

No. 1143/1994
THE ALCOHOL ACT

Issued in Helsinki on 8 December 1994

Chapter 1
General provisions

Section 1
Purpose of the Act

The purpose of this Act is to prevent detrimental societal, social and health effects caused by alcoholic substances by controlling the consumption of alcohol.

Section 2
Application of the Act

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

In regard to alcoholic substances which are medicines or pharmaceutical preparations specific provisions are laid down.

Section 3 (4.1.2001/1)
Definitions

For the purposes of this Act

- 1) *alcoholic substance* means a substance or product which contains more than 2.8 percentage by volume ethyl alcohol;
- 2) *denaturation* means treatment of an alcoholic substance by adding to it other substances in order to make the substance unfit to be drunk;
- 3) *non-alcoholic beverage* means a beverage which contains a maximum of 2.8 percentage by volume ethyl alcohol; and
- 4) *State Alcohol Monopoly* means a limited company (Alko Ltd.) wholly owned by the State whose task is to carry on the retail trade stipulated in this Act to be its sole right.

Alcoholic substances referred to in paragraph 1(1), include alcoholic beverages, alcoholic preparations and spirits. For the purposes of this Act

- 1) *alcoholic beverage* means a beverage which contains a maximum of 80 percentage by volume ethyl alcohol;
- 2) *mild alcoholic beverage* means an alcoholic beverage which contains a maximum of 22 percentage by volume ethyl alcohol;
- 3) *strong alcoholic beverage* means an alcoholic beverage which contains more than 22 percentage by volume ethyl alcohol;

4) *spirits* means ethyl alcohol or an aqueous solution of ethyl alcohol where the proportion of ethyl alcohol exceeds 80 percentage by volume and which is not denatured; and

5) *alcoholic preparation* means an alcoholic substance which is not an alcoholic beverage or spirit and which can be denatured.

Concerning definitions of alcoholic beverages laid down in paragraph 2, as well as other definitions, description and presentation of alcoholic beverages, raw material and additives, and maximum contents of contaminants harmful to health, provisions are laid down by Government Decree.

Concerning alcoholic preparations, their production, importation, exportation, sale and control and concerning denaturation more detailed provisions are laid down by Government Decree.

Chapter 2

Production of alcoholic beverages and spirits

Section 4

Making alcoholic beverages at home

It is allowable, according to what is provided by Decree, to prepare in the household for private use mild alcoholic beverages exclusively through fermentation for purposes other than sale.

Section 5

Licence to produce alcoholic beverages and spirits

Alcoholic beverages and spirits may be produced for business activity or, in the manner as will be prescribed in greater detail by the Ministry of Social Affairs and Health, for instruction or research by whoever the National Product Control Agency for Welfare and Health, hereinafter referred to as the Product Control Agency, has granted a production licence.

The production licence for alcoholic beverages or spirits may be granted by the Product Control Agency to a person who is considered to have the qualifications and the reliability required for the activity. The Product Control Agency may append to the production licence restrictions which concern the volume of the production or the alcoholic beverages to be produced as well as lay down such conditions for the production and the storage or transport of the alcoholic beverages produced as are necessary for the supervision.

Alcoholic beverages and spirits may be produced only on premises approved of by the Product Control Agency where the production and storage has been arranged so as to facilitate efficient supervision.

Section 6

Sanctions for offences

The Product Control Agency may withdraw the production licence without compensation either for a certain period or permanently or prohibit production in a production place, unless the prescribed provisions, regulations, restrictions or conditions

are observed, or if the licence-holder is considered to no more fulfil the conditions for granting the licence or to have lost his/her reliability.

Section 7

Further treatment and putting in containers

The provisions of sections 5 and 6 shall also apply to an activity the purpose of which is to further treat spirits or untaxed alcoholic beverages prepared elsewhere or to bottle them or put them in other containers.

Chapter 3

Importation and exportation of alcoholic beverages and spirits

Section 8

Commercial importation of alcoholic beverages and spirits and licence to import spirits

Alcoholic beverages may be imported without a separate import licence for one's own use and for commercial or other business purposes. Further provisions on the importation for own consumption are laid down in virtue of section 10. Anyone who uses alcoholic beverages for commercial or other business purposes needs a special licence in accordance with this Act for their operations in respect of alcoholic beverages.

(8.1.1999/1)

Spirits may be imported:

- 1) by a trader whom the Product Control Agency has granted an import licence; and
- 2) for one's own use by the person whom the Product Control Agency has granted the licence referred to in section 17, after having notified the Product Control Agency of his/his activity as importer.

The import licence referred to in paragraph 2(1), may be granted by the Product Control Agency to a person who is considered to have the qualifications and the reliability necessary for the activity. The Product Control Agency may lay down such conditions for the imports as are necessary for the supervision.

When bringing spirits to the Finnish Customs area the provisions of paragraph 2 do not apply if the Customs have been notified of their transportation through the Finnish Customs area to another country (4.1.2001/1)

Section 9

Sanctions for offences

The Product Control Agency may withdraw the import licence without compensation either for a certain period or permanently, unless the prescribed provisions, regulations, restrictions or conditions are observed, or if the licence-holder is considered to no more fulfil the conditions for granting the licence or to have lost his/her reliability.

Section 10 (26.4.1996/287)

Restriction on importation of alcoholic beverages

For the purpose of safeguarding public order and human health the right of persons from countries outside the European Economic Area to import alcoholic beverages for their own use may be restricted by Decree in regard to trips of short duration.

Section 11 (8.1.1999/1)
Import and export notification

Anyone who imports or exports alcoholic beverages or spirits for commercial or other business purposes shall prior to commencing the activity submit to the Product Control Agency a notification of his/her activity as importer or exporter.

Chapter 4
**Sale and other delivery of alcoholic beverages and spirits
and procurement of them for others**

Retail trade

Section 12
Consent by the municipality

Retail trade of alcoholic beverages may be carried on only in a municipality where the municipal council has given its consent to it.

If the municipal council has decided to withdraw its consent referred to in paragraph 1, retail trade shall be finished in the municipality in two years after the said decision has gained legal force.

Section 13
Retail trade by the State Alcohol Monopoly

The State Alcohol Monopoly has, except for the trade referred to in section 14, the sole right to carry on retail trade of alcoholic beverages.

The State Alcohol Monopoly may carry on retail trade of alcoholic beverages referred to in paragraph 1 only in specific retail shops for alcoholic beverages approved by the licensing authority, which are adequately situated and where the control can be arranged efficiently. (30.8.2002/764)

Without prejudice to the provisions of paragraph 2, the State Alcohol Monopoly may retail alcoholic beverages by dispatching them to orderers or buyers as provided by Decree.

Section 14 (30.8.2002/764)
Retail trade licence

Retail trade of alcoholic beverages containing a maximum of 4.7 percentage by volume ethyl alcohol, which are prepared through fermentation, may be carried on, besides by the State Alcohol Monopoly, by whoever the licensing authority has granted a retail licence.

Retail trade of alcoholic beverages containing a maximum of 13 percentage by volume ethyl alcohol, which are prepared through fermentation, may be carried on, besides by the State Alcohol Monopoly, on conditions determined by the Ministry of Social Affairs and Health and with the permission of the licensing authority, by the person who has been licensed to produce the said product.

