violence at home, as violent crime and other aggressive behaviour increase in connection with alcohol consumption. According to the Ministry of Justice, this can be seen, for example, in domestic violence, which is often caused by both binge drinking and long-term alcohol misuse. The Ministry of Justice drew attention to the fact that Finnish homicides have been concentrated in private dwellings in recent decades, and that Finnish homicides are closely related to alcohol consumption and situations involving alcohol use.

However, some of the respondents opposed to the Proposal also highlighted certain suggestions contained in the Proposal that they considered to be good. The National Institute for Health and Welfare considered that if the home delivery and delivery of alcoholic beverages to public places is implemented, the regulatory model to be chosen and, in particular, the possibilities for monitoring sales will have an impact on the extent of the negative effects of the legislative amendment. According to the National Institute for Health and Welfare, the bill includes a number of positive solutions worthy of support from the perspective of reducing alcohol-related harms. According to the Finnish Institute for Health and Welfare, these include the introduction of a licensing system, the same delivery time limits as in retail sales, the personal delivery of beverages, checking the age limit both as part of the sales transaction and in connection with delivery, and enabling the authorities to make test purchases.

Several of the supporters of the Proposal called for a level playing field in terms of competition in their comments. For example, the Finnish Commerce Federation and the Finnish Grocery Trade Association considered that the proposed amendment would allow the competitive situation to continue to be unfair to domestic beverage retail unless the same requirements were imposed on foreign operators as on domestic operators. However, the Finnish Commerce Federation and the Finnish Grocery Trade Association are in favour of allowing the delivery of alcoholic beverages and of the reform of alcohol policy in accordance with the Government Programme. The Finnish Competition and Consumer Authority considers it a shortcoming of the Proposal that the assessment of the current situation in the Government proposal completely neglects to describe the prevailing legal position with regard to the online sale of alcohol when alcohol is purchased from foreign companies, and the Proposal has not assessed the relationship between this legal position and EU law. In the view of the Finnish Competition and Consumer Authority, it is difficult to assess whether a level playing field exists between domestic and foreign alcohol sellers when it is not clear from the Proposal what the prevailing legal position is when alcohol is bought from foreign online stores. In its opinion, Lidl Finland states that, despite the changes, there would still be a significant imbalance between the competitive conditions for domestic and foreign distance sales, as the requirements set out in the proposed amendment would apply only to domestic operators. In its opinion, Oy Hartwall Ab supports the responsible liberalisation of the sale of alcohol and the equal treatment of traders. Oy Hartwall Ab states, however, that the proposed amendments should treat domestic operators equally in terms of delivery licences and taxation also in relation to distance sales by foreign operators. The Federation of the Brewing and Soft Drinks Industry also proposes that, when ordering alcohol from a foreign online store, the provisions concerning Finnish operators should also apply to alcohol deliveries to Finland from abroad. According to the Federation of the Brewing and Soft Drinks Industry, a situation where requirements are imposed on domestic companies that do not apply to deliveries from abroad favours foreign operators to the detriment of domestic operators. The Federation of the Brewing and Soft Drinks Industry does not consider it acceptable that Finnish legislation discriminates against domestic companies that are operating responsibly.

Several respondents pointed out that the draft Government proposal does not correspond to the entry in the Government Programme, as the Proposal would not allow the delivery of farm wines to customers if the ethyl alcohol content of the wine were more than 8 %. The Finnish Wine Growers' Association considers that the government's proposal to reform alcohol legislation would not only restrict the opportunities of Finnish vineyards, but would even seem to directly favour foreign operators. Hermannin Viinitila Oy winery states in its statement that the alcohol delivery licence should be extended to all retailers for the products covered by their current retail licences – i.e. craft breweries and farm wine shops should also be included in the scope of the delivery licence in accordance with their retail licences³¹. The Olutliitto beer consumers' association states that it supports the bill in general, but points out that the bill is contrary to the Government Programme in the section on the delivery of alcoholic beverages, for example with regard to craft beer. According to Olutliitto, if only beer with a maximum alcohol content of 8 % could be delivered to the consumer with a delivery licence, the benefits of the new law would be much smaller in practice for breweries and could thus lead to an even greater shift in beer orders to foreign operators. According to Olutliitto, the bill would favour foreign companies at the expense of domestic ones, which would be contrary to the Government's aim to promote the growth of the domestic market and the commercial success of Finnish companies. In its opinion, Olutliitto says that it hopes that this flaw in the draft Proposal will be corrected.

³¹ In craft breweries up to 12 % by volume and in farm wine shops up to 13 % by volume.

The feedback from consultation was partly contradictory as to whether or not a separate delivery licence should be issued for the delivery of alcoholic beverages. Some interested parties submitting responses considered that a separate delivery licence would be a good thing, while others considered that the delivery of alcoholic beverages should be tied to a retail licence for alcoholic beverages. There were also some divergences in the views expressed by the respondents on the safeguarding of age-limit control. Some consultees considered that it should be possible to buy alcoholic beverages online without strong electronic identification, while others considered that strong electronic identification would be a good thing and would contribute to ensuring the enforcement of age limits. Some of the respondents considered that the recipient of an alcoholic beverage should always have to prove their age also at the point of delivery. For example, Delivery Hero Finland Oy, Foodora considers that the verification of the buyer's age must be carried out by means of reliable strong authentication in connection with the purchase transaction. The Consumers' Union also supports the proposed regulation, according to which strong electronic identification from the customer would be required when ordering alcohol from a distance. The Central Finnish Cooperative Society SOK, on the other hand, considers that the system of collection of alcohol from staffed pick-up points is already working, and this should not be hampered by new legislation. The Central Finnish Cooperative Society SOK considers that the proposed two-factor authentication contradicts the current practice of age verification. In its opinion, the Service Union of Finnish Professionals PAM stated that the recipient of a delivery of alcoholic beverages should always prove their identity at the point of delivery. In the view of the Service Union of Finnish Professionals PAM, the identity check will make the delivery situation safer from the courier's point of view and provide a clearer legal backbone for the courier if, for example, the assessment of the age of the recipient is unclear. The Federation of the Brewing and Soft Drinks Industry considered it good that responsibility should be observed in deliveries, and the age and condition of the buyer and recipient would be checked.

Some respondents pointed out that the proposed delivery passport training is not directly applicable to any of the existing vocational qualifications, which means that education providers would not receive funding earmarked for the organisation of vocational education and training for the organisation of the qualifications. For example, the Association for the Development of Professional Competence (AMKE) pointed out in its opinion that vocational education and training providers should receive a fee for delivery passport training and testing in the same way as they do for the alcohol passport for serving alcohol and for hygiene passports. In its opinion, the Ministry of Education and Culture states that all the costs of completing the delivery passport qualification should be determined on a commercial basis and should be fully invoiced to the persons taking the test or the organisations they represent. According to the opinion of the Finnish National Agency for Education, national responsible parties and operating practices should be planned for the practices and permits related to delivery passport training and delivery passports before operations begin. The Central Finnish Cooperative Society SOK understood the requirement for a delivery passport, but stated that the delivery passport should not, however, become an expensive and bureaucratic system so that the costs of training are not passed on to consumers through the delivery companies in the form of increased delivery fees. Some consultees considered that delivery passport training should be combined with the training for the alcohol passport for serving alcohol. For example, Häme Vocational Institute Oy proposes in its comment that a single uniform alcohol passport be created that would cover all aspects of the sale and delivery of alcohol, including production, retail, serving and delivery sales.

In its opinion, the Government of Åland pointed out that, on the basis of the Proposal, educational institutions operating in the Åland Islands would not have a legal basis for

organising and issuing the proposed delivery passport, as teaching falls within the competence of the region as laid down in section 18, paragraph 14 of the Act on the Autonomy of Åland. The Government of Åland requires that the provisions referred to in its opinion be revised and further prepared so that delivery passports can be issued to Åland's traders.

Some respondents pointed out that the proposal is in itself worthy of support, but it is not technologically neutral and this should be corrected in the Proposal. For example, the Finnish Commerce Federation and the Finnish Grocery Trade Association pointed out in their statements that different technological solutions for the delivery and collection of alcohol should be allowed and, in any case, the technological neutrality of legislation should be ensured with a view to the future. In its comment, Starship Technologies states that legislation should be technology-neutral. According to Starship Technologies, this pragmatic approach would ensure that responsible retailers and robotic delivery services providers would not be disadvantaged and that Finland would continue to be a frontrunner in autonomous deliveries. Starship Technologies emphasises that if the solution meets the objectives of the legislation, it should not matter whether the goal is achieved by humans or technology – the most important thing should be that the goals are achieved.

Several interested parties submitting responses pointed out that the impact assessments of the Proposal should be supplemented. In their joint statement, the Regional State Administrative Agencies considered that the explanatory memorandum for the legislative procedure should also be supplemented, especially with regard to the basic rights aspects of test purchases. Some respondents felt that some of the detailed rationales for specific provisions needed to be supplemented, and some of the assessments of the current situation should also be supplemented. Several opinions said that some sections should also be corrected before submitting the Proposal to Parliament. For example, the Mannerheim League for Child Welfare considered that the impact assessments of the proposal should be supplemented, especially from the point of view of economic impacts and children's rights. The bone health association Luustoliitto and the Ombudsman for Older People considered that the impact assessments concerning older people were incomplete. The Ministry of Justice drew attention to the relationship between the Proposal and the right to work and the freedom to conduct a business, which are safeguarded as basic rights, and the fact that the proposed changes will, at least for the most part, reduce restrictions related to the alcohol industry. However, the Ministry of Justice considered it important to assess the combined effects of the proposed amendments and other amendments which have recently been made or which are under preparation in respect of the Alcohol Act or the adverse effects of alcohol. According to the Ministry of Justice, the absence of an assessment of combined effects from the Proposal affected the ability to assess the constitutionality of the proposed amendments to an extent. In its opinion, the Finnish National Agency for Education proposed that, in further preparation, the effects of the proposed amendment to the Alcohol Act on health and wellbeing and the overall effects on children and young people be investigated further, also taking into account research data published after previous studies. According to the Ministry of Economic Affairs and Employment, the Government proposal should include an assessment of the compliance of the new delivery licensing system with EU law, including in terms of non-discrimination, proportionality and necessity. The Ministry of Economic Affairs and Employment points out that the draft Proposal does not contain any assessment of how the Proposal would affect service providers established in other Member States or a description of the legislation applicable to service providers established in other Member States. The Ministry of Finance considers that the detailed rationale for sections 74 and 75 should be clarified. In addition, the Ministry of Finance considers that the section on the economic effects of the Proposal should clearly indicate, for example in the form of a table, to what extent the total costs of the

coordination of alcohol licensing and the costs arising from the performance of the tasks proposed now would be financed by the proceeds of a tax-like control fee and public-law service fees, and to what extent they would be financed from the operating expenditure of the agencies. In addition, the Ministry of Finance points out in its opinion that the draft also makes no reference to the reform of the state's regional administration.

Additionally, the Finnish Food Authority stated that it had nothing to comment on the main issue of the legislative amendment, i.e. that both Alko and domestic operators with a retail licence would be able to sell alcoholic beverages online as well as through other retail concepts based on distribution and collection, such as the delivery of alcoholic beverages. However, the Finnish Food Authority stated in its opinion that similar regulation for liquid alcoholic products marketed as food should be considered when enacting provisions on enabling online sales of alcoholic beverages and other retail concepts based on distribution and collection, such as the delivery of alcoholic beverages.

Of the two private individuals submitting opinions, one supported the proposed amendment. However, both comments by private individuals pointed out that the draft Proposal should be specified in such a way that the legality of importing alcoholic beverages for private use would be more clearly stated in the Act. According to one of the private individuals, the most significant shortcoming of the Proposal was that the Proposal did not state sufficiently precisely that the new requirements would not apply to operators established outside Finland. The impact assessments of the Proposal, the assessment of the current situation, the detailed rationales for specific provisions and the explanatory memorandum for the enactment procedure have been supplemented on the basis of the comments received. In addition, the proposed sections and their content have been amended in many respects based on the comments received during consultation.

8 Provision-specific rationale

Section 2. Scope. The delivery of alcoholic beverages would be added to the scope of *subsection 1* of the section. The delivery of alcoholic beverages would be subject to the provisions of the Alcohol Act, as well as to other matters falling within the scope of the Act.

The reference to the repealed Food Act would be amended to a reference to the new Food Act in *subsection 2* of the section.

Section 3. Definitions. To the definition of retail sale of alcohol in *subsection 1*, paragraph 11 of the section would be added the delivery of alcoholic beverages from a domestic retail outlet or the government-owned alcohol company Alko directly to the buyer of the alcoholic beverage, with the holder of the delivery licence or the alcoholic beverage delivery driver carrying out the delivery arranged by the holder of the delivery licence for delivery to the buyer or other recipient. The definition should be supplemented, as it has not previously been possible to supply alcoholic beverages by means of delivery.

In *subsection 1*, paragraph 14, the definition of 'farm wine' would be amended to correspond to the definition of craft beer, in the sense that physical separation would also be examined in the future in relation to other producers and not to production sites. In addition, the production volume limit would be changed to apply to the alcoholic beverages produced by that producer at all of its production sites.

In subsection 1, paragraph 15, it would be added to the definition of the manufacture of craft beer that it refers to a drink made by yeast fermentation. The problem with the current provision is that yeast is used in the production of craft beer and yeast is not in principle an authorised ingredient under the current wording. The definition of craft beer would be harmonised to be in line with the provisions of section 9 of the Act on Alcohol and Alcoholic Beverage tax (1471/1994) related to the maximum alcohol tax reduction for the breweries. In the future, legal and economic independence as well as physical separation would be assessed in relation to other brewers. As in current tax practice, the term 'brewery' in the Alcohol Act would also mean a producer (company) holding a production licence for beer in accordance with the Alcohol Act.

An amendment related to the technicalities of legislative drafting would be made to subsection 1, paragraph 16 of the section as a result of the addition of the new paragraph 17. A new paragraph 17 would be added in order to define the concept of delivering alcoholic beverages. The delivery of alcoholic beverages would be defined as the transport and supply for commercial purposes of alcoholic beverages, sold from a domestic retail outlet or the government-owned alcohol company Alko, from the seller to the buyer or other recipient. The definition implies that the supply of alcoholic beverages could take place, in accordance with section 17, either at the retail outlet or at retail outlet pick-up points specified in the retail licence. The delivery of the alcoholic beverage would take place for commercial purposes. Thus, for example, it would not be regarded as delivery if the consumer purchased alcoholic beverages from retail sale and delivered them free of charge to an acquaintance. Such an activity would be permitted as it has hitherto. Cross-border distance sales or distance purchases of alcoholic beverages, which are not covered by this Government proposal, would also not be regarded as delivery of alcoholic beverages.

A new paragraph 18 would be added to subsection 1, defining the concept of 'alcoholic beverage delivery driver'. 'Alcoholic beverage delivery driver' would mean the holder of a licence to deliver alcoholic beverages or the person carrying out a delivery arranged by the holder of the delivery licence, who transports an alcoholic beverage from a domestic retail outlet or the government-owned alcohol company Alko and delivers it to the recipient of the ordered beverage. The alcoholic beverage delivery driver would therefore expressly be the person who hands over the alcoholic beverage to the recipient, that is to say, the mere transport of an alcoholic beverage without handing over the beverage to the recipient would not be regarded as delivering an alcoholic beverage.

All alcoholic beverage delivery drivers referred to here – i.e. persons who supply beverages ordered for delivery from a domestic retail store or the government-owned alcohol company Alko to a recipient – should have a delivery passport as referred to in section 57, subsection 3 of the Act.

Section 4. *Prohibition on operations contrary to good practices.* It would be added to subsection 1 of the section that the delivery of alcoholic beverages must not be contrary to good practice. A similar prohibition is provided for the production, import, sale and marketing of alcohol and it would be appropriate to add a similar prohibition also in relation to deliveries.

Section 5. *Activities subject to licensing.* To subsection 1 of the section would be added that the delivery of alcoholic beverages from a domestic retail outlet or the government-owned alcohol company Alko without a licence would not be allowed. The delivery of alcoholic beverages from the point of sale by means of an undertaking providing transport services or

similar would in future be subject to a separate delivery licence in accordance with section 17a of this Proposal.

Section 6. Exemptions from the licence requirement *Subsection 1*, paragraph 1 of the section would be amended to include the possibility of delivering alcoholic beverages containing up to 2.8 % by volume of ethyl alcohol without a delivery licence for alcoholic beverages. Under the legislation in force, the production and sale of alcoholic beverages containing up to 2.8 % ethyl alcohol by volume is possible without a licence and it would be justified, from the point of view of regulatory consistency, that they could also be delivered without a licence.

Section 7. Licensing authorities The section would be amended in its entirety. *Subsection 1* would remain the same.

Subsection 2 of the section would be completely changed. The new subsection 2 would lay down provisions on the licensing authority in the case of a serving licence without premises to serve alcohol or a licence for the delivery of alcoholic beverages. Serving licences without premises to serve alcohol and licences for the delivery of alcoholic beverages would be granted upon application by the Regional State Administrative Agency of the applicant's place of business. If the applicant does not have a place of business in Finland, the licence would be granted by the Regional State Administrative Agency of the applicant's place of residence or, if the applicant is not domiciled in Finland, by the Regional State Administrative Agency for Southern Finland.

According to section 8 of the Government Decree on the Implementation of the Alcohol Act (151/2018), an application for a serving licence must contain the location and contact details of the place of business where the alcohol would be served or, in the absence of premises that would be licensed for serving alcohol, of the applicant's place of business. It would therefore be natural for the Regional State Administrative Agency processing an application for an alcohol serving licence without a place of business to be determined according to the location of the applicant's place of business. The place of business would be the place from which the alcohol serving business is carried out, e.g. a warehouse. The provision did not previously make any reference to such cases. The amendment would introduce a technical correction and clarification of the current state.

Regional State Administrative Agencies also issue authorisations for the retail sale and distribution of alcoholic beverages, so it would be appropriate, in the interests of regulatory consistency, for the Regional State Administrative Agency to also examine the conditions for granting a licence for the delivery of alcoholic beverages and to grant licences to operators who fulfil the legal conditions for the delivery of alcoholic beverages.

The current subsection 2 of the section would be made *subsection 3*. From a substantive point of view, it would not change the current situation.

A new *subsection 4* would be added according to which the Regional State Administrative Agency responsible for processing the notifications and applications for approval referred to in the Alcohol Act would be determined in accordance with the provisions of subsection 1. Consequently, the other notifications and applications for approval referred to in the Alcohol Act would be processed by the Regional State Administrative Agency in whose jurisdiction the retail sale or serving premises is located in which the activities covered by the notification or application for approval are to be carried out. The division of powers would therefore apply not only to applications but also to the various notifications, activity reporting, changes and

approvals referred to in the Alcohol Act. In practice, this also is done based on the current provision. The purpose of this amendment is to clarify the provision to be in line with the current situation.

Section 11. *Notification of changes.* For technical reasons, the section would be completely amended. The current subsection 1 of the current Act would be repealed as superfluous as the information referred to therein is obtained directly from the Finnish Patent and Registration Office and does not require a separate notification from legal persons.

Similar to subsection 2 of the Act in force, *subsection 1* of the section would provide that the licence holder would be required to apply for an amendment to the licence before making substantial changes. The change should not take place until the licence has been approved by the licensing authority. This subsection would correspond to the wording of the Act in force.

An obligation would be imposed in *subsection 2* of the section on licence holders to inform the licensing authority if the activity were to be reduced or discontinued on a non-temporary basis. This addition is necessary, as it is currently the case that the data of operators who have already ceased to exist is now still left in the registries of the authorities. This amendment would help the authorities keep their records up-to-date. The notification should be made one month after the closure or reduction of the activity. One month would be a reasonable period of time for the licence holder to notify of the change. This amendment would ensure the currency and correctness of the information in the register.

According to the new *subsection 3*, the obligations laid down in subsections 1 and 2 concerning the application for or notification of an amendment to a licence would also apply to other notifications and approvals referred to in the Alcohol Act.

A new *subsection 4* would be added to the section, according to which the licence application, notification and approval referred to in subsections 1 to 3 shall be accompanied by a report on the applicant, the operations, their effects and other relevant matters that is necessary for the assessment of the conditions referred to in sections 13 to 20 and which is not already available to the authority handling the matter. In addition, the subsection would lay down provisions on the power to issue decrees on the more detailed content of applications and notifications. Further provisions on the content of the application to amend the licence and approvals and of the notification made as a result of amendments to the notification would be issued by government decree. Section 13 of the Government Decree on the Implementation of the Alcohol Act (151/2018) already regulates the content of the notification of changes, but the Act has not included the power to issue decrees on this matter.

Section 12. *General conditions for granting a licence.* A delivery licence for alcoholic beverages would be added to the other licences of the Alcohol Act. This section would provide that the issue of a licence for the delivery of alcoholic beverages would also require that the applicant of the delivery licence fulfils the requirements laid down in the Alcohol Act for granting a licence. If the applicant fulfils the requirements for the licence, the applicant would be granted a licence for the delivery of alcoholic beverages in accordance with the proposed section 17a.

Section 17. *Retail trade licence for alcoholic beverages and requirements for the granting thereof.* Subsection 1 of the section would be amended so that the retail trade licence would apply to retail sales inside one retail outlet or to the supply of alcoholic beverages for delivery from the retail outlet pick-up points specified in the licence. According to the law in force, the

retail trade licence applies only to retail sales inside one retail outlet. The amendment would enable the retailer to, within the scope of their business operations, arrange to supply the beverages to the delivery licence holder at a location where this would be most efficient and appropriate from the point of view of organising operations. The supply could take place, for example, at a warehouse, as long as the warehouse in question has been defined as a pick-up point in the licence holder's retail trade licence. This procedure would ensure that the transfer points are known to the licensing authorities and thus subject to control.

Subsection 3 of the section would be amended in the same way as subsection 1, so that the retail trade licence for farm wine and craft beer could also apply to the supply of alcoholic beverages for delivery at the retail outlet pick-up points specified in the licence. The grounds for this would be the same as in subsection 1.

Section 17a. *Delivery licence for alcoholic beverages and the conditions under which it is granted.* An new section would be added to the Alcohol Act to specify the specific conditions for granting a licence to deliver alcoholic beverages. If the applicant fulfils the general requirements for granting a licence laid down in sections 12 and 13 of the Alcohol Act and the specific requirements for granting a licence for the delivery of alcoholic beverages laid down in section 17a, the applicant would be granted a licence for the delivery of alcoholic beverages in accordance with this section.

