

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 [date] [Month] [year].

CONTENTS

MAIN CONTENT OF THE PROPOSAL.....	1
1 BACKGROUND AND PREPARATORY WORK.....	3
1.1 Background.....	3
1.2 Preparation.....	3
2 CURRENT SITUATION AND ASSESSMENT THEREOF.....	3
2.1 Current situation.....	3
2.1.1 Legislation.....	3
2.1.2 General development of alcohol consumption and harms.....	5
2.1.3 Assessment of the current situation.....	7
3 OBJECTIVES.....	7
4 PROPOSALS AND THEIR IMPACTS.....	8
4.1 Main proposals.....	8
4.2 Principal impacts.....	9
4.2.1 General.....	9
4.2.2 Economic impacts.....	11
4.2.3 Other impacts on people and society.....	15
5 OTHER IMPLEMENTATION OPTIONS.....	18
5.1 Options and their impacts.....	18
5.2 Legislation and other means used in other countries.....	20
6 CONTENT OF STATEMENTS SUBMITTED.....	26
7 PROVISION-SPECIFIC RATIONALE.....	26
8 REGULATION AT THE LEVEL OF SECONDARY LEGISLATION.....	45
9 ENTRY INTO FORCE.....	45
10 IMPLEMENTATION AND MONITORING.....	45
10.1 Relationship to the draft budget.....	45
The Proposal is related to the draft government budget for 2025 and is intended to be dis- cussed in connection with the draft budget.....	45
11 RELATIONSHIP TO THE CONSTITUTION AND LEGISLATIVE PROCESS.....	46

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 alcoholic beverages to be delivered to customers or other recipients by retail outlets and the government-owned alcohol company. Currently, more than 2.8 % of alcoholic beverages can only be purchased at retail outlets or at the premises of the government-owned alcohol company Alko.

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. Statements were requested from the relevant ministries, public authorities, industry associations, trade and health organisations; a total of xx bodies. 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.

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, paragraph 11 of the Alcohol Act, 'retail sale of alcoholic beverages' means the sale of alcoholic beverages for consumption outside premises controlled by the seller or under the supervision of the seller. Under paragraph 12 of the same section, 'serving alcoholic beverages' means the sale for consumption of alcoholic beverages in 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. 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. A retail trade licence holder may only sell the alcoholic beverages referred to in the licence.

In the case of retail sales, alcoholic beverages must therefore be sold and supplied in licenced 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.

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.

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 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

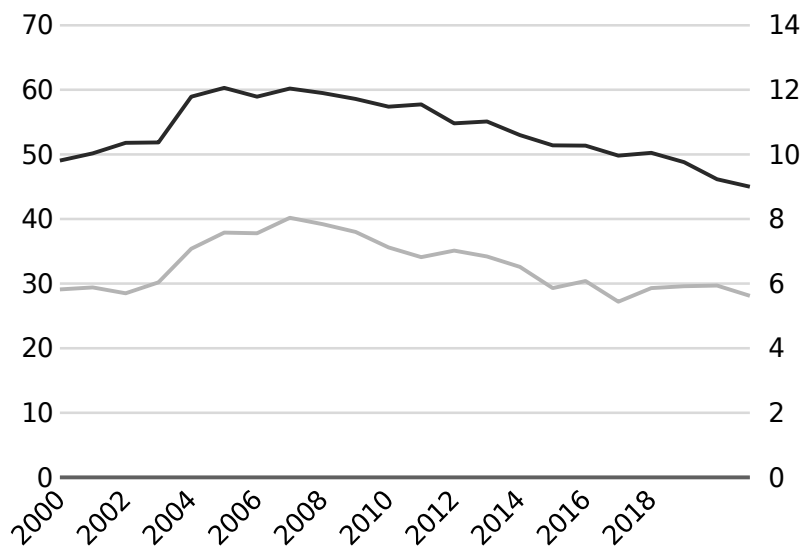
Similarly, for people of working age, both episodic drinking and high-risk alcohol consumption decreased in the last decade. For pensioners, the trend of episodic drinking remained fairly stable, but high-risk drinking increased. Since the turn of the millennium, the consumption of alcohol by young minors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

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>



2.1.3 Assessment of the current situation

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 by Alko to a place designated by the buyer. 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 delivery times for alcoholic beverages, as well as requirements for the personnel involved in the delivery.

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 change Alko's public health function and status. 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

In addition to the retail and serving licences, a new licence for the delivery of alcoholic beverages would be introduced to the Alcohol Act. The delivery of alcoholic beverages from a domestic retail outlet to the customer could therefore be the subject of a separate licence in the future. The authorities would be given the right to control deliveries by means of test purchases.

The law would provide that the delivery of alcoholic beverages would be permitted only if the alcoholic beverage had been purchased and picked up from a domestic retail outlet. Delivery of fermented 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 would be permitted under a delivery licence only if the alcoholic beverage had been purchased and picked up from Alko.

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. The purchaser and the recipient of the alcoholic beverage would be obliged to prove their age each time they buy or receive alcohol. 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 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 could not be delivered to health care units or addiction treatment unit. In addition, alcoholic beverages could not be delivered to a place where early childhood education or pre- or primary education is provided, or to locations where children and adolescents assemble for activities during the times that the location is accessible to children and adolescents.

The holder of a licence to deliver alcoholic beverages would be required to ensure the adequate skill of its personnel. The delivery licence holder would be required to ensure that the those member of its personnel that deliver alcoholic beverages have acquired a certificate

in accordance with the model approved by the National Supervisory Authority for Welfare and Health, certifying knowledge of the regulations on delivery of the Alcohol Act 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. However, the conditions for withdrawing a licence would be partially relaxed in order to better support effective regulatory oversight. For the sake of clarity, a new section would be added to the Act on the termination of licences.

In addition, some other minor or technical amendments would be made to the Act, e.g. in relation to the alcohol business register and 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 publication². 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 consumer³. 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 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. 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. At the social level, it is estimated that this draft Act will not lead to significant synergies with other changes in the alcohol market that have already been implemented, as the impact on alcohol consumption is

² 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

³ 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.

estimated to be relatively low. 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

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. An estimated 0.7 million litres of alcohol in 100 % alcohol was bought online from outside Finland in 2023⁴. The alcohol tax revenues calculated for these online purchases are 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. However, there would be no corresponding increase in tax revenue if all online sales of alcoholic beverages could be strictly controlled and taxed, for example. Most online purchases are currently not taxed in Finland, as currently approximately EUR 1 million per year in alcohol tax has been paid either by sellers or buyers, according to the relevant provisions. However, since the vast majority of buyers have sought to obtain alcoholic beverages at the lowest possible price, it is unlikely that a significant proportion of these buyers would switch to domestic e-commerce. The impact of the Proposal on alcohol tax revenues is also estimated to be limited.

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

⁴ 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>

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 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 2024⁵. 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.

The personnel of a holder of a delivery licence for alcoholic beverages should have received training in the delivery of the alcoholic beverages (alcoholic beverages 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 involved in the delivery of alcoholic beverages would incur the costs of applying for a delivery licence. In addition, licence holders would be charged an annual control fee. The

⁵ The Finnish Grocery Trade Association. (27 March 2024). Päivittäistavarakaupan myynti ja markkinaosuudet 2023. <https://www.ptv.fi/blog/2024/03/27/paivittaistavarakaupan-myynti-ja-markkinaosuudet-2023/>

costs of applying for a licence, as well as the annual control fees, could discourage some small operators from applying for a licence. The Proposal proposes EUR 100 per licence holder to be set as the amount of the control fee for the delivery licence for alcoholic beverages. 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 in Finland use self-employed entrepreneurs for deliveries, and under the conditions laid down in the draft Act, the self-employed persons should themselves apply for a delivery licence for alcoholic beverages. However, the licence and control fees for self-employed entrepreneurs for applying for a licence could be high in proportion to the income generated by the activity.

Impacts on authorities

The supervision of the retail sale and delivery of alcoholic beverages and advertising of alcoholic beverages is the responsibility of 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.