Retail licence for alcoholic beverages may be granted to a person who is considered to have the qualifications and the reliability necessary for the activity.

Retail trade referred to in paragraphs 1 and 2 may be carried on only on sales premises approved by the licensing authority, which are adequate in regard to the location, the sales facilities and operations and where the sale is arranged so as to facilitate efficient control.

Section 15 (30.8.2002/764)
Sanctions for offences

The licensing authority may issue the holder of the retail licence referred to in section 14, paragraphs 1 and 2, an admonition or a written warning, limit the business hours or without compensation withdraw the sales licence either for a certain period or permanently, if:

- 1) this Act or the provisions or regulations issued in virtue of it have been violated in the business;
- 2) the licence-holder is considered to no more have the qualifications for having the licence or to have lost his/her reliability; or
- 3) there has occurred disturbance or other malpractice on the sales premises.

The licensing authority may issue the State Alcohol Monopoly an admonition, a written warning or without compensation prohibit sale in a retail shop for alcoholic beverages either for a certain period or permanently, if:

- 1) this Act or the provisions issued in virtue of it have been violated in the shop; or
- 2) there has occurred disturbance or other malpractice in the shop.

The police may, where maintaining of order in the retail shop or on the sales premises referred to in section 14, paragraph 4, so requires, suspend the sales there temporarily for a maximum of 24 hours. The licensing authority shall be immediately notified of the suspension.

If the prohibition laid down in section 16, paragraph 2, is contravened the relevant Regional State Administrative Agency may issue an admonition or written warning to the trader or corporation concerned or prohibit the sale of the beverages referred to in the said provision for a fixed period, not exceeding six months. (1552/2009)

Section 16
Bans on retail trade

Alcoholic beverages shall not be sold in a retail shop or sales premises for alcoholic beverages referred to in section 14, paragraph 4:

- 1) to persons who are under twenty years of age, however so that mild alcoholic beverages may be sold to those aged eighteen and over;
- 2) to persons who behave disturbingly or are clearly intoxicated, or
- 3) if there is reason to suspect illegal use of alcoholic beverages or their illegal delivery or procurement for other persons.

Beverages containing at least 1.2 and at the most 2.8 percentage by volume ethyl alcohol shall not be sold to persons younger than eighteen years of age. (30.5.1997/486)

Section 17 (29.12.1994/1477)
Special sale and licence to use alcoholic beverages

Anyone who carries on wholesale trade of spirits and alcoholic beverages may sell spirits or alcoholic beverages as special sale for:

- 1) producing vinegar;
- 2) producing medicines referred to in the Medicines Act (395/1987) and for manufacturing devices and material referred to in the Medical Devices Act (1505/1994) ;
- 3) producing foodstuffs or aromatic substances used in producing beverages containing a maximum of 1.2 percentage by volume ethyl alcohol;
- 4) producing alcoholic beverages referred to in the Act on Excise Duty on Alcohol and Alcoholic Beverages (1471/1994);
- 5) producing special products referred to in the Decree on Special Products (349/1989);
- 6) producing foodstuffs or products used in producing foodstuffs, if the foodstuff concerned contains as filling or otherwise a maximum of 5 litres ethyl alcohol in 100 kilograms of the foodstuff or, if the foodstuff to be produced is chocolate, a maximum of 8.5 litres ethyl alcohol in 100 kilograms of the foodstuff;
- 7) producing other products, if the final product does not contain alcohol that can be drunk;
- 8) scientific purposes and teaching, as well as for tests and analyses that are necessary in laboratory activities;
- 9) medical purposes to pharmacies referred to in the Medicines Act, hospitals referred to in the Specialized Medical Care Act (1062/1989) and health care centres referred to in the Primary Health Care Act (66/1972); and
- 10) medical purposes to private health care providers referred to in the Act on Private Health Care (152/1990). (5.3.1999/226)

Comparable to the production referred to in paragraph 1 above is considered quality control and other use necessary in production activity, product development, and in cleaning operation that is necessary for the functioning of machines and devices. Special sale for the purposes referred to in paragraph 1 (1) (8) and (10), is allowed if the Product Control Agency has granted the buyer a licence to use alcoholic beverages or spirits. (5.3.1999/226)

The Product Control Agency may grant the licence meant in paragraph 2 to a person who is considered to have a grounded need to use alcoholic beverages or spirits as well as the qualifications and reliability necessary for the activity. The Product Control Agency may append to the licence restrictions concerning the purchase right, as well as lay down such conditions for the use and storage of spirits and alcoholic beverages as are necessary for the supervision.

Section 18

Sanctions for offences

The Product Control Agency may withdraw the licence without compensation either for a certain period or permanently, unless the prescribed provisions, regulations, restrictions or conditions are observed, or if the licence-holder is considered to no more fulfil the conditions for granting the licence or to have lost his/her reliability.

Section 19 (30.8.2002/764)

Further provisions on retail trade

Concerning the licensing authorities for alcoholic beverages, business hours for retail trade of alcoholic beverages, manners of payment to be accepted in retail trade and the age limits for the retail sale personnel, specific provisions are laid down by Government decree.

Serving of alcoholic beverages on the premises

Section 20

Consent by the municipality

Serving of alcoholic beverages on the premises may be carried on only in a municipality where the municipal council has given its consent to it.

The municipality's consent is not needed for serving alcoholic beverages in a means of transport when it passes through the areas of several municipalities.

If the municipal council has decided to withdraw its consent referred to in paragraph 1, serving of alcoholic beverages on the premises in the municipality shall cease at the latest in two years after the said decision gained legal force.

Section 21 (30.8.2002/764)

Licence to serve alcoholic beverages on the premises

Serving alcohol beverages on the premises may only be carried on by the person whom the licensing authority has granted a serving licence. The licence is granted until further notice, for a fixed time or on a temporary basis. The serving license only applies to the premises for which it has been granted.

The serving licence may be granted for a fixed time when the operation of the licensed premises is meant to go on for a fixed period of time or there is special cause to monitor if the applicant fulfils the conditions for being granted licence or for serving of alcoholic beverages on the premises. A fixed-term licence may be granted for one year at the most.

A temporary serving licence is granted for events or occasions for one month at the most.

Section 21 a (30.8.2002/764)

Requirements for the holder of a serving licence

A serving licence is granted to an adult applicant who is not subject to bankruptcy proceedings and whose competence to run a business has not been restricted and who has the reliability necessary for serving alcoholic beverages on the premises as well as the necessary economic and professional qualifications.

The required reliability and economic qualifications are lacking, if

- 1) the applicant abuses intoxicating substances;
- 2) the applicant is according to levy of execution or some other specification incapable of paying his/her debts;
- 3) the applicant has in the preceding five years, when carrying on his/her profession or otherwise, committed an offence for which one can be sentenced to prison;
- 4) the licence to serve alcoholic beverages on the premises of the applicant or of the corporation in which the applicant has exercised authority has been permanently cancelled in the preceding five years;

5) the applicant has repeatedly or to a considerably extent neglected payment of taxes or other public charges; or

6) the applicant has exercised authority in a corporation that has been in the preceding last five years declared bankrupt or whose bankruptcy has during that time expired due to lack of funds;

and the applicant's above-mentioned or previous operation directly comparable to it shows that the applicant is obviously unsuitable to carry out serving of alcoholic beverages on the premises.