The conditions for granting a licence for the delivery of alcoholic beverages would be provided in *subsection 1* of the section. The delivery licence would apply to the transport of alcoholic beverages sold from domestic retail trade or the government-owned alcohol company Alko to a buyer or other recipient to a location of their choice, as well as to the supply of alcoholic beverages to the recipient, taking into account the delivery prohibitions laid down in section 37 of the Act. In addition to paragraphs 1 and 2 of the subsection, the licence would be conditional on the applicant being able to ensure compliance with the obligations under the Alcohol Act. The applicant should, as with the retail licence and the serving licence, fulfil the general requirements for obtaining a licence in accordance with section 13. The criteria for this would be the same as in the current legislation and its explanatory memorandum.

According to subsection 1, paragraph 1 of the section, the applicant should have a self-monitoring plan as referred to in section 56. In addition, on the basis of subsection 1, paragraph 2 of the section, a prerequisite for obtaining a licence would be that the licence applicant would submit a report on how the applicant will ensure that the alcoholic beverage delivery drivers acting on its behalf have a delivery passport as referred to in section 57, subsection 3. All alcoholic beverage delivery drivers referred to here – i.e. persons who supply beverages ordered for delivery from a domestic retail store or the government-owned alcohol company Alko to a recipient – should have a delivery passport as referred to in section 57, subsection 3 of the Act. In all situations, the licence holder would be obliged to ensure that the persons delivering alcoholic beverages have a delivery passport. Since alcoholic beverage delivery drivers could change and there would not necessarily be any information at the stage of applying for the licence on all the persons who would act as alcoholic beverage delivery drivers, the applicant for the licence would not be required to provide a detailed list of which alcoholic beverage delivery drivers have passed the delivery passport test when applying for the licence. However, when applying for the licence, the applicant should be able to clarify how the applicant will ensure that the alcoholic beverage delivery drivers have passed the delivery passport test.

The aim of the regulation would be to ensure that all alcoholic beverage delivery drivers acting on behalf of the licence applicant would have obtained a delivery passport and thus have sufficient knowledge of the provisions, regulations and guidelines concerning the delivery of alcoholic beverages, as well as the necessary knowledge on how to act even in challenging situations involving the delivery of alcoholic beverages. The regulation would ensure that persons involved in the delivery of alcoholic beverages, in particular those involved in handing over beverages, would have the legal conditions and knowledge to manage the delivery and handover of alcoholic beverages safely and in the manner required by law.

The right of the licensing authority to impose conditions on a licence for the delivery of alcoholic beverages would be provided for in *subsection 2* of the section. These conditions would be considered on an individual and case-by-case basis. The conditions could concern situations related to delivery and the monitoring of age limit control and intoxication status at the point of delivery, the quantity of alcoholic beverages supplied, self-monitoring, information to be submitted to the supervisory authority, or the content and procedures of the service. A prerequisite for imposing conditions would be that the conditions are necessary to safeguard control or to ensure safety.

The setting of licence conditions would apply to the point of delivery, in particular, and the procedures to be followed in those situations. In the delivery of alcoholic beverages, challenging situations can occur at the point of delivery. Control of the point of delivery is also difficult to implement, as the supervisory authority cannot know where alcoholic beverages are being supplied and what happens at the point of delivery. On the other hand, monitoring of the point of delivery may also be difficult for licence holders when they do not deliver alcoholic beverages themselves but use alcoholic beverage delivery drivers. It would therefore be important for the supervisory authority to have the facility, if necessary, to set licence conditions that apply specifically to the point of delivery. The purpose of the licence conditions would be to ensure the legality of the activity when the licensing authority would otherwise not be able to verify that the conditions for granting the licence are met.

The licence holder would submit a self-monitoring plan referred to in section 56 as an appendix to the permit application, which shall describe, among other things, how compliance with the Act is monitored, how risk management in critical situations is implemented and how any identified shortcomings are rectified. It could be justified to impose licence conditions, for example, if the licence holder's self-monitoring plan did not provide sufficient details of how the licence holder would ensure that its operations are in compliance with the prohibitions on supply at the point of delivery. Because the delivery activities of different licence applicants may differ in both scope and methods of implementation, the operational risk management measures presented in the self-monitoring plan may also be different. Therefore, licence conditions would be considered on a case-by-case and applicant-by-applicant basis. The licence conditions could, for example, require the licence holder to keep records of deliveries where the delivery driver has refused to hand over alcoholic beverages, or, for example, to ensure, through self-monitoring, that procedural standards have been drawn up for the delivery of alcoholic beverages in case of problems related to the point of delivery.

In *subsection 3* of the section it would be provided that the conditions and restrictions referred to in subsection 2 should be dimensioned in such a way that they do not prevent or unduly impede the exercise of the licence holder's activities. If conditions and restrictions were imposed on the licence holder's ongoing activities, they should be ordered to enter into force at the earliest 30 days after notification of the decision. At the licence holder's application, the

licensing authority must change a licence's conditions or limitations or remove these without delay if the nature of the activities or other special circumstances have changed so that the conditions or limitations are no longer necessary. The rules would be similar to those laid down in section 22, subsection 4 on the terms of the licence.-

Section 28. Other sales of alcoholic beverages. The current *subsection 3* would be repealed as superfluous. The current section provides that Alko may be granted a wholesale licence. It also provides that alcoholic beverages may be supplied by Alko to licence holders and other traders by sending them to the purchaser. Alko would in future have the same right to supply alcoholic beverages for delivery as any retail licence holder. In addition, all other licences under the Alcohol Act may be granted to Alko, provided that the conditions laid down in the Act are met. Consequently, there would be no need for a separate provision on the Alko's licences in the future.

Chapter 5 The title of the chapter would be changed from *Alkoholijuomien vähittäismyynti ja anniskelu [Retail sale and serving of alcoholic beverages]* to *Alkoholijuomien vähittäismyynti, toimitus ja anniskelu [Retail sale, delivery and serving of alcoholic beverages]* in order to ensure that the title of the chapter will continue to include the new regulation proposed for the chapter and thus better reflect the content of the chapter.

Section 35. Retail trade premises for alcoholic beverages The section would be amended in its entirety. It would be clarified in *subsection 1* of the section that alcoholic beverages containing more than 2.8 % would be covered by the provision. The section has not previously stated that the requirement to have an approved place of for the sale of alcoholic beverages applies to beverages with more than of 2.8 % alcohol. The absence of the percentage limit has led to contradictory interpretations. According to section 6 of the Act, the sale of alcoholic beverages of up to 2.8 % alcohol is not subject to authorisation. However, the current provision has been interpreted as meaning that retail licence holders may only supply between beverages of an alcohol content between 1.2 % and 2.8 % at a licenced retail outlet, whereas, without a retail licence, these beverages may be sold anywhere.

In addition, *subsection 1* of the section would provide that retail sales could be carried out by supplying alcoholic beverages to a customer or alcoholic beverage delivery driver from domestic retail trade or the government-owned alcohol company Alko. Currently, the Act only allows the supply of alcoholic beverages to customers. Since the licence for the delivery of alcoholic beverages applies to the transport of alcoholic beverages sold from a retail outlet or by Alko, it would be necessary to supplement the section to provide for the supply of alcoholic beverages to alcoholic beverage delivery drivers. In addition, the subsection would lay down provisions on the retailer's obligation, in connection with the supply of the alcoholic beverage for transportation, to check the name and licence number of the delivery licence holder carrying out the delivery of the alcoholic beverage in a way that ensures the information can be verified afterwards, if necessary. The requirement would increase the transparency and improve the control of the delivery of alcoholic beverages. If, for example, the licensing authority would later need an alcoholic beverage delivery driver's information, it would be available from the retailer or Alko.

The same clarification would be made in *subsection 2* for alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol as in *subsection 1*. In addition, the subsection would specify the prohibition on the consumption of alcoholic beverages in the retail outlet so that the prohibition on consumption would remain in force, unless otherwise provided for by law.

That clarification applies to situations in which a retail outlet also holds a serving licence. The proposed addition would clarify the current situation.

A new *subsection 3* would be added to the section on the obligation of the retail licence holder to ensure the customer's age with strong electronic identification when the customer makes the purchase online. This would ensure that minors would not be able to order alcoholic beverages for themselves or others via the internet. An obligation to verify the customer's age with strong identification of when purchasing alcoholic beverages via an online sales platform or an app would be justified because, unlike in the case of retail sales or serving, the seller cannot, at the time of the order, assess whether the age of the buyer should be verified, for example on the basis of appearance.

§ 35a. Delivery of alcoholic beverages. The proposed new section would lay down key rules for all holders of delivery licences for alcoholic beverages. The delivery of alcoholic beverages under a delivery licence would thus only be possible from domestic retail trade or from the government-owned alcohol company Alko. Only alcoholic beverages that the retail licence holder or Alko are allowed to sell under the licence or the law could be offered for delivery.

Subsection 1 of the section would provide that the delivery of alcoholic beverages under a delivery licence would only be allowed if the alcoholic beverage had been purchased and collected from a retail licence holder or Alko.

Subsection 2 of the section would provide that the age of the person receiving the alcoholic beverages shall be verified at the point of delivery by means of a document referred to in section 40, subsection 1. Alcoholic beverages should not be supplied if the recipient refuses to prove their age.

In contrast to retail trade or the serving of alcoholic beverages, in the delivery of alcoholic beverages the age of the recipient should be verified every time. It would be justified to require age checks every time, as it is much more challenging to control the point of delivery than retail sales or the serving of alcohol. For this reason, the provision would safeguard the implementation of age control in all situations. This would also mean that in delivering alcoholic beverages, the handover would always take place directly from the deliverer to the recipient in person. Alcoholic beverages should therefore not be left at the door of the customer, for example, but the delivery would always require the simultaneous presence of the deliverer and the recipient at the time the alcoholic beverages are handed over. Age control should be carried out in a verifiable manner. Verifiability would be important to enable the supervisory authority to check that prohibitions on the supply of alcohol have been observed with regard to age limits and also to check that the recipient's age has also been verified by the alcoholic beverage delivery driver. The verification of personal details could be carried out using various technical means. This would make it possible to ensure that age-limit controls laid down in alcohol legislation are observed.

The verification of age counts as processing of personal data and is therefore subject to Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation; hereinafter 'GDPR') The right to process personal data provided for in the section would be based on Article 6(1)(c) of the GDPR, i.e. the processing would be necessary in order to comply with the controller's legal obligation, meaning the verification of age and the prohibition to hand

over alcohol to minors. In accordance with Article 6(3) of the GDPR, the proposed amendment would be laid down in Member State law and the basis of the processing would explicitly be the verifiable verification of the purchaser's age to make sure that the supervisory authority's opportunity to intervene in illegal activities is also ensured at the level of the law.

It would also provide that, in the case of the delivery of alcoholic beverages, it should be verified that there are none of the obstacles to delivery laid down in section 37, subsections 1 and 2 apply to the delivery. This provision would emphasise the obligation if the deliverer of the alcoholic beverages to ensure that there the obstacles to the delivery provided for in the Alcohol Act do not apply. This would help to ensure not only compliance with the age limits laid down in the Alcohol Act, but also intoxication control at the time of delivery of alcoholic beverages, for example.

It would be provided in *subsection 3* of the section that if the alcoholic beverages could not be delivered because of a prohibition on delivery laid down in section 37, subsection 1 or 2, the alcoholic beverages would be returned to the seller.

Subsection 4 of the section would state that the holder of the delivery licence could not to impose financial or managerial penalties on the deliverer of the alcoholic beverages if the deliverer refuses to hand over the alcoholic beverages pursuant to subsection 2 or section 37. For example, in the case of various courier services, the driver's earnings may be based on the number of orders they deliver. The proposed provision would ensure that an employee or a person in a contractual relationship would not have the financial motivation to supply an alcoholic beverage even if, for example, the buyer of the alcohol was intoxicated or unable to prove their age.

Section 37. Retail, delivery and serving prohibitions. The section would be amended in its entirety. To the *heading* and *subsection 1* of the section would be added that the prohibitions of the provision would apply to the delivery of alcoholic beverages. Alcoholic beverages should not be delivered or supplied to a minor, a person who is too intoxicated or causes a nuisance or disturbance, or when it is suspected that the alcoholic beverage will be supplied or transferred in violation of the law.

Subsection 2 of the section would be amended in the same way as in subsection 1 to include a reference to the delivery of alcoholic beverages. Thus, strong alcoholic beverages should not be sold or otherwise handed over in the retail sale or delivery of alcoholic beverages to persons under the age of 20.

Subsection 3 would be the same as subsection 3 of the current section.

A new *subsection 4* would be added to the section on prohibitions on the supply of alcoholic beverages. Alcoholic beverages should not be delivered to a social care and health service unit, such as a hospital or health centre or social welfare residential care unit. Alcoholic beverages should also not be transported to, for example, mother and child homes and shelters, child welfare institutions or substance abuse rehabilitation units. The prohibition on transportation to these would be necessary because of the prohibition of operations contrary to good practice under section 4 of the Act, and it would not be necessary for such entities to have alcoholic beverages delivered to them, taking into account the nature of those entities. It would also not be permitted to deliver alcoholic beverages to a place where early childhood education and care is organised, a place where pre-primary or basic education is organised, or

to a place where activities related mainly to gatherings of children and young people are organised. A place where activities for children and young people are organised would mean, for example, club premises, places for hobbies, summer camps, youth centres or other similar premises and areas that would be used mainly for organising activities for children and young people. In view of the fact that minors are not allowed to consume alcoholic beverages, it would be justified to prohibit the delivery of alcoholic beverages to premises where activities for children and young people are organised. The delivery of alcoholic beverages would also be prohibited to a place which is subject to a ban on the consumption of alcoholic beverages as referred to in section 85 of the Alcohol Act, and to premises or places that have been approved as a licensed area.

The prohibition on the consumption of alcoholic beverages referred to in section 85 of the Alcohol Act applies, unless otherwise provided by law, to restaurants and other places where food or refreshments are made available to the public in return for payment, as well as to public events referred to in the Assembly Act. This means that, firstly, no alcoholic beverages may be consumed without a serving licence in a restaurant or other place where food or refreshments are made available to the public in return for payment. The serving licence applies to the licensed areas of premises licensed to serve alcohol, and only alcoholic beverages sold by the holder of the serving licence may be consumed in the licensed area. Alcoholic beverages may also not be consumed at a public event referred to in the Assembly Act without a licence to serve alcohol. According to section 2, subsection 3 of the Assembly Act (530/1999), a public event means recreational events, competitions, performances and other similar events open to the public that are not considered to be public meetings.

Under section 4, subsection 1 of the Public Order Act (612/2003), the consumption of intoxicating substances in public places is not permitted. Parks and similar public places are excluded from this prohibition on consumption in accordance with subsection 2 of the above section. Although alcoholic beverages may be delivered to public places, they must not be consumed there, unless this is permitted under the Public Order Act. Similarly, under Section 85 of the Alcohol Act, alcoholic beverages may not be consumed, unless otherwise provided by law, in a catering establishment or any other place where food or refreshments are made available to the public for payment and not at a public event within the meaning of the Assembly Act. In addition, the police may, if the maintenance of public order so requires, prohibit the consumption of alcoholic beverages in a public place. A ban on the delivery of alcoholic beverages to such premises or areas would also be justified, as the consumption of own alcoholic beverages in such places would also be prohibited in other circumstances.

Section 38. *Personnel involved in the retail sales, delivery and serving of alcoholic beverages.* The section would be amended in its entirety. The *title* of the section would be changed from *Retail and serving personnel* to *Personnel involved in the retail sales, delivery and serving of alcoholic beverages* in order to ensure that the title of the section is more in line with the new regulation proposed to be added to the section.

Subsection 1 of the section would be amended so that, in addition to retail sales and serving premises, the operations for delivery of alcoholic beverages should be adequately resourced, taking into account the scale and quality of the activity, to ensure effective control and maintenance of public order. The provisions laid down in the subsection relating to personnel would not be part of the conditions for granting the licence in respect of delivery either, but the holder of the licence would be responsible for fulfilling the obligations laid down in the Act as part of the self-monitoring plan referred to in section 56.

Subsection 2 would be amended so that in the future, a representative appointed by the licence holder would be required to be present at retail and serving premises, if alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol can be sold and consumed in the premises and the premises are accessible to customers. According to the current provision, personnel must be present whenever the premises are open to customers, irrespective of whether or not the holder of the licence is selling alcohol at that time. Under the new provision, licence could be granted for a period when personnel are present and alcohol is sold or consumed. For example, in self-service shops, personnel may be present a few hours a day and licence could be applied for this period only.

The expression ‘vastaava hoitaja tai muu luvanhaltijan tähän tehtävään nimeämä henkilö’ [responsible manager or other person designated by the licence holder] in the Act in force would also be replaced with a reference to a representative of the licence holder appointed by the licence holder. The amendment would simplify and clarify the wording of the section. For the sake of clarity, the supervision authorities have considered it appropriate to replace the term *vastaava hoitaja tai muu luvanhaltijan tähän tehtävään nimeämä henkilö* [responsible manager or other person designated by the licence holder] used in the Alcohol Act with the term ‘luvanhaltijan määräämä luvanhaltijan edustaja’ [representative of the licence holder appointed by the licence holder]

A new *section 3* would be added and subsection 3 of the Act in force would thus become section 4. The new section 3 would provide that the deliverers of alcoholic beverages referred to in section 3, subsection 1, paragraph 18 should be in possession of the delivery passport for alcoholic beverages referred to in section 57, subsection 3.

Later in section 57 it would be specifically provided that deliverers of alcoholic beverages should be in possession of a delivery passport attesting to their knowledge of the provisions of the Alcohol Act and the delivery instructions.

Subsection 4 of the section would in essence be the same subsection 3 of the Act in force. This subsection would be supplemented in such a way that a person has not reached the age of 18 years should not be allowed to deliver or hand over alcoholic beverages to customers. The purpose of this addition would be to ensure that age-limit controls are implemented in all situations. Section 37 of the Alcohol Act provides that alcoholic beverages may not be sold or otherwise handed over in retail sale or alcohol serving to persons under the age of 18. It would be justified to regulate the age of alcoholic beverage delivery drivers in the same way, as the beverage to be delivered would, as a rule, be picked up from a retail outlet where alcoholic beverages may not lawfully be supplied to a person under the age of 18.

In *subsection 5* it would be provided, in the same way as in section 4 of the Act in force, that a person who sells alcoholic beverages and is involved in the supervision of retail sales or serving of alcohol should not be under the influence of alcohol or other intoxicating substances. The subsection would be amended to state that a person delivering alcoholic beverages should not be under the influence of alcohol or other intoxicating substances either.

Section 39. General supervision A new *subsection 3* would be added to the section. The new subsection 3 would provide that the holder of a licence to deliver alcoholic beverages and the alcoholic beverage delivery driver shall monitor compliance with the prohibitions and obligations laid down in sections 35a, 37 and 38. The control of delivery would be subject to the same provisions and obligations on general control as the retail trade and the serving of alcohol.

Section 40. Verification of age The section would be amended in its entirety. *Subsection 1* would be amended to list exhaustively the documents enabling the purchaser of alcoholic beverages and customers in premises licenced for serving alcohol to prove their age. In the future, age could only be proven with a valid photo ID card, driving licence or passport issued by a public authority. Under the rules in force, age can also be proved by another reliable document with a photograph issued by the authority. The provision has been open to interpretation as to which entities are public authorities within the meaning of the section and what is considered a reliable document with a photograph. In particular, non-Finnish documents have created difficulties in interpretation. The proposed amendment would clarify the status quo.

A new *section 2* would be added which would lay down an obligation for the purchaser of the delivery of alcoholic beverages to prove their age before the alcoholic beverage is purchased. If an alcoholic beverage is purchased remotely, the purchaser of the alcoholic beverage would be obliged to prove their age by means of strong electronic identification. The obligation to prove your age would be justified, since, as a general rule, the purchase would take place online via a sales platform or an application. Unlike with retail sales or serving alcohol, it would not be possible for the online seller to assess whether the age of the buyer should be verified based on their appearance, for example. This provision would safeguard age-limit controls.

The obligation to be identified with strong electronic identification is case of processing personal data and therefore subject to the GDPR. The right of the operator to process personal data provided for in the section would be based on Article 6(1)(c) of the GDPR, i.e. the processing would be necessary in order to comply with the controller's legal obligation, i.e. the verification of age and the prohibition of selling to minors. In accordance with Article 6(3) of the GDPR, the proposed amendment would be laid down in Member State law and the basis of the processing would explicitly be the verifiable verification of the purchaser's age and ensuring compliance with the obligations laid down in the alcohol legislation.

A new *subsection 3* would be added to this section which would lay down that the recipient of the delivery of alcoholic beverages would be required to prove, by means of a document referred to in subsection 1, their age to the person delivering the alcoholic beverages. This would be justified in order to ensure that neither the purchaser nor the recipient of the drink is a minor. The regulation would also allow an alcoholic beverage to be ordered as a gift to another person, while ensuring that both the purchaser and the recipient of the alcoholic beverage meet the age limit laid down by law. In such a case, delivery would be possible while still retaining compliance with age-limit controls.

§ 42a. Delivery time A new article would be added to the Act to regulate the delivery time for alcoholic beverages. *Subsection 1* of the section would determine that the delivery of alcoholic beverages to the recipient would be permitted during the same period as alcohol retail sales, i.e. between 9 a.m. and 9 p.m. The delivery of alcoholic beverages should take place within this permitted period, even if the transport of alcoholic beverages could take place at other times.

The delivery time for beverages purchased from Alko would be specified in *subsection 2*. In such cases, the delivery of the alcoholic beverage to the recipient would comply with the provisions of section 42, subsection 2 on the retail sale times of Alko.

Subsection 3 of the section would lay down what would happen to the alcoholic beverage if the alcoholic beverage could not be delivered within the time period specified in subsections 1 or 2. In this case, the alcoholic beverage delivery driver should return the alcoholic beverages to the seller or deliver them to the customer later within the delivery period specified in subsection 1 or 2, unless the delivery did not take place for a reason referred to in section 37. If the alcoholic beverages could not be delivered because of a prohibition on delivery laid down in section 37, the alcoholic beverages should always be returned directly to the seller. If the delivery fails for other reasons, the deliverer of the alcoholic beverage could attempt delivery to the customer at a later time. The re-delivery of alcoholic beverages would only be possible at the next permitted time, which must be agreed between the customer and the supplier. However, if the deliverer of the alcoholic beverage did not directly return the drinks back to the seller, the provisions of the Food Act (297/2021) should be taken into account.

Section 45. *Supervision of the serving of alcoholic beverages in certain cases.* The wording of the power to issue decrees laid down in *subsection 3* would be amended so that further provisions on limiting the quantity of alcoholic beverages can be issued by government decree. Under subsection 3 of this section in the current Act, further provisions on limiting the quantity of alcoholic beverages will be issued by government decree. However, the Government decree on the implementation of the Alcohol Act issued under the Alcohol Act does not contain further provisions on limiting the quantity of alcoholic beverages.