The Regional State Administrative Agencies would cover the costs of supervising the delivery of alcoholic beverages through a control fee. The corresponding control fee is also charged from the holders of retail and serving licences. The Proposal would also have an impact on Valvira's operations and on the information systems necessary for alcohol control. Requiring a licence for delivering alcoholic beverages would require changes to the existing alcohol business register, electronic filing and application forms. The changes to the alcohol business register and e-services, the processing of licence applications itself as well as the supervision of the sites and the guidance provided by Regional State Administrative Agencies would require additional resources. The licence and control fees are intended to provide the Regional State Administrative Agencies and Valvira with an additional permanent resource of approximately EUR 400 000, corresponding to approximately five person-years, to supervise and manage the delivery of alcoholic beverages. The ministries responsible for the agencies' performance management would allocate a similar amount to the Regional State Administrative Agencies and Valvira from the budget. Of the additional resource, EUR 80 000, which corresponds to one person-year, would be allocated to Valvira and EUR 320 000, which corresponds to four person-years, to the Regional State Administrative Agencies. In addition, Valvira would be offered a one-off additional resources of EUR 375 000 for making changes to the alcohol register.

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 calls⁶. 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 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.

As a result of the Proposal, the delivering alcohol to places where alcohol consumption is prohibited would also be possible. For example, under section 4 of the Public Order Act (612/2003), the consumption of intoxicating substances is prohibited in a public place in an urban area, at a border crossing point within the meaning of the Border Guard Act (578/2005) and in a means of transport in public transport, with the exceptions in subsection 2 of the section. The Proposal could make it more difficult to supervise compliance with these provisions by the police.

⁶ 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.

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. The personnel of a single company applying for a delivery licence could comprise a few individuals to several dozens 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 population⁷. 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 share of high-risk alcohol users⁸. 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

⁷ Suomalaisen alkoholinkäyttötavat 2023. THL’s Tilastoraportti publication series 59/2023, 30 October 2023.

https://www.julkari.fi/bitstream/handle/10024/147677/Tilastoraportti_59_2023_Suomalaisen_alkoholink%C3%A4ytt%C3%B6tavat_2023_s.pdf?sequence=1&isAllowed=y

⁸ 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.

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 made⁹. In an Australian study, the above problem has been linked in particular to fast deliveries. Callinan et al. (2023)¹⁰ 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.¹¹.

As described above, the main risks of the draft Act in terms of increasing alcohol-related harm relate in particular to prolonged drinking situations and an increase in the number standard drinks consumed, which can be seen to be linked in particular to fast deliveries. These risks can be estimated to be particularly pronounced in the case of individuals who intensively consume alcohol. Men suffer from severe alcohol problems much more often than women. It is therefore likely that if home deliveries would increase alcohol-related harm, more men would experience these additional problems more than women. 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 would lead to an increase in alcohol consumption, especially in domestic conditions, the risk of increased domestic violence can also be estimated to increase. Women suffer from domestic violence more often than men. The perpetrator of domestic violence is intoxicated in almost half of the situa-

⁹ 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

¹⁰ 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.

¹¹ The data is based on a 2023 drinking habit study produced by THL

tions of violence and the consequences of alcohol-related domestic violence are often more serious than non-alcohol-related domestic violence. In Finland, changes in alcohol consumption levels are linked to developments in violent crime, so although the Proposal is unlikely to have a major impact on consumption, it is not likely to reduce alcohol-related domestic violence.

Impact on children and young people

In Finland, the most typical alcohol-drinking situation is the home environment (own home or another's home or other private space)¹². 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.

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,¹³ 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 'alkoholi-juomien 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 whenever possible, the age of the delivery recipient should be appropriately verified and alcoholic beverages could not be delivered to a person who is under 18 at the time of delivery. However, if age-limit 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

¹² 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.

¹³ 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.

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.

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. The responsibility for the activities and complying with the law would clearly lie with the licence holder, who would also have the concrete means of directing the work of its personnel under its right of management. 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.¹⁴ 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

¹⁴ 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.

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.

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 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. In *subsection 1*, paragraph 11, supplying alcoholic beverages to a holder of a delivery licence or the holder's personnel would be added to the definition of alcohol retail sales. In addition, a technical amendment would be introduced by adding the receipt of payment to the definition. The payment for alcoholic beverages should be made to the seller of the alcoholic substance either directly, or an external service provider should act as a paying agent in accordance with the Act on Payment Institutions (297/2010) or the Act on Credit Institutions (610/2014) and transmit the payment for alcoholic beverages to the seller of the alcoholic substance. This clarification would clarify the current situation.

Subsection 1, paragraph 12 would be amended in line with paragraph 11, meaning the receipt of payment would be added to the definition of serving alcohol. The reasoning is the same as for retail sales.

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 an alcoholic beverage would mean the transport and delivery for commercial purposes of an alcoholic beverage sold domestically by the seller to the buyer or other recipient. 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.

A new paragraph 18 would be added to subsection 1, defining the concept of deliverer of alcoholic beverages. A deliverer of an alcoholic beverage would mean a holder of a delivery licence for alcoholic beverages or the holder’s personnel who would supply beverages ordered as domestic retail sales to the customer that ordered the beverage to be delivered. The deliverer of the alcoholic beverage would therefore be the specific person who would hand over the alcoholic beverage to the recipient, that is to say, the mere transport of alcoholic beverages without delivering of beverages to the recipient would not be regarded as delivering alcoholic beverage. All the deliverers of alcoholic beverages referred to here – i.e. persons who would transport the beverages ordered by as domestic retail sales to the recipient of the beverage who ordered the beverage to be delivered – 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 licence.* It would be added to *subsection 1* of the section that alcoholic beverages should not be supplied from domestic retail sales without authorisation. The delivery of alcoholic beverages from the point of sale via an undertaking providing transport services or similar from would 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. *Paragraph 1* would be specified to include cases where a serving licence is applied for without designating the premises to be licenced for serving alcohol. In these cases, the competent Regional State Administrative Agency would be the Regional State Administrative Agency under whose administration the applicant's place of business is. 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 licenced for serving alcohol, of the applicant's place of business. It would therefore be natural to determine the Regional State Administrative Agency responsible for the application by 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.

Subsection 2 of the section would be changed completely. The new subsection 2 would provide for the licensing authority to issue a licence for the delivery of alcoholic beverages. The delivery licence for alcoholic beverages would be granted on application by the Regional State Administrative Agency of the applicant's place of business or, if the applicant had no place of business or residence in Finland, by the Regional State Administrative Agency of Southern Finland. The competent Regional State Administrative Agency would be determined in the same way as in the case of a licence applied for without designating premises where the alcohol would be served. 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 8. *Application for a licence.* The section would be amended in its entirety. A technical change would be made to *subsection 1* of the section by changing the reference to the ‘licensing authority’ into a reference to the authority ‘responsible for processing the matter’. In addition, an obligation for legal persons to submit licence applications electronically would be added. However, the competent authority could, for a specific reason, accept licence applications in paper form. An example of such a particular reason would be if the applicant were a non-Finnish legal entity that did not have the possibility to use electronic services. The change would be made to anticipate any future increase in the number of applications. The requirement for electronic communication would not impose a disproportionate burden on legal persons, since they are, as a general rule, in a position to use electronic services. The change to electronic services of the authority would reduce the burden on the authority caused by paper forms and increase the efficiency of resources. Natural persons would still have the possibility to use paper forms at all times.

The current *subsection 2* of the section would be changed completely. According to it, the provisions of subsection 1 on licence applications would also apply to the notifications and applications for approval 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.

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.

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, it would be provided in *the subsection 1* of the section that the licence holder would have 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* of the section, the obligations laid down in subsections 1 and 2 concerning substantial changes to the activity, the reduction of activity and the notification of discontinuation of activities would also apply to other notifications and approvals referred to in the Alcohol Act.

A new *subsection 4* would be added on the power to issue a decree on the content of the change notification. Section 13 of the Government Decree on the implementation of the

Alcohol Act (151/2018) already regulates the content of the change notification, but the Act in force lacks the power to issue a decree 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 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 cover the transport of alcoholic beverages sold from a domestic retail outlet or by Alko to the purchaser or other consignee at the place of their choice and the delivery of the alcoholic beverages to the recipient, taking into account the prohibitions on delivery 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, under subsection 1, paragraph 2 of the section, the licence would be conditional on the applicant providing proof that all suppliers of alcoholic beverages employed by the applicant have a delivery passport within the meaning of section 57 of the Act. All the deliverers of alcoholic beverages referred to here – i.e. persons who would transport the beverages ordered by as domestic retail sales to the recipient of the beverage who ordered the beverage to be delivered – should therefore have a delivery passport as referred to in section 57, subsection 3 of the Act.