An applicant lacks the professional qualifications if he/she has not appointed the responsible manager or substitutes for the manager fulfilling the criteria laid down in section 21 b.

The above provisions concerning applicants also apply to the person who on the basis of ownership, an agreement or some other arrangement exercises authority on behalf of the applicant.

Section 21 b (30.8.2002/764)

Requirements for responsible managers and their substitutes

Licensed premises shall have a responsible manager and a necessary number of substitutes as determined by the holder of the license to serve alcoholic beverages. The responsible manager and his/her substitutes must be suitable for the task and they must have the adequate professional qualifications acquired through education or experience. The responsible manager and his/her substitutes are, besides the holder of the licence to serve alcoholic beverages, responsible for seeing to it that the licensed premises observe the provisions of this Act.

A person is unsuitable for the post of responsible manager or his/her substitute if the person, due to abuse of intoxicating substances or previous offences or defaults, obviously is not capable of managing his/her duties.

In case adequate professional skills are acquired through education, at least one year's fulltime education in the restaurant and catering industry is presupposed in addition, provided that the curriculum includes teaching and practical training in serving of alcoholic beverages. In case adequate professional skills are acquired through experience it is presupposed in addition that the person is engaged on a fulltime basis in serving alcoholic beverages and has got a certificate issued by an educational institution for the restaurant and catering industry that he/she masters the provisions concerning serving of alcoholic beverages.

On licensed premises where only alcoholic beverages containing a maximum of 4.7 percentage by volume ethyl alcohol prepared through fermentation are served, the adequate professional skills can be established by a certificate issued by an educational institution for the restaurant and catering industry that the person masters the provisions on serving of alcoholic beverages.

Further provisions on the curriculum in education for the restaurant and catering industry referred to in paragraphs 3 and 4 are laid down by decree of the Ministry of Social Affairs and Health.

Section 21 c (30.8.2002/764)

Requirements for the licensed premises and serving areas

The licensed premises must be suitable for use as a restaurant. The licensed premises with facilities must meet the requirements laid down in the legislation for their

use as a restaurant. The premises shall be in the sole possession of the applicant and such that they can be supervised by the competent authorities.

The licensed premises must have, in view of the extent and quality of the activity, an adequate number of staff in order to ensure efficient supervision and maintenance of order. A plan regarding the number and duties of the staff must be presented to the licensing authority.

On the licensed premises alcoholic beverages may only be served within the serving area approved by the licensing authority on which an efficient supervision can be arranged. As a serving area may not be approved general facilities for the audience or spectators of sports, music or comparable events. The serving area must be marked off or marked so that its boundaries are clearly discernible to the customers, unless the serving area cannot be perceived clearly otherwise. It must be possible to supervise efficiently the movement of people to and from the serving area. A plan regarding the marking of the serving area shall be presented to the licensing authority.

The serving area can be changed on the basis of the licence holder's notification. If the change is significant from the point of view of the supervision of serving it however presupposes permission from the licensing authority. Further provisions on changing a serving area are laid down by Government decree.

Section 21 d (30.8.2002/764)

Limitation of or refusal to grant a serving license in certain cases

The licensing authority may limit the serving hours, the serving area, the kinds of alcoholic beverages that may be served or the number of places for customers, or set conditions necessary for the supervision of serving of alcoholic beverages and maintenance of order on the premises, if the conditions for granting licence would otherwise be met but it is obvious on the basis of the location of or other circumstances related to the premises and the plans presented by the licence holder under section 21 c that the serving of alcoholic beverages on the premises cannot be reasonably supervised.

Licence to serve alcoholic beverages on the premises may be refused or the licensing authority may limit the serving hours, the serving area, the kinds of alcoholic beverages that may be served or the number of places for customers or set conditions necessary for the supervision of serving of alcoholic beverages or the maintenance of order on the premises, if

1) serving licence is applied for premises in connection with premises mainly meant for or used by children or young people or in their immediate vicinity or for a place where carrying on of business has to be considered to be mainly aimed at children and young people;

2) serving licence is applied for a sports event or an occasion that is a family occasion by nature or in which otherwise a great number of children and young people participate;

3) serving licence is applied for lunch catering arranged by an employer for staff; or

4) the location of the licensed premises is such that the licensing authority has reasonable cause to suspect, based on the reports and opinions obtained, that the serving activity would cause disturbance or other unfavourable consequences for the housing environment, public order and security or community services and activities.

Section 22 (30.8.2002/764)

Sanctions for offences

The licensing authority may issue the licence holder an admonition or a written warning, set conditions necessary for the supervision of serving of alcoholic beverages or without compensation restrict the licence which it has granted by limiting the serving hours, the serving area, the kinds of alcoholic beverages to be served, or without compensation withdraw the licence it has granted either for a certain period or permanently, if:

- 1) this Act or the provisions or regulations issued in virtue of it have been violated in the business;
- 2) the licence holder is considered to no more fulfil the conditions for having the licence or to have lost his/her reliability; or
- 3) there has occurred disturbance or other malpractice on the licensed premises.

The police may, where maintaining of order on the licensed premises so requires, sustain the serving of alcoholic beverages there temporarily, for a maximum of 24 hours. The licensing authority shall immediately be notified of the suspension.

If the prohibition laid down in section 24, paragraph 2, is contravened the relevant Regional State Administrative Agency may issue an admonition or written warning to the trader or corporation concerned or prohibit the serving of the beverages referred to in the said provision for a fixed period, not exceeding six months. (1552/2009)

Section 23 (30.8.2002/764)

Public order on the licensed premises

An intoxicated person shall not be permitted access to the licensed premises. A customer who behaves disturbingly or whose intoxication can be clearly perceived shall be removed from the premises.

The alcoholic beverages which have been served shall be drunk on the premises. Retail sale or other taking of alcoholic beverages which have been served or delivered to the restaurant in order to be served there off the premises is prohibited.

Section 24

Bans on serving alcoholic beverages on the premises

Alcoholic beverages shall not be served on the premises to:

- 1) persons younger than eighteen;
- 2) persons who are behaving disturbingly or are clearly intoxicated; or
- 3) if there is reason to suspect abuse of alcoholic beverages.

Section 25

Minimum assortment of beverages

Licensed premises shall have a sufficient assortment of mild alcoholic beverages and moderate-price non-alcoholic beverages.

Section 26 (30.8.2002/764)

Further provisions on serving alcoholic beverages on the premises

Concerning the licensing authorities, serving hours, amounts served, manners of payment and obligation to give a bill, the age limits for the serving personnel and surrender of the store of alcoholic beverages in case the business is closed down or transferred to another owner, provisions are issued by Government decree.

Wholesale trade

Section 27

Wholesale licence for alcoholic beverages and spirits

Wholesale trade of alcoholic beverages may be carried on by whomever the Product Control Agency has licensed to produce or wholesale the alcoholic beverages concerned.

Wholesale trade of spirits may be carried on by a person whom the Product Control Agency has licensed to produce, import or wholesale spirits.