Section 46. *Procuring alcoholic beverages.* *Subsection 1* would be specified to apply to alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol. This clarification would clarify the current state.

Section 51. *Pricing and advertising prices* In *subsection 1*, it would be added that the delivery of two or more packages or portions of alcoholic beverages at a reduced joint price would also be prohibited for the delivery of alcoholic beverages. The price of alcoholic beverages sold and delivered individually should not be higher than the price of an individual beverage in a multipack or jointly sold and delivered. The regulation would be in line with the provisions on the pricing of retail and serving of alcoholic beverages.

In *subsection 2*, it would be added that the provision and payment of rebates on the price of alcoholic beverages, calculated on the basis of purchases of alcoholic beverages or other consumer goods and services, would also be prohibited in the case of deliveries. The proposed provision also provides that the sale of alcoholic beverages should not be promoted in the context of loyalty cards or bonus schemes applicable to the delivery in a manner where the purchase and delivery of alcoholic beverages would be cheaper the more a customer buys as a result of rebates. In addition to offering such rebates, it would also be prohibited to pay them. Thus, even for purchases and deliveries of alcoholic beverages that have taken place outside Finland – e.g. in Estonia – no rebate should be paid in the context of the benefit scheme in Finland. The regulation would be in line with the provisions on the pricing of retail and serving of alcoholic beverages.

Section 57. *Personnel competence.* To *subsection 1* would be added an alcoholic beverage delivery driver acting on behalf of the delivery licence holder, and the delivery licence holder should ensure that the alcoholic beverage delivery driver is aware of their obligations as laid down in this Act and set out in the self-monitoring plan.

A reference to the alcohol passport would be added to *subsection 2* of the section. The current provision refers to serving licences as proof of knowledge of the Alcohol Act. However,

according to the Proposal, a new delivery passport for alcoholic beverages would be required, and it is therefore appropriate, for the sake of clarity, to explicitly include the alcohol passport in the provision as well. The name of the certificate demonstrating knowledge of the Alcohol Act has already been established as ‘anniskelupassi’ [alcohol passport] and, for reasons of clarity of the regulation, it would be advisable to use a similar term in the sections. Similarly, the Food Act (297/2021) contains an explicit reference to ‘hygieniapassi’ [hygiene passport].

A new *subsection 3* on the delivery passport would be added. The delivery licence holder would be required to ensure that alcoholic beverage delivery drivers acting on its behalf have a certificate (*delivery passport*) in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), demonstrating knowledge of the regulations on delivery of alcoholic beverages in the Alcohol Act and the guidance on delivery. All alcoholic beverage delivery drivers referred to here – i.e. persons who supply beverages ordered for delivery from a domestic retail store or the government-owned alcohol company Alko to a recipient – should have a delivery passport as referred to in section 57, subsection 3 of the Act.

It would be important to ensure that the licence holder or the person involved in the delivery of alcoholic beverages understands the age limit verification obligations under the Alcohol Act and is able to act in accordance with the law, even in potentially challenging situations. The obligation laid down in subsection 1 of this section to ensure that the personnel and the alcoholic beverage delivery drivers acting on behalf of the delivery licence holder are aware of their obligations laid down by law and in the self-monitoring plan, as well as to keep records of the training and competence of the persons concerned, also applies to delivery licence holders. The regulation on the delivery passport would contribute to safeguarding this objective. At the time of delivery, the driver would most likely be alone and handovers could take place in private premises. The situation at the time of delivery is quite different from the situation in a shop where other colleagues and possibly security guards are present. In these situations, there may be challenges and even threats endangering occupational safety of the deliverer of alcoholic beverages. It is much more difficult to refuse the delivery of beverages at the customer’s doorstep because of their age or state of intoxication, for example. Therefore, all deliverers of alcoholic beverages should have a delivery passport.

Section 58. *Granting a certificate demonstrating knowledge of the Alcohol Act.* The section would be amended in its entirety. *Subsection 1* would be amended so that the certificate demonstrating knowledge of the Alcohol Act would be called ‘anniskelupassi’ [alcohol passport]. The name of the certificate demonstrating knowledge of the Alcohol Act has already been established as ‘anniskelupassi’ [alcohol passport] and, for reasons of clarity of the regulation, it would be advisable to use a similar term in the sections. The Food Act (297/2021) also provides for certificate demonstrating competence in food hygiene, which is also called ‘hygieniapassi’ [hygiene passport] in the Act.

In addition, subsection 1 would be amended in such a way that the qualification of the holder’s representative could be proven by means of a certificate on an alcohol passport or a certificate of a qualification that included the same information as the alcohol passport test. The licence to serve alcohol would be granted to a person who successfully passes the licence test. According to the Act in force, the certificate is issued to a person who successfully passes a test assessing their knowledge of the Alcohol Act and its control practices, or obtains the equivalent knowledge through training or a course, or passes an examination containing the corresponding information. It would be unnecessary to delete the reference to training with similar information, since section 7 of the Decree of the Ministry of Social Affairs and Health

on the supervision of the Alcohol Act (158/2018) does not, despite its title, provide that any training or education would be equivalent to an alcohol passport test. In addition, despite the wording of the subsection, graduates have in practice not been awarded a certificate in accordance with the Valvira model. It would therefore be necessary to clarify the rules so that the qualifications of the authorised representative of the licence holder could be demonstrated not only by the certificate on the successful completion of an alcohol passport test, but also by means of a diploma indicating that the representative's training or education included knowledge of the subjects listed in section 6, subsection 1 of the Decree of the Ministry of Social Affairs and Health on the supervision of the Alcohol Act (158/2018).

The wording of the section would also be clarified to state that an alcohol passport certificate would be granted to a person who has passed the alcohol passport test. The provision would not change the current situation. The provisions of section 58, subsection 1 of the Alcohol Act would remain unchanged in other respects, and the certificate would continue to be issued by an educational institution providing training in hospitality services under a government authorisation or a licence to arrange training issued by the Ministry of Education and Culture.

A new *subsection 2* would be added, which would provide for a certificate demonstrating knowledge the provisions on delivery called 'toimituspassi [delivery passport], in the same way as for the alcohol passport. Proof of the competence of the deliverer of alcoholic beverages could be provided by means of a certificate of delivery passport. The delivery passport would be issued by an educational establishment holding a licence for the organisation of diplomas and training referred to in the Act on Vocational Education and Training (531/2017) or an educational establishment holding a licence as referred to in the Act on Universities of Applied Sciences (932/2014). Accordingly, the certificate would be issued to a person who would have successfully passed the delivery passport test. By way of derogation from the rules on alcohol passport, the delivery passport for alcoholic beverages could be issued by an educational establishment within the meaning of the Vocational Training Act other than an educational establishment providing training in restaurant services. This would be appropriate as the delivery and hand over of alcoholic beverages would not be tied to restaurant companies but could also be supplied by other operators holding a licence for the delivery of alcoholic beverages within the meaning of the Alcohol Act. Educational institutions offering delivery passport tests should make it possible to take the test in Finnish, Swedish and English.

Subsection 2 of the current section would be made to *subsection 3*. From this subsection, the reference to the updated Food Act instead of the repealed Food Act would be amended and the reference would be changed to section 19 of the Food Act currently in force, which regulates the matter. At the same time, the designation of the credential referred to in the Food Act as certificate of competence will be amended to hygiene passport and the designation of the certificate of knowledge of the Alcohol Act will be amended to alcohol passport. The educational institution would be entitled to charge a reasonable fee for these tests. It would be appropriate to make it possible to charge a reasonable fee in order to ensure that educational establishments actually organise these tests, the organisation of which is not one of their basic tasks. Educational institutions could price the test on a commercial basis, but in such a way that the fee for the test would be reasonable, so that individuals would also be able to take the test if they wish.

Subsection 3 of the current section on the power to issue decrees would be moved to a new *subsection 4*. The power to issue decrees would be amended so that further provisions on the content and assessment of the test for the delivery passport referred to in subsection 2 and on

equivalent examinations could also be issued by decree of the Ministry of Social Affairs and Health.

Section 60. *Supervision and related guidance* The section of the Alcohol Act in force defines the authorities supervising the Alcohol Act and their powers. This section would include responsibility for monitoring the delivery of alcoholic beverages. It would be added to the *subsection 1* of the section that the Regional State Administrative Agencies would supervise not only the retail sale and serving of alcoholic beverages but also the delivery of alcoholic beverages on their territory.

It would be added to the *subsection 2* of the section that the National Supervisory Authority for Welfare and Health would supervise the delivery of alcoholic beverages throughout the country. The National Supervisory Authority for Welfare and Health would continue to act as the guiding authority for the enforcement of the Alcohol Act, i.e. it would also be responsible for supervising, coordinating and developing the authorisation management and supervision of the Regional State Administrative Agencies, the provision of information, statistics and communication services of the Alcohol Administration, as well as the other tasks provided for in this Act. The National Supervisory Authority for Welfare and Health would therefore also be responsible for supervising, coordinating and developing the authorisation management and supervision of the Regional State Administrative Agencies for the delivery of alcoholic beverages, as well as the provision of information, statistics and communication services relating to the delivery of goods, as well as the other tasks provided for in this Law.

To the *subsection 3* of this section a new subsection 5 would be added on the guidance of educational establishments in connection with the examination of the alcohol and delivery passports. On the basis of Section 57(2) of the Alcohol Act, the National Supervisory Authority for Welfare and Health approves a model certificate for alcohol passport tests. In practice, in addition to this the Agency has instructed educational establishments organising alcohol passport tests. However, the guidance of educational establishments in the context of the alcohol passport tests is not defined for any public authority, and therefore the necessary powers should be included in the law, while a provision on the delivery passport test is introduced.

The current paragraph 5 of subsection 3 of the section would be moved to a new paragraph 6.

Section 61. *Supervision programme* It would be added to subsection 1 of the section that the supervisory authorities must also take account of the delivery of alcoholic beverages in their control programme. From a supervisory point of view, it would be important to include not only serving and retail but also delivery in the control programme in order to guide and control this activity in a harmonised manner.

Section 62. *Right of inspection and access to information. Subsection 4* of the section would be changed completely. A new subsection 4 would provide for the right of the public authority to make test purchases of alcoholic beverages if this would be necessary to carry out control of the delivery of alcoholic beverages. The competent authority would also be entitled to make use of adult volunteers to carry out test purchases if the authority had reasonable grounds to believe that the holder of a licence to deliver alcoholic beverages or an alcoholic beverage delivery driver acting on its behalf does not comply with their obligations laid down by law with regard to the delivery and supply of alcoholic beverages.

A key part of the regulatory control of retail sales of alcoholic beverages is currently based on unannounced inspection visits, which *inter alia* monitor the fulfilment by retail authorisation holders of their obligation to verify age. Such control of actual hand over transactions would not be practically possible in the case of the delivery of the alcoholic beverage, since the authority would not have information on when and where the hand overs will take place. In addition, most of the hand overs would probably take place in the inviolability of the home, where there is a very high legal threshold for carrying out checks. In order to ensure the control of the age limit, the relevant supervisory authorities would be entitled to make or arrange for trial purchases in order to determine whether the delivery of alcoholic beverages complies with the prohibitions on delivery laid down in the Alcohol Act. In Finland, for example, in accordance with the Act on the obligation to offer receipts in cash transactions (658/2013, ‘the receipts law’), the right to make test purchases is subject to supervision by the Tax Administration and the police, as well as by the Regional State Administrative Agencies, at the premises to be licenced for serving alcohol. Similarly, under the Act on Certain Powers of Consumer Protection Authorities (566/2020), the Consumer Ombudsman has the power to make test purchases in certain situations, including the right to use fake identity where this is necessary to prevent the discovery of the test purchase. For the sake of clarity, the section would explicitly provide that the competent authority has the right to obtain from the retail license holder the identity of the deliverer of the alcoholic beverages at the time of the trial purchase.

Subsection 4 of the current section would be made into *subsection 5*. From a substantive point of view, however, no changes would be made to the subsection.

Section 63. Right to information. A technical amendment would be made to *subsection 1*, as the Unemployment Insurance Fund is now the Employment Fund, so the name would be changed to correspond to the current situation. On the basis of this provision, supervisory authorities would have the right to obtain the same information as in the current law, including extracts from criminal records from the Legal Register Centre.

A new *subsection 2* would be added to the section and it would provide for the right for the supervisory authorities to obtain, free of charge and without prejudice to confidentiality provisions, information from the register of fines referred to in Section 46 of the Act on the Enforcement of Fines (672/2002). The right of access to information would be limited to the information that would be necessary to establish the conditions of the general authorisation of the applicant or holder of the authorisation or, in the event of a penalty, to establish the prohibition of double criminality. At present, the problem has been that supervisory authorities have not received information directly from the register of fines, as the disclosure of information is not specifically provided for by law. The amendment would speed up and streamline the authorisation process and improve the right to information when penalties are imposed.

Section 71. Penalty In *subsection 1* of the section the upper limit of the fine would be increased to EUR 20000. The current maximum amount of EUR 1000 has been found to be quite insignificant in practice. In some cases, it may be more economically advantageous for the holder of the license to breach the current provisions of the section, as it makes more economic sense to incur a penalty at the current level than to correct their activity in accordance with the Alcohol Act. It would therefore be advisable to substantially increase the current penalty, so that it also has some degree of deterrence for operators to comply with the provisions of the Alcohol Act. However, the assessment of the amount of the fine should take account of the nature, harmfulness and repetition of the procedure, as is currently the case. In

addition, in future the financial position of the licence holder should be taken into account when assessing the amount of the penalty fee.

A new paragraph 8 on the basis for determining the penalty fee for the delivery of alcoholic beverages would be added to subsection 1. A delivery licence holder could be ordered to pay a penalty fee if they violate their legal obligations, licence conditions or provisions related to the competence of alcoholic beverage delivery drivers acting on behalf of the licence holder.

Section 72. *Withdrawal of a licence* The article would be amended in its entirety so that it would continue to be based on a gradual increase in penalties, in which case the suspension or withdrawal of the authorisation would, as a general rule, require a penalty previously imposed. However, the conditions for withdrawing a licence would be partially relaxed in order to better support effective regulatory oversight. The structure of the section would be clarified by providing for temporary and permanent withdrawals in separate subsections.

According to *subsection 1* of the section, a temporary withdrawal of the permit could be envisaged if the operator, following the issue of the notice or the imposition of a penalty, were to continue to infringe or fail to fulfil its obligations under paragraphs 1 to 8 of section 71(1). In the future, a breach or failure to comply with the obligations laid down in section 71(1)(7) and in the new subsection 8 could lead to the suspension of the authorisation if the conditions laid down in section 71(1)(1)(1) are met. Under subsection 1, paragraph 2 of the section, the licensing authority could withdraw the permit temporarily without a penalty previously imposed if the operator were to breach or fail to comply with the essential obligation laid down in that law. For example, the sale or hand over of an alcoholic beverage to a person under 18 years of age or to a person who is clearly intoxicated could constitute a breach of an essential obligation on a case-by-case basis. This could be the case, for example, if the identity documents of young persons have not been checked at all. *Subsection 2* would continue to provide that in determining the length of the period of the withdrawal, account should be taken, in particular, of the seriousness of the conduct giving rise to the withdrawal and the circumstances in which it was carried out.

According to *subsection 3*, paragraph 1 of the section, a permanent withdrawal of a permit could be envisaged if, after the temporary withdrawal of the permit, the operator continued to breach or fail to comply with his obligation. Paragraph 2 of subsection 3 corresponds in substance to the rules in force and should continue to apply only in exceptional circumstances. According to paragraph 3 of subsection 3, the licensing authority could withdraw the permit or approval on a permanent basis if the conditions for the permit or approval were not in force. Withdrawal would no longer be conditional on the setting of a time limit, as it is not always possible to remedy the deficiency in the conditions for the permit or approval within the time limit. However, the licensing authority should continue to consult the holder of the permit or approval in accordance with the Administrative Procedure Act before withdrawing the permit or approval. The licensing authority should withdraw the permit or approval if the deficiency in the conditions for the permit or approval would not have been remedied during the consultation period.

Section 72 a. *Termination of the permit.* For the sake of clarity, a new section on the termination of the permit and activity would be introduced. The new distinction would make it clear that the termination of activities does not constitute a withdrawal of a permit and the termination of activities does not give rise to a waiting period under section 13(4), subsection 3, which prevents the granting of a new permit.

According to *subsection 1* of the section, the licensing authority should enter in the register that a permit or approval under this Act has expired if the operator had ceased its activity otherwise than temporarily. This provision would, in principle, apply only if the operator himself declares the termination of its activity. However, by way of derogation from the law in force, the provision would also allow the authority to register the expiry of a permit or approval if the operator would have failed to comply with the obligation to notify the termination of activities introduced in section 11. This provision would be necessary, for example, in a situation where the applicant would be in the process of applying for a licence to operate in a place where another operator holds a valid on-trade licence, but that other operator would have terminated its activity on a non-temporary basis in that place. A formal registration of a permit as terminated would require a declaration that the operator would have ceased its activity on a non-temporary basis, e.g. that the operator would no longer have access to the premises of the site or that the activity would have been discontinued in the business register of another public authority. In future, in such a situation, the licensing authority could, after consulting the holder of the authorisation, enter the permit as terminated in the register and grant the new applicant a permit to operate in the premises in question.

There are currently no provisions in the current law on how to act in the event of bankruptcy of the holder of the permit or of the holder of a fixed-term permit or in the event of the death of a private trader holding a permit or approval. The Act contains only a provision that the insolvency estate of the licensee has the right to continue the activity subject to authorisation for a maximum period of one year from the start of the bankruptcy. In *subsection 2* of the section the same right would be extended to the estate of the holder of the permit and to the bankruptcy or estate of the holder of the permit. In addition, the provision would specify for how long it would be possible to continue the activity if the permit or approval had been in force for a fixed period of time. The provision would also include the condition that the continuation of the activity should be notified to the licensing authority without delay after the declaration of bankruptcy or death. As a general rule, notification could be required within one month of the declaration of bankruptcy or death.

Section 75. Fees charged by the Regional State Administrative Agency. A new paragraph 3 on the control fee for alcoholic beverage delivery would be added to *subsection 2*. The control fee would be charged to the licence holder. The corresponding control fee is already charged to the holder of the retail and serving licence. A technical amendment to paragraph 2 of *subsection 2* of the section would be made as a result of the addition of a new paragraph 3.

Section 84. Procurement of alcoholic beverages The section would be clarified in relation to prohibited passing on of alcohol. According to that section, alcoholic beverages should not be passed on or handed over for remuneration unless otherwise provided for by law. The passing on and handing over of alcoholic beverages for remuneration would not be prohibited in the case of delivery by the holder of the licence under the Alcohol Act. The prohibition referred to in this section does not apply to this activity subject to authorisation.

Section 85. Prohibition on consuming alcoholic beverages *Subsection 1* of the section would be specified to cover alcoholic beverages of over 2.8 %. This clarification would clarify the current situation.

Section 90. Penal provisions. Paragraph 1 of *subsection 5* would be amended as a result of the proposed amendments to section 37 referred to therein. At the same time, the scope of acts punishable as alcohol infringements would be specified. A person who, intentionally or through gross negligence, infringes the prohibition on the retail sale, delivery or serving of

alcohol laid down in section 37, subsections 1–3 would also be sentenced for an alcohol infringement. Therefore, if the alcoholic beverage delivery driver were to supply alcoholic beverages to, for example, a minor or a severely intoxicated person, this would be a criminal offence within the meaning of the proposed section 90. Selling or otherwise supplying alcoholic beverages in retail trade and the serving of alcohol to, for example, a minor or a severely intoxicated person is already criminalised in this section of the Act in force, so extending the criminalisation to the supply of alcoholic beverages in delivery operations would be justified.

Paragraph 2 of subsection 5 of the section would be amended as a result of the proposed amendments to section 38 referred to therein. The responsible manager or other person appointed for the task referred to in section 38 of the current Act would be changed to ‘representative of the licence holder’ in accordance with the proposed section 38. Consequently, a person who, in accordance with section 90, subsection 5, paragraph 2, intentionally or through gross negligence, as the holder of a retail or serving licence or as the representative of the holder of the licence referred to in section 38, infringes the obligation laid down in section 35 or 36 concerning the supervision of the order of the retail premises and licensed premises would also be sentenced for an alcohol offence.

In addition to the alcohol infringements punishable by a fine under the Alcohol Act referred to in subsection 5, paragraphs 1 and 2 above, chapter 50a of the Criminal Code (39/1889) lays down provisions on alcohol offences. According to chapter 50a, section 1, subsection 1, paragraph 3 of the Criminal Code currently in force, anyone who, contrary to the Alcohol Act or a provision issued under it, sells, distributes or otherwise supplies alcoholic beverages or spirits to another person shall be sentenced for an alcohol offence to a fine or to imprisonment for a maximum of two years. This provision of the Criminal Code could become applicable in the delivery of alcoholic beverages in situations involving the point of delivery.

Annex A new *paragraph 6a* would be added to the Annex concerning the delivery control fee and its determination. According to point 6(a) of the Annex, the Regional State Administrative Agency would charge an annual control fee of indefinite duration to holders of licences for the delivery of alcoholic beverages. The fee period would be from 1 January to 31 December. The control fee for the delivery of alcoholic beverages would consist of a fixed basic fee and an additional fee depending on the scope of the operations, so that the basic fee per licence holder would be EUR 100. Licence holders whose licence is valid during the relevant control fee period would also be charged the basic fee.

The amount of the additional fee, which depends on the scope of the operations, would be determined during the control fee period on the basis of the numbers of alcoholic beverage deliveries reported annually to the National Supervisory Authority for Welfare and Health (Valvira). One delivery means a delivery based on a single order. Deliveries also include those in which it has not been possible to supply the alcoholic beverages due to e.g. the prohibition on delivery laid down in section 37. It would not matter how many alcoholic beverages were supplied in one delivery, as the control fee would be determined on the basis of the number of deliveries made. In addition to the basic fee, the control fee per delivery would be EUR 0.10 per delivery above 1 000 deliveries. The control fee determined on the basis of the above-mentioned criteria would be rounded down to the nearest EUR 10.

The licence holder would be obliged to report the total number of deliveries to the National Supervisory Authority for Welfare and Health (Valvira) annually. If the licence holder fails to submit the notification within the time limit, the National Supervisory Authority for Welfare

and Health (Valvira) would have the right to order the licence holder to report the total number of deliveries on pain of incurring a periodic penalty payment as laid down in section 70. However, the National Supervisory Authority for Welfare and Health (Valvira) should issue a reminder to the licence holder and allow a reasonable period to report the above-mentioned information before imposing a periodic penalty payment. The legal remedies provided for in section 80 would also apply to the control fee for deliveries, i.e. it would be possible to object to the control fee to the authority that imposed the fee, and the decision on the objection may be appealed to the Administrative Court. In accordance with section 80, subsection 4 of the Alcohol Act, the control fee must be paid within the prescribed time limit, regardless of any objection and appeal.