The aim of the regulation would be to ensure that the applicant's personnel would all have a delivery passport and thus have sufficient knowledge of the provisions, regulations and instructions on the delivery of alcoholic beverages and the necessary know-how to deal with any challenging situations that they could face when delivering 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

the means of transport used for delivery, the circumstances of the delivery and the methods for monitoring of age control and the state of intoxication during deliveries, personnel, the quantity of alcoholic beverages to be delivered, self-monitoring, the information to be provided to the control authority, or the content and procedures of the service. The condition for imposing conditions would be that they are necessary to safeguard supervision, to prevent public disorder or ensure public order and public security.

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, 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* would provide that retail sales may be carried out by delivering alcoholic beverages to a customer or deliverer of alcoholic beverages at a licenced retail outlet. Currently, the Act only allows the handing over alcoholic beverages to the customer. Since the licence for the delivery of alcoholic beverages concerns the transport of alcoholic beverages sold from a retail outlet or by Alko, it would be necessary to add the possibility of handing over alcoholic beverages to the deliverer of the alcoholic beverage. The subsection would also include an obligation for the retail licence holder and its personnel to check the name and licence number of the holder of the delivery licence for alcoholic beverages at the

time of handing the beverages over for transport and to communicate the information to the purchaser of the alcoholic beverages. The requirement would increase transparency and control of the delivery of alcoholic beverages. For example, if the licensing authority were subsequently required to obtain information on the deliverer of the alcoholic beverages, it would be available from the retail licence holder. In addition, in the event of possible problems, this would also increase consumer protection as the purchaser of the alcoholic beverages would have the information of the deliverer.

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.

Subsection 1 would state that alcoholic beverages could be delivered under a delivery licence only if a fermented alcoholic beverage containing not more than 8.0 % by volume of ethyl alcohol and otherwise produced not more than 5.5 % by volume is purchased and picked up from a domestic retail outlet. Delivery of fermented 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 would be permitted only if the alcoholic beverage had been purchased and picked up from Alko. In the case of fermented alcoholic beverages containing more than 8.0 % by volume of ethyl alcohol and otherwise manufactured alcoholic beverages containing more than 5.5 % by volume of ethyl alcohol, it would be justified to provide that the alcoholic beverages delivered should be sourced from Alko in order to safeguard the public health impact of Alko.

In *subsection 2* of the section it would be provided that, when alcoholic beverages are delivered, the age of the person receiving the alcoholic beverages should be verified, if necessary, on the basis of a document referred to in section 40, subsection 1. Alcoholic beverages should not be handed over if the recipient refuses to prove their age.

Age verification at the time of delivery of alcoholic beverages would be necessary in particular where the recipient of the alcoholic beverage appears to be young or where there are grounds for suspecting that the recipient is a minor. 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. When age

verification is necessary, age verification should be carried out in a verifiable manner. Verifiability would be important to enable the supervising authority to verify that prohibitions on handing over alcohol have been observed with regard to age limits and also to verify that the recipient's age is also verified by the deliverer of the alcoholic beverages, if necessary. 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. Thus, in such situations, the deliverer of the alcoholic beverages could not, for example, store the alcoholic beverages themselves and try to be deliver them a later time, but instead would be required to return them directly 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 there is no economic incentive for the worker to dispose of the alcoholic beverages even if the purchaser of the alcohol is intoxicated or unable to prove their age, for example.

Section 37. Retail, delivery and serving prohibitions. The section would be amended in its entirety. It would be added to the *title* and *subsection 1* that the prohibitions in the provision apply to the delivery of alcoholic beverages as well. Alcoholic beverages should not be delivered or handed over to a minor, a person that is too intoxicated or whose behaviour is inappropriate or if it is suspected that they will be surrendered or brokered in contravention 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 could not be delivered to a healthcare facility, such as a hospital or a health centre. In addition, alcohol could not be delivered to shelters or mother and child homes, or substance rehabilitation units. The prohibition on delivery to these would be necessary because of the prohibition of operations contrary to good practices under section 4 of the Act, and it would not be necessary for such entities to have alcoholic beverages delivered, taking into account the nature of those units. In addition, alcoholic beverages could not be delivered to a place where early childhood education or pre- or primary education is provided, or to locations where children and adolescents assemble for activities during the times that the location is accessible to children and adolescents. 'Place where children and adolescents assemble' would mean, for example, club houses, hobby spaces, summer camps, youth centres and similar facilities and areas where child or youth activities take place. However, the delivery of the alcoholic beverages would be allowed if the premises were not occupied by children or adolescents. For example, if club house had been rented for a celebration, alcoholic beverages could be delivered to that place. Given 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 adolescents are organised.

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 should not be consumed there, unless this is permitted by 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. These prohibitions on consumption under the Alcohol Act would also apply even if the alcohol could be delivered to such places or events.

A new *section 5* would be added, and it would provide for the right of various operators to prohibit the delivery of alcoholic beverages to premises or areas under their control. The legal situation should be clarified, because according to established practice, operators have had the right to prohibit the consumption of customer's own food in their premises, for example. Similarly, night clubs have been considered to be entitled to prohibit customers from their own beverages into their alcohol serving areas. However, the legislation would clarify the legal position for this part, because although as a general rule, alcoholic beverages may be delivered to different premises or areas, the person responsible for the actual management of the premises would nevertheless have the right, at its discretion, to prohibit the delivery of alcoholic beverages to the premises or areas which it manages. This would allow festival organisers, cafeteria operators or the library, among others, to prohibit the delivery of alcoholic beverages to their premises or areas.

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 the deliverer of an alcoholic beverage in a similar way, as the beverage to be delivered would, as a general rule, be picked up at a retail outlet from

where alcoholic beverages may not be lawfully handed over to a person under the age of 18. It would also be justified from the point of view of the implementation of age-limit controls that alcoholic beverages could not be supplied by a person who would not have the right to purchase the alcoholic beverage themselves.

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 the licence to deliver alcoholic beverages and their personnel should supervise compliance with the prohibitions and obligations laid down in sections 35a, 37 and 38. The supervision of delivery would be subject to the same general supervision provisions and obligations as retail and serving.

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, only an identity card, a driving licence or a passport with a photograph issued by a public authority could be used for age verification. 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 under which 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. Proving one's age would be necessary in particular in situations where the recipient of the alcoholic beverage is young.

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.

In *subsection 3*, it would be determined that handing over the delivered alcoholic beverages would not be permitted before 9 a.m. or after 9 p.m. The regulation would be in line with the provisions on the retail sale of alcoholic beverages. In addition, subsection 3 would determine what happens to alcoholic beverages if they cannot be delivered within the period defined in subsection 1. In this case, the deliverer of alcoholic beverages should return the alcoholic beverages to the seller or deliver them to the customer at a later date during the delivery time specified in subsection 1, unless the non-delivery was due to the reason referred to in section 37. Therefore, 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 46. Purchase of 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.* 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 should ensure that deliverers of alcoholic beverages who are members of its personnel have a certificate in accordance with the model approved by the National Supervisory Authority for Welfare and Health, proving that they are aware of the delivery regulations and instructions for delivery in the Alcohol Act (*delivery passport*). All the deliverers of alcoholic beverages referred to here – i.e. persons who would transport the beverages ordered by as domestic retail sales to the recipient of the beverage who ordered the beverage to be delivered – 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 control 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 to ensure that members of personnel are aware of the obligations laid down by law and in the self-monitoring plan and to keep records of their training and skills also apply to 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 passes the alcohol passport test. The provision would not change the status quo. In other respects, the provisions of section 58, subsection 1 of the Alcohol Act would remain unchanged and the certificate would continue to be issued by educational establishments providing training in restaurant services on the basis of a licence from the Government or an authorisation from the Ministry of Education.

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.

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. In line with the rules in force, the educational establishment would be entitled to charge for those examinations a fee which would not exceed the actual cost of organising the examination.

Subsection 3 of the current section would be made to *subsection 4*. It would be added to the same section that a decree of the Ministry of Social Affairs and Health would also lay down more detailed rules on the content and assessment of the delivery passport test referred to in

subsection 2, as well as the corresponding trainings and qualifications. Similarly, the power to issue decrees would extend to the acceptance of a certificate issued in the Province of Åland as a certificate of delivery passport as referred to in subsection 2.

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.