The wholesale licence for alcoholic beverages or spirits may be granted by the Product Control Agency to a person who is considered to have the qualifications and the reliability necessary for the activity. The Product Control Agency may lay down such conditions as are necessary for the supervision of wholesale trade.

Section 28

Sanctions for offences

The Product Control Agency may withdraw the wholesale licence without compensation either for a certain period or permanently, unless the prescribed provisions, regulations, restrictions or conditions are observed, or if the licence holder is considered to no more fulfil the conditions for having the licence or to have lost his/her reliability.

Delivery, procurement for others and own use

Section 29 (29.12.1994/1477)

Delivery, procurement for others and own use of spirits

Any person who may carry on wholesale trade of spirits may sell or otherwise deliver to the market or procure for other persons spirits:

- 1) for the special sale referred to in section 17;
- 2) on the conditions prescribed by the Product Control Agency to any person who has a grounded need to use spirits in his/her work or for manufacturing products;
- 3) to be transferred to the tax-free store referred to in the Excise Duty Act (1496/1994); and
- 4) for exportation outside the European Community or to be transferred to another Member State of the Community or to the free zone or bonded warehouse meant in the customs legislation.

Without prejudice to the provisions of paragraph 1, the one who may carry on wholesale trade of spirits may use these spirits on the conditions laid down by the Product Control Agency in his/her own work or for manufacturing products, as well as submit them, on the conditions laid down by the Product Control Agency, to quality control.

The own use referred to in paragraph 2 is special sale if the Product Control Agency has granted the licence to use alcoholic beverages referred to in section 17 for that.

Section 30 (29.12.1994/1477)

Delivery and own use of untaxed alcoholic beverages

The one who may carry on wholesale trade of alcoholic beverages may sell or otherwise deliver to the market alcoholic beverages on which no excise duty has been paid:

- 1) for the special sale referred to in section 17;
- 2) to be transferred to a tax-free store or shop for tax-free articles meant in the Excise Duty Act (1496/1994); and
- 3) for exportation outside the European Community or to be transferred to another Member State of the Community or to the free zone or bonded warehouse meant in the customs legislation;
- 4) for catering in a means of transport in international traffic according to what is particularly provided concerning exemption of such catering from tax; and
- 5) on the basis of diplomatic or consular relations or to international organizations according to what is particularly provided concerning exemption of such delivery from tax.

Without prejudice to the provisions of paragraph 1, the person who may carry on wholesale trade of alcoholic beverages may use alcoholic beverages as special sale in his/her own work or for manufacturing products and submit them, on the conditions laid down by the Product Control Agency, to quality control, provided that the Product Control Agency has granted the person the licence to use alcoholic beverages referred to in section 17.

Section 31

Procurement of alcoholic beverages for others

It is prohibited to procure alcoholic beverages against payment for other persons, unless otherwise provided by this Act or provisions issued in virtue of it. It is prohibited to procure alcoholic beverages also without any payment to persons to whom it is, according to section 16, prohibited to sell alcoholic beverages.

Sale of alcoholic beverages in foreign traffic

Section 32

Means of transport and tax-free shops

Concerning sale of alcoholic beverages and control of that sale in means of transport in traffic between Finland and foreign countries, provisions are laid down by Decree.

Concerning sale of alcoholic beverages in shops for tax-free articles, specific provisions are laid down.

Chapter 5

Advertising and pricing (30.5.2008/372)

Advertising

Section 33

Regulation of advertising (28.2.2014/152)

It is prohibited to advertise, indirectly advertise or otherwise promote the sales of strong alcoholic beverages.

Advertising, indirect advertising and other sales promotion of mild alcoholic beverages and beverages containing at least 1.2 percentage by volume of ethyl alcohol, other sales promotion of such alcoholic beverages aimed at consumers and linking it to advertising or sales promotion of another product or service is prohibited if:

- 1) it is aimed at minors or other persons to whom according to section 16 no alcoholic beverages may be sold, or if such persons are depicted in it;
- 2) consumption of alcohol is there linked to driving a vehicle;
- 3) the alcohol content of an alcoholic beverage is there emphasized as a positive quality;
- 4) an abundant consumption of alcohol is described there in positive terms, or temperance or moderate consumption of alcohol in negative terms;
- 5) it gives an idea that alcohol increases the functional capacity or makes one socially or sexually more successful;
- 6) it gives an idea that alcohol has medical or therapeutic properties or that it refreshes, calms or is a means to settle conflicts;
- 7) it is contrary to good manners, it uses methods that are inappropriate from the viewpoint of the consumer or otherwise gives untruthful or misleading information about alcohol, its use, effects or other properties;
- 8) it is carried out in television and radio operations in accordance with the Act on Radio and Television Operations (744/1998) between 7 and 21 o'clock, or in accordance with the Act on Audiovisual Programmes (710/2011) in connection with public presentation of an audiovisual programme allowed to persons under 18 years of age in a cinema;
- 9) it is carried out or aimed at the general public in public places referred to in the Public Order Act (612/2003);
- 10) participation by consumers in a game, lottery or competition is used there; and
- 11) the commercial operator carrying it out uses in the information network service administered by the operator verbal or audiovisual content produced by consumers or delivers verbal or audiovisual content produced by the operator or consumers through the service for distribution by consumers.

As indirect advertising shall be considered in particular promotion of the sales of beverages and alcoholic beverages referred to in paragraphs 1 and 2 in connection with that of another commodity so that as the distinctive mark of the other product is used, as such or modified so that it can be identified, such a distinctive mark that has been established for the beverage or alcoholic beverage referred to in paragraph 1 or 2, or so that it otherwise conveys the image of a certain beverage or alcoholic beverage referred to in paragraph 1 or 2.

Without prejudice to the provisions of paragraph 1, it is allowed to advertise, indirectly advertise or promote the sales of strong alcoholic beverages following the restrictions laid down in paragraph 2:

- 1) on premises where alcoholic beverages are produced or retailed and on licensed premises;
- 2) in a printed retail price list or a retail price list presented in an information network so that all beverages available to consumers are presented in a uniform manner; and
- 3) to those involved in the sales of alcoholic beverages, but not in an information network open to consumers.

Paragraph 4 entered into force on 1 April 2014.

Without prejudice to what is laid down in paragraph 2 (9) it is allowed to advertise, indirectly advertise or otherwise promote the sales of mild alcoholic beverages and beverages containing at least 1.2 percentage by volume ethyl alcohol following the restrictions laid down in paragraph 2:

- 1) at public events referred to in the Assembly Act (530/1999) and in places used for that purpose on a permanent basis;
- 2) on board vessels used for international traffic;
- 3) on retail sale premises and licensed premises; and
- 4) outside of retail sale premises and licensed premises in respect of information on the availability and prices of beverages.

The provisions of paragraphs 1–3 shall not apply to the publication and programme operations referred to in the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) that an operator that is not established in Finland carries out abroad and that is intended to be available only elsewhere than Finland or have the same content irrespective of the country of the recipient. The provisions are however applied to such advertising of alcoholic beverages placed on the market in Finland that is carried out from abroad and that is intended to be made available in particular in Finland.

Section 33 amended by Act No. 152/2014 enters into force on 1 January 2015.