It is proposed to add a new provision on charging control fees to *paragraph 7* of the Annex. The fees would be invoiced retrospectively but not later than 30 April and the calculation period based on the number of deliveries would be from 1 January to 31 December.

9 Regulation at the level of secondary legislation

A new subsection 4 on the content of an application or notification made as a result of changes to operations referred to in section 11 would be added to section 11 of the proposed Act concerning the power conferred on the government to issue further provisions by decree. Section 13 of the Government Decree on the Implementation of the Alcohol Act (151/2018) already provides for the content of an application to amend a licence, but the current Act does not cover the power to issue decrees in this regard. As a result of the amendments contained in the proposed Act, the necessary amendments to the government decree would be made by means of an amending decree. In addition, the necessary amendments to the Decree of the Ministry of Social Affairs and Health on Control of the Alcohol Act (158/2018) issued under the Alcohol Act will be prepared by means of an amending decree. These amending decrees are due to enter into force at the same time as the draft Act.

It is proposed to amend the wording of the power to issue decrees referred to in section 45, subsection 3 of the current Act so that further provisions on the limitation of the quantity of alcoholic beverages referred to in that section may be issued by government decree. On the basis of the wording of the current Act, further provisions on the limitation of the quantity of alcoholic beverages will be issued by government decree, but the government decree in force does not contain provisions on the limitation of the quantity of alcoholic beverages. The decree amending the government decree that is under preparation would also not contain provisions on limiting the quantity of alcoholic beverages, but the amendment being made to the Act concerning the power to issue decrees would enable further provisions to be issued by government decree if necessary.

10 Entry into force and transition period

It is proposed that the Act enter into force on 1 January 2025. It is proposed that section 2, subsections 1 and 2; section 3, subsection 1, paragraphs 11, 17 and 18; section 4, subsection 1; section 5, subsection 1; section 7; section 12; sections 17 to 17a; section 28, subsection 3, sections 35 to 35a; sections 37 to 38; section 39, subsection 3; section 40; section 42a; section 62, subsection 4; section 75, subsection 2; section 84; section 90, subsection 5 of the Act and paragraph 6a of the Annex not be applied until five (5) months after the entry into force of the Act.

The proposed transitional period would be justified in order to give the licensing and supervisory authorities sufficient time to prepare the processes and changes to information systems required by the new form of licensing introduced in the Alcohol Act. The National Supervisory Authority for Welfare and Health (Valvira) should also have sufficient time to prepare the material required for the proposed delivery passport training in Finnish, Swedish and English. Similarly, a transitional period would be necessary in order to enable those educational establishments which intend to organise delivery passport training and tests to plan and organise the organisation of training and tests in an appropriate manner. It would also be justified to provide for a transitional period in order to allow staff engaged in the delivery of alcoholic beverages to realistically be able to acquire the delivery passport training required by the proposed Act before the start of operations.

The transition period would also be justified because, as a result of the proposed amendment, the government-owned alcohol company Alko Oy would have to apply for a delivery licence for business deliveries of alcoholic beverages to business addresses. The legislation in force provides for this possibility for Alko Oy without a separate licence for the delivery of alcoholic beverages. In other words, Alko Oy's business deliveries to business addresses have been carried out under a section of the current Act which would now be repealed as unnecessary due to the new type of licence. If the Act were applied immediately from the date of its entry into force, it would no longer be possible for Alko Oy to transport alcoholic beverages to businesses without a licence for the delivery of alcoholic beverages and staff delivery passports. Not only would this complicate Alko Oy's operations, but it could also complicate the operations of companies that have been able to order alcoholic beverages for transportation and delivery from Alko Oy to business addresses under the legislation in force.

11 Implementation and monitoring

The economic, social and health impact of the reform will be monitored in cooperation with the National Institute for Health and Welfare, the National Supervisory Authority for Social Affairs and Health, the Regional State Administrative Agencies and the Competition and Consumer Authority. It will be necessary to examine the need for additional resources for agencies and the level of control fees after the entry into force of the legislative amendment, taking into account the final number of delivery licence holders and the experience gained in the practical implementation of the supervisory work.

It has been agreed in the government programme that a study on the liberalisation of sale of wines with a strength of 15 % will be carried out by the mid-term in cooperation between the Ministry of Social Affairs and Health and the Ministry of Employment and the Economy.

11.1 Relationship to the draft budget

The Proposal is related to the draft government budget for 2025 and is intended to be discussed in connection with the draft budget.

12 Relationship to the Constitution and legislative process

12.1 General

The Proposal proposes to provide for the delivery of alcoholic beverages from domestic retail trade or the government-owned alcohol company Alko directly to the buyer or other recipient to an address given by the buyer. According to the proposal, the delivery of an alcoholic beverage would require a licence for the delivery of the alcoholic beverage in order to ensure the legality of the delivery of alcoholic beverages and also to ensure effective official control of the delivery. The proposed regulation aims to reform alcohol policy responsibly towards Europe and to pursue the overall reform of the Alcohol Act in 2018. The Government's objective is to promote fair and open competition. The proposed legislation thus also aims at a freer right to engage in alcohol trade, while maintaining the proper protection of the purpose and objectives of the Alcohol Act.

The proposed amendments are linked to section 19(3) of the Constitution, according to which public authorities, as further specified by law, must promote the health of the population. According to the explanatory memorandum, the obligation to promote the health of the population refers, on the one hand, to preventive action in the field of social and health care and, on the other, to the development of social conditions in the various spheres of public authority in a direction that is promoting the health of the population in general. The proposed legislation is also linked to the obligation of the public authorities, referred to in the second sentence of section 19(3) of the Constitution, to support the ability of the family and other carers to ensure the well-being and individual growth of the child. In addition, it is necessary to examine the proposal in the light of the protection of private life, in particular personal data, laid down in section 10(1) of the Constitution, and the right to work and freedom to conduct a business provided for in section 18(1) of the Constitution. The proposed amendments should also be seen in the light of the obligation of the public authorities to safeguard fundamental and human rights, as laid down in section 22 of the Constitution.

12.2 Protection of personal data

The draft law is relevant for the protection of private life and personal data provided for in section 10 of the Constitution. The proposed regulation is also relevant to the EU Charter of Fundamental Rights. Articles 7 and 8 of the EU Charter of Fundamental Rights safeguard the right to privacy and the right to the protection of their personal data. According to this Article, personal data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. In this regard, the judgments of the Court of Justice of the EU determine the essence of the protection of private life and personal data. Similarly, Article 8 of the ECHR, concerning the protection of private life, has been interpreted in the case-law of the European Court of Human Rights as covering also the protection of personal data.

According to the Constitutional Committee, the detailed regulation of the General Data Protection Regulation, interpreted and applied in accordance with the rights guaranteed by the Charter of Fundamental Rights of the EU, generally provides an adequate legal basis for the protection of private life and personal data protected by section 10 of the Constitution. In the Committee's view, the regulation of the GDPR, when interpreted and applied correctly, also corresponds to the level of protection of personal data as determined by the European Convention on Human Rights. Consequently, within the scope of application of the General Data Protection Regulation, it is no longer necessary for constitutional reasons to include

comprehensive and detailed regulations regarding the processing of personal data in specific national legislation. In the view of the Constitutional Committee, the protection of personal data should be ensured primarily under the General Data Protection Regulation (GDPR) and the national general legislation to be enacted (PeVL 14/2018 vp, p. 4). The Constitutional Committee is also of the opinion that, for reasons of regulatory clarity, the enactment of specific national legislation should be restricted and limited to what is strictly necessary within the national margin of manoeuvre granted by the Data Protection Regulation. The necessity of specific legislation must also be assessed in accordance with the risk-based approach required by the GDPR, taking into account the threats and risks posed by the processing of data. The higher the risk to a person's rights and freedoms caused by the processing, the more justified is a more detailed regulation. This is particularly relevant for the processing of sensitive data (PeVL 14/2018 vp, p. 5).

According to the draft law, when ordering an alcoholic beverage online, the purchaser of the beverage must prove his age by means of strong electronic identification. This requires that the seller be informed of the identity of the buyer in such a way that the seller can ascertain the age of the buyer. This means that the seller must, by means of electronic identification, verify the buyer's personal identification number so that the seller can be certain that, under the Alcohol Act, he can sell the alcoholic beverage to the person concerned. Under the Alcohol Act, selling or otherwise handing over alcoholic beverages to persons under the age of 18 is prohibited and the sale or otherwise handing over of a spirit drink to a person under the age of 20 is prohibited. The penalty for alcohol offences is laid down in Chapter 50a, Sections 1 to 3 of the Criminal Code and provides that, for example, the sale and handing over of alcoholic beverages to a minor is punishable by a fine or imprisonment. It is therefore justified, when the alcoholic beverage is purchased online, that the seller of the alcoholic beverage also has the obligation to ascertain the age of the purchaser – and, on the other hand, the right provided for by law to process the personal data necessary for that purpose, namely the personal identification number.

The bill would also provide for the obligation of the alcoholic beverage delivery driver, i.e. the supplier of the alcoholic beverage, to verify the age of the recipient of the alcoholic beverage before supplying the alcoholic beverage to the person. This is no different from the way in which alcohol is sold or served, and the proposal follows the general scheme of the Alcohol Act in this respect. The regulation is intended to contribute to ensuring effective age control of alcoholic beverages, thereby also protecting children and adolescents from the harmful effects of alcohol. The regulation is therefore proportionate, necessary and also effective in order to safeguard the underlying objective.

12.3 Right to work and freedom to conduct a business

A licence for the delivery of alcoholic beverages would be a new form of license added to the Alcohol Act and would thus constitute a new exception to the main rule of freedom to conduct a business. According to section 18, subsection 1 of the Constitution, everyone has the right, as provided by the law, to earn their livelihood by the employment, occupation, or commercial activity of their choice. Although, in practice, the Constitutional Committee has considered the freedom to conduct a business as the general rule, it has considered it acceptable to require authorisation of the various forms of alcohol-related economic activity, in order to reduce, inter alia, the health damage associated with alcohol consumption and the social harm caused by its use. The same applies to the rules on exclusive rights (see PeVL 48/2017 vp).

The freedom to conduct a business is also enshrined in the EU Charter of Fundamental Rights, Article 16 of which recognises the freedom to conduct a business in accordance with Union law and national laws and practices. Article 15 of the Charter guarantees the right to engage in work and to pursue a freely chosen or accepted occupation.

Under Article 52 of the Charter, any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. In accordance with the principle of proportionality, restrictions may be imposed only if they are necessary and effectively meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of other persons. National law within the scope of EU law must not conflict with the provisions of the EU Charter of Fundamental Rights. The drafting of legislation must therefore take into account EU fundamental rights to the extent that a matter for which national law is being prepared can be considered to fall within the scope of EU law. For example, in case C198/14 *Visnapuu*, the Court of Justice of the EU specifically examined and applied the licensing system and Alko's exclusive rights provisions laid down in the Alcohol Act.

In its statement practice, the Constitutional Law Committee has considered the freedom to conduct a business to be the main rule, but considered it possible to make business activities subject to authorisation in exceptional cases. However, the requirement for authorisation must always be laid down in an Act, which must comply with the requirements on accuracy and precision required by a law restricting a fundamental right. As far as the content of the regulation is concerned, the Committee has considered it important that the provisions on the conditions and permanence of authorisation make the actions of authorities sufficiently predictable. In that regard, what matters is, in particular, the extent to which the powers of the public authorities are determined by so-called circumscribed or expediency considerations. In addition, the authority's power to attach conditions to the licence must be based on sufficiently precise legal provisions (see, for example, PeVL 32/2010 vp).

The delivery of alcoholic beverages would be subject to authorisation in a manner similar to retailing and serving. From the point of view of the freedom to conduct a business, it is a specific economic activity, the authorisation of which must be regarded as acceptable in order to safeguard the health of the population and to reduce social disadvantages. A licence would be necessary for the transport and delivery of alcoholic beverages from the retailer to the purchaser. A license should be granted if the conditions relating to the applicant and necessary for the pursuit and supervision of the activity are met. The requirements relating to the applicant would relate in particular to reliability and economic conditions which contribute to the applicant's ability to comply with the provisions of the Alcohol Act. In addition, the licensing authority could, under strict conditions laid down by law, impose necessary permit conditions, for example in order to prevent various risks to public order and safety and to ensure the proper functioning of the activity.

In the context of the regulation of business activities, the Constitutional Law Committee has considered the withdrawal of the license to be more severe than the refusal of the license applied for. Therefore, the Committee has considered it necessary for the proportionality of the regulation to tie the possibility of revocation of a retail licence to serious or material infringements or omissions, and to the fact that any comments or warnings given to the licensee have not led to the correction of the deficiencies in operations that have occurred (e.g. PeVL 13/2014 vp).

According to section 72 of the proposal, the licensing authority could withdraw temporarily or revoke a licence under the Alcohol Act if the licence holder continues to infringe or fail to fulfil its obligations, despite a comment or a penalty from the licensing authority. The license could be permanently withdrawn if the breach of obligations has persisted after the fine has been imposed and the infringement of the law was intentional and assessed as a whole as serious. The license could be revoked without notice or penalty only in exceptional circumstances. The license should also be withdrawn if the conditions for obtaining the license were no longer in force. The proposed provision takes as a starting point the requirements of the Constitutional Committee's practice in its opinions.

The monitoring of the provisions of the Alcohol Act is based on a comprehensive licensing system. In practice, the licensing system ensures that traders operating in the alcohol sector are able to meet their obligations, are reached through supervision, and their illegal activities can be effectively addressed. The purpose of the Alcohol Act is to reduce the consumption of alcoholic substances by limiting and controlling the related economic activities in order to prevent the harm caused by alcohol to its users, to other people and to society as a whole. The proposed regulation thus also implements the purpose of the Alcohol Act in a proportionate and effective manner.

On the other hand, the Bill also contributes to the lifting of restrictions on alcohol trade, as it would allow for the delivery of alcoholic beverages also from domestic retail sales to the purchaser. According to the law in force, this is not possible. The proposed regulation would thus partially extend the right to conduct a business and also the right to work, since it would allow for a new form of alcohol business – which, as described above, would require a license for the delivery of alcoholic beverages in order to ensure the proper functioning of the activity and effective control by the authorities. In its statement PeVL 10/2024 vp on the latest amendment to the Alcohol Act, the Constitutional Law Committee considered that the key issue for the assessment of the legislative proposal at the time was that it was not a new restriction on business activities, but that some of the products that were at that time subject to the exclusive right of the government-owned alcohol company Alko were being moved to licensed retail trade. Consequently, that proposal de facto reduced the restrictive regulation relating to the alcohol trade, which derogates from section 18, subsection 1 of the Constitution of Finland.

The proposed regulation will enable a new way of conducting alcohol business and thus may also increase employment in the alcohol industry. In other words, in relation to the alcohol legislation in force, the proposed amendment would mainly reduce restrictions related to the alcohol industry, as in the future it would be possible to deliver alcoholic beverages to the recipient, and it would no longer be necessary to collect alcoholic beverages from a retail outlet or the government-owned alcohol company Alko. This contributes to safeguarding the freedom to conduct a business and the right to work in a proportionate manner and in a manner that achieves the purpose and objective of the Alcohol Act.

12.4 Equality

The draft law also concerns equality as laid down in section 6 of the Constitution. In principle, the non-discrimination provision of the Constitution applies only to people. However, the principle of equal treatment may also play a role in the assessment of regulation applied to legal persons, in particular where the legal situation of natural persons may be affected indirectly. The more distant this connection is the less important this point of view is.³² The

³² See e.g. PeVL 11/2012 vp, p. 2.

proposed amendment concerns, in principle, legal persons and their status. The change may have an indirect effect on the legal position of natural persons whose economic activity is based on the retail sale of alcoholic beverages.

In the further preparation of the proposed amendment, the Proposal was amended so that the delivery of alcohol under a delivery licence would be possible within the alcoholic strength limits permitted by the retail licence. In practice, this would mean that, in accordance with the Government Programme, the Proposal would also take into account the fact that domestic craft breweries, microbreweries and producers of farm wines would be able to sell their products by delivery within the strength limits that apply to their retail sales. This would place alcohol retailers in a partially unequal position, as the strength thresholds of producers of farm wines and craft beers are higher than those of other retailers. Beverages with an ethyl alcohol content such as that of alcoholic beverages produced by producers of farm wines and craft beers are covered by the exclusive right to sale by retail of the government-owned alcohol company Alko, with the exception of the exemption for farm wines and craft beers.

However, the production of alcoholic beverages by producers of farm wines and craft beers has been limited in quantitative terms so that a producer of farm wines may produce no more than 100 000 litres of alcoholic beverages per calendar year and a producer of craft beers may produce no more than 500 000 litres of such alcoholic beverages per calendar year. In addition, the producers of farm wines and craft beers produce the alcoholic beverages subject to a retail licence themselves under a licence for the production of alcoholic beverages. Typically, operators holding a retail licence for alcoholic beverages purchase the alcoholic beverages they sell from the manufacturers of those beverages and therefore do not produce them in their own operations. The right of producers of farm wines and craft beers to deliver the alcoholic beverages they have produced subject to their retail strength limits is justified, as the regulation would support domestic craft production and aim to maintain the attractiveness of the industry in question also in the future. On the other hand, the amendment prepared in further preparation would put national producers of farm wines and craft beers on a more equal footing with foreign producers and sellers of alcoholic beverages, as, in the past, national producers of farm wines and craft beers could only sell their products directly from the place of production, while consumers could, under certain conditions, have foreign farm wines and craft beers delivered to their homes.

In practice, the Constitutional Law Committee has consistently stressed that the principle of equality cannot give rise to strict limits on the discretion of the legislator when it comes to the regulation required by the relevant social developments.³³ Therefore, for the reasons set out above, the proposed regulation can be regarded as constitutionally acceptable.

12.5 The principle of legality in criminal law

Section 8 of the Constitution of Finland contains the main elements of the requirement of legality in criminal law. According to the government proposal for basic rights reform, these include at least the requirement to define criminal offences in law, the prohibition of retrospective criminal legislation, the prohibition of the analogous application of the Criminal Code, the requirement to define in law the penalties resulting from a criminal offence, the prohibition on the use of a more severe penalty than that provided for at the time the offence was committed, and the requirement that the standards for criminal legislation be laid down by law (see HE 309/1993 vp). The provision also requires that the constituent elements of each offence must be expressed in law with sufficient precision from the point of view of the

³³ see e.g. PeVL 2/2011 vp, p. 2/II, PeVL 64/2010 vp, p. 2

person applying the law. The draft Act proposes that section 90, subsection 5, paragraph 1 on alcohol infringements be amended so that a supplier of alcoholic beverages would also be sentenced for an alcohol infringement if they intentionally or through gross negligence infringe the prohibition on supply laid down in section 37, subsections 1–3. Therefore, if the alcoholic beverage delivery driver were to supply alcoholic beverages to, for example, a minor or a severely intoxicated person, this would be a criminal offence within the meaning of the proposed section 90. In the section in force, selling or otherwise supplying alcoholic beverages in retail trade and the serving of alcohol to, for example, a minor or a severely intoxicated person has already been criminalised, so extending the criminalisation to the supply of alcoholic beverages in delivery operations would be justified and proportionate.

Section 90 of the Alcohol Act has been enacted with the Constitutional Law Committee's approval. No other substantive changes to the section would be made now, other than adding the delivery of alcoholic beverages to the scope of the regulation on infringement. On the basis of the wording of the penal provision, it would still be foreseeable what kind of conduct or negligence in violation of the Alcohol Act would be punishable under that provision.

It is justified to provide for penalties for infringements, either deliberate or committed through gross negligence, of the obligations of delivery operations specified in the section, in the same way as for the serving and retail sale of alcohol. In delivery operations, the supply of alcoholic beverages may involve more risks of negligence at the point of delivery than in alcohol serving and retail supply situations, as the delivery of the alcoholic beverage may take place at the door to the home of the recipient of the beverage or in another place or space where there may not necessarily be any outsiders or staff present other than the delivery driver. The reasons behind the prohibitions on supply include the need to protect children and young people from alcohol-related harms, to reduce the potential harms to individuals and society caused by alcohol intoxication, and also to protect both the alcohol user and other people from the possible adverse effects of alcohol intoxication – such as accidents and disruptive behaviour. In order to ensure compliance with the prohibition on supply and to ensure the effectiveness of the regulations, it is also necessary to provide for penalties for non-compliance with the prohibition on supply

Provisions on alcohol offences would be laid down in the Criminal Code, and no amendments to the provisions of the Criminal Code are proposed. Intent is required in order to fulfil the definitional elements of an alcohol offence under the Criminal Code. Unlike an alcohol offence, an alcohol infringement could also be penalised on the basis of gross negligence. Alcohol infringements also include a subsidiarity clause according to which a fine is imposed for an alcohol infringement, unless a more severe penalty is provided for the act elsewhere in the law. This ensures that a person would not be sentenced for both an alcohol offence and an alcohol infringement for the same act.

12.6 Right to social security

In accordance with section 19.3 of the Constitution, public authorities must ensure adequate social and health services for everyone and promote the health of the population. In addition, the public authorities must support the ability of the family and other caregivers to ensure the well-being and individual growth of the child. The provision in section 19(3) of the Constitution on the duty of public authorities to promote the health of the population refers, on the one hand, to the preventive activities of social and health care and, on the other hand, to

the development of the conditions of society in the various branches of public authorities in a manner conducive to the health of the population in general.³⁴

Article 35 of the EU Charter of Fundamental Rights also states that everyone has the right of access to preventive health care and to medical treatment under the conditions laid down in national law and practices.

As pointed out in the Impact Assessment of the Bill, the proposal may have a limited impact on alcohol-related harm and the resulting costs. At the social level, the impact of the Bill is likely to be rather limited, but for some individuals or communities the impact of the Bill may be significant. Scientific literature shows that online alcohol purchases and deliveries are used more than average by high-risk alcohol users. The draft law can therefore have a negative impact on alcohol-related social and health problems, especially for those who already consume a lot of alcohol.