Subsection 3(5) would become subsection 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 amended completely. A new subsection 4 would provide for the right of the public authority to make trial purchases of alcoholic beverages if this would be necessary to carry out its task of supervising the delivery of the alcoholic beverage. The competent authority would also be entitled to make use of adult volunteers for the purpose of making trial purchases if it had reasonable grounds to suspect that the operator delivering alcoholic beverages or his staff are not complying with their legal obligations in relation to the delivery and hand over 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.* In *subsection 1* of the section the reference in the chapeau to the right of access to information would be extended to all public authorities referred to in Section 4 of the Act on the Openness of Government Activities (621/1999) and to those performing a public function. This amendment would ensure a comprehensive coverage of the right of access to information even in the event of changes in the authority's location. The right of access to information would continue to be limited to what is necessary.

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 64. *Provision of information* This section would be amended in its entirety for technical reasons. The *1 subsection* of the current section would be deleted from the new section, as the current provision may, in some situations, unnecessarily tighten the right to disclose information. There is no need for a specific provision in the Alcohol Act on the right of disclosure of confidential information to another authority, since it is sufficient that the right of access of the requesting authority is expressly provided for by law. Subsection 1 of the section now provides for the right of supervisory authorities to provide information obtained

in carrying out the tasks referred to in this Act on the financial situation and business secrets of the private operator and the entity to another supervisory authority.

A new subsection 1 of the section would provide for the division of powers between the Regional State Administrative Agencies and Valvira in relation to the disclosure of information. The division of competences would be in line with current practice. Depending on what would be provided for in this or other law, the Regional State Administrative Agencies could disclose information on the operators and activities of the retail sale, serving and delivery of alcoholic beverages in their territory. Depending on what would be provided for in this or other law, Valvira could disclose any information under this Act. The disclosure of confidential information to another authority at the latter's request would be subject to the condition that the right of access of the requesting authority should be specifically provided for by law. The conditions for the disclosure of spontaneous information would be laid down in more detail in subsection 2 of the section. When information is requested by a person other than a public authority, the requirements of the Act on the Openness of Government Activities and data protection legislation should be complied with. The response to requests relating to the exercise of the data subject's rights would be governed by Section 66 of the Act.

In subsection 2 of the section the provision would be made for supervisory authorities to be entitled to disclose information, on their own initiative, without prejudice to confidentiality provisions and other restrictions on access to information, to the authority referred to in Section 4 of the Act on the Openness of Government Activities (621/1999) and to a public office. There is currently no express provision in the Alcohol Act for the spontaneous disclosure of confidential information to another authority. Cooperation between authorities in the exchange of information is important, inter alia, to combat the shadow economy and to enforce compliance with legislation on health and safety at work. In addition, the disclosure of the information would be subject to the condition that the public authority or other public office should be competent in the matter. Disclosure would be discretionary as the provision would not oblige spontaneous disclosure.

Subsection of the section corresponds in practice to subsection 2 of the current section in force. This provision would be amended to better reflect the need to make the information in the alcohol business register public. The provision would list only those categories of data that could potentially contain personal data. The publication of information which does not contain personal data is not restricted by Article 16(3) of the Public Information Access Act and should therefore not be mentioned in that provision. The requirement for individual searches would be deleted, as the majority of those carrying out activities under the Alcohol Act are legal persons and therefore the information to be published does not contain personal data. The publication of information as material for all licence holders contributes to administrative openness and transparency and allows for easy use of information on the alcohol sector, for example in research. The usefulness of the information would be undermined if the information of sole traders should be removed from the published material and made available for search only on an individual basis. The content of the information to be published is fundamentally different from the public information service containing information on health professionals, for which at the time of the adoption, the Constitutional Law Committee had required that the consultation of information be limited to individual searches in order to process the bill in the order of ordinary law enactment (PeVL 32/2008 vp).

Section 65. Executive assistance This section would include the condition that the executive assistance is free of charge. Nowadays, for example, the executive assistance provided by the

police on the basis of the Alcohol Act is subject to a fee, so the addition would change the current practice.

Section 66. Alcohol business register The section would be amended in its entirety. *Subsection 1* of the section would specify the responsibilities pertaining to the register, the data to be registered and the deletion of data. In accordance with current practice, section 1 would provide Valvira with the task of maintaining the alcohol business register and being responsible for the general operation and accessibility of the register, data integrity, protection and storage, and the maintenance and development of information systems related to the functioning of the register. The provision would refer not only to licensing but also to notifications and approvals, which have already been interpreted as being entries made in the register. In addition to the handling, supervision and statistics of these cases, the register would also be maintained for other statutory tasks of public authorities. Such other statutory tasks of public authorities could include, for example, the R & D tasks of the Institute for Health and Welfare.

A new *subsection 2* would be added to the section, which would identify Valvira and the Regional State Administrative Agencies as joint controllers. In line with Section 66 of the current Act, Valvira would continue to act as a responsible controller. Each authority would be responsible for the records and related requests concerning the exercise of the data subject's rights for which it is responsible.

The current subsection 2 of the section would be made *subsection 3*. The wording of the provision would be amended in line with subsection 1 to cover not only licensing but also approvals and notifications. A similar identifier would be added to point 1 of the list of data to be registered, such as the date of birth or the electronic transaction identifier. A reference to the trade name would continue to cover the possibility of entering an auxiliary trade name in the register. Point 2 of the list would be amended to include information on beneficial owners, which already come directly from the Patent and Registration Office to the Alcohol Business Register. At present, the problem has been that the data of all persons for whom the conditions laid down in section 13 of the Act have been determined could not be registered in the Alcohol Business Register. The new point 3 would therefore provide for the registration of information on the persons whose conditions have been determined in accordance with section 13 of that law. Points 3 to 7 of the current Act would be deleted from the list of information to be registered, as it is not necessary to enter this information in the register. Point 8 of the current Act would in future be in line with point 4 of the Act, as amended, so that the wording of the provision would cover not only activities carried out on the basis of a permit but also approval and notification. For example, product notifications and controls and sales notes issued by operators should be entered in the register pursuant to this subsection. Point 9 of the current Act would in future be in line with point 5 of the Act, as amended to remove any unnecessary reference to sensitive data, as the data entered in the register do not include personal data belonging to special categories of personal data.

The current subsection 3 of the section would be made to *subsection 4* and the obligation to delete data would be specified. Once removed from the register, the data will continue to be archived in accordance with the archiving legislation. The obligation to delete information on the trader would be specified in such a way that the information would be deleted five years after the end of the activity under this Act or after the last information on the trader has been entered. The latter condition would apply where the trader has never begun to carry on an activity under this Law, but has, for example, applied for a permit, but no authorisation has been granted. The information on beneficial owners, as well as information on the persons

whose conditions have been determined in accordance with section 13 of this Law, would be deleted five years after the person ceased to be in the position. If the trader's data were deleted earlier because the trader's activity under the Alcohol Act had ceased, this would mean that also the data concerning the trader's persons, even if they have not yet ceased to act in the position, would have to be deleted.

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.

A new paragraph 8 on the basis of the penalty for the delivery of alcoholic beverages would also be added to subsection 1. The licence holder could receive a fine if he breached his obligations under the law, the conditions of the licence or the provisions relating to the skills of the license holder's staff.

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) 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. *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. Regional State Administrative Agency charges *Subsection 2* of the section would be amended by adding a new paragraph 3 on the control fee for the delivery of alcoholic beverages. 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.

Annex A new point 6 a 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 control fee for the delivery of alcoholic beverages would be EUR 100 for each licence holder.

8 Regulation at the level of secondary legislation

9 Entry into force

10 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 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.

10.1 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.

The proposed amendment is a new permit and supervisory process for the alcohol industry. The draft law would increase the number of applications for licences and the number of sites to be controlled in the future, thereby increasing the need for the licensing and control resources of the alcohol authorities. The official control 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. This would also lead to an increase in the need for control resources. The RSAs would cover the costs of supervising delivery sales through licence and control fees.

The presentation would also have implications for Valvira's operations and the necessary information systems. The permit requirement for delivery sales would therefore require changes to the existing alcohol business register, electronic filing and application forms. The changes to the alcohol business register and e-services, the processing of licence applications itself as well as the supervision of the sites and the guidance provided by Regional State Administrative Agencies would require additional resources.

The licence and control fees are intended to provide the Regional State Administrative Agencies and Valvira with additional resources of approximately EUR 400 000 in human resources to supervise and control the delivery of alcoholic beverages, as well as additional resources of EUR 400 000 for changes to the IT system. The ministries responsible for the agencies' performance management would allocate a similar amount to the Regional State Administrative Agencies and Valvira from the budget.

11 Relationship to the Constitution and legislative process

General

It is proposed to provide for the delivery of alcoholic beverages from a retail outlet or from Alko directly to the purchaser or other consignee at the address indicated 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.