Previous wording:

Section 33 *Regulation of advertising (11.5.2007/588)*

It is prohibited to advertise, indirectly advertise or otherwise promote the sales of strong alcoholic beverages. Advertising, indirect advertising and other sales promotion of mild alcoholic beverages and beverages containing at least 1.2 percentage by volume of ethyl alcohol, other sales promotion of such alcoholic beverages aimed at consumers and linking it to advertising or sales promotion of another product or service is prohibited if:

- 1) it is aimed at minors or other persons to whom according to section 16 no alcoholic beverages may be sold, or if such persons are depicted in it;
 - 1 a) it is carried out in television operations referred to in the Act on Radio and Television Operations (744/1998) between 7 and 21 o'clock or in accordance with the Act on the Classification of Audiovisual Programmes (775/2000) in connection with public presentation of an audiovisual programme allowed to persons under 18 years of age in a cinema; (11.5.2007/588)
 - 2) consumption of alcohol is there linked to driving a vehicle;
 - 3) the alcohol content of an alcoholic beverage is there emphasized as a positive quality;
 - 4) an abundant consumption of alcohol is described there in positive terms, or temperance or moderate consumption of alcohol in negative terms;
 - 5) it gives an idea that alcohol increases the functional capacity or makes one socially or sexually more successful;
 - 6) it gives an idea that alcohol has medical or therapeutic properties or that is refreshes, calms or is a means to settle conflicts; and if
 - 7) it is contrary to good manners, it uses methods that are inappropriate from the viewpoint of the consumer or otherwise gives untruthful or misleading information about alcohol, its use, effects or other properties.

As indirect advertising shall be considered in particular promotion of the sales of beverages and alcoholic beverages meant in paragraphs 1 and 2 in connection with that of another commodity so that as the distinctive mark of the other product is used, as such or modified so that it can be identified, such a distinctive mark that has been established for the beverage or alcoholic beverage meant in paragraph 1 or 2, or so that it otherwise conveys the image of a certain beverage or alcoholic beverage meant in paragraph 1 or 2.

Without prejudice to the provisions of paragraph 1, it is allowed to advertise or promote the sales of strong alcoholic beverages as prescribed in greater detail by the Ministry of Social Affairs and Health:

- 1) in a trade journal of the hotel or catering business or retail trade approved by the Product Control Agency, or in another printed matter distributed to those participating in the sales of alcoholic beverages whose circulation and manner of circulation is in compliance with the regulations issued by the Ministry of Social Affairs and Health; and
- 2) on licensed premises and on premises where alcoholic beverages are retailed or produced.

The Product Control Agency may withdraw its approval referred to in paragraph 4 if:

- 1) there has been a change in the circulation or the manner of circulation of the trade journal or the printed matter;
- 2) the Product Control Agency has not been notified of all the data that are important for the approval; or if
- 3) there has been malpractice in connection with the publication.

The provisions of paragraphs 1 - 3 shall not apply to advertising in foreign printed matter circulated in Finland whose main purpose is not the advertising of alcoholic beverages.

The producer, importer or wholesale trader of alcoholic beverages may, without prejudice to the provisions of paragraph 1, give those participating in the sales of alcoholic beverages information about the price, composition, properties and production of products, as well as other corresponding data, in the manner as is prescribed in greater detail by the Ministry of Social Affairs and Health.

Section 33 a (11.5.2007/588)

Pricing and advertising a price

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

It is prohibited to advertise outside retail sale or serving premises a special price for an alcohol beverage package or dose limited to apply for less than two months.

Section 33 b (372/2008)

Section 33 b was repealed by Act No. 372/2008.

Chapter 6

Possession, transportation and tax-free storage of alcoholic beverages and spirits

Section 34

Possession and transportation

Alcoholic beverages may not be possessed or transported unless they have been legally produced or imported. Neither may alcoholic beverages be possessed or transported for sales purposes if there is no right for that under this Act or licence for that granted under this Act. (14.8.2009/642)

Section 35 (29.12.1994/1477)

Tax-free store of alcoholic beverages and spirits

The Product Control Agency shall approve the tax-free store meant in the Excise Duty Act before alcoholic beverages or spirits exempt from excise duty are begun to be stored there temporarily in order to ensure that the store is in compliance with the provisions and regulations issued and such that facilitates arranging efficient control.

Concerning the licence necessary for keeping the tax-free store specific provisions are laid down.

Chapter 7

State Alcohol Monopoly

Section 36 (17.11.1995/1281)

The tasks of the State Alcohol Monopoly

The State Alcohol Monopoly shall:

- 1) manage the retail trade provided by this Act to be its sole right; and
- 2) annually submit to the Ministry of Social Affairs and Health a report on the development of its retail sales and the measures which the Monopoly has taken in order to fulfil the purpose defined in paragraph 1.

Concerning other tasks and purviews of the State Alcohol Monopoly specific provisions are issued in the articles of association of the Monopoly.

Section 37

Board of administration

The State Alcohol Monopoly shall have a board of administration, which consists of twelve permanent members.

The Council of State shall appoint the members of the board of administration for four calendar years at a time, at the same time appointing also the chairman and the vice chairman.

A member of the board of administration may be relieved of his/her duties in mid-term, in which case a new member shall be appointed in his/her place for the rest of the period.

Section 38

Representation of ministries

A representative of the Ministry of Social Affairs and Health and a representative of the Ministry of Trade and Industry is entitled to follow the handling of affairs and to take part in the discussions at the meetings of the board of administration and at the shareholders' meetings.

Section 39
Provisions on limited companies

Unless otherwise provided by this Act, the existing provisions on limited companies shall apply to the State Alcohol Monopoly.

Chapter 8
Steering, supervision and sanctions (14.8.2009/642)

Section 40
Competence of the Ministry of Social Affairs and Health

The supreme leadership and steering of the observance of this Act and the provisions and regulations issued in virtue of it is vested in the Ministry of Social Affairs and Health.

Provisions can be laid down by Decree of the Ministry of Social Affairs and Health concerning: (28.2.2014/152)

- 1) the conditions for granting the production licence, the import licence, the retail licence, the serving licence and the wholesale licence and the reliability to be required of the applicant;
- 2) adequate location of retail shops for alcoholic beverages, sales premises referred to in section 14, paragraph 4, and licensed premises;
- 3) the requirements for the licensed premises, sales premises for alcoholic beverages referred to in section 14, paragraph 4, and the serving and sales operations;
- 4) the grounded need for granting the licence to use spirits and alcoholic beverages, the conditions for granting the licence and the reliability to be required of the applicant;
- 5) the arrangements required for efficient supervision in production or storage of alcoholic beverages and spirits, in retail shops for alcoholic beverages, on the sales premises referred to in section 14, paragraph 4, and on serving premises;

Subparagraph 6 was repealed by Act 28.2.2014/152 that enters into force on 1 January 2015.

Previous wording:

- 6) the observance of the provisions on advertising and other sales promotion of alcoholic beverages; (17.11.1995/1281)
- 7) the bases for pricing the alcoholic beverages; and 17.11.1995/1281)
- 8) extent of the alcohol studies and monitoring carried on by agencies and institutions under the Ministry regarding the development of alcohol-related circumstances, of the information about harmful effects of alcohol, education and other health education regarding alcohol. (17.11.1995/1281)

Section 41 (30.8.2002/764)
Competence of the Product Control Agency

The licence administration and supervision related to the retail sale and serving of alcoholic beverages on the premises, supervision of the advertisement and sales promotion of alcoholic beverages and their guidance are the responsibility of the Product Control Agency under the Ministry of Social Affairs and Health, as laid down by Government decree.