Although little research is still available, the development described above is possible, *inter alia*, because, for example, being fit to drive would no longer be necessary for the supply of alcoholic beverages, it is also more difficult to monitor the customer's state of intoxication, as the person handing over the alcoholic beverages is not able to observe the characteristics of the intoxicated person in the same way as in a shop. The delivery of alcoholic beverages may also lead to prolonged drinking situations and high volumes of alcohol at the time of the placing of an order. In a study carried out in Australia³⁵ the above problem has been linked in particular to express orders. In all, 74 % of the binge drinking sessions in Finnish homes (occupants aged 20–79) took place outside the time between 09:00 and 21:00³⁶

The proposed amendment to the Alcohol Act includes a time limit for delivery in order to prevent, in particular, the impulsive ordering of alcoholic beverages in the evening and, in part, express orders for alcoholic beverages. In this way, the aim was to ensure that the delivery time for alcoholic beverages does not allow for the purchase of alcoholic beverages outside retailing periods, and thus to minimise the adverse social and health impacts that the proposed change might entail.

The social and health risks of the Bill relate, in particular, to prolonged drinking situations and to the increase in doses consumed at any one time. These risks can be estimated to be particularly pronounced in the case of individuals who intensively consume alcohol. The extent to which the prohibition on delivering alcoholic beverages to intoxicated persons is complied with is a key factor in the realisation of the risks. However, the purpose of the legislation was to ensure that, even in the case of the delivery of alcoholic beverages, alcoholic beverages cannot be handed over in breach of the prohibitions laid down in the Alcohol Act. This means that, in the case of deliveries, alcohol should not be handed over to an intoxicated person either. Breaches of the delivery ban could also result in sanctions for the holder of the delivery license, thus contributing to strengthening the effectiveness and efficiency of the regulation.

³⁴ see Government proposal to Parliament to amend the fundamental rights provisions of the Constitution (HE 309/1993 vp. p. 71).

³⁵ Callinan S. ym. (2023) In order to assess the impact of home delivery expansion within Australia, researchers need regulators to collect and share data on sales. *Drug Alcohol Rev.* 42, pp. 1309–1311.

³⁶ The data is based on a 2023 drinking habit study produced by THL

12.7 The role of children and young people

According to Article 3 of the Convention on the Rights of the Child (SopS 60/1991), *inter alia*, legislative action must take into account the best interests of the child in matters concerning children. In accordance with Article 24 of the EU Charter of Fundamental Rights, a child has the right to such protection and care as is necessary for his or her well-being. According to the same article, in all actions relating to children, whether taken by public authorities or private institutions, the best interests of the child must be a primary consideration.

Finland currently has an estimated 65 000–70 000 children (around 6 % of minors) of whose other or both parents have a substance abuse problem. At the age of 13–17, the risk of mental health problems in children with parental substance abuse is about one and a half times higher and the risk of harmful substance use is twice as high as for children whose parents do not have a substance abuse problem. However, the adverse effects of alcohol on children and adolescents are not linked merely to the children of parents who are seriously dependent on intoxicants. In many families, high-risk alcohol consumption is also common. In families where the risk is high there is additionally an increased risk of feelings of insecurity among children and adolescents, and they may be prone to various states of fear and suffer from a lack of care in everyday life. The weakening of children's and young people's feelings of safety can jeopardise the growth and development of children and adolescents in many ways also in later ages, including their performance at school and their social relationships. In families with children where one or both parents have alcohol problems or alcohol-risk consumption, the child's well-being and individual growth may be further weakened as a result of the proposed change.

As highlighted in the impact assessment of this draft law, in Finland one of the key factors contributing to the reduction of alcohol consumption among young people has been the increased difficulty of access to alcohol experienced by young people,³⁷ i.e. more effective age-limit controls in practice. Both private retail establishments and Alkos stepped up age control in the 2010s. According to academic literature on the delivery of alcoholic beverages (usually called 'home delivery of alcoholic beverages' or 'alkoholijuomien kotiinkuljetus' in literature), the main problem of responsible sales and sales control for the delivery of alcoholic beverages is related to the age limit control. However, the proposal would provide that the supply of alcoholic beverages would be subject to verification of the age of the recipient at the point of delivery and that alcoholic beverages should not be supplied to a person who would not be 18 years at the time of the delivery. However, if age-limit control is not effectively implemented, the delivery of alcohol may increase the availability of alcohol, especially for young people. The purpose of the verifiable verification would be to ensure that operators comply with the age-limit checks and, in that regard, that the operator can also be subject to posteriori checks, if necessary, and thus to effectively address unlawful conduct, including in the context of an in-service control.

In Australia, fast deliveries were particularly common for people under the age of 25. In this way, fast deliveries can lead to prolonged drinking situations and an increase in the quantities of alcohol consumed at one time, especially for young people. However, the bill would not allow delivery after 9 p.m., which would prevent fast deliveries late in the evening and drinking episodes being prolonged late to the evening and or night-time. Around 60 % of the drinking sessions of young people (aged 20-34) in the home also took place outside the time

³⁷ Raitasalo, K. et al. (2018) What is going on in underage drinking? Reflections on Finnish ES-PAD data. *Drug and Alcohol Review* 37, pp 76–84.

between 09:00 and 21:00. In all, 90 % of drinking sessions in the home among young people, and where binge drinking took place, ended outside the hours between 09:00 and 21:00.

The proposed amendment may have some adverse effects on human health and well-being in general, as well as on children's and young people's well-being and individual growth. However, the proposed amendment seeks to ensure that age-limit controls are as effective as possible in order to avoid a significant increase in the harm caused by alcohol consumption to children and adolescents. On the other hand, the delivery of alcoholic beverages to parents of children can contribute to the insecurity experienced by already vulnerable children of high-risk users at home, while endangering the child's individual growth and development and well-being. However, the time limits on the delivery of alcoholic beverages may contribute in part to the fact that parents of children with substance abuse do not, however, have the possibility of ordering alcoholic beverages by home delivery at a time when the retail sale of alcohol would not be legally permitted. This will also contribute to safeguarding the position of children and limiting the availability of alcohol. On the other hand, the draft law would also allow for a wider exercising of alcohol trade and, possibly, could also create new jobs in the sector.

In its statement³⁸, the Constitutional Law Committee stated that the Government must ensure that the changes to be implemented do not unreasonably affect the ability of families to ensure the wellbeing of children. The proposed amendment could in some respects increase the availability of alcoholic beverages as alcoholic beverages could be ordered directly to a home address, for example, and it would therefore no longer be necessary to collect alcoholic beverages in person from a retail outlet or an alcohol company. On the other hand, the Proposal would not allow the delivery of alcoholic beverages at times when the purchase of alcoholic beverages from a retail store or the government-owned alcohol company Alko would also not be allowed. This would, for its part, limit the possibility of impulse purchases and orders for home delivery to those times when the beverage would otherwise be available to buy by picking it up from a retail store or Alko. Similarly, the same prohibitions on the supply of alcoholic beverages would apply to the delivery of alcoholic beverages as for retail sales. This means that alcoholic beverage delivery drivers would not be allowed to supply the beverage outside the hours when alcoholic beverages can be sold by retail, nor should the beverage be supplied, for example, to a clearly intoxicated person. On the grounds described above, the proposed amendment cannot be regarded as a significant weakening of the position of children and young people or families with children, nor can the combined effects of the proposed amendment and the previous amendment to the Alcohol Act (Act amending sections 17 and 26 of the Alcohol Act, L 305/2024) on the position of families with children be considered unreasonable on the grounds described above and in Government proposal HE 7/2024 vp.

As regards the potential adverse health effects of the bill, the Government is taking a number of other measures to support measures to promote the health and wellbeing of children and young people. For example, the government plans to implement reforms in the field of social and health services to make well-being services more resilient to the challenges of the future. The structure of the services will be restructured in a step-by-step approach, with the aim of shifting the focus from corrective services towards earlier support, assistance and prevention. Government action will aim to ensure timely access to care and services and to reduce queues.

³⁸ See e.g. PeVL 11/2015 vp, in which the Constitutional Law Committee discussed the constitutionality of cuts to financial support.

The government is also committed to promoting the availability and effectiveness of social and healthcare services, including those related to mental health and substance abuse problems. These services pay particular attention to the prevention of mental health problems and substance use in children's and young people's activities. In line with the government programme, drug prevention is also being developed, including by taking into account and securing different alternatives to substance-based care models that meet customers' needs. These and other reforms in social and health care, services for children and adolescents, and in particular reforms in drug prevention and mental health work, will promote health and safeguard children's well-being and individual development in a context where the purpose and objective of the Alcohol Act also allow for a new form of alcohol activity.

12.8 The duty of the public authorities to safeguard the enjoyment of fundamental and human rights;

Fundamental rights are binding and obligatory primarily on the public authorities. The fundamental rights regulation has traditionally been based on the protection of the sphere of freedom of the individual against state interference. Section 22 of the Constitution states that the public authorities must guarantee the observance of basic rights and liberties and human rights. The effective exercise of fundamental rights often requires active public intervention, for example to protect fundamental rights against external violations or to create effective conditions for the exercise of fundamental rights. On the other hand, the means of safeguarding and clarifying the exercise of a fundamental right also include the establishment of legislation which guarantees and clarifies the exercise of a fundamental right.

The proposed amendment to the Alcohol Act can have detrimental effects on human health, the well-being of children and young people, and, on the other hand, the burden of social and health services, and thus the adequacy of social and health services, due to possible increased alcohol-related illnesses. On the other hand, the draft law would make it possible to carry out the alcohol retail in a new way and thus extend the exercise of the right to do business to a greater extent than the current rules.

The government is committed to measures to improve access to social and health services, access to mental health services and equal access for children and young people to short-psychotherapy services. In its government programme, the government is also committed to improving the availability and effectiveness of social and healthcare services related to mental health and substance abuse issues, paying particular attention to the prevention of mental health and substance use in children's and adolescents' activities. These actions, together with the proposed change, can contribute to the realisation of fundamental and human rights, the well-being of children and young people and individual development, while at the same time enabling the alcohol industry to be practised with fewer restrictions.

The purpose of the Alcohol Act is to reduce the consumption of alcoholic substances by limiting and controlling the related business activities in order to prevent harm caused by alcohol to its users, to other people and to society as a whole. The proposed amendment is not contrary to the aim and purpose of the Alcohol Act. The objective of the Alcohol Act would continue to be to reduce alcohol-related harm and the delivery of alcoholic beverages would also be subject to a license, as would the retail sale and serving of alcohol. The proposal would not in itself increase the availability of alcoholic beverages, as alcoholic beverages would continue to only be available to purchase from retail trade or from Alko and only within the time limits laid down by law. In some cases, the availability of alcoholic beverages could nevertheless improve. For example, in situations where the buyer of an alcoholic

beverage has to travel far to a shop or the government-owned alcohol company Alko and does not own a car, the possibility of delivery of alcoholic beverages could actually improve the availability of alcoholic beverages for this person. The Proposal would thus allow new ways of buying alcoholic beverages, as alcoholic beverages would no longer have to be bought only from a retail outlet or from Alko, but could instead be ordered online for delivery to the buyer's preferred location. The proposed amendment would not affect the system of licences for the retail and serving of alcohol, and the proposed amendment would also contribute to improving and making more effective the control regulation of the Alcohol Act. For the reasons set out above, the proposed amendment is acceptable from the point of view of the objective and purpose of the Alcohol Act. In line with the above, the draft law can also be considered acceptable and proportionate from the point of view of the fundamental rights system.

12.9 Test purchases by the supervisory authority

According to the draft Act, the competent authority would have the right to make test purchases if this is necessary for the control of the delivery of alcoholic beverages. The competent authority would also have the right to use adult volunteers to carry out test purchases if the authority has reason to believe that the holder of a licence to deliver alcoholic beverages or an alcoholic beverage delivery driver acting on its behalf is not complying with their obligations laid down by law with regard to the delivery and supply of alcoholic beverages. The use of adult volunteers for test purchases can be seen as a transfer of public authority to a party other than a public authority within the meaning of section 124 of the Constitution of Finland. On the other hand, the volunteer carrying out the test purchase would only carry out the purchase and acceptance of the alcoholic beverage and would not participate in any other decision-making related to the supervision or control carried out by the authority. Provisions or decisions on delegating a public administrative task outside the public authority system may only be made under the conditions referred to in the Constitution. The delegation of a task must be necessary for the appropriate performance of the task, and the assignment of a public administrative task to a party other than a public authority must not endanger basic rights, legal remedies or other requirements of good governance.

The proposed amendment is necessary to enable appropriate age control in the proposed delivery of alcoholic beverages. In practice, it is very challenging for the supervisory authority to monitor compliance with age limits in transport operations unless the authority has the opportunity to also employ volunteers who are adults but may seem young. If the control were ineffective, there would be a high risk that the age limit checks would not be complied with and that alcoholic beverages could also end up in the possession of minors. In such a case, the authority would have very little opportunity to obtain information about the illegal activity or intervene in it, which would allow the activity to continue for a long time before the authority became aware of it. It would be possible to use the authority's own staff for test purchases, but it is possible for different operators to find out with very little effort that the purchaser is an official of the supervisory authority, which would make it difficult to carry out the control properly. It is very important to ensure the effectiveness of control in order to protect children and young people from harms caused by alcohol and to ensure compliance with the age limits and other prohibitions on supply referred to in the Alcohol Act – and also to effectively address possible illegal activity in a way that would ensure it would no longer take place at the operator concerned in the future.

Having a voluntary adult conduct test purchases would not jeopardise the requirements of compliance with basic rights, legal protection or the legal principles of good administration.

Neither the competent authority nor a volunteer acting on its behalf could in any way incite the trader to commit an unlawful act when making a test purchase. In other words, if the alcoholic beverage delivery driver refused to supply the product to a volunteer who did not prove their age or appeared to be intoxicated, the test buyer would not be allowed to incite the alcoholic beverage delivery driver to supply it to them after the refusal. In addition, the volunteer would not otherwise participate in control or in the decision-making on control, and the authority would itself consider the possible need for measures as a result of test purchases and make any decisions required in the supervision matter. The legal protection of the operator would continue to be provided by the legal remedies provided for in the Act, i.e. the operator would have the possibility to appeal against the decision to an administrative court as provided for in the Administrative Procedure Act, in accordance with section 81 of the Alcohol Act.

The use of volunteers in test purchases is necessary to ensure effective control and, in particular, to protect children and young people. Conducting test purchases with the help of a voluntary adult would, on the one hand, safeguard the obligation of the public authorities laid down in section 20, subsection 3 of the Constitution to promote the health of the population, as test purchases would enable the authority to intervene in illegal activities that could cause harm to children and young people or even adult intoxicated persons. On the other hand, the purpose of the test purchases would be to safeguard children's right to wellbeing and individual growth, as the supply of alcoholic beverages to minors could seriously endanger the wellbeing and individual growth of that child or young person.

On the basis of the above-mentioned grounds, the possibility for an authority to use adult volunteers for test purchases is a proportionate, necessary and effective means of ensuring the realisation of the underlying objective – that is, the protection of children and young people and, on the other hand, also of intoxicated persons.

12.10 Control fee

According to a well-established definition, a tax is a financial contribution which is not compensation or consideration for benefits or services provided by the public authorities to the person liable for payment and which is characterised by the financing of state expenditure (see HE 1/1998 vp). According to section 81, subsection 1 of the Constitution, state taxation is governed by an act containing provisions on the basis of tax liability and tax amounts and on the legal protection of the taxpayer.

It is proposed that the Regional State Administrative Agency should also charge the annual control fee to holders of licences for the delivery of alcoholic beverages. Like the control fees charged to retail and serving licensees, the proposed control fee would also be a tax. The basis for tax liability would be the licence for the delivery of alcoholic beverages. Provisions on legal protection are laid down in section 80 on appeals.

According to the proposal, the Regional State Administrative Agency would also charge the holders of licences for the delivery of alcoholic beverages an annual control fee based on the validity of the licence and intended to cover, in general, the costs of monitoring compliance with the Alcohol Act. From the point of view of constitutional law, the control fee would be a tax which, as explained above, must be laid down by law. According to the proposal, the Alcohol Act would provide for the obligation to pay the control fee, the criteria for the amount of the control fee and the legal protection of the person liable to pay the control fee.

12.11 Penalty fee

According to the Proposal, the maximum penalty fee provided for in section 71 of the Alcohol Act would be increased from EUR 1 000 to EUR 20 000. The maximum amount of the penalty fee would thus increase by a significant percentage.

The Constitutional Law Committee has substantially equated a financial sanction with a penal sanction³⁹, even though, in the view of the Constitutional Law Committee, the requirement of precision in the principle of legality in criminal cases laid down in section 8 of the Constitution does not, as such, concern the regulation of administrative penalties.⁴⁰ According to the established practice of the Constitutional Law Committee, the law must precisely and clearly lay down the grounds for the payment obligation and the amount of the fee, as well as the legal protection of the person liable to pay and the grounds for enforcement of the law.⁴¹ The Constitutional Law Committee has also considered it important to ensure that the provisions meet the requirements of proportionality of sanctions.⁴²

The proposed change in the maximum amount of the penalty fee is justified, as alcoholic beverages are not ordinary consumer goods, but cause considerable harms. For example, in 2020, 2 209 deaths and multiple other harms caused by alcohol were recorded in Finland. The maximum amount of the penalty fee laid down in the current Act (EUR 1 000) is currently not proportional to the possible harms caused by non-compliance with the Alcohol Act. There are many alcohol traders and the scope of the business activities of different operators can vary greatly. In order for the penalty fee to actually have a deterrent effect, the amount of the penalty fee should also be assessed in relation to the financial position of the offender. Because the maximum penalty fee under the current Act is EUR 1 000, large operators may find it more useful from a business point of view to pay a relatively small penalty fee than to change their unlawful conduct. It is therefore appropriate to increase the maximum amount of the penalty fee.

Additionally, the proposed maximum amount of the penalty fee is not exceptional in relation to the amounts of the penalty fees laid down in other legislation. For example, according to the Act on the Financial Supervisory Authority (878/2008), the amount of the penalty fee could be significantly higher than the proposed amount, as the Act on the Financial Supervisory Authority specifies that the amount of a penalty fee may be up to EUR 10 million for a legal person and up to EUR 100 000 for a natural person. The Act on Certain Powers of the Consumer Protection Authorities (566/2022) also stipulates that a penalty fee imposed on a trader may not exceed EUR 2 million and a penalty fee imposed on a natural person may not exceed EUR 40 000. Therefore, the proposed increase in the maximum amount of the penalty fee from EUR 1 000 to EUR 20 000 cannot be regarded as an unreasonable or even exceptional change.

Under the Alcohol Act in force, the nature, harmfulness and repetition of the conduct shall be taken into account when assessing the amount of the penalty fee. According to the proposed amendment, the financial position of the offender should also be taken into account when assessing the amount of the penalty fee in the future. In the future, the penalty fee imposed could also be below the lowest amount (EUR 300) if this would otherwise be justified in the light of the above-mentioned circumstances or because of mitigating circumstances related to

³⁹ See e.g. PeVL 9/2012 vp and the referenced PeVL 32/2005 vp, p. 2/II, PeVL 55/2005 vp, p. 2/I

⁴⁰ See e.g. PeVL 28/2014 vp.

⁴¹ PeVL 32/2005 vp, pp. 2–3, PeVL 55/2005 vp, p. 2/I, PeVL 57/2010 vp, p. 2/II.

⁴² See e.g. PeVL 15/2014 vp and PeVL 17/2012 vp, pp. 5–6 and the comments mentioned therein.

the conduct. Furthermore, a penalty fee would not be imposed if the conduct is considered to be of a minor nature or if the imposition of the fee would be unreasonable having regard to the nature, repetition, systematic nature, compliance with the self-monitoring plan, and other circumstances of the conduct.

The proposed increase in the maximum amount of the penalty fee is justified because, as has already been stated, alcohol is not a normal consumer good, but also causes harms which, in accordance with its purpose, alcohol legislation seeks to prevent. Alcohol legislation aims to prevent harms caused by alcohol to users, other people and society as a whole and also, for example, to protect children and young people from alcohol-related harms. In determining the amount of the penalty fee, the quality, harmfulness and recurrence of the conduct and the financial position of the perpetrator shall be taken into account as required by the Constitutional Law Committee's statement practice. A decision on a penalty fee may also be appealed to the Administrative Court as provided in the Administrative Procedure Act. The Alcohol Act lays down precise and clear provisions on the grounds for the obligation to pay a penalty fee, the grounds for the amount of the fee, the legal protection of the licence holder and the grounds for the enforcement of the fee. The proposed increase in the penalty fee must therefore be regarded as proportionate, as required by the Constitutional Law Committee, taking into account, in particular, the need to protect the legal interests underlying the regulation, the factors to be taken into account when assessing the amount of the fee and the legal remedies guaranteed to the offender.

12.12 Power to issue decrees

The proposed amendment would add a new power to issue decrees to section 11 of the Alcohol Act, which would make it possible to issue a government decree on the content of applications for amendments to licences and approvals and on the content of notifications made as a result of amendments to notifications.

According to section 80 of the Constitution, the President of the Republic, the Government and ministries may issue decrees on the basis of powers provided for in the Constitution or elsewhere by law. However, the principles governing the rights and obligations of private individuals and the other matters that under the Constitution are of a legislative nature must be regulated by Acts.

The proposed amendment is necessary because such further provisions on the content of notifications amending the licence have already been issued by government decree under the Act in force, even though such a power to issue decrees had not previously existed in the Act. Section 8, subsection 2 of the current Act lays down the power to issue decrees on the content of an application for a licence, but the corresponding power to issue decrees on the content of an application for amending a licence or the content of another notification of amendment has not previously existed, even though such further provisions have been issued by decree. It is therefore appropriate to amend the Act in this respect and, in view of the precise nature of the power to issue decrees, it is also necessary that the power to issue decrees includes the possibility of issuing further provisions on the content of applications for amendments to approvals and the content of notifications made as a result of amendments to notifications.

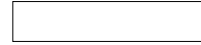
The proposed power to issue decrees would therefore be granted on the basis of an act in accordance with the provisions of section 80 of the Constitution. The proposed power to issue decrees would also be specific, so that the Alcohol Act would provide for the grounds for the rights and obligations of the individual and on matters that, under the Constitution, fall within

the scope of the Act, and the decree would only be used to issue provisions specifying these rights and obligations.

Consequently, the bill may be processed in the normal legislative procedure. The proposed amendment includes such a meaningful balancing exercise between different fundamental rights that the Government considers it desirable for the Constitutional Law Committee to issue an opinion on the matter. For example, there may be a conflict to some extent between the obligation of the public authorities to promote the health of the population and to take into account the best interests of the child as a matter of priority in their decision-making, on the one hand, and to enable the right to carry on a business more freely, on the other hand.