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 draft law would also provide for the obligation of the carrier of the alcoholic beverage, i.e. the deliverer of the alcoholic beverage, to verify, if necessary, the age of the recipient of the alcoholic beverage before handing over the alcoholic beverage to a 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.

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 rules would therefore extend in part 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 license for the transport of alcoholic beverages in order to ensure the proper functioning of the activity and effective supervision by the authorities. The proposed regulation therefore allows for a new form of practice in the alcohol industry and can therefore also increase employment in the alcohol industry. 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.

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.¹⁵

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 Australia¹⁶ 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 21:00¹⁷

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

¹⁵ see Government proposal to Parliament to amend the fundamental rights provisions of the Constitution (HE 309/1993 vp. p. 71).

¹⁶ 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.

¹⁷ The data is based on a 2023 drinking habit study produced by THL

holder of the delivery license, thus contributing to strengthening the effectiveness and efficiency of the regulation.

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,¹⁸ 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 handing over of alcoholic beverages should, where necessary, be subject to a verifiable verification of the age of the recipient and that alcoholic beverages should not be handed over 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

¹⁸ 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.

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 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.

As regards the potential adverse health effects of the draft law, the government is taking a number of other measures to support health promotion and the well-being 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.

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.

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 presentation would not in itself increase the availability of alcoholic beverages, as alcoholic beverages should continue to be purchased only in retail sales or from Alko and only within the time limits laid down by law. However, the proposal would allow new type of purchases of alcoholic beverages where alcoholic beverages would no longer have to be sought only from a retail outlet or from Alko, but could be ordered online to be delivered 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.

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

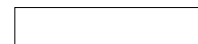
for tax liability would be the licence for the delivery of alcoholic beverages. Provisions on legal protection are laid down in section 80 on appeals.

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.

Consequently, the bill may be dealt with within the normal legislative procedure. However, the Government prefers that the Constitutional Law Committee makes a statement on the matter.

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(3) of the Alcohol Act (1102/2017) will be *repealed*;

sections 2(1) and (2), 3(1)(11), (12), (14) to (16), 4(1), 5(1), 6(1)(1), 7, 8, 11 and 12, Chapter 5 title, sections 35, 37, 38, 40, 46(1), 51(1) and (2), 57(2), 58, 60(1)–(2) and (3)(5) of the Act, Articles 61(1), 62(4), 63(1), introductory sentence, 64–66, 71(1), introductory sentence, 71(7), 72, 75(2), 84 and 85(1), introductory sentence, of the Act *will be amended*,
as set out in Section 12 of Act 605/2023 and Section 64 (in part) of Act 673/2018, and

to the Act *will be added* new paragraphs 17 to 18 to section 3(1), new sections 17a, 35 a, 42 a, 72a and 72 a, to section 39 a new subsection 3, to section 57 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 and to section 71 subsection 1 a new paragraph 8 and to the Annex a new point 6, 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 alcoholic beverages* means the receipt of payment for the alcoholic beverage and the supply of the alcoholic beverage at the retail outlet to the buyer, holder of a licence for the delivery of alcoholic beverages or his staff, in such a way that the alcoholic beverage is consumed outside premises controlled by the seller or under the supervision of the seller;

(12) *serving of alcoholic beverages* means receiving payment for alcoholic beverages and making it available for consumption in premises controlled by the seller or under the supervision of the seller;

(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 handing over of alcoholic beverages sold domestically at retail sale for commercial purposes from the seller to the buyer or other consignee;

(18) *deliverer of alcoholic beverages* means the holder of a licence for the delivery of alcoholic beverages or his staff who delivers the drink ordered by transport from the domestic retail sale to the recipient of the drink.

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 authorisation

Alcoholic beverages may not be manufactured, sold or delivered from domestic retail sales without authorisation.

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. In the case of an application for a licence to serve alcoholic beverages without licensed premises, the authorisation shall be granted by the Regional State Administrative Agency of the applicant's place of business. 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.

The licence for the delivery of alcoholic beverages is issued on application by the Regional State Administrative Agency of the applicant's place of business or, if the applicant has no place of business or residence in Finland, by the Regional State Administrative Agency of 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 8

Application for authorisation

The application for authorisation shall be accompanied by the necessary evidence to assess the conditions for granting the license referred to in sections 13 to 20 concerning the applicant, the activity, its effects and any other relevant information which is not already available to the authority hearing the case. Where the applicant is a legal person, the application for authorisation shall be submitted electronically. The competent authority may, for specific reasons, accept the application for authorisation on paper.

The provisions of subsection 1 on the application for authorisation shall also apply to the notifications and applications for approval referred to in the Alcohol Act.

Further provisions and statements relevant to the consideration of the application shall be laid down by government decree.

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.

Further provisions on the content of an application for amendment of a license shall be laid down 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 a

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

The licence for the delivery of alcoholic beverages shall cover the transport of an alcoholic beverage sold from a domestic retail outlet or from 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 drawn up a declaration that deliverers of alcoholic beverages belonging to the applicant's staff are in possession of a delivery passport as referred to in section 57(3).

The licensing authority may impose conditions on a licence for the delivery of alcoholic beverages with regard to the means of transport used for transport, the situations involved in the handing over and the monitoring of age-limit controls and level of intoxication, personnel, the quantity of alcoholic beverages to be delivered, self-monitoring, the information to be provided to the supervisory authority or the content and procedures of the service, in so far as they are necessary for the purpose of ensuring supervision, public order or public security.

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 retail sale of alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol shall be carried out only by handing them over to the customer or supplier of the alcoholic beverage at an authorised retail outlet. At the time of the handing over the alcoholic beverage for transport, the retail authorisation holder or his staff shall check the name and authorisation number of the holder of the licence to deliver the alcoholic beverage and inform the purchaser thereof.

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 retail authorisation holder and Alko shall ensure, by means of a strong electronic identification, that the buyer is neither less than 18 years old nor, in the case of online purchases of spirits, less than 20 years of age.

Section 35 a

Delivery of alcoholic beverages

The delivery of alcoholic beverages under a delivery licence shall be permitted only if a fermented alcoholic beverage containing not more than 8.0 % by volume of ethyl alcohol and otherwise produced alcohol beverage containing not more than 5.5 % by volume ethyl alcohol has been purchased and recovered from domestic retail sales. The delivery of fermented alcoholic beverages containing more than 8.0 % by volume of ethyl alcohol and otherwise produced alcoholic beverages containing more than 5.5 % by volume of ethyl alcohol shall be permitted only if the alcoholic beverage has been purchased and recovered from Alko.

When alcoholic beverages are handed over, the age of the recipient of the document referred to in section 40(1) shall be verifiably checked if necessary. 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.

The alcoholic beverage shall not be delivered to a health institution, mother and child homes or shelters or substance rehabilitation units. In addition, alcoholic beverages shall not be delivered at the place where early childhood education and care is provided, pre-school or primary education is organized or the venue for activities related to the assembly of children and adolescents during their use by children and adolescents.

Private entities, foundations, sole proprietorships, religious communities and bodies governed by public law may prohibit the delivery of alcoholic beverages to the holding they manage or to which they control.

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 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 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 supervision

Compliance with the prohibitions and obligations laid down in sections 35 a, 37 and 38 shall be monitored by the holder of the licence for the delivery of alcoholic beverages and by his or her staff.

Section 40

Verification of age

A purchaser of alcoholic beverages and a person residing in licensed premises shall, on demand, prove his age to the staff supervising the retail sale and delivery of alcoholic beverages and to the official responsible for monitoring compliance with this Act by means of an identity 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 the document referred to in subsection 1, his age to the person delivering the alcoholic beverage.

Section 42 a

Delivery Term

In the case of the delivery of alcoholic beverages, the delivery of the alcoholic beverage to the recipient is allowed from 9 a.m. to 21 p.m.

By way of derogation from subsection 1, the delivery to the consignee of an alcoholic beverage acquired from Alko shall be effected in accordance with the provisions of section 42(2) on the retailing periods of Alko.

Delivery of the alcoholic beverage to the recipient before 9 a.m. or after 9 p.m. shall be prohibited. If the alcoholic beverage cannot be delivered during the period referred to in subsection 1, the alcoholic beverage shall be returned to the seller or delivered to the customer at a later date within the period referred to in paragraph 1, unless the non-supply is due to the reason referred to in section 37.