In addition, the Product Control Agency shall supervise:

- 1) the production, importation and exportation of alcoholic beverages;
- 2) the wholesale trade of alcoholic beverages;
- 3) the sale and other delivery of alcoholic beverages from the stores of tax-free alcoholic beverages;
- 4) the sale of spirits and special sale of alcoholic beverages and the licensed use of them;
- 5) the importation, manufacture and sale of appliances or parts of them suitable for illegal production of alcoholic beverages and spirits;
- 6) the importation, manufacture and sale of substances, products and preparations meant for making alcoholic beverages at home; and
- 8) the sale of alcoholic beverages in means of transport in traffic between Finland and foreign countries.

Section 42 (22.12.2009/1552)

Competence of the Regional State Administrative Agencies

The Regional State Administrative Agencies are within their area of operation responsible for the licence administration and supervision related to the retail sale and serving of alcoholic beverages on the premises and for the supervision of the advertisement and sales promotion of alcoholic beverages, as laid down by Government decree.

The Regional State Administrative Agencies also supervise within their area of operation the retail trade and serving of alcoholic beverages containing at least 1.2 and at the most 2.8 percentage by volume ethyl alcohol.

Section 43

Responsibility of the producer and the importer

The producer and the importer shall answer for the quality and composition of the alcoholic beverages delivered by them for consumption, as well as for the circumstance that the product and its labelling and other presentation of it are in compliance with the provisions and regulations issued.

The Product Control Agency shall steer and supervise that the producer and the importer fulfil their responsibilities.

Section 44 (22.12.2009/1552)

Right of inspection, access to information and keeping a register

The National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies are with a view to supervision of the observance of this Act and the provisions and regulations issued in virtue of it entitled to:

- 1) have access to the premises of the license holder in order to inspect them and the operations performed there, as well as to inspect the transports of alcoholic beverages and the documents needed for the supervision;
- 2) take and obtain free of charge such samples as are needed for the supervision; and
- 3) have access to the notifications, information and documents needed for the supervision.

The National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies keep an alcohol trade register for processing and supervision of the licence issues referred to in this Act and for compiling alcohol statistics of the traders that have been granted a licence referred to in this Act or that have applied for such a licence. The National Supervisory Authority for Welfare and Health is responsible for keeping the register.

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 mentioned in subparagraph (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 concerning police investigation, pre-trial investigation, consideration of charges and bringing charges, and sentences and consideration of criminal cases in courts concerning traders and persons mentioned in subparagraph 2;
- 4) information on registration as payer of value added tax, in the preliminary tax withholding register and other registers of fiscal administration, as well as information about due tax arrears;
- 5) information about obligations subject to recovery proceedings;
- 6) information about reorganization of enterprise, bankruptcies and other court decisions regarding outstanding debts;
- 7) information about debt rescheduling of private persons;
- 8) information about activities based on the licence granted under this Act and about violation of provisions, regulations and prohibitions issued in this Act of in virtue of it and sanctions for such violation, and information about inspections made by supervisory authorities and results of them; and
- 9) other information necessary for the processing of licence matters, supervision, and compilation of statistics that do not contain sensitive information referred to in section 11 of the Personal Data Act (523/1999).

The provisions of the Personal Data Act apply to the right of checking the information concerning the object of supervision referred to in paragraph 2 and to rectification of errors. The information concerning a trader and other persons referred to in paragraph 3 (2) shall be kept in the alcohol trade register and be removed in five years from the last entry.

Section 45

Secrecy obligation

Any person who, when performing the duties referred to in this Act, has got information about the financial position of a private person or a corporation, or a business or professional secret, shall not reveal it or unlawfully use it, unless the one in favour of whom the secrecy obligation has been prescribed does give his/her consent to it.

What is provided in paragraph 1, does not hinder passing on the information to another supervisory authority for the purpose of supervision or to the prosecuting authority or the police for the purpose of investigating an offence or raising charges. The authority who has received the information is in such case subject to the same secrecy obligation as is provided in paragraph 1.

The supervisory authority may without prejudice to paragraph 1 give such information as is required by the international conventions binding on Finland to the

foreign organs, international organizations and states participating in the cooperation as is required in the convention.

Section 46

Other supervisory authorities

The police controls maintaining of public order on retail premises for alcoholic beverages and on licensed premises.

As regards the Border Guard Service's and the Customs' duties related to the supervision, specific provisions are laid down.

Section 47 (22.12.2009/1552)

Executive assistance and right to obtain information from other authorities

The competent officials of the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies are entitled to obtain executive assistance from other authorities in order to supervise the observance of and to implement this Act and the provisions and regulations issued in virtue of it, as well as to investigate misuse of alcoholic substances.

The police, criminal record, prosecuting, Customs, fiscal and population register authorities and other authorities shall, notwithstanding the secrecy provisions, give the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies the information needed by the supervisory authorities for supervising the observance of this Act and the provisions and regulations issued in virtue of it or when applying for a licence referred in this Act.

The information obtained from another authority in virtue of this section is subject to the provisions of section 45 (1) concerning secrecy obligation.

Section 48 (22.12.2009/1552)

Issuing instructions, notice of a conditional fine and ordering a measure at the defaulter's expense

If defects or action in contrary to the provisions and regulations are observed in the process of controlling the observance of the ban on advertising alcohol or other provisions on marketing or sales promotion referred to in section 33 or otherwise, the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies shall issue appropriate instructions with a view to remedying the defects or stopping the incorrect action and set a deadline for doing so.

Unless no correction has taken place within the prescribed period or if the action mentioned in the instructions has not been stopped or if it has been repeated after the deadline, the National Supervisory Authority for Welfare and the Regional State Administrative Agency may enforce them by imposing notice of a conditional fine or by imposing notice that the required measure will be taken at the expense of the defaulting party according to the provisions of the Act on Notice of a Conditional Fine (1113/1990), unless otherwise provided in this Act.

Section 49 (22.12.2009/1552)

Supervisory authorities' prohibitions and precautionary measures

If alcoholic beverages are advertised or other marketing or sales promotion measure in contrary to section 33 is taken, the National Supervisory Authority for Welfare and Health or the relevant Regional State Administrative Agency may prohibit the party commissioning the measure or the executor of the measure as well as those employed by them from continuing or repeating the action in contrary to the provisions.

The National Supervisory Authority for Welfare and Health may prohibit placing alcoholic beverages on the market or without compensation oblige the party that has placed alcoholic beverages on the market to remove them from the market, if the product or its presentation are contrary to the provisions and regulations issued concerning it, or if the quality of the beverage or its adverse effects on health or its possible risks have not been adequately controlled, or if the prohibition is otherwise justified with a view to protecting people's health.

If it is, owing to the large extent or great significance of the procedure, necessary to urgently prevent the continuance or repetition of a procedure which is contrary to the provisions and regulations referred to in paragraphs 1 and 2 or which is detrimental to health, the National Supervisory Authority for Welfare and Health may temporarily prior to the final settlement of the matter issue a prohibition to that end. The order concerning the temporary prohibition enters into force immediately, and it can be revoked before the final settlement of the matter.