Resolution

Based on the foregoing, the following Government Proposal is submitted to Parliament for approval:



Act

amending the Alcohol Act

By decision of Parliament,

section 28, subsection 3 of the Alcohol Act (1102/2017) is *repealed*;

section 2, subsections 1 and 2; section 3, subsection 1, paragraphs 11 and 14 to 16; section 4, subsection 1; section 5, subsection 1; section 6, subsection 1, paragraph 1, sections 7, 11 and 12; section 17, introductory paragraph to subsection 1 and subsection 2; heading of chapter 5; sections 35, 37 and 38; section 40; section 45, subsection 3; section 46, subsection 1; section 51, subsections 1 and 2, section 57; section 58, section 60, subsections 1 to 2 and section 3, paragraph 5; section 61, subsection 1; section 62, subsection 4; section 63, introductory paragraph to subsection 1; section 71, introductory paragraph and paragraph 7 of subsection 1 and subsection 2; section 72; section 75, subsection 2, paragraph 2; section 84; section 85, introductory paragraph to subsection 1; section 90, paragraphs 1 and 2 of subsection 5 and Annex, paragraph 7 are *amended*;

of which, section 12 as amended by Act 605/2023; and section 17, introductory paragraph to subsection 1 as amended by Act 305/2024; and

the following are *added*: to section 3, subsection 1 of the Act, new paragraphs 17 to 18; to the Act, new sections 17a, 35a, 42a and 72a; to section 39 a new subsection 3; to section 60, subsection 3, a new paragraph 6; to section 62 a new subsection 5; to section 63 a new subsection 2; to section 71, subsection 1, a new paragraph 8; and to section 75, subsection 2, a new paragraph 3; and to the Annex a new paragraph 6a as follows:

Section 2

Scope of application

This Act applies to alcoholic substances, their production, importation, exportation, transport, sale and other dispensing, use, possession and marketing, as well as to delivery of alcoholic beverages.

Unless otherwise stipulated in this act, the Food Act (297/2021) shall apply to alcohol substances which are food.

Section 3

Definitions

For the purposes of this Act:

11) *retail sale of an alcoholic beverage* means the sale of an alcoholic beverage for consumption in a place other than premises controlled by the seller or under the supervision of the seller, whereby the alcoholic beverage is supplied directly from a domestic retail outlet or the government-owned alcohol company Alko to the buyer of the alcoholic beverage, the holder of the delivery licence or the alcoholic beverage delivery driver carrying out the delivery arranged by the holder of the delivery licence, for delivery to the buyer or another recipient;

(14) *farm wine* means alcoholic beverages containing not more than 13 % by volume of ethyl alcohol produced exclusively by fermentation of berries, fruits and parts of plants, except grapes and cereal products, whose manufacturer is legally and economically independent of other producers of alcoholic beverages, operating in the course of agricultural activities and physically separately from other producers of alcoholic beverages and not engaged in licensed production, and whose alcoholic beverages produced in a calendar year do not exceed 100 000 litres;

(15) *craftsman's beer* means in a brewery legally and economically independent of any other brewery, where the volume of alcoholic beverages produced during the calendar year does not exceed 500 000 litres and which is physically separate from other breweries and does not operate under licence, alcoholic beverages containing only 12 % fermented ethyl alcohol by volume, produced exclusively by yeast fermented cereal products, whether or not malted, and produced using no ingredients other than grains of other plants, sugar, hops and other fermented parts of plants and spices, which may be "sahtia" within the meaning of Commission Regulation (EC) No 244/2002 supplementing the Annex to Regulation (EC) No 2301/97 on certificates of specific character provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs;

(16) *marketing* means advertising, indirect advertising and other promotional activities; indirect advertising includes, in particular, the promotion of a product in connection with the advertising of another commodity by using as such or recognisably modified the well-established logo of the product or its seller or so that it otherwise conveys the image of a particular product or of its seller;

17) *delivery of alcoholic beverages* means the transport and supply from the seller to the buyer or other recipient, for commercial purposes, of alcoholic beverages sold from domestic retail trade or the government-owned alcohol company Alko;

18) *alcoholic beverage delivery driver* means the holder of a licence to deliver alcoholic beverages or the person carrying out a delivery organised by the holder of a licence to deliver alcoholic beverages, who supplies alcoholic beverages ordered for delivery from domestic retail trade or the government-owned alcohol company Alko to the recipient;

Section 4

Prohibition on operations contrary to moral principles

Any business operator involved in the production, import, sale and marketing of alcoholic substances or that is contractually or by any other arrangement operating in relation to alcoholic substances is prohibited from engaging in operations contrary to moral principles. The above provisions shall also apply to the delivery of alcoholic beverages.

Section 5

Activities subject to a licence

Alcoholic beverages may not be manufactured, sold or delivered from domestic retail trade or the government-owned alcohol company Alko without a licence.

Section 6

Exemptions from authorisation

By derogation from § 5 above:

- 1) the manufacture, sale and delivery of alcoholic beverages containing up to 2.8 % by volume of ethyl alcohol are permitted;
-

Section 7

Licensing authorities

The retail license and license to serve alcoholic beverages shall, upon application, be granted by the Regional State Administrative Agency in whose jurisdiction the applicant's retail or licensed premises are located. If the retail sale and serving of alcoholic beverages do not take place within the area of a specific Regional State Administrative Agency, the licence shall be issued by the Regional State Administrative Agency of the applicant's place of residence or, if the applicant does not reside in Finland, the Regional State Administrative Agency for Southern Finland.

An alcohol serving licence without premises to serve alcohol and a licence for the delivery of alcoholic beverages are issued upon application by the Regional State Administrative Agency of the applicant's place of business. If the applicant does not have a place of business in Finland, the licence is granted by the Regional State Administrative Agency for the applicant's place of residence or, if the applicant is not domiciled in Finland, by the Regional State Administrative Agency for Southern Finland.

Other licences shall be granted after an application to the National Supervisory Authority for Welfare and Health.

The Regional State Administrative Agency for the notifications and applications for approval referred to in the Alcohol Act shall be determined in accordance with the provisions of aragraph 1.

Section 11

Notification of changes

If the licence holder decides to change the nature or extent of its operations and the granted licence no longer covers the changed operations, the licence holder shall apply for a change in licence prior to making the change. Changes may not be implemented until the licensing authority has approved the license change.

Within one month, the license holder shall inform the licensing authority if the activity is reduced or terminated on a non-temporary basis.

The provisions of subsections 1 and 2 on the lodging or notification of an appeal against a license shall also apply to the notifications and approvals referred to in this Act.

The licence application, notification and approval referred to in subsections 1 to 3 shall be accompanied by a report on the applicant, the operations, their effects and other relevant matters that is necessary for the assessment of the conditions referred to in sections 13 to 20 and which is not already available to the authority handling the matter. Further provisions on the content of the application to amend the licence and approvals and of the notification to be made as a result of the amendment to the notification will be issued by government decree.

Section 12

General conditions for granting a licence

A licence to manufacture, import, use, wholesale, retail, deliver and serve under this Act shall be granted to a natural or legal person referred to in Section 2(1) or Section 3(1) or (2) of the Trade Act (565/2023) who fulfils the conditions laid down in this Act relating to the applicant and necessary for the pursuit of the activity.

Section 17

Retail trade licence for alcoholic beverages and requirements for the granting thereof

The retail trade licence for fermented alcoholic beverages containing up to 8.0 % of ethyl alcohol by volume, and alcoholic beverages produced by other methods and containing up to 5.5 % by volume of ethyl alcohol applies to retail sales inside one retail outlet or the supply of alcoholic beverages for delivery from the retail outlet pick-up points specified in the licence and shall be issued:

The retail licence for farm wine and craft beer applies to retail sale inside one retail establishment or the supply of alcoholic beverages for delivery from the retail outlet pick-up points specified in the licence and is granted to the producers of said alcoholic beverages in a production location where fermentation takes place or in its immediate vicinity, in a building referred to in the Land Use and Building Act. Alcoholic beverages referred to in subsection 1 may also be sold at the retail outlet.

Section 17 a

License for the delivery of alcoholic beverages and the conditions under which it is granted

The licence for the delivery of alcoholic beverages concerns the transport and supply of alcoholic beverages sold from domestic retail trade or from the government-owned alcohol company Alko to a buyer or other recipient. License shall be granted if:

- 1) the applicant has created a self-supervision plan pursuant to § 56. and
- 2) the applicant has prepared a report on how the applicant will ensure that the alcoholic beverage delivery drivers acting on its behalf have a delivery passport as referred to in section 57, subsection 3.

The licensing authority may impose conditions and restrictions on the licence for the delivery of alcoholic beverages regarding situations related to delivery and the monitoring of age limit control and state of intoxication at the point of delivery, the quantity of alcoholic beverages supplied, self-monitoring, information to be submitted to the supervisory authority or the content and procedures of the service, if they are necessary to safeguard control or to ensure safety.

The conditions and restrictions referred to in subsection 2 shall be calibrated in such a way that they do not prevent or unduly impede the exercise of the licence holder's activities. If conditions and restrictions are imposed on the holder's ongoing activities, they may be ordered to take effect no earlier than 30 days after notification of the decision. At the licence holder's application, the licensing authority shall change a licence's conditions or limitations or remove these without delay if the nature of activities or other special circumstances have changed so that the conditions or limitations are no longer necessary.

Section 28

Other sales of alcoholic beverages

The State Alcohol Monopoly may also sell alcoholic beverages in a food truck or boat referred to in § 17(1)(2), the route of which has been confirmed by the Regional State Administrative Agency.

The State Alcohol Monopoly may arrange an auction where alcoholic beverages are sold.

Chapter 5

Retail sale of alcoholic beverages delivery and serving

Section 35

Retail trade premises for alcoholic beverages

The sale by retail of alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may be carried out only by supplying them to the customer or to an alcoholic beverage delivery driver from domestic retail trade or the government-owned alcohol company Alko. The retailer must be able to retrospectively verify the name and licence number of the delivery licence holder carrying out the delivery of the alcoholic beverage. A retail trade licence holder may only sell the alcoholic beverages referred to in the licence.

Alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol shall not be consumed in the indoor or outdoor area controlled by the retailer holder or in the immediate vicinity of the retail outlet, unless otherwise provided by law. If necessary, the license holder shall mark the area where consumption of alcoholic beverages is prohibited.

In the case of online purchases, the licensed retailer and Alko shall ensure, by means of strong electronic identification, that the buyer is not under the age of 18, or, in the case of online purchases of spirits, under the age of 20.

Section 35 a

Delivery of alcoholic beverages

The delivery of alcoholic beverages under a delivery licence shall only be permitted if the alcoholic beverage has been purchased and picked up from a domestic retail store or the government-owned alcohol company Alko. An alcoholic beverage delivery driver may only supply to a buyer or other recipient such alcoholic beverages supplied for delivery that the retail licence holder and Alko have the right to sell under their retail licence or the law.

The age of the recipient shall be verified at the point of delivery of the alcoholic beverage by means of a document referred to in section 40, subsection 1. Information on the verification shall be stored in the licence holder's register and shall be erased two years after the verification has been carried out. Alcoholic beverages may not be handed over if the recipient refuses to prove his or her age. In the case of the handing over of alcoholic beverages, it shall be verified that there are no obstacles to the handing over provided for in Article 37(1) or (2).

If the alcoholic beverage cannot be handed over because of the prohibition on delivery laid down in subsection 2 or section 37(1) or (2), the supplier of the alcoholic beverage shall return the alcoholic beverage to the seller.

The holder of the delivery licence shall not impose financial or managerial penalties on the deliverer of the alcoholic beverage if he refuses to hand over the alcoholic beverage in accordance with subsection 2 or section 37.

Section 37

Retail, delivery and serving bans

Alcoholic beverages may not be sold or otherwise handed over in the retail sale, delivery or serving of alcoholic beverages:

- (1) for persons under 18 years of age;
- 2) to persons who behave disturbingly or are clearly intoxicated;
- 3) if there is reason to suspect illegal handing over or procurement of alcoholic beverages for other persons.

By way of derogation from paragraph 1 of subsection 1, a spirit drink may not be sold or otherwise handed over in retail sale or for delivery of alcoholic beverages to persons under the age of 20.

The holding and consumption of alcoholic beverages in the licensed premises shall not be allowed for persons under the age of 18 years, who behave disturbingly or are clearly intoxicated.

Alcoholic beverages shall not be delivered to a social care and health service unit, a place where early childhood education and care is organised, a place where pre-primary or basic education is organised, or a place where activities related mainly to gatherings of children and young people are organised. Furthermore, alcoholic beverages may not be delivered to a place referred to in section 85 of the Alcohol Act subject to a ban on the consumption of alcoholic beverages or to premises or places that have been approved as a licensed area.

Section 38

Staff involved in retail sales, delivery and serving of alcoholic beverages

The retail and licensed premises and the delivery of alcoholic beverages must be adequately staffed, taking into account the scale and quality of the activity, to ensure effective control and order.

The retail and licensed premises must be accompanied by a representative of the license holder designated by the license holder, when alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may be sold or consumed and the place is open to customers.

Deliverers of alcoholic beverages shall hold a delivery passport for alcoholic beverages referred to in section 57(3).

A person who has not reached the age of 18 may not act as a representative of the licence holder or sell or serve alcoholic beverages. However, a person aged 16 or over may sell alcoholic beverages at a retail outlet referred to in section 17 under the direct supervision of the licence holder's representative. A person aged 16 or over may also serve alcoholic beverages under the direct supervision of the licence holder's representative. A person who has not reached the age of 18 shall not transport or deliver alcoholic beverages to the customer.

The person selling or delivering alcoholic beverages and involved in the control of the retail sale, delivery or serving of alcoholic beverages shall not be under the influence of alcohol or other intoxicating substances.

Section 39

General control

The holder of a licence to deliver alcoholic beverages and the alcoholic beverage delivery driver shall monitor compliance with the prohibitions and obligations laid down in sections 35a, 37 and 38.

Section 40

Verification of age

Buyers of alcoholic beverages and persons present in a licensed area are required, on demand, to prove their age to the staff supervising the retail sale and serving of alcoholic beverages and to the official responsible for monitoring compliance with this Act by means of a valid photo ID card, driving licence or passport issued by a public authority.

The purchaser of the delivery of an alcoholic beverage is obliged to prove his age before purchasing the alcoholic beverage. If the alcoholic beverage is purchased remotely, the purchaser of the alcoholic beverage is obliged to prove his age by means of strong electronic identification.

In addition, the recipient of the delivery of the alcoholic beverage shall be required to prove, by means of a document referred to in subsection 1, their age to the person delivering the alcoholic beverage.

Section 42 a

Delivery Term

The delivery of alcoholic beverages to recipients shall only be permitted between 9 a.m. and 9 p.m.

By way of derogation from subsection 1, the delivery to recipients of alcoholic beverages acquired from the government-owned alcohol company Alko shall be carried out in accordance with the provisions of section 42, subsection 2 on Alko's retail trading hours.

If the alcoholic beverage cannot be delivered during the period referred to in subsection 1 or 2, the alcoholic beverage shall be returned to the seller or delivered to the customer later during the period referred to in subsection 1 or 2, unless the delivery did not take place due to a reason referred to in section 37.

Section 45

Supervision of the serving of alcoholic beverages in certain cases

Notwithstanding what is laid down in section 41, subsection 2 and, for rooms in accommodation establishments, also in section 36, subsection 2 and 3 as well as section 43, the serving of alcoholic beverages in cases referred to in section 19, subsection 2 is permitted if the quantity of alcoholic beverages is limited according to the number of customers and the requirements on the supervision of the serving of alcoholic beverages. Further provisions on limiting the quantity of alcoholic beverages may be issued by government decree.

Section 46

Purchase of alcoholic beverages

Where alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol are purchased for retail sale and delivery within the meaning of section 30(2), the purchaser shall inform the seller of his authorisation number.

Section 51

Pricing and advertising prices

It shall be prohibited to offer at joint discount price two or more packages or doses of alcoholic beverages in retail sale, delivery and serving.

The provision and payment of a refund of the price of alcoholic beverages, calculated on the basis of purchases of alcoholic beverages or other consumables and services, shall be prohibited in retail, delivery and serving.

Section 57

Competence of personnel

As part of self-monitoring, licence holders and the government-owned alcohol company Alko shall ensure that their personnel and the alcoholic beverage delivery drivers acting on behalf of the delivery licence holders are aware of their obligations as laid down in this Act and in the self-monitoring plan. As part of their self-monitoring, licence holders and Alko shall keep records of the training and skills of staff working at the respective places of business and present this information to the supervisory authorities upon request.

The holder of a licence to serve alcohol shall ensure that the holder's representative referred to in section 38 holds a certificate in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), demonstrating knowledge of the Alcohol Act (*alcohol passport*).

Holders of a licence for the delivery of alcoholic beverages shall ensure that alcoholic beverage delivery drivers acting on their behalf have a certificate (*delivery passport*) in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), demonstrating knowledge of the regulations on delivery of alcoholic beverages in the Alcohol Act and the guidance on delivery.

Section 58

Granting a certificate demonstrating knowledge of the Alcohol Act

Proof of competence of the representative of the alcohol serving licence holder may be provided by means of a an alcohol passport or a certificate of an examination covering information equivalent to that of the test for the alcohol passport. The alcohol passport is granted by an educational institution providing training in hospitality services under a government authorisation or a licence to arrange training issued by the Ministry of Education and Culture. An alcohol passport is issued to a person who has passed the alcohol passport test.

The competence of alcoholic beverage delivery drivers can be proven by means of a delivery passport. The delivery passport is issued by an educational institution providing training under a government authorisation or a licence to arrange training issued by the Ministry of Education and Culture. The educational institution must offer delivery passport

tests in Finnish, Swedish and English. A delivery passport is granted to a person who has passed the delivery passport test.

The educational institution has the right to charge a reasonable fee for arranging the test and issuing the delivery passport. The alcohol passport may be combined with the hygiene passport referred to in section 19 of the Food Act (297/2021).

Further provisions on the content and assessment of the test referred to in subsections 1 and 2 and on equivalent examinations as well as on the acceptance of a certificate issued in Åland as a certificate referred to in subsection 1 may be issued by decree of the Ministry of Social Affairs and Health.

Section 60

Supervision and related guidance

Regional State Administrative Agencies supervise the retailing, delivery and serving of alcoholic beverages and the marketing of alcoholic beverages in their territory.

The National Supervisory Authority for Welfare and Health shall supervise the retail trade, delivery and serving of alcoholic beverages in the whole country as well as on vessels referred to in the Aviation Act (864/2014) and Maritime Act (674/1994) under Finnish nationality.

The duties of The National Supervisory Authority for Welfare and Health also include:

(5) guidance for educational establishments related to the alcohol passport and delivery passport examination;

(6) other tasks provided for in this Act.

Section 61

Supervision programme

The National Supervisory Authority for Welfare and Health, together with the Regional State Administrative Agencies, create a national supervision programme for the alcohol administration. The programme will guide regional licensing management and supervision of the serving, retailing, delivery and marketing of alcoholic beverages towards consistent decision-making practices and effective implementation of this Act.

Section 62

Right of inspection and access to information

The competent authority shall have the right to make test purchases if this is necessary for the performance of the control of the delivery of alcoholic beverages. The competent authority shall have the right to use adult volunteers to carry out test purchases if the authority has reason to believe that the holder of a licence to deliver alcoholic beverages or an alcoholic

beverage delivery driver acting on its behalf is not complying with their obligations laid down by law with regard to the delivery and supply of alcoholic beverages. Volunteers may be used for test purchases of alcoholic beverages that they are legally entitled to purchase. The competent authority shall be entitled to obtain from the retail license holder the name of the delivery license holder who delivers the alcoholic beverage and the license number.

A licence holder shall, on a regular basis, submit to the supervisory authority notifications and information regarding his or her sales and other operations necessary for supervision and operational risk assessment. Further provisions on submitting notifications and information are laid down by decree of the Ministry of Social Affairs and Health.

Section 63

Right of access to information

Notwithstanding the provisions on secrecy, supervisory authorities shall have the right to obtain, free of charge, information from national authorities and municipal authorities, the Social Insurance Institution of Finland, the Employment Fund and the Finnish Centre for Pensions which is essential for:

The supervisory authorities shall also have the right, free of charge and notwithstanding secrecy provisions, to obtain from the register of fines referred to in section 46 of the Act on the Enforcement of a Fines (672/2002) the information necessary to determine the conditions of the licence referred to in section 13 or section 72, subsection 2, paragraph 3, or the double jeopardy laid down in section 71, subsection 3.

Section 71

Penalty

The licensing authority may impose on the licensee a penalty of between EUR 300 and EUR 20000 if:

(7) The obligation to notify changes referred to in section 11, the obligation to keep records laid down in section 56, the obligation to keep the self-monitoring plan up to date, or the obligation to provide notifications and information in section 62(4) has not been complied with despite the invitations;

(8) The delivery of alcoholic beverages has infringed the obligations of the licence holder laid down in chapter 5 or section 57, or the conditions or restrictions imposed pursuant to section 17a.

The penalty fee shall be paid to the State and the nature, harmfulness and repetition of the conduct and the financial position of the licence holder shall be taken into account when assessing the amount of the penalty fee. The penalty fee imposed can be lower than specified in subsection 1 if this is otherwise justified considering these facts or mitigating circumstances related to the conduct. A penalty fee shall not be imposed if the conduct is considered to be minor in nature or if the imposition of the fee would be unreasonable having regard to the nature, repetition, planning, compliance with the self-monitoring plan, and other

circumstances of the conduct. In such a case, the licence holder can be issued with a reprimand if required.

Section 72

Withdrawal of a licence

The Licensing Authority may withdraw a license under this Act if:

- (1) the operator, after being issued a notice or imposed a penalty, continues to infringe or fail to fulfil its obligations as referred to in paragraphs (1) to (8) of section 71(1); or
- (2) the operator is in breach of or fails to fulfil an essential obligation laid down in this Act.

The deadline is set by accounting the severity and conditions of the activity serving as a basis for the withdrawal.

The Licensing Authority may withdraw a license or approval under this Act if:

- (1) the operator, after the temporary withdrawal of the license, continues to infringe or fail to comply with its obligation, or
- (2) the operator is in breach of this Act by an act or omission causing a serious danger to human health and the conduct as a whole has been aggravated, or
- (3) the conditions for the license or authorisation are not valid.

Section 72 a

Termination of the license

The Licensing Authority shall enter in the register a license or approval under this Act as expired if the operator has ceased its activity otherwise than temporarily.

However, the bankruptcy estate or estate of the holder of a license or holder of approval of an indefinite duration shall be entitled to continue to operate for a maximum period of one year from the commencement or death of the bankruptcy. The bankruptcy estate or estate of the holder of a permit or approval valid for a limited period of time shall be entitled to continue to operate until the end of the period of validity, but for a maximum period of one year from the start of bankruptcy or death. The continuation of the activity shall be notified to the Licensing Authority without delay after the declaration of bankruptcy or death.