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

Staff skills

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, certifying knowledge of the Alcohol Act. (*alcohol passport*).

The holder of a license to deliver alcoholic beverages shall ensure that the deliverer of the alcoholic beverage belonging to his staff holds a certificate in accordance with the model

approved by the National Agency for the Authorisation and Control of the Alcohol Act on the supply and delivery instructions (*delivery passport*).

Section 58

Granting an Alcohol Act competence certificate

Proof of competence of the representative of the licence holder may be provided by means of a certificate of alcohol passport or by a certificate of examination containing information equivalent to that of the test for alcohol passport. The alcohol passport is issued by a food service training institution under the Government's licence or the Ministry of Education's authorisation. A certificate of the alcohol passport shall be issued to a person who has successfully passed the alcohol passport test.

Proof of competence of the deliverer of an alcoholic beverage may be provided by means of a certificate of delivery passport. The delivery passport is issued by an educational establishment holding a licence to organise examinations and training as referred to in the Act on Vocational Education and Training (531/2017) or by an establishment holding a licence as referred to in the Act on Higher Schools of Applied Sciences (932/2014). A certificate of delivery passport is issued to a person who has successfully passed the delivery passport test.

The educational institution has the right to charge a fee for this examination, which shall not exceed the actual cost of organising the examination. The alcohol passport may be combined with the hygiene passport referred to in Section 19 of the Food Act (297/2021).

Specific regulations regarding the content of the examination laid out in subsection 1 and 2, 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 subsection 1 and 2 are laid down 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 a trial purchase if this is necessary for the performance of the task of supervising the delivery of the alcoholic beverage. The competent authority shall be entitled to make use of adult volunteers for the purpose of making trial purchases where it has reasonable grounds to suspect that the operator or his staff who deliver alcoholic beverages are not complying with their legal obligations in relation to the delivery and handing over of alcoholic beverages. 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 to information

Supervisory authorities shall have the right to obtain, free of charge and without prejudice to confidentiality provisions, from the authority referred to in Section 4 of the Act on the Openness of Government Activities (621/1999) and from a public office, information which is necessary:

The supervisory authorities shall also have the right, free of charge and without prejudice to confidentiality provisions, to obtain from the register of fines referred to in Section 46 of the Enforcement of Fines Act (672/2002) the information necessary to determine the conditions of the authorisation referred to in Section 13 or 72(2), point 3, or the prohibition of double criminality laid down in Section 71(3).

Section 64

Provision of information

Subject to the provisions of this or other law, regional State Administrative Agencies may disclose information on the operators and activities of retail sale and serving of alcoholic beverages and the delivery of alcoholic beverages in their territory. Subject to the provisions of this or other law, The National Supervisory Authority for Social Affairs and Health may disclose all information in accordance with this Act.

Without prejudice to confidentiality provisions and other restrictions on access to information, supervisory authorities shall be entitled to disclose on their own initiative information obtained in the performance of their duties under this Act to the authority referred to in Section 4 of the Act on the Openness of Government Activities (621/1999) and to a public office.

By way of derogation from Section 16(3) of the Act on the Openness of Government Activities, the name, license, approval and notification number and the name and address of the establishment of the holder of the license, approval and notification number may be made public as such.

Section 65

Executive assistance

Supervisory authorities are entitled to obtain executive assistance from other authorities to supervise observance and implementation of this act and the provisions and regulations issued by virtue of it.

Section 66

Alcohol business register

The National Supervisory Authority for Social Affairs and Health shall maintain an alcohol business register for the processing, monitoring and statistics of the license, notification and approval cases referred to in this Act, as well as other statutory tasks of the authorities. The National Supervisory Authority for Social Affairs and Health is also responsible for the overall operation and availability of the register, the integrity, protection and storage of data and the maintenance and development of information systems related to the functioning of the register.

The National Supervisory Authority for Social Affairs and Health and the Regional State Administrative Agencies are joint controllers. The responsible controller is the National Supervisory Authority for Social Affairs and Health. The National Supervisory Authority for Social Affairs and Health and the Regional State Administrative Agencies are responsible for the records and related requests for the exercise of the data subject's rights.

Information on traders who have been granted a license or approval within the meaning of this Act, who have applied for such license or approval or have made a declaration under this Act shall be registered in the Alcoholic Business Register. The information to be entered into the register includes the following:

(1) name and business name and personal or corporate registration number or equivalent, address, telephone number and other address details;

(2) the information referred to in subsection 1 on the beneficial owners referred to in Chapter 1, Sections 5-7 of the Act on the Prevention of Money Laundering and Terrorist Financing of Businesses (444/2017);

(3) the information referred to in subsection 1 concerning the persons whose conditions have been clarified in accordance with section 13 of this Law;

(4) information on the activities referred to in this Act and on the violation of this Act and of the provisions and regulations adopted pursuant to it and the penalty for such infringement, as well as information on the checks carried out by the supervisory authorities and the results thereof;

(5) any other information necessary for the processing, monitoring and statistical purposes of authorisation, notification and approval.

The information relating to the trader shall be kept in the alcohol businesses register in such a way that it is deleted five years after the end of the activity under this Act or after the last entry of the trader's data. The data relating to the persons referred to in paragraphs 2 to 3 of subsection 3 shall be kept in the alcohol business register so that they are deleted five years after the person has ceased to be active.

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) 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.

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 collect the following annual fees to cover the costs incurred by supervising this act:

- (1) the supervision of the serving of alcohol by the holder of a licence to serve alcohol referred to in section 18 (control fee for serving alcohol);
 - (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:

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.

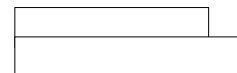
The control fee for the delivery of alcoholic beverages from each licence holder shall be EUR 100.

This Act shall enter into force on [day] [month] 20 .

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(3) of the Alcohol Act (1102/2017) will be *repealed*;

sections 2(1) and (2), 3(1)(11), (12), (14) to (16), 4(1), 5(1), 6(1)(1), 7, 8, 11 and 12, Chapter 5 title, sections 35, 37, 38, 40, 46(1), 51(1) and (2), 57(2), 58, 60(1)–(2) and (3)(5) of the Act, Articles 61(1), 62(4), 63(1), introductory sentence, 64–66, 71(1), introductory sentence, 71(7), 72, 75(2), 84 and 85(1), introductory sentence, of the Act *will be amended*, as set out in Section 12 of Act 605/2023 and Section 64 (in part) of Act 673/2018, and

to the Act *will be added* new paragraphs 17 to 18 to section 3(1), new sections 17 a, 35 a, 42 a, 72a and 72a, to section 39 a new subsection 3, to section 57 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 and to section 71 subsection 1 a new paragraph 8 and to the Annex a new point 6, 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* means the sale of alcoholic beverages to be consumed in places other than premises controlled by the seller or under the seller's supervision;

12) *serving of alcoholic beverages* means the sale of alcoholic beverages to be consumed on premises controlled by the seller or under the seller's supervision;

(11) *the retail sale of an alcoholic beverage means the receipt of a payment for the alcoholic beverage and the handing over of the alcoholic beverage at the retail outlet to the purchaser, the holder of the licence to supply the alcoholic beverage or his staff in such a way that the alcoholic beverage is consumed outside the premises controlled by the seller or under the supervision of the seller;*

(12) *serving of alcoholic beverages means receipt of a payment for the alcoholic beverage and the handing over of the alcoholic beverage for consumption in the premises controlled by the seller or under the supervision of the seller;*

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;

(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

(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 does not operate under licence, alcoholic beverages containing only 12 % fermented ethyl alcohol by volume, produced exclusively by yeast fermented cereal products,*

Existing Act

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.

(new)

(new)

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.

Proposal

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 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;

(17) *the delivery of alcoholic beverages* means the transport and handing over of alcoholic beverages sold domestically at retail sale for commercial purposes from the seller to the buyer or other consignee;

(18) *the deliverer of alcoholic beverages* means the holder of the licence for the delivery of the alcoholic beverage or his staff who delivers the drink ordered by transport from the domestic retail sale 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.*

Existing Act

Proposal

Activities subject to authorisation

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

Section 5

Activities subject to authorisation

Alcoholic beverages may not be manufactured *sold or delivered domestic retail sales* without authorisation.

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 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 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.