Section 50 (22.12.2009/1552)

*Rectification, notice of a conditional fine
and ordering a measure at the defaulter's expense*

The National Supervisory Authority for Welfare and Health may, when deciding about a prohibition laid down in section 49, paragraphs 1 and 2, and the relevant Regional State Administrative Agency, when deciding about a prohibition laid down in section 49, paragraph 1, oblige the party that the prohibition is directed at to take a rectifying measure within a prescribed period of time and in a prescribed manner, if it has to be considered necessary due to the obvious adverse effects caused by the action in contrary to the provisions.

The National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency may enforce the prohibition or order it has issued on the basis of this Act by imposing notice of a conditional fine or by imposing notice that the measure that has not been taken within the prescribed time will be ordered done at the expense of the defaulting party according to the provisions of the Act on Notice of a Conditional Fine, unless otherwise provided by this Act.

Section 50 a (14.8.2009/642)

Penal provisions

Punishment for an alcohol offence is prescribed under Chapter 50 a, sections 1–3, of the Penal Code (39/1889).

Punishment for a marketing offence regarding alcoholic beverages is prescribed under Chapter 30, section 1 a of the Penal Code.

Punishment for violation of the secrecy obligation laid down in this Act is imposed according to Chapter 38, section 1 or 2, of the Penal Code, unless the act is punishable

under Chapter 40, section 5, of the Penal Code, or unless a more severe punishment for the act is prescribed elsewhere in the law.

Any person who deliberately

- 1) drinks alcoholic beverages contrary to the prohibition against drinking alcoholic beverages laid down in section 58 (1);
- 2) fails to observe a prohibition against drinking alcoholic beverages on public premises imposed by the police in virtue of section 58 (2) in order to safeguard public order;
- 3) as the owner of the premises, organiser or doorkeeper of an event referred to in section 58 (1), allows drinking alcoholic beverages on premises referred to in the said provision or without licence offers alcoholic beverages on such premises contrary to section 58 (3);
- 4) at an age below 18 years possesses legally produced or imported alcoholic beverages or as a person who has reached the age of 18 but not 20 years possesses legally produced or imported spirit drinks contrary to section 34 (2);
- 5) serves alcoholic beverages or spirits to a person under 18 to the effect that the person becomes intoxicated, and the serving can, taking account of the minor person's maturity level and other circumstances, also judged as a whole be considered reprehensible;
- 6) produces, sells, conveys, delivers or imports an appliance, equipment, substance or preparation suitable for production of alcoholic beverages or spirits for the purposes of illegal production of alcoholic beverages or spirits;
- 7) keeps in possession an appliance or equipment suitable for production of alcoholic beverages or spirits in such circumstances that there is reasonable cause to assume that it is intended to be used for illegal production of alcoholic beverages or spirits;
- 8) advertises or markets an appliance, equipment, substance or preparation suitable for the production of alcoholic beverages or spirits in order to induce people to produce illegally alcoholic beverages or spirits;
- 9) advertises directly or indirectly mild alcoholic beverages or beverages containing at least 1.2 percentage by volume ethyl alcohol or otherwise promotes the sales of such beverages contrary to section 33;

shall be sentenced to a fine for a *minor alcohol offence*, unless a more severe punishment for the act is prescribed elsewhere in the law.

For a minor alcohol offence shall also be sentenced any person who deliberately or through negligence

- 1) violates a condition for or a restriction to the licence issued in virtue of section 5(2), 8(3), 14(2), 17(3), 21 d, 27 (3), 29(2) or 30 (2);
- 2) acts without the approval by authority laid down in section 5(3), 13(2), 14 (4) or 35(1);
- 3) fails to give the notice prescribed in section 11 or 59 or prescribed in the decree issued by virtue of section 57;
- 4) acts contrary to the provision laid down in virtue of section 3 (4), section 13 (3), section 19 or 26 or 32 (1);

5) violates the prohibition laid down in section 16 (2) or in section 24 (2); or

6) as the holder of the licence to serve alcoholic beverages or the responsible manager of the licensed premises of his or her substitute violates the obligations regarding maintaining of public order on the licensed premises laid down in section 23.

An attempt of an offence referred to in paragraph 4 (6) above is punishable.

Provisions on the fixed fine as a sanction for a minor alcohol offence referred to in paragraph 4, (1)(2) and (4) are laid down in Chapter 2 a, section 9 (7), of the Penal Code and in the decree issued in virtue of the said section 9.

Section 50b (14.8.2009/642)

Obligation to consult

Before raising charges on account of a minor alcohol offence based on section 50a (4)(9) the public prosecutor shall provide the National Supervisory Authority for Welfare and Health with an opportunity to give a statement, and when handling such a matter the court shall provide the National Supervisory Authority with an opportunity to be heard.

Chapter 9

Appeal

Section 51 (22.12.2009/1552)

Appeal of decisions of the National Supervisory Authority for Welfare and Health, the Regional State Administrative Agencies and the State Alcohol Monopoly

Decisions issued by the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies may be appealed, unless no prohibition against appeal is laid down in section 52, as provided in the Administrative Judicial Procedure Act (586/1996). The National Supervisory Authority for Welfare and Health, and the relevant Regional State Administrative Agency in case the Agency has decided the matter subject to appeal, also have a right to appeal a decision made by an administrative court on account of the appeal.

Notwithstanding appeal, a decision of the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency shall be complied with unless the licensing authority otherwise prescribes.

Decisions by the State Alcohol Monopoly concerning taking alcoholic beverages in retail trade, removing them from retail trade and the grounds for pricing them for retail trade shall be appealed to the National Supervisory Authority for Welfare and Health as provided in the Administrative Judicial Procedure Act.

Section 52 (22.12.2009/1552)

Prohibition against appeal of prohibitions and precautionary measures

A prohibition decision or temporary prohibition referred to in sections 48 - 50, which has been issued by the National Supervisory Authority for Welfare and Health or the relevant Regional State Administrative Agency, or the fine or the notice that a measure will be ordered taken at the defaulter's expense imposed by them shall not be subject to appeal.

The party to whom the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency has issued the prohibition decision or the temporary prohibition referred to in paragraph 1 or imposed the fine or the notice of ordering referred to in sections 48 and 50 may through application refer the matter to the Market Court within 30 days from the service of notice of the decision or the order.

The fine imposed by the National Supervisory Authority for Welfare and Health or the Regional State Administrative Agency conditionally in a matter referred to in paragraph 1 shall be ordered, or the enforcement of the notice of ordering a measure taken at the defaulter's expense shall be decided upon the application of the imposing party by the Market Court.

Section 53 (31.1.2013/136)

*Consideration of matters at the Market Court and
appeal of decisions of the Market Court*

Provisions concerning consideration of matters at the Market Court and appeal of decisions of the Market Court are contained in the Act on Judicial Proceedings at the Market Court (100/2013).

Chapter 10

Miscellaneous provisions

Section 54

Issuing regulations concerning alcohol measurements

The Ministry of Social Affairs and Health issues detailed regulations on the methods to be used in alcohol measurements.