Section 75

Fees charged by the Regional State Administrative Agency

The Regional State Administrative Agency shall charge an annual control fee to cover the costs incurred on supervision of this Act as follows:

- (2) the supervision of the retailing of alcohol by the holder of the retail licence referred to in Article 17 and by Alko (retail control fee);

(3) from the holder of the delivery licence referred to in section 17 a for the supervising of the delivery of the alcoholic beverage (delivery control fee).

Section 84

Procurement of alcoholic beverages

Alcoholic beverages may not be brokered or transferred for remuneration, unless otherwise provided for by law. The procurement and delivery of alcoholic beverages shall also be prohibited, without remuneration, to any person to whom the alcoholic beverage may not be sold under section 37.

Section 85

Prohibition on consuming alcoholic beverages

Alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may not be consumed unless otherwise provided by law:

Section 90

Penal provisions

A person shall also be penalised for alcohol infringement who deliberately or through gross negligence:

(1) infringes the prohibition on the retail sale, delivery or serving of alcohol laid down in section 37, subsections 1–3; or

(2) as the holder of a retail or alcohol serving licence, or as the representative of the licence holder referred to in section 38, infringes the obligation laid down in section 35 or 36 concerning the supervision of order in the retail premises and licensed premises.

Annex

Control fees referred to in §§ 74 and 75 of the Alcohol Act

6 a. Control fee for delivery of alcoholic beverages

The Regional State Administrative Agency charges an annual control fee of indefinite duration for holders of licences for the delivery of alcoholic beverages. The control fee period is from 1 January to 31 December. The control fee for the delivery of alcoholic beverages consists of a fixed basic fee and an additional fee depending on the scope of the operations, as follows:

The basic, licence holder-specific fee is EUR 100. The basic fee shall also be payable by licence holders whose licences are valid during the respective control fee periods.

The amount of the additional fee, which will depend on the scope of the operations, is determined during the control fee period on the basis of the numbers of alcoholic beverage deliveries reported annually to the National Supervisory Authority for Welfare and Health (Valvira). In addition to the basic fee, the control fee based on the number of deliveries is EUR 0.10 per delivery per year for deliveries above 1 000 deliveries. The control fee calculated on the above basis shall be rounded down to the nearest EUR 10.

The licence holder is obliged to report the total number of deliveries to the National Supervisory Authority for Welfare and Health (Valvira) by 31 January each year. If the licence holder fails to submit the notification within the time limit, the National Supervisory Authority for Welfare and Health (Valvira) shall have the right to order the licence holder to report the total number of deliveries on pain of incurring a periodic penalty payment as laid down in section 70. The National Supervisory Authority for Welfare and Health (Valvira) shall issue a reminder to the licence holder and allow a reasonable period to report the above-mentioned information before imposing a periodic penalty payment.

7. Collection of control fees

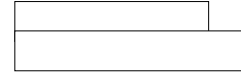
The control fees referred to in paragraph 6a shall be invoiced retrospectively, but not later than 30 April, and the calculation period based on the number of deliveries is from 1 January to 31 December.

This Act will enter into force on [day] [month] 20xx. However, section 2, subsections 1 and 2; section 3, subsection 1, paragraphs 11, 17 and 18; section 4, subsection 1; section 5, subsection 1; section 7, section 12; sections 17 to 17a; section 28, subsection 3; sections 35 to 35a; sections 37 to 38; section 39, subsection 3; section 40; section 42a, section 62, subsection 4; section 75, subsection 2; section 84; section 90, subsection 5 and paragraph 6a of the Annex will only apply from [day] [month] 20xx.

Helsinki xx xx 20xx

Prime Minister
Petteri Orpo

Minister of Social Security Sanni Grahn-Laasonen



Act

amending the Alcohol Act

By decision of Parliament,

section 28, subsection 3 of the Alcohol Act (1102/2017) is *repealed*;

section 2, subsections 1 and 2; section 3, subsection 1, paragraphs 11 and 14 to 16; section 4, subsection 1; section 5, subsection 1; section 6, subsection 1, paragraph 1, sections 7, 11 and 12; section 17, introductory paragraph to subsection 1 and subsection 2; heading of chapter 5; sections 35, 37 and 38; section 40; section 45, subsection 3; section 46, subsection 1; section 51, subsections 1 and 2, section 57; section 58, section 60, subsections 1 to 2 and section 3, paragraph 5; section 61, subsection 1; section 62, subsection 4; section 63, introductory paragraph to subsection 1; section 71, introductory paragraph and paragraph 7 of subsection 1 and subsection 2; section 72; section 75, subsection 2, paragraph 2; section 84; section 85, introductory paragraph to subsection 1; section 90, paragraphs 1 and 2 of subsection 5 and Annex, paragraph 7 are *amended*;

of which, section 12 as amended by Act 605/2023; and section 17, introductory paragraph to subsection 1 as amended by Act 305/2024; and

the following are *added*: to section 3, subsection 1 of the Act, new paragraphs 17 to 18; to the Act, new sections 17a, 35a, 42a and 72a; to section 39 a new subsection 3; to section 60, subsection 3, a new paragraph 6; to section 62 a new subsection 5; to section 63 a new subsection 2; to section 71, subsection 1, a new paragraph 8; and to section 75, subsection 2, a new paragraph 3; and to the Annex a new paragraph 6a as follows:

Existing Act

Proposal

Section 2

Section 2

Scope of application

Scope of application

This act applies to the production, import, export, transport, sale and other delivery, use, possession and marketing of alcoholic substances.

Unless otherwise stipulated in this act, the Food Act (23/2006) shall apply to alcohol substances which are food.

This Act shall apply to the manufacture, import, export, transport, sale and other handing over, use, possession and marketing of alcoholic substances. *and the delivery of alcoholic beverages.*

Unless otherwise stipulated in this act, the Food Act (297/2021) shall apply to alcohol substances which are food.

Existing Act

Proposal

Section 3

Section 3

Definitions

Definitions

For the purposes of this Act:

For the purposes of this Act:

11) *retail sale of an alcoholic beverage* means the sale of an alcoholic beverage for consumption in a place other than premises controlled by the seller or under the supervision of the seller;

11) *retail sale of an alcoholic beverage* means the sale of an alcoholic beverage for consumption in a place other than premises controlled by the seller or under the supervision of the seller, *whereby the alcoholic beverage is supplied directly from a domestic retail outlet or the government-owned alcohol company Alko to the buyer of the alcoholic beverage, the holder of the delivery licence or the alcoholic beverage delivery driver carrying out the delivery arranged by the holder of the delivery licence, for delivery to the buyer or another recipient;*

14) *farm wine* means an alcoholic beverage made exclusively by fermentation from berries, fruit and other plant parts, with the exception of grapes and grains, containing a maximum of 13 % by volume ethyl alcohol, made at a production location which is legally and economically separate from other alcoholic beverage producers and where the volume of alcoholic beverages produced during a calendar year does not exceed 100 000 litres, operating in connection with agricultural operations and physically separate from other alcoholic beverage production places and which does not produce under a license;

(14) *farm wine* means alcoholic beverages containing not more than 13 % by volume of ethyl alcohol produced exclusively by fermentation of berries, fruits and parts of plants, except grapes and cereal products, manufactured legally and economically independently of other producers of alcoholic beverages, operating in the course of agricultural activities and physically separately from other producers of alcoholic beverages and not engaged in licensed production, and whose alcoholic beverages produced in a calendar year do not exceed 100 000 litres;

(15) *craftsman's beer* means in a brewery legally and economically independent of any other brewery, where the volume of alcoholic beverages produced during the calendar year does not exceed 500 000 litres and which is physically separate from other breweries and

(15) *craftsman's beer* means in a brewery legally and economically independent of any other brewery, where the volume of alcoholic beverages produced during the calendar year does not exceed 500 000 litres and which is physically separate from other breweries and does not operate under licence, alcoholic

Existing Act

Proposal

does not operate under licence, alcoholic beverages containing only 12 % fermented ethyl alcohol by volume, produced exclusively by yeast fermented cereal products, whether or not malted, and produced using no ingredients other than grains of other plants, sugar, hops and other fermented parts of plants and spices, which may be “sahtia” within the meaning of Commission Regulation (EC) No 244/2002 supplementing the Annex to Regulation (EC) No 2301/97 on certificates of specific character provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs;

beverages containing only 12 % fermented ethyl alcohol by volume, produced exclusively by yeast fermented cereal products, whether or not malted, and produced using no ingredients other than grains of other plants, sugar, hops and other fermented parts of plants and spices, which may be “sahtia” within the meaning of Commission Regulation (EC) No 244/2002 supplementing the Annex to Regulation (EC) No 2301/97 on certificates of specific character provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs;

(16) *marketing* advertising, indirect advertising and other promotional activities; indirect advertising includes, in particular, the promotion of a product in connection with the advertising of another product, by using as such or recognisably modified the well-established logo of the product or its seller or otherwise conveying the image of a particular product or of its seller.

(16) *marketing* means advertising, indirect advertising and other promotional activities; indirect advertising includes, in particular, the promotion of a product in connection with the advertising of another product, by using as such or recognisably modified the well-established logo of the product or its seller or otherwise conveying the image of a particular product or of its seller;

(new)

17) *delivery of alcoholic beverages* means the transport and supply from the seller to the buyer or other recipient, for commercial purposes, of alcoholic beverages sold from domestic retail trade or the government-owned alcohol company Alko;

(new)

18) *alcoholic beverage delivery driver* means the holder of a licence to deliver alcoholic beverages or the person carrying out a delivery organised by the holder of a licence to deliver alcoholic beverages, who supplies alcoholic beverages ordered for delivery from domestic retail trade or the government-owned alcohol company Alko to the recipient;

Section 4

Section 4

Prohibition on operations contrary to moral principles

Prohibition on operations contrary to moral principles

Any business operator involved in the production, import, sale and marketing of alcoholic substances or that is contractually or by any other arrangement operating in relation to alcoholic substances is prohibited

Any business operator involved in the production, import, sale and marketing of alcoholic substances or that is contractually or by any other arrangement operating in

Existing Act

from engaging in operations contrary to moral principles.

Section 5

Activities subject to authorisation

Alcoholic beverages may not be produced or sold without a licence.

Section 6

Exemptions from authorisation

By derogation from § 5 above:
(1) the manufacture and sale of alcoholic beverages containing not more than 2.8 % by volume of ethyl alcohol is allowed;

Section 7

Licensing authorities

The retail license and license to serve alcoholic beverages shall, upon application, be granted by the Regional State Administrative Agency in whose jurisdiction the applicant's retail or licensed premises are located. If serving and retail sale of alcoholic beverages do not take place in the specific area of a Regional State Administrative Agency, the licence shall be issued by the Regional State Administrative Agency of the applicant's residence or, if the applicant does not reside in Finland, the State Administrative Agency of Southern Finland.

Proposal

relation to alcoholic substances is prohibited from engaging in operations contrary to moral principles. *The above provisions shall also apply to the delivery of alcoholic beverages.*

Section 5

Activities subject to a licence

Alcoholic beverages shall not be produced, sold or delivered from domestic retail trade or the government-owned alcohol company Alko without a licence.

Section 6

Exemptions from authorisation

By derogation from § 5 above:
(1) manufacture, sale and delivery of alcoholic beverages containing not more than 2.8 % by volume of ethyl alcohol is permitted;

Section 7

Licensing authorities

The retail license and license to serve alcoholic beverages shall, upon application, be granted by the Regional State Administrative Agency in whose jurisdiction the applicant's retail or licensed premises are located. If the retail sale and serving of alcoholic beverages do not take place within the area of a specific *Regional State Administrative Agency, the licence shall be issued by the Regional State Administrative Agency of the applicant's place of residence or, if the applicant does not reside in Finland, the Regional State Administrative*

Existing Act

Proposal

Other licences shall be granted after an application to the National Supervisory Authority for Welfare and Health.

Agency for Southern Finland.

An alcohol serving licence without premises to serve alcohol and a licence for the delivery of alcoholic beverages are issued upon application by the Regional State Administrative Agency for the applicant's place of business. If the applicant does not have a place of business in Finland, the licence is granted by the Regional State Administrative Agency of the applicant's place of residence or, if the applicant is not domiciled in Finland, by the Regional State Administrative Agency for Southern Finland.

Other licences shall be granted after an application to the National Supervisory Authority for Welfare and Health.

The Regional State Administrative Agency for the notifications and applications for approval referred to in the Alcohol Act shall be determined in accordance with the provisions of aragraph 1.

Section 11

Notification of changes

If a licence is granted to a legal person and the authority based on the legal person's ownership, contract or other arrangement is transferred, the licence holder shall notify the licensing authority within two weeks of the transfer of authority.

If the licence holder decides to change the nature or extent of its operations and the granted licence no longer covers the changed operations, the licence holder shall apply for a change in licence prior to making the change. Changes may not be implemented until the licensing authority has approved the licence change.

Section 11

Notification of changes

(to be repealed)

If the licence holder decides to change the nature or extent of its operations and the granted licence no longer covers the changed operations, the licence holder shall apply for a change in licence prior to making the change. Changes may not be implemented until the licensing authority has approved the licence change.

Within one month, the license holder shall inform the licensing authority if the activity is reduced or terminated on a non-temporary basis.

Existing Act

Proposal

Section 12

General conditions for granting a licence

A licence to manufacture, import, use, wholesale, retail and serve alcohol under this Act shall be granted to a natural or legal person referred to in Section 2(1) or 3(1) or (2) of the Trade Act (565/2023) who has the conditions laid down in this Act relating to the applicant and necessary for the pursuit of the activity.

Section 17

Retail trade licence for alcoholic beverages and requirements for the granting thereof

The retail trade licence for fermented alcoholic beverages containing up to 8.0 % of ethyl alcohol by volume, and alcoholic beverages produced by other methods and containing up to 5.5 % by volume of ethyl alcohol applies to retail sales inside one retail outlet and the licence shall be issued:

The retail licence for farm wine and craft beer applies to the retail sale inside one retail establishment and is granted to the producers of said alcoholic beverages in a production location where fermentation takes place or in its immediate vicinity, in a building referred to in the Land Use and Building Act. Alcoholic beverages referred to in subsection

The provisions of subsections 1 and 2 on applications or notifications of changes to a licence shall also apply to the notifications and approvals referred to in this Act.

The licence application, notification and approval referred to in subsections 1 to 3 shall be accompanied by a report on the applicant, the operations, their effects, and other relevant matters that is necessary for the assessment of the conditions referred to in sections 13 to 20 and which is not already available to the authority handling the matter.

Further provisions on the content of the application to amend the licence and approvals and of the notification to be made as a result of the amendment to the notification will be issued by government decree.

Section 12

General conditions for granting a licence

The licence to manufacture, import, use, wholesale, retail sale and *deliver* in accordance with this Act must be granted to a natural or legal person referred to in Section 2(1) or 3(1) or (2) of the Trade Act (565/2023) who fulfils the conditions laid down in this Act relating to the applicant and necessary for the pursuit of the activity.

Section 17

Retail trade licence for alcoholic beverages and requirements for the granting thereof

The retail trade licence for fermented alcoholic beverages containing up to 8.0 % of ethyl alcohol by volume, and alcoholic beverages produced by other methods and containing up to 5.5 % by volume of ethyl alco-

Existing Act

1 may also be sold at the retail outlet.

(new)

Proposal

hol applies to retail sales inside one retail outlet *or the supply of alcoholic beverages for delivery from the retail outlet pick-up points specified in the licence* and shall be issued:

The retail licence for farm wine and craft beer applies to the retail sale inside one retail establishment *or the supply of alcoholic beverages for delivery from the retail outlet pick-up points specified in the licence* and is granted to the producers of said alcoholic beverages in a production location where fermentation takes place or in its immediate vicinity, in a building referred to in the Land Use and Building Act. Alcoholic beverages referred to in subsection 1 may also be sold at the retail outlet.

Section 17 a

License for the delivery of alcoholic beverages and the conditions under which it is granted

The licence for the delivery of alcoholic beverages applies to the transport of alcoholic beverages sold from domestic retail trade or from the government-owned alcohol company Alko to a buyer or other recipient. Licence shall be granted if:

(1) the applicant has drawn up a self-monitoring plan as referred to in section 56; and

2) the applicant has prepared a report on how the applicant will ensure that the alcoholic beverage delivery drivers acting on its behalf have a delivery passport as referred to in section 57, subsection 3.

The licensing authority may impose conditions and restrictions on the licence for the delivery of alcoholic beverages regarding situations related to delivery and the monitoring of age limit control and state of intoxication used at the point of delivery, the quantity of alcoholic beverages supplied, self-monitoring, information to be submitted

Existing Act

Proposal

Section 28

Other sales of alcoholic beverages

The State Alcohol Monopoly (Alko) may also sell alcoholic beverages in a food truck or boat referred to in § 17(1)(2), the route of which has been confirmed by the Regional State Administrative Agency.

Alko may organise an auction, where alcoholic beverages are sold.

A wholesale licence may be granted to the State Alcohol Monopoly. The State Alcohol Monopoly may deliver alcoholic beverages to licence holders and other business operators by sending them to purchasers.

Chapter 5

Retail sale and serving of alcoholic beverages

Section 35

Retail trade premises for alcoholic beverages

Retail trade of alcoholic beverages may be carried on only by delivering them to customers in an approved retail trade establishment. A retail trade licence holder may only sell alcoholic beverages referred to in the licence.

to the supervisory authority, or the content and procedures of the service, if they are necessary to safeguard control or to ensure safety.

The conditions and restrictions referred to in subsection 2 shall be calibrated in such a way that they do not prevent or unduly impede the exercise of the licence holder's activities. If conditions and restrictions are imposed on the holder's ongoing activities, they may be ordered to take effect no earlier than 30 days after notification of the decision. At the licence holder's application, the licensing authority shall change a licence's conditions or limitations or remove these without delay if the nature of activities or other special circumstances have changed so that the conditions or limitations are no longer necessary.

Section 28

Other sales of alcoholic beverages

The State Alcohol Monopoly (Alko) may also sell alcoholic beverages in a food truck or boat referred to in § 17(1)(2), the route of which has been confirmed by the Regional State Administrative Agency.

Alko may organise an auction, where alcoholic beverages are sold.
(repealed)

Chapter 5

Retail sale, delivery and serving of

Existing Act

Alcoholic beverages may not be consumed inside or outside of a licence holder's retail trade premises or in their immediate vicinity. If necessary, the licence holder shall mark the area where consumption of alcoholic beverages is prohibited.

(new)

Proposal

alcoholic beverages

Section 35

Retail trade premises for alcoholic beverages

The sale by retail of alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may be carried out only by supplying them to the customer or to an alcoholic beverage delivery driver from domestic retail trade or the government-owned alcohol company Alko. The retailer must be able to retrospectively verify the name and licence number of the delivery licence holder carrying out the delivery of the alcoholic beverage. A retail trade licence holder may only sell the alcoholic beverages referred to in the licence.

Alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol shall not be consumed in the indoor or outdoor area controlled by the retail outlet holder or in the immediate vicinity of that area, unless otherwise provided by law. If necessary, the licence holder shall mark the area where consumption of alcoholic beverages is prohibited.

In the case of online purchases, the licensed retailer and Alko shall ensure, by means of strong electronic identification, that the buyer is not under the age of 18, or, in the case of online purchases of spirits, under the age of 20.

Section 35 a

Delivery of alcoholic beverages

The delivery of alcoholic beverages under a delivery licence shall only be permitted if the alcoholic beverage has been purchased and picked up from a domestic retail store or the government-owned alcohol company

Existing Act

Proposal

Section 37

Prohibitions on retail trade and serving of alcohol

Alcoholic beverages may not be sold or otherwise disposed of in retail sale or delivery:

- (1) to persons under 18 years of age;
- 2) to persons who behave disturbingly or are clearly intoxicated;
- 3) if there is reason to suspect illegal delivery or procurement of alcoholic beverages for other persons.

By derogation from subsection 1(1) above, strong alcoholic beverages may not be sold or otherwise delivered in retail trade to persons under the age of 20.

The holding and consumption of alcoholic beverages in the licensed premises shall not be allowed for persons under the age of 18 years, for persons who behave disturbingly or are clearly intoxicated.

Alko. An alcoholic beverage delivery driver may only supply to a buyer or other recipient such alcoholic beverages supplied for delivery that the retail licence holder and Alko have the right to sell under their retail licence or the law.

At the point of delivery of the alcoholic beverage, the age of the recipient shall be verified by means of a document referred to in section 40, subsection 1. Information on the verification shall be stored in the licence holder's register and shall be erased two years after the verification has been carried out. Alcoholic beverages may not be handed over if the recipient refuses to prove his or her age. In the case of the handing over of alcoholic beverages, it shall be verified that there are no obstacles to the handing over provided for in Article 37(1) or (2).

If the alcoholic beverage cannot be handed over because of the prohibition on delivery laid down in subsection 2 or section 37(1) or (2), the supplier of the alcoholic beverage shall return the alcoholic beverage to the seller.

The holder of the delivery licence shall not impose financial or managerial penalties on the deliverer of the alcoholic beverage if he refuses to hand over the alcoholic beverage in accordance with subsection 2 or section 37.

Section 37

*Retail sale, **delivery** and serving bans*

Alcoholic beverages may not be sold or otherwise handed over in the retail sale, delivery or serving of alcoholic beverages:

- (1) to persons under 18 years of age
- (2) to any person whose intoxication is

Existing Act

Section 38

Retail trade and serving staff

The retail and serving premises shall have, in view of the extent and quality of the activity, an adequate number of staff to ensure efficient supervision and maintenance of order.

A responsible manager or other person acting as a representative and appointed by the licence holder shall be present at the retail and serving premises if the premises are open to customers.

A person under the age of 18 years cannot act in the capacity of a responsible manager or other person acting as a representative and cannot sell or serve alcoholic beverages. However, a person who has reached the age of 16 may sell alcoholic beverages at the retail outlet referred to in section 17 under the direct supervision of the responsible manager or other appointed person. However, a person who is at least 16 years old may serve alcoholic beverages if the sale takes place under the immediate supervision of a responsible manager or appointed person.

A person selling alcoholic beverages or supervising the selling or serving of alcoholic beverages must not be under the influence of alcohol or intoxicating substances when performing these duties.

Section 39

General supervision

A retail trade and serving licence holder and their staff shall supervise the prohibitions and obligations laid down in §§ 35–38 above

Proposal

clearly perceptible or who displays disturbing behaviour

(3) where there are reasonable grounds to believe that an unauthorised delivery or procurement of alcoholic beverages is made.

By way of derogation from subsection 1, paragraph 1, a spirit drink may not be sold or otherwise disposed of in retail sale or in the delivery of alcoholic beverages to a person under 20 years of age.