Other licences shall be granted after an application to the National Supervisory

Section 7

Licensing authorities

The retail licence and licence 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. *In the case of an application for a licence to serve alcoholic beverages without licensed premises, the authorisation shall be granted by the Regional State Administrative Agency of the applicant's place of business.* 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.
The licence for the delivery of alcoholic

Existing Act

Proposal

Authority for Welfare and Health.

beverages is issued on application by the Regional State Administrative Agency of the applicant's place of business or, if the applicant has no place of business or residence in Finland, by the Regional State Administrative Agency of Southern Finland.

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

Section 8

Application for a licence

Enclosed with the licence application shall be information on conditions for granting a licence referred to in §§ 13–20 about the applicant, operations, their impact and other significant facts not already available to the licensing authority.

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 subsection 1.

Section 8

Application for a licence

Further provisions and statements relevant to the consideration of the application shall be laid down by government decree.

The application for a licence shall be accompanied by the necessary evidence to assess the conditions for granting the licence referred to in sections 13 to 20 concerning the applicant, the activity, its effects and other relevant factors which are not already at the disposal of the authority dealing with the case. Where the applicant is a legal person, the application for authorisation shall be submitted electronically. The competent authority may, for specific reasons, accept the application for authorisation on paper.

The provisions of subsection 1 on the application for authorisation shall also apply to the notifications and applications for approval referred to in the Alcohol Act.

Further provisions and statements relevant to the consideration of the application shall be laid down by government decree.

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

Section 11

<i>Existing Act</i>	<i>Proposal</i>
until the licensing authority has approved the licence change.	<p data-bbox="954 454 1228 488"><i>Notification of changes</i></p> <p data-bbox="820 510 941 544">(repealed)</p>
<p data-bbox="459 920 585 954">Section 12</p> <p data-bbox="276 976 767 1010"><i>General conditions for granting a licence</i></p> <p data-bbox="242 1037 794 1276">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.</p>	<p data-bbox="820 689 1369 925">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.</p> <p data-bbox="820 925 1369 1037"><i>Within one month, the license holder shall inform the licensing authority if the activity is reduced or terminated on a non-temporary basis.</i></p> <p data-bbox="820 1037 1369 1160"><i>The provisions of subsections 1 and 2 on the application for licence shall also apply to the notifications and approvals referred to in this Act.</i></p> <p data-bbox="820 1160 1369 1249"><i>Further provisions on the content of an application for amendment of a licence shall be laid down by government decree.</i></p>
<p data-bbox="242 1563 322 1597">(new)</p>	<p data-bbox="1027 1391 1153 1424">Section 12</p> <p data-bbox="845 1447 1337 1480"><i>General conditions for granting a licence</i></p> <p data-bbox="820 1507 1369 1742">The licence to manufacture, import, use, wholesale, retail sale and <i>deliver</i> 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.</p>

Existing Act

Proposal

Section 17 a

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

The licence for the delivery of alcoholic beverages shall cover the transport of an alcoholic beverage sold from a domestic retail outlet or from 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 drawn up a declaration that the deliverers of alcoholic beverages belonging to the applicant's staff are in possession of the delivery passport referred to in section 57(3).

The licensing authority may lay down the conditions for a licence to deliver alcoholic beverages with regard to the means of transport used for transport, the circumstances of the delivery and the monitoring of age-limit controls and the state of intoxication, personnel, the quantity of alcoholic beverages to be delivered, self-monitoring, the information to be provided to the control authority or the content and procedures of the service, in so far as they are necessary to safeguard controls, prevent public order and noise nuisance, or to ensure public order and 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.

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.

Existing Act

Proposal

Chapter 5

Section 28

Retail sale and serving of alcoholic beverages

Other sales of alcoholic beverages

Section 35

Retail trade premises for 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)

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.

Chapter 5

Retail sale, *delivery* and serving of alcoholic beverages

Section 35

Retail trade premises for alcoholic beverages

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.

The retail sale of alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may only be carried out by handing them over to the customer or to the deliverer of the alcoholic beverage at an approved retail outlet. At the time of the handing over the alcoholic beverage for transport, the retail authorisation holder or his staff shall check the name and authorisation number of the holder of the licence to deliver the alcoholic beverage and inform the purchaser thereof.

Alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol shall not be consumed in the indoor or outdoor area

(new)

Existing Act

Proposal

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 retail authorisation holder and Alko shall ensure, by means of a strong electronic identification, that the buyer is neither less than 18 years old nor, in the case of online purchases of spirits, less than 20 years of age.

Section 35 a

Delivery of alcoholic beverages

The delivery of alcoholic beverages under a delivery licence shall be permitted only if a fermented alcoholic beverage containing not more than 8.0 % by volume of ethyl alcohol and otherwise produced alcohol beverage containing not more than 5.5 % by volume ethyl alcohol has been purchased and recovered from domestic retail sales. The delivery of fermented alcoholic beverages containing more than 8.0 % by volume of ethyl alcohol and otherwise produced alcoholic beverages containing more than 5.5 % by volume of ethyl alcohol shall be permitted only if the alcoholic beverage has been purchased and recovered from Alko.

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

When alcoholic beverages are handed over, the age of the recipient of the document referred to in section 40(1) shall be verifiably checked if necessary. 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

Existing Act

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.

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.

Proposal

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 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.

The alcoholic beverage shall not be delivered to a health institution, mother and child homes or shelters or substance rehabilitation units. In addition, alcoholic beverages shall not be delivered at the place where early childhood education and care is provided, pre-school or primary education is organized or the venue for activities related to the assembly of children and adolescents during their use by children and adolescents.

Private entities, foundations, sole

Existing Act

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 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)

Proposal

proprietorships, religious communities and bodies governed by public law may prohibit the delivery of alcoholic beverages to the holding they manage or to which they control.

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.

The retail and licensed premises must be present *a representative of the licence holder designated by the licence holder when alcoholic beverages containing more than 2.8 % by volume of ethyl alcohol may be sold or consumed at the site, and the site is open to clients.*

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

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 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

Existing Act

Proposal

influence of alcohol or other intoxicating agents.

Section 39

General supervision

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.*

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.

Compliance with the prohibitions and obligations laid down in sections 35 a, 37 and 38 shall be monitored by the holder of the licence for the delivery of alcoholic beverages and by his or her staff.

(new)

Section 40

Verification of age

A purchaser of alcoholic beverages and a person residing in licensed premises shall, on demand, prove his age to the staff supervising the retail sale and delivery of alcoholic beverages and to the official responsible for monitoring compliance with

Existing Act

Proposal

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.

—————

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

Staff skills

—————

A serving licence holder shall ensure that the responsible manager or other appointed

this Act by means of an identity 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 the document referred to in subsection 1, his age to the person delivering the alcoholic beverage.

Section 42 a

Delivery Term

In the case of the delivery of alcoholic beverages, the delivery of the alcoholic beverage to the recipient is allowed from 9 a.m. to 21 p.m.

By way of derogation from subsection 1, the delivery to the consignee of an alcoholic beverage acquired from Alko shall be effected in accordance with the provisions of section 42(2) on the retailing periods of Alko.

Delivery of the alcoholic beverage to the recipient before 9 a.m. or after 9 p.m. shall be prohibited. If the alcoholic beverage cannot be delivered during the period referred to in subsection 1, the alcoholic beverage shall be returned to the seller or delivered to the customer at a later date within the period referred to in paragraph 1, unless the non-supply is due to the reason referred to in section 37.

Section 46

Existing Act

person for the task specified in § 38 possesses a certificate indicating competence, approved by the National Supervisory Authority for Welfare and Health.
(new)

Proposal

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 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 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

Section 57

Staff skills

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

The holder of a licence for the delivery of alcoholic beverages shall ensure that the deliverer of alcoholic beverages belonging to his staff has a certificate (delivery passport) attesting to his knowledge of the provisions on delivery of the Alcohol Act and of the instructions for delivery in accordance with

Existing Act

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.

Section 60

Supervision and related guidance

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

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 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 National Supervisory Authority for Welfare and Health, together with the

Proposal

the model approved by the National Supervisory Authority for Welfare and Health.

Section 58

Granting an Alcohol Act competence certificate

Proof of competence of the representative of the licence holder may be provided by means of a certificate of alcohol passport or by a certificate of examination containing information equivalent to that of the test for alcohol passport. The alcohol passport is issued by a food service training institution under the Government's licence or the Ministry of Education's authorisation. A certificate of the alcohol passport shall be issued to a person who has successfully passed the alcohol passport test.