Section 55 (22.12.2009/1552)

Charges

The National Supervisory Authority for Welfare and Health and the Regional State Administrative Agencies shall collect charges for the licence decisions referred to in this Act and other decisions issued by authorities in virtue of this Act and for the supervision referred to in this Act according to what is provided in the Act on Criteria for Charges Payable to the State (150/1992), however so that for the supervision of operations requiring a licence referred to in this Act an annual payment shall be collected from the licence-holders.

Section 56

Section 56 was repealed by Act No. 1477/1994.

Section 57 (14.8.2009/642)

Importation, manufacture and trade of appliances or their components

In order to prevent illegal production of alcoholic beverages and spirits it can be laid down by Government decree that the importers, manufacturers and traders of appliances

or their components suitable for such production shall submit a notice of that activity to the Supervisory Authority for Welfare and Health and to keep a record of it.

Section 58 (27.6.2003/616)

Prohibitions against drinking alcoholic beverages

Unless otherwise provided elsewhere in this Act, it is prohibited to drink alcoholic beverages:

- 1) on premises for retail trade of alcoholic beverages or in other open shops;
- 2) in restaurants and other places where food and refreshments are available to the public against payment; and
- 3) in apartments or other places where public gatherings or events are arranged.

The police may, where maintaining public order so requires, prohibit drinking of alcoholic beverages in public places.

The owner of the premises or the organizer of the event or the doorkeeper may not allow drinking of alcoholic beverages or serve them without licence on premises referred to in paragraph 1. (14.8.2009/642)

Section 59

Private occasions

Where a private, closed occasion is arranged in a public apartment referred to in section 58 (1)(2), drinking of alcoholic beverages is allowed on the occasion if the arranger of the occasion has notified the police of the matter.

Section 60 (14.8.2009/642)

Taking away, seizure and disposal of alcoholic beverages and spirits

The police may take away and dispose of an alcoholic beverage in possession of a person in an opened or open container that the person otherwise has the right to possess according to this Act or a provision issued in virtue of it if that person drinks it contrary to section 58 (1) or drinks it on public premises contrary to section 58 (2).

The police may also take away and dispose of an alcoholic beverage in possession of a person if that person has made him/herself guilty of a minor offence referred to in section 50 a (4)(4) and the alcoholic beverage has no significant value.

The provisions of Chapter 2, section 14 (3) of the Police Act (872/2011) regarding taking possession of property shall apply to the taking away and disposal of alcoholic beverages referred to in paragraphs 1 and 2. (22.7.2011/870)

If alcoholic beverages have been drunk contrary to the prohibition of section 58 (1), the owner of the apartment, shop or other premises meant in the section, or someone from the staff or the organizer or the doorkeeper of the event has the right to take the substance with container away from the person who has violated the prohibition and to destroy it verifiably.

If a drunken person when being apprehended is found to have with him/her alcoholic beverages or other alcoholic substance which the person under this Act or provisions or regulations issued in virtue of it otherwise has the right to possess, the beverage or

substance can be taken away from the person. It is laid down by Government decree on which conditions and how the alcoholic beverage or other alcoholic substance taken away from a person shall be kept in the possession of the authorities and disposed of.

If a person taken into prison or other closed institution or a treatment unit for substance abusers or a person who is being treated there is found to have with him/her alcoholic beverages or other alcoholic substance, a staff member may take them away from the person and destroy them verifiably.

Section 60 a (14.8.2009/642)

Disposal

Officials with powers of arrest may verifiably dispose of, or order to be disposed of, such alcoholic beverages or other alcoholic substances with container or packaging, raw material, appliances or equipment that may be seized, because it is probable that they would be declared forfeit and they have no significant sales or use value.

Section 60 b (22.7.2011/870)

Inspection and search

If a person under 18 is suspected on reasonable grounds for a minor offence referred to in section 50 a (4)(4), the police may, in order to find illegally possessed alcoholic beverages, search the possessions the person has with him/her and superficially his/her clothes, if that can be made without violating in an insulting way in the person's integrity. What is provided in Chapter 2, section 14(3) of the Police Act is applied to drawing up a record of the inspection. Otherwise the provisions of Chapter 8 of the Coercive Measures Act (806/2011) on carrying out a frisk shall be observed in inspections.

If there are reasonable grounds to suspect that a person has made him/herself guilty of a minor alcohol offence referred to in section 50 a (3) of the Penal Code, a general home search or search of premises referred to in Chapter 8 of the Coercive Measures Act can be carried out on a vehicle used by the person to find out if there are illegal alcoholic beverages or spirits on the vehicle.

Section 60 c (14.8.2009/642)

Unknown or absent owner

When possessions that can be declared forfeit have been seized but the offender or owner of the possessions is unknown or his/her whereabouts in Finland are not known, the person is summoned by public summons to arrive at a court on a fixed day, which may no be determined to be earlier than the seventh day from publication of the summons. The summons must be made available at the office of the court for public inspection.

If the owner of the seized possessions, who has been legally summoned, does not arrive to respond in the matter and does not show a legal excuse, a decision on the claim for forfeiture of possessions shall be made despite his/her absence.

Section 61

Conversion of alcoholic beverages or spirits surrendered to the State into money

Conversion of alcoholic beverages or spirits that have been seized, declared forfeit or otherwise surrendered to the State into money may take place only by selling them to the State Alcohol Monopoly or a holder of a licence to wholesale, serve on the premises or retail alcoholic beverages or a holder of a licence to use spirits.

If no tax has been paid on the alcoholic beverages sold, the buyer shall pay it to the State in addition to the purchase price.

Section 62
Further provisions

Further provisions on the enforcement of this Act will be issued by Decree.

Chapter 11
Entry into force

Section 63
Implementing provision

This Act enters into force on 1 January 1995.

This Act abrogates the Alcohol Act of 26 July 1968 (459/1968) with amendments, except for chapter 9 and sections 104 and 105 of it.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 64
Transitional provisions

The consent given by the municipal council in virtue of the Alcohol Act (459/1968) concerning retail trade and serving of alcoholic beverages on the premises shall remain in force.

The right, licence or consent given under the Alcohol Act and provisions issued in virtue of it shall remain in force for the period of time mentioned in the decision concerned. This Act, however, repeals the regulations and general licence conditions relating to such a right, licence or consent which have been issued under the Alcohol Act, and the provisions, regulations and conditions prescribed in virtue of this Act shall be applicable to them. Special conditions issued in virtue of the Alcoholic Act which relate to the right, licence or consent shall remain in force in so far as they are not inconsistent with this Act and the provisions and regulations issued in virtue of it.

Matters pending at the time of the entry into force of this Act shall be dealt with and decided in accordance with this Act and the provisions and regulations issued in virtue of it.

Section 19 of the Alcohol Act (459/1968) shall be observed in the closing of the books and distribution of the annual profits of the State Alcohol Monopoly, Alko Ltd, concerning the year 1994.

Entry into force of amended Acts

22.12.2009/1552:

This Act enters into force on 1 January 2010.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

22.7.2011/870:

This Act enters into force on 1 January 2014.

31.1.2013/136

This Act enters into force on 1 September 2013.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

28.2.2014/152

This Act enters into force on 1 January 2015. Paragraph 4 of section 33 however enters into force on 1 April 2014.