The holding and consumption of alcoholic beverages in the licensed premises shall not be allowed for persons under the age of 18 years, for persons who behave disturbingly or are clearly intoxicated.

Alcoholic beverages shall not be delivered to a social care and health service unit, a place where early childhood education and care is organised, a place where pre-primary or basic education is organised, or a place where activities related mainly to gatherings of children and young people are organised. Furthermore, alcoholic beverages may not be delivered to a place referred to in section 85 of the Alcohol Act subject to a ban on the consumption of alcoholic beverages or to premises or places that have been approved as a licensed area.

Section 38

The staff of retail sale, serving and delivery of alcoholic beverages

At retail and licensed premises and in the delivery of alcoholic beverages taking into account the scale and quality of the activities, there must be sufficient staff to carry out effective control and order.

A representative of the licence holder designated by the licence holder must be present on retail premises and licensed premises when alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may be sold or consumed on the premises, and the premises are open to customers.

Deliverers of alcoholic beverages shall

Existing Act

and shall be responsible for keeping order at the retail and serving premises.

The holder of the licence and his or her representative may remove a person who has breached the prohibition or is clearly intoxicated from a holding controlled by the licence holder. A licence holder or his or her representative has the right to take a container that has been removed from a serving area away from the person who violated the prohibition and to destroy the alcoholic beverage it contains.

(new)

Section 40

Verification of age

A buyer of alcoholic beverages or a customer in a serving area shall, upon request, provide proof of identity to a staff member or supervisory authority supervising retail sales and serving and to officials supervising conformance with this act, in the form of a photo ID, driver's licence or passport or other reliable picture document issued by authorities.

Proposal

hold a delivery passport for alcoholic beverages referred to in section 57(3).

A person who has not reached the age of 18 is not allowed to act as the *representative of the licence holder*, nor sell or serve alcoholic beverages. However, a person aged 16 or over may sell alcoholic beverages at a retail outlet referred to in section 17 under the immediate supervision of *the representative of the licence holder*. A person aged 16 or over may also serve alcoholic beverages under the immediate supervision of *the representative of the licence holder*. *A person who has not reached the age of 18 shall not transport or deliver alcoholic beverages to the customer.*

The person selling or *delivering* alcoholic beverages or involved in the monitoring of the retail sale, *delivery* or serving of alcoholic beverages must not be under the influence of alcohol or other intoxicating agents.

Section 39

General supervision

A retail trade and serving licence holder and their staff shall supervise the prohibitions and obligations laid down in §§ 35–38 above and shall be responsible for keeping order at the retail and serving premises.

The holder of the licence and his or her representative may remove a person who has breached the prohibition or is clearly intoxicated from a holding controlled by the licence holder. A licence holder or his or her representative has the right to take a container that has been removed from a serving area away from the person who violated the prohibition and to destroy the alcoholic beverage it contains.

The holder of a licence to deliver alcoholic beverages and the alcoholic beverage delivery driver shall monitor compliance with the prohibitions and obligations laid down in sections 35a, 37 and 38.

Existing Act

Proposal

(new)

Section 40

Verification of age

Buyers of alcoholic beverages and persons present in a licensed area are required, on demand, to prove their age to the staff supervising the retail sale and serving of alcoholic beverages and to the official responsible for monitoring compliance with this Act by means of a *valid* photo ID card, driving licence or passport issued by a public authority.

The purchaser of the delivery of an alcoholic beverage is obliged to prove his age before purchasing the alcoholic beverage. If the alcoholic beverage is purchased remotely, the purchaser of the alcoholic beverage is obliged to prove his age by means of strong electronic identification.

In addition, the recipient of the delivery of the alcoholic beverage shall be required to prove, by means of a document referred to in subsection 1, their age to the person delivering the alcoholic beverage.

Section 45

Supervision of the serving of alcoholic beverages in certain cases

Notwithstanding what is laid down in § 41(2) and, for accommodation rooms, also in § 36(2) and (3) as well as § 43, serving alcoholic beverages on the premises in cases referred to in § 19(2) is permitted if the number of alcoholic beverages is limited according to the number of customers and supervision of serving requirements. Further provisions on limiting the number of alcoholic beverages is laid down by government decree.

Section 42 a

Delivery Term

The delivery of alcoholic beverages to recipients shall only be permitted between 9 a.m. and 9 p.m.

By way of derogation from subsection 1, the delivery to recipients of alcoholic beverages acquired from the government-owned alcohol company Alko shall be carried out in accordance with the provisions of section 42, subsection 2 on Alko's retail trading hours.

If the alcoholic beverage cannot be delivered during the period referred to in

Section 46

Purchase of alcoholic beverages

Where alcoholic beverages are purchased for retail sale and delivery within the meaning of section 30(2), the purchaser shall inform the seller of his licence number.

Existing Act

Proposal

Section 51

Pricing and advertising prices

It is prohibited to offer at a joint discount price two or several alcoholic beverage packages or doses in retail sale or serving on the premises.

The provision and payment of a refund of the price of alcoholic beverages, calculated on the basis of purchases of alcoholic beverages or other consumables and services, shall be prohibited in retail sale and delivery.

Section 57

Competence of personnel

As part of their self-monitoring, licence holders and the government-owned alcohol company Alko shall ensure that their personnel are aware of their obligations as laid down in this Act and in the self-monitoring plan. As part of self-monitoring, licence holders and Alko shall keep records of the training and skills of staff working at the respective places of business and present this information to the supervisory authorities upon request.

The holder of a licence to serve alcohol shall ensure that the holder's representative referred to in section 38 or other named person for the task holds a certificate in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), demonstrating knowledge of the Alcohol Act.

subsection 1 or 2, the alcoholic beverage shall be returned to the seller or delivered to the customer later during the period referred to in subsection 1 or 2, unless the delivery did not take place due to a reason referred to in section 37.

Section 45

Supervision of the serving of alcoholic beverages in certain cases

Notwithstanding what is laid down in section 41, subsection 2 and, for rooms in accommodation establishments, also in section 36, subsection 2 and 3 as well as section 43, the serving of alcoholic beverages in cases referred to in section 19, subsection 2 is permitted if the quantity of alcoholic beverages is limited according to the number of customers and the requirements on the supervision of the serving of alcoholic beverages. *Further provisions* on limiting the quantity of alcoholic beverages may be issued by government decree.

Section 46

Purchase of alcoholic beverages

When alcoholic beverages *containing more than 2.8 % by volume of ethyl alcohol* are purchased for retail sale and delivery as referred to in section 30(2), the purchaser shall inform the seller of his licence number.

Section 51

Pricing and advertising prices

It shall be prohibited to offer at joint

Existing Act

Proposal

Section 58

Granting an Alcohol Act competence certificate

An Alcohol Act competence certificate shall be granted by an educational institution for the hospitality industry accredited by the government or Ministry of Education. The certificate is issued to a person who has successfully passed an examination assessing the knowledge of the Alcohol Act and its monitoring practices, or has obtained a training course containing equivalent knowledge, or has passed an examination containing equivalent knowledge.

The educational institution has the right to charge a fee for this examination, which shall not exceed the actual cost of organising the examination. An Alcohol Act competence certificate may be combined with a competence certificate referred to in § 27 of the Food Act.

Specific regulations regarding the content of the examination laid out in (1), its evaluation and the relevant training and studies as well as approving a certificate granted in the county of Åland as the certificate specified in (1) are laid down by decree of the Ministry of Social Affairs and Health.

discount price two or more packages or doses of alcoholic beverages in retail sale, *delivery* and serving.

The provision and payment of a refund of the price of alcoholic beverages, calculated on the basis of purchases of alcoholic beverages or other consumables and services, shall be prohibited in retail sale and *delivery*.

Section 57

Competence of personnel

As part of their self-monitoring, licence holders and the government-owned alcohol company Alko shall ensure that their personnel *and the alcoholic beverage delivery drivers acting on behalf of the delivery licence holder* are aware of their obligations as laid down in this Act and in the self-monitoring plan. As part of self-monitoring, licence holders and Alko shall keep records of the training and skills of staff working at the respective places of business and present this information to the supervisory authorities upon request.

The holder of a licence to serve alcohol shall ensure that *the representative of the licence holder*, as referred to in section 38, has a certificate (*alcohol passport*) in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), demonstrating knowledge of the Alcohol Act.

Holders of a licence for the delivery of alcoholic beverages shall ensure that the alcoholic beverage delivery drivers acting on their behalf have a certificate (delivery passport) in accordance with the model approved by the National Supervisory Authority for Welfare and Health (Valvira), proving that they are aware of the regulations on delivery of alcoholic beverages in the Alcohol Act and the guidance on delivery.

Existing Act

Proposal

Section 60

Section 58

Supervision and related guidance

Granting a certificate demonstrating knowledge of the Alcohol Act

The Regional State Administrative Agencies supervise within their area of operation the retail trade and serving of alcoholic beverages and their advertising.

Proof of competence of the representative of the alcohol serving licence holder may be provided by means of a an alcohol passport or a certificate of an examination covering information equivalent to that of the test for the alcohol passport. The alcohol passport is granted by an educational institution providing training in hospitality services under a government authorisation or a licence to arrange training issued by the Ministry of Education and Culture. An alcohol passport is issued to a person who has passed the alcohol passport test.

The National Supervisory Authority for Welfare and Health shall supervise the retail trade, serving and marketing of alcoholic beverages in the whole country as well as on vessels referred to in the Aviation Act (864/2014) and Maritime Act (674/1994) under Finnish nationality.

The competence of alcoholic beverage delivery drivers can be proven by means of a delivery passport. Delivery passports are issued by an educational institution providing training under a government authorisation or a licence issued by the Ministry of Education and Culture. The educational institution must offer delivery passport tests in Finnish, Swedish and English. A delivery passport is granted to a person who has passed the delivery passport test.

The duties of The National Supervisory Authority for Welfare and Health also include:

(5) other tasks provided for in this Act.

(new)

Section 61

Supervision programme

The educational institution is entitled to charge a reasonable fee for organising the test and issuing the delivery passport. The alcohol passport may be combined with the hygiene passport referred to in section 19 of the Food Act (297/2021).

The National Supervisory Authority for Welfare and Health, together with the Regional State Administrative Agencies, create a national supervision programme for the alcohol administration. The programme will direct regional licensing management and control of the distribution and marketing of alcoholic beverages to a harmonised decision-making practice and to the effective implementation of this Act.

Further provisions on the content and assessment of the test referred to in subsections 1 and 2 and on equivalent examinations as well as on the acceptance of a certificate issued in Åland as a certificate referred to in subsections 1 and 2 may be issued by decree of the Ministry of Social Affairs and Health.

Existing Act

Proposal

Section 62

Section 60

Right of inspection and access to information

Supervision and related guidance

A licence holder shall, on a regular basis, submit to the supervisory authority notifications and information regarding his or her sales and other operations necessary for supervision and operational risk assessment. Further provisions on submitting notifications and information are laid down by decree of the Ministry of Social Affairs and Health.

Regional State Administrative Agencies supervise the retail sale, *delivery*, serving and marketing of alcoholic beverages in their territory.

The National Supervisory Authority for Welfare and Health shall supervise the retail trade, *delivery*, serving and marketing of alcoholic beverages in the whole country as well as on vessels referred to in the Aviation Act (864/2014) and Maritime Act (674/1994) under Finnish nationality.

The duties of The National Supervisory Authority for Welfare and Health also include:

(5) *guidance for educational establishments in connection with the examination of the alcohol passport and delivery passport;*

(6) *other tasks provided for in this Act.*

(new)

Section 61

Section 63

Supervision programme

Right to information

Notwithstanding the provisions on secrecy, supervisory authorities shall have the right to obtain, free of charge, information from federal and municipal authorities, the Social Insurance Institution of Finland, the Unemployment Insurance Fund and the Finnish Centre for Pensions which is essential for carrying out:

The National Supervisory Authority for Welfare and Health, together with the Regional State Administrative Agencies, create a national supervision programme for the alcohol administration. The programme guides the serving, *retail sale and delivery* of alcoholic beverages, and regional licensing management and supervision of marketing with a view to a consistent decision-making practice and the effective implementation of this Act.

Existing Act

Proposal

(new)

Section 62

Right of inspection and access to information

Section 71

Penalty

The licensing authority may impose on the licensee a penalty of between EUR 300 and EUR 1000 if:

(7) The obligation to notify changes referred to in section 11, the obligation to keep records laid down in section 56, the obligation to keep the self-monitoring plan up-to-date, or the obligation to provide notifications and information laid down in section 62(4) has not been complied with despite the invitations.

(new)

In determining the penalty payable to the State, the quality of the action, damage and repetitiveness shall be considered. The penalty fee can be determined to be lower than what is specified in (1) if this is justified when considering these facts or related attenuating circumstances. A penalty fee shall not be imposed if the conduct is considered to be minor in nature or if the imposition of the fee would be unreasonable having regard to the nature, repetition, planning, compliance with the self-monitoring plan, and other circumstances of the conduct. In such a case the licence holder can be issued with a reprimand if required.

The competent authority shall have the right to make test purchases if this is necessary for the control of the delivery of alcoholic beverages. The competent authority shall have the right to use adult volunteers to carry out test purchases if the authority has reason to believe that the holder of a licence to deliver alcoholic beverages or an alcoholic beverage delivery driver acting on its behalf does not comply with their obligations laid down by law with regard to the delivery and supply of alcoholic beverages. Volunteers may be used for test purchases of alcoholic beverages that they are legally entitled to purchase. The competent authority shall be entitled to obtain from the retail license holder the name of the delivery license holder who delivers the alcoholic beverage and the license number.

A licence holder shall, on a regular basis, submit to the supervisory authority notifications and information regarding his or her sales and other operations necessary for supervision and operational risk assessment. Further provisions on submitting notifications and information are laid down by decree of the Ministry of Social Affairs and Health.

Section 63

Right of access to information

Notwithstanding secrecy provisions, the supervisory authorities shall have the right to obtain, free of charge, information from national and municipal authorities, the Social Insurance Institution of Finland, the *Employment Fund* and the Finnish Centre for Pensions which is essential for:

Existing Act

Proposal

Section 72

Withdrawal of a licence

A licensing authority may withdraw a licence or approval under this act temporarily or permanently if a business operator continues to violate obligations or exhibit negligence referred to in points 1–6 of § 71(1) despite written warnings or penalty fees, and the actions are considered significant. The deadline is set by accounting the severity and conditions of the activity serving as a basis for the withdrawal. A licence or approval can be permanently withdrawn if the activity is intentionally continued after a penalty has been imposed, or can be temporarily withdrawn if the activity as a whole is considered significant.

Even if no notice has been issued or a penalty has been imposed, the license or approval may be suspended if the licence holder breaches his essential obligations laid down in this Law in a manner which demonstrates manifest disregard of his obligations under section 56, or permanently if the operator infringes this Act by an act or omission causing a serious danger to human health and the conduct as a whole has been aggravated.

A licence or approval shall be withdrawn if the applicant so requests or if the conditions for a licence or approval are no longer valid due to incorrect information on the application or to a change in circumstances and the situation has not been corrected within the given period. A licence holder's bankruptcy estate, however, has the right to continue licensed operations for up to one year after bankruptcy proceedings are initiated.

The supervisory authorities shall also have the right, free of charge and notwithstanding secrecy provisions, to obtain from the register of fines referred to in section 46 of the Act on the Enforcement of a Fines (672/2002) the information necessary to determine the conditions of the licence referred to in section 13 or section 72, subsection 2, paragraph 3, or the double jeopardy laid down in section 71, subsection 3.

Section 71

Penalty

The licensing authority may impose on the licence holder a penalty fee of not less than EUR 300 and not more than EUR 20 000 if:

(7) The obligation to notify changes referred to in section 11, the obligation to keep records laid down in section 56, the obligation to keep the self-monitoring plan up-to-date, or the obligation to provide notifications and information under section 62(4) has not been complied with despite the invitations;

(8) *In the delivery of alcoholic beverages, there has been a breach of the obligations of the licence holder laid down in Chapter 5 or section 57, or with the conditions or restrictions imposed pursuant to section 17 a.*

The penalty fee shall be paid to the State and the nature, harmfulness and repetition of the conduct and the *financial position of the licence holder* shall be taken into account when assessing the amount of the penalty fee. The penalty fee imposed can be lower than specified in subsection 1 if this is otherwise justified considering these facts or mitigating circumstances related to the conduct. A penalty fee shall not be imposed if the conduct is considered to be minor in nature or if the imposition of the fee would be

Existing Act

Proposal

(new)

unreasonable having regard to the nature, repetition, planning, compliance with the self-monitoring plan, and other circumstances of the conduct. In such a case the licence holder can be issued with a reprimand if required.

Section 72

Withdrawal of a licence

The Licensing Authority may withdraw a licence under this Act: *for a fixed period, if:*

(1) the operator, after being issued a notice or imposed a penalty, continues to infringe or fail to fulfil its obligations as referred to in paragraphs (1) to (8) of section 71(1); or

(2) the operator is in breach of or fails to fulfil an essential obligation laid down in this Act.

The deadline is set by accounting the severity and conditions of the activity serving as a basis for the withdrawal.

The Licensing Authority may withdraw a license or approval under this Act if:

(1) the operator, after the temporary withdrawal of the license, continues to infringe or fail to comply with its obligation, or

(2) the operator is in breach of this Act by an act or omission causing a serious danger to human health and the conduct as a whole has been aggravated, or

(3) the conditions for the license or authorisation are not valid.

Section 75

Fees charged by the Regional State Administrative Agency

The Regional State Administrative Agency shall charge an annual control fee to cover the costs incurred on supervision of this Act as follows:

(2) the supervision of the retailing of alcohol by the holder of the retail licence referred to in Article 17 and by Alko (retail control fee).

(new)

Existing Act

Proposal

Section 84

Procurement of alcoholic beverages

It is prohibited to broker or transfer alcoholic beverages against commissions. The procurement and delivery of alcoholic beverages shall also be prohibited, without remuneration, to any person to whom the alcoholic beverage may not be sold under section 37.

Section 72 a

Termination of the license

The Licensing Authority shall enter in the register a license or approval under this Act as expired if the operator has ceased its activity otherwise than temporarily.

However, the bankruptcy estate or estate of the holder of a license or holder of approval of an indefinite duration shall be entitled to continue to operate for a maximum period of one year from the commencement or death of the bankruptcy. The bankruptcy estate or estate of the holder of a permit or approval valid for a limited period of time shall be entitled to continue to operate until the end of the period of validity, but for a maximum period of one year from the start of bankruptcy or death. The continuation of the activity shall be notified to the Licensing Authority without delay after the declaration of bankruptcy or death.

Section 85

Prohibition on consuming alcoholic beverages

Unless otherwise provided elsewhere in this act, it is prohibited to consume alcoholic beverages:

Section 90

Penal provisions

A person shall also be penalised for alcohol infringement who deliberately or through gross negligence:

(1) infringes the prohibition on the retail sale, delivery or serving of alcohol laid down in section 37; or

(2) as the holder of a retail or alcohol serving licence or as the responsible manager or other person appointed to the task referred to in section 38 infringes the obligation laid down in section 35 or 36 concerning the supervision of order in the retail premises and licensed premises.

Section 75

Fees charged by the Regional State Administrative Agency

The Regional State Administrative Agency shall charge an annual control fee to cover the costs incurred on supervision of this Act as follows:

(2) from the holder of the delivery licence referred to in section 17 for the supervising of the delivery of the alcoholic beverage (delivery control fee);

(3) from the holder of the delivery licence

Existing Act

Proposal

referred to in section 17 a for the supervising of the delivery of the alcoholic beverage (delivery control fee).

Annex

Control fees referred to in §§ 74 and 75 of the Alcohol Act

(new)

Section 84

Procurement of alcoholic beverages

The spirit drink shall not be brokered or transferred for remuneration, *unless otherwise provided by law*. The procurement and delivery of alcoholic beverages shall also be prohibited, without remuneration, to any person to whom the alcoholic beverage may not be sold under section 37.

Section 85

Prohibition on consuming alcoholic beverages

Alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may not be consumed unless otherwise provided by law:

Section 90

Penal provisions

A person shall also be penalised for alcohol infringement who deliberately or through gross negligence:

(1) infringes the prohibition on the retail sale, *delivery* or serving of alcohol laid down in section 37, *subsections 1–3*; or

(2) as the holder of a retail or alcohol serving licence or as the *representative of the licence holder* referred to in section 38 infringes the obligation laid down in section 35 or 36 concerning the supervision of order in the retail

Annex

Control fees referred to in §§ 74 and 75 of the Alcohol Act

6 a. Control fee for delivery of alcoholic beverages

The Regional State Administrative Agency charges an annual control fee of indefinite duration for holders of licences for the delivery of alcoholic beverages. The control fee period is from 1 January to 31 December. The control fee for the delivery of alcoholic beverages consists of a fixed basic fee and an additional fee depending on the scope of the operations, as follows:

The basic, licence holder-specific fee is EUR 100. The basic fee shall also be payable by licence holders whose licences are valid during the respective control fee periods.

The amount of the additional fee, which will depend on the scope of the operations, is determined during the control fee period on the basis of the numbers of alcoholic beverage deliveries reported annually to the National Supervisory Authority for Welfare and Health (Valvira). In addition to the basic fee, the control fee based on number of deliveries is EUR 0.10 per delivery per year for deliveries above 1 000 deliveries. The control fee calculated on the above basis shall be rounded down to the nearest EUR 10.

The licence holder is obliged to report the total number of deliveries to the National Supervisory Authority for Welfare and Health (Valvira) by 31 January each year. If the licence holder fails to submit the notification within the time limit, the National Supervisory Authority for Welfare and Health (Valvira) shall have the right to order the licence holder to report the total number of deliveries on pain of incurring a periodic penalty payment as laid down in

Existing Act

Proposal

section 70. The National Supervisory Authority for Welfare and Health (Valvira) shall issue a reminder to the licence holder and allow a reasonable period to report the above-mentioned information before imposing a periodic penalty payment.

7. Collection of control fees

The control fees referred to in paragraph 6a shall be invoiced retrospectively, but not later than 30 April, and the calculation period based on the number of deliveries shall be from 1 January to 31 December.

This Act will enter into force on [day] [month] 20xx. However, section 2, subsections 1 and 2; section 3, subsection 1, paragraphs 11, 17 and 18; section 4, subsection 1; section 5, subsection 1; section 7, section 12; sections 17 to 17a; section 28, subsection 3; sections 35 to 35a; sections 37 to 38; section 39, subsection 3; section 40; section 42a, section 62, subsection 4; section 75, subsection 2; section 84; section 90, subsection 5 and paragraph 6a of the Annex will only apply from [day] [month] 20xx.