Proof of competence of the deliverer of an alcoholic beverage may be provided by means of a certificate of delivery passport. The delivery passport is issued by an educational establishment holding a licence to organise examinations and training as referred to in the Act on Vocational Education and Training (531/2017) or by an establishment holding a licence as referred to in the Act on Higher Schools of Applied Sciences (932/2014). A certificate of delivery passport is issued to a person who has successfully passed the delivery passport test.

The educational institution has the right to charge a fee for this examination, which shall not exceed the actual cost of organising the examination. *Alcohol passport* may be combined with the *hygiene passport* referred to in food Act (297/2021), section 19.

More detailed provisions shall be laid down by decree of the Ministry of Social Affairs and Health for the content and

Existing Act

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.

Section 62

Right of inspection and access to information

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.

(new)

Section 63

Proposal

assessment of the examination referred to in subsection 1 *and* 2 and for the corresponding trainings and qualifications and the approval of the certificate issued in the Province of Åland 1 as the certificate referred to in subsection 1 *and* 2.

Section 60

Supervision and related guidance

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.*

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 guides the serving, *retail sale and delivery* of

Existing Act

Proposal

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:

(new)

Section 64

Provision of information

Notwithstanding the obligation of professional secrecy laid down in the Act on the Openness of Government Activities (621/1999), supervisory authorities may communicate information obtained in the performance of the duties referred to in this Act to another supervisory authority on the financial and business secrets of a private operator or entity, if that information is necessary for the performance of the task assigned to that authority.

By way of derogation from section 16, subsection 3 of the Act on the Openness of Government Activities, the name of the licensee and the licence and notification number and the address and contact details intended for general use may be made public in the register *such that the data can only be searched as individual searches using the name of the licensee or the name of the notifier, the business ID or the licence or*

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.

Section 62

Right of inspection and access to information

The competent authority shall have the right to make a trial purchase if this is necessary for the performance of the task of supervising the delivery of the alcoholic beverage. The competent authority shall be entitled to make use of adult volunteers for the purpose of making trial purchases where it has reasonable grounds to suspect that the operator or his staff who deliver alcoholic beverages are not complying with their legal obligations in relation to the delivery and handing over of alcoholic beverages. 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 to information

Existing Act

Proposal

notification number or the name of the place of sale.

The supervisory authorities shall have the right to obtain, free of charge and without prejudice to confidentiality provisions, from the authority referred to in Section 4 of the Act on the Openness of Government Activities (621/1999) and the relevant public office information which is necessary:

Section 65

Executive assistance

Supervisory authorities are entitled to obtain executive assistance from other authorities to supervise observance and implementation of this act and the provisions and regulations issued by virtue of it.

—————
The supervisory authorities shall also have the right, free of charge and without prejudice to confidentiality provisions, to obtain from the register of fines referred to in Section 46 of the Enforcement of Fines Act (672/2002) the information necessary to determine the conditions of the authorisation referred to in Section 13 or 72(2), point 3, or the prohibition of double criminality laid down in Section 71(3).

Section 66

Alcohol trade register

The supervisory authorities keep an alcohol trade register for processing and supervision of licence issues referred to in this act and for compiling alcohol statistics of traders that have been granted a licence referred to in this act or that have applied for such licence. The responsible controller is the National Supervisory Authority for Social Affairs and Health.

Section 64

Provision of information

Depending on the provisions of this or other Act, the Regional State Administrative Agencies may disclose information on the operators and activities of the retail sale, serving and delivery of alcoholic beverages in their territory. Subject to the provisions of this Act or any other Act, the National Supervisory Authority for Social Affairs and Health may disclose all information pursuant to this Act.

Without prejudice to confidentiality provisions and other restrictions on access to information, supervisory authorities shall be entitled to disclose on their own initiative information obtained in the performance of their duties under this Act to the authority referred to in Section 4 of the Act on the Openness of Government Activities (621/1999) and to a public office.

By way of derogation from Section 16(3) of the Act on the Openness of Government Activities, the name, licence, approval and notification number of the holder of the licence and of the approval and of the notifier

Existing Act

The information to be entered into the register includes the following:

1) name and business name, personal identification code or trade registration code, address, telephone number and other contact information;

2) the information specified in (1) about the members of the corporation's board of directors, managing director and major shareholders, responsible and silent partners, and the shares invested by them;

3) information on operators and persons mentioned in (2) that concerns police investigations, pre-trial investigations, consideration of charges and bringing charges, and sentences and consideration of criminal cases in courts;

(4) information on the registration for VAT purposes, in the prepayment register and other registers of the tax administration, as well as information on tax debts due;

(5) information on the obligations subject to enforcement;

6) information about reorganisation of enterprises, bankruptcies and other court decisions regarding outstanding debts;

(7) information on debt settlements of the supervised individual;

8) information about activities based on the licence granted under this act and about violation of provisions and regulations issued in this act or by virtue of it and sanctions for such violation, and information about inspections made by supervisory authorities and results thereof;

(9) other information necessary for the processing, monitoring and statistics of authorisation cases, which does not contain sensitive data within the meaning of Section 11 of the Personal Data Act (523/1999).

Information concerning an operator or persons specified in subsection 2(2) shall be kept in the alcohol business register and be removed five years from the last entry.

Proposal

and the name and address of the establishment may be made *public as such*.

Section 65

Executive assistance

Supervisory authorities are entitled to obtain executive assistance from other authorities *free of charge* to supervise observance and implementation of this act and the provisions and regulations issued by virtue of it.

Section 66

Alcohol business register

The National Supervisory Authority for Social Affairs and Health shall maintain an alcohol business register for the processing, monitoring and statistics of the license, notification and approval cases referred to in this Act, as well as other statutory tasks of the authorities. The National Supervisory Authority for Social Affairs and Health is also responsible for the overall operation and availability of the register, the integrity, protection and storage of data and the maintenance and development of information systems related to the functioning of the register.

The National Supervisory Authority for Social Affairs and Health and the Regional State Administrative Agencies are joint controllers. The responsible controller is the National Supervisory Authority for Social Affairs and Health. The National Supervisory Authority for Social Affairs and Health and the Regional State Administrative Agencies are responsible for the records and related requests for the exercise of the data subject's rights.

Information on traders who have been

Existing Act

Proposal

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)
—————

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

granted a license or approval within the meaning of this Act, who have applied for such license or approval or have made a declaration under this Act shall be registered in the Alcoholic Business Register. The information to be entered into the register includes the following:

(1) name and business name and personal or corporate registration number or equivalent, address, telephone number and other address details;

(2) the information referred to in subsection 1 on the beneficial owners referred to in Chapter 1, Sections 5-7 of the Act on the Prevention of Money Laundering and Terrorist Financing of Businesses (444/2017);

(3) the information referred to in subsection 1 concerning the persons whose conditions have been clarified in accordance with section 13 of this Law;

(4) information on the activities referred to in this Act and on the violation of this Act and of the provisions and regulations adopted pursuant to it and the penalty for such infringement, as well as information on the checks carried out by the supervisory authorities and the results thereof;

(5) any other information necessary for the processing, monitoring and statistical purposes of authorisation, notification and approval.

The information relating to the trader shall be kept in the alcohol businesses register in such a way that it is deleted five years after the end of the activity under this Act or after the last entry of the trader's data. The data relating to the persons referred to in paragraphs 2 to 3 of subsection 3 shall be kept in the alcohol business register so that they are deleted five years after the person has ceased to be in the position.

Existing Act

Proposal

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.

(new)

Section 71

Penalty

The licensing authority may impose on the licensee a penalty of between EUR 300 and 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.*
—————

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:

Section 75

*Fees charged by the Regional State
Administrative Agency*

Existing Act

Proposal

The Regional State Administrative Agency shall collect the following annual fees to cover the costs incurred by supervising this act:

(1) the supervision of the serving of alcohol by the holder of a licence to serve alcohol referred to in section 18 (control fee for serving alcohol);

(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)

(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 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 85

Prohibition on consuming alcoholic beverages

Unless otherwise provided elsewhere in

Existing Act

this act, it is prohibited to consume alcoholic beverages:

Annex

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

(new)

Proposal

Section 75

Fees charged by the Regional State Administrative Agency

The Regional State Administrative Agency shall collect the following annual fees to cover the costs incurred by supervising this act for:

(1) the supervision of the serving of alcohol by the holder of a licence to serve alcohol referred to in section 18 (control fee for serving alcohol);

(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 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

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

Existing Act

Proposal

*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:*

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 for the delivery of alcoholic
beverages from each licence holder shall be
EUR 100.*

*This Act shall enter into force on [day]
[month] 20 .*