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Retail sales of alcoholic beverages



Valvira

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Introduction

According to section 60 of the Alcohol Act (1102/2017), Valvira’s role as a central agency covers the guidance, coordination and development of the licensing administration and supervision of the Regional State Administrative Agencies; the production of the data, statistical and communication services of the alcohol administration; and the supervision of the retail sales, serving and marketing of alcoholic beverages across Finland and on vessels with a Finnish nationality.

This guideline addresses key topics related to the retail sales of alcoholic beverages and call attention to legislation and other directions related to retail sales. The guideline has been drawn up for the Regional State Administrative Agencies as well as for companies and employees involved in the industry.

The guideline includes regulations pertaining to the retail sales of alcoholic beverages and their interpretation, and they have been drawn up in cooperation with the Regional State Administrative Agencies.

The purpose of the guideline is to improve the fulfilment of the general objectives of the Alcohol Act, steer the Regional State Administrative Agencies in applying the Alcohol Act, and clarify the Alcohol Act’s provisions and interpretation to the industry.

This guideline replaces Valvira’s guideline “Retail sales of alcoholic beverages V/11406/2023”. The guidelines have been updated due to the amendment to the Alcohol Act concerning the percentage limit for the retail sale of alcoholic beverages subject to authorisation that entered into force on 10 June 2024. In addition, some clarifications have also been made to the guidelines based on the Supreme Administrative Court’s decisions.

Further information and guidelines related to the retail sales of alcoholic beverages can be found on the websites of the Regional State Administrative Agencies.

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1 Retail sales of alcoholic beverages

The retail sales of alcoholic beverages refer to the selling of alcoholic beverages for consumption elsewhere than on premises controlled by the seller or under supervision organised by the seller.

In retail, alcoholic beverages may be sold only in packages that have already been filled and sealed, such as bottles or cans, by delivering them to customers in the indoor space of an approved retail outlet.

According to the main rule of the Alcohol Act, Alko has the exclusive right to sell alcoholic beverages in retail in Finland. As an exception, a licence for the retail sales of alcoholic beverages can in certain cases be issued and beverages with a maximum alcohol content of 2.8% can be sold without a licence issued by the authorities.

The licence for the retail sales of alcoholic beverages is issued by the Regional State Administrative Agency of the retail outlet's location. A licence issued to a grocery store, a mobile shop (vehicle or boat) or licensed premises or a production location entitles the licensee to sell beverages made by fermentation with a maximum alcohol content of 8% and beverages made by other methods with a maximum alcohol content of 5.5%. A retail sales licence can also be issued for the production location of farm wine (maximum of 13%) and craft beer (maximum of 12%).

The licence is specific to a trader and premises. If a retail outlet relocates to a new address or the operator (Business ID) changes, a new licence must be applied for. The licence may not be transferred to another party in full or in part. Only the licence holder can sell alcoholic beverages.

The licence holder must comply with the legal provisions concerning the retail sales of alcohol in their business operations, and the staff must be familiar with the legal provisions concerning the sales of alcohol beverages. The sales and marketing of alcohol may not be conducted contrary to good practices. An activity is considered contrary to good practice if it is clearly in conflict with commonly accepted societal values and especially if it expresses tolerance or disregard toward the endangering of health while under the influence of alcohol, narcotics, pharmaceutical products, or chemicals.

The purpose of the provisions of the Alcohol Act concerning retail is to reduce the consumption of alcoholic substances by limiting and supervising the related

business activities to prevent alcohol's detrimental effects on its users, other people, and society as a whole. Among other things, the provisions prevent the consumption of alcohol by minors and the harm caused by alcohol consumption. The supervision of sales also reduces the public disturbance.

1.1 Staff

A holder of a retail sales licence and their staff must monitor compliance with the sales prohibitions and obligations and maintain order in the retail outlet. The retail outlet must have enough staff, considering the extent and quality of the activities.

The retail outlet must have a responsible manager over 18 years of age, or a person assigned by the licence holder present. A minor who has turned 16 may sell alcohol only under the immediate supervision of a responsible manager or another person over the age of 18 assigned to the task. The licence holder must organise the supervision of sales in such a way that a person over 18 years of age responsible for the sales of alcoholic beverages can effectively monitor the sales and intervene in it if necessary.

The licence holder is responsible for ensuring enough staff as part of the self-monitoring plan drawn up by the licence holder. A self-monitoring plan refers to a licence holder's written plan to ensure the legality of their activities. The self-monitoring plan must include a description of the tasks of a responsible manager, or another person assigned to the task by the licence holder as well as a plan concerning the number and tasks of the staff.

As part of the self-monitoring, the licence holder must ensure that their staff are familiar with their obligations specified in the Alcohol Act and the self-monitoring plan. The licence holder must keep a record of the training and skills of the persons working in their establishment and present the information to the supervisory authority on request.

A person selling alcoholic beverages or taking part in supervising the retail sales of alcoholic beverages cannot be under the influence of alcohol or other intoxicating substances when on duty.

1.2 Age limit of purchase

Persons under 18 years of age may not be sold beverages containing more than 1.2% of alcohol. Valvira recommends that persons under 18 years of age are not sold beverages containing less than that percentage of alcohol either.

The staff should familiarise themselves with the alcoholic beverage packages in the retail outlet to ensure that identifying alcoholic beverages with different alcohol content and non-alcoholic beverages was easier.

All customers purchasing alcoholic beverage who appear to be young should be asked to prove their age. Because some young people look considerably older than they actually are, a person who appears to be older than 18 should also be asked to prove their age.

A young customer should be asked to produce a photo ID proving their age even if they previously proved that they were 18 or older. If a minor was erroneously identified as being over 18 years of age during the first time they were purchasing, the error will not be subsequently corrected if no photo ID is requested again. Requesting all young customers to prove their age when purchasing alcohol conveys a message to the other customers that the age limit is monitored. For its part, this will reduce minors' attempts to purchase alcohol.

A customer purchasing alcoholic beverages is obligated, when requested, to prove their age to staff and the authorities monitoring compliance with the Alcohol Act. An approved proof of age is a photo ID card, a passport or a driving licence issued by the authorities.

A foreign photo ID, a passport, or a driving licence may be used as proof of age if it does not appear easy to forge and if it indicates the person's age.

Another reliable document that has a photo and has been issued by the authorities, such as an alien's passport or a refugee's travel document. The document may also be digital. However, a Kela card or student ID are not acceptable documents for proof of age. The holder of a retail sales licence may themselves determine which other documents with photos, issued by the authorities, they accept as proof of age. The policies may nevertheless not be discriminatory.

The salesperson must check if the customer is at least 18 years old and if the photo on the ID depicts the customer.

If a young customer does not have a document proving their age, they must not be sold alcohol. Explanations such as “I left my photo ID at home, but my friends here can prove that I am 18” do not suffice.

If the document indicating the age is clearly fake, the salesperson may contact the police and notify them of the fake document. However, the salesperson does not have the right to confiscate the document or restrain the customer.

A salesperson who sold alcohol to a minor may be subject to criminal liability. It is also a reason why it is recommended that the age of all customers who buy alcoholic beverages and appear to be young should be verified. According to the instructions provided by the Finnish Grocery Trade Association (Päivittäistavara-kauppa ry PTY) and Alko, age should be verified of all buyers of alcoholic beverages who appear to be under 30 years of age.

Valvira recommends that retail outlets inform customers of the age limit and the monitoring of it. This can be achieved by means of signs posted at the checkout and in the beverages section of the retail outlet. The signs inform customers of the age limit of alcohol sales and that customers purchasing alcoholic beverages must, upon request, show a proof of their age.

The operating models and monitoring practices related to the age limits of alcohol purchasing must be described in the self-monitoring plan of the retail outlet.

1.3 Intoxicated or disorderly customers

Alcoholic beverages may not be sold to a person who is visibly intoxicated or behaves in a disorderly manner. Intoxication is usually clearly visible if:

- a person has difficulty fixing their eyes on something or has a glazed look in their eyes;
- a person behaves disruptively, loudly and is overly confident;
- a person has difficulty understanding things and what another person is communicating;
- a person's movements are unsure and clumsy, they have difficulty grabbing objects or pieces of furniture;
- a person staggers or totters and cannot walk straight, or falls without support;

- a person's speech is slurred and no longer understandable;
- a person is incoherent or has difficulty controlling their emotions;
- a person's reflexes are slow;
- a person dozes;
- a person feels sick.

If a person purchasing alcoholic beverages at the checkout appears to be intoxicated, talking with them may provide additional clarity to the situation.

One should be vigilant when assessing a customer's level of intoxication. For example, a customer smelling of alcohol is not a sufficient indicator of their level of intoxication. The characteristics of intoxication are always evaluated on a case-by-case basis. The evaluation must account for the possibility that the characteristics pointing towards intoxication may be caused by an illness or injury/disability. The application of the characteristics must not result in discrimination based on an illness or injury/disability. However, selling alcoholic beverages to a person whose intoxication is clearly detectable should always be refused.

Valvira recommends that the retail outlet notifies customers by means of signs posted at the checkouts and in the beverages section that visibly intoxicated persons will not be sold alcoholic beverages.

The self-monitoring plan of the retail outlet must include a description of the procedures and monitoring practices aiming to prevent the sales of alcoholic beverages to a person whose intoxication is clearly visible or who behaves disruptively.

1.4 Passing on alcoholic beverages

Passing on alcohol means purchasing and then delivering alcoholic beverages to another person.

Alcoholic beverages may not be sold if there is a justified reason to assume that the alcohol will be illicitly delivered or passed on to a person under 18 years of age or to a person who is visibly intoxicated or behaves disruptively.

Alcoholic beverages may not be sold if there is a justified reason to assume that the buyer illicitly delivers or passes on the beverage for a fee. Alcoholic beverages may also not be given to a person or party who, for a fee, would

transport the beverages to a customer purchasing them. It is also always prohibited to pass on alcoholic beverages for a fee.

Minors, and persons who are visibly intoxicated, most often receive alcoholic beverages with the help of family members and friends. They may also ask persons over 18 years of age outside the retail outlet to fetch them alcoholic beverages against a fee. The buyer of alcoholic beverages may justifiably be suspected of passing on alcohol if they are seen, for example, talking with a group of young people at the retail outlet or in front of it and accepting money from them.

A suspicion of someone passing on alcohol can be confirmed if, for example:

- a buyer is accompanied by a young person or a visibly intoxicated person who talks about alcoholic beverages, selects beverages for purchase or gives money to the buyer of alcoholic beverages;
- a customer purchases a large quantity of different alcoholic beverages and uses small bank notes and coins to pay for them, or divides the payment between several payment instruments;
- the customer returns to the retail outlet and buys the same products that were refused to a minor or a visibly intoxicated person;
- the customer purchasing alcoholic beverages arrives in a vehicle carrying intoxicated or young persons.

In uncertain cases, talking with the customer may offer required additional information for making a decision about selling alcohol.

Typically, a middleman agrees to buy alcoholic beverages, accepts the money and delivers the beverages in front of the retail outlet or in its immediate vicinity. Persons who pass on alcohol to others can be identified through effective monitoring at the retail outlet and in its vicinity. Cooperation between retail outlets and using security guards can help prevent passing on alcohol more effectively. For example, retail outlets can share information about observed activities in which alcohol is passed on. Surveillance cameras outside the retail outlet and keeping the front of the retail outlet well lit may prevent the activity of persons passing on alcohol in the vicinity of the store.

If a buyer of alcoholic beverages is accompanied by young people or persons who are visibly intoxicated, the salesperson must assess whether the buyer intends to deliver beverages to those persons. A minor can, however, help pack

and carry their family's groceries. In the case of a party of several young people purchasing alcoholic beverages, the ages of all of them should be verified.

Matters related to passing on alcohol to others must be taken into consideration in the self-monitoring plan of the retail outlet to prevent illegal passing on of alcohol.

1.5 Retail hours

Retail outlets are only allowed to sell alcoholic beverages with an alcohol content of more than 2.8% between 9 am and 9 pm. The opening hours of the retail outlet may be longer than the sales hours of alcoholic beverages. Regardless of the opening hours of the retail outlet, the sales of alcoholic beverages may begin at 9 am at the earliest and must end no later than at 9 pm.

If the retail outlet is still open after 9 pm, the possibility to buy alcoholic beverages can be prevented from 9 pm onwards. Selling alcoholic beverages must be refused if it cannot be established with certainty that the customer took possession of the alcoholic beverages before 9 pm. Any alcoholic beverages that the customer took into their possession before 9 pm can be paid at the checkout after 9 pm.

If the retail outlet opens earlier than 9 am or stays open after 9 pm, compliance with the alcohol sales hours provisions can be facilitated and ensured by structural and technical means. Such means include the closing of the alcoholic beverage sections and cold cabinets and covering the alcoholic beverages or keeping them in the storage rooms. These measures and clear notices concerning the sales hours, posted in the retail outlet, effectively communicate the sales hours to the customers.

If the retail outlet is closed and no new customers are allowed in after 9 pm, the customers already in the retail outlet can be served and sold alcohol without violating the sales hours provisions.

The self-monitoring plan of the retail outlet of alcoholic beverages must define, in accordance with the aforementioned means, how the retail outlet ensures compliance with the sales hours, for example. The sales hours of alcoholic beverages may also be more limited than the 9 am - 9 pm allowed by law. Customers do not have the right to demand that alcoholic beverages are sold contrary to the practices defined by the retail outlet itself.

1.6 Drinking alcoholic beverages in the retail outlet

Drinking alcohol in the retail outlet is prohibited. The licence holder and staff are under the obligation to monitor that alcoholic beverages are not consumed in the indoor or outdoor space of the retail outlet or in its immediate vicinity.

If required, the licence holder must mark the area in which consuming alcoholic beverages is prohibited. Such areas include tables in the indoor and outdoor spaces. If the holder of a retail sales licence of alcohol allows the consumption of alcoholic beverages at, for example, tables they have provided in their indoor or outdoor spaces or fails to intervene in it, the sales can be deemed serving that requires a serving licence. However, the obligation to mark the area does not mean that all outdoor spaces in the possession of the licence holder should be separated by means of physical elements. The marking should be carried out as needed and at the licence holders case-by-case discretion.

If alcoholic beverages have been consumed against the prohibition to consume alcohol, the owner of the establishment or another retail outlet and a staff member as the organiser of the event has the right to remove the alcoholic beverage from a person who breaches the prohibition and to dispose of it in a verifiable way. A steward's right to remove an alcoholic beverage from a person who breaches the prohibition is provided for in the Private Security Services Act.

The self-monitoring plan of the retail outlet must take matters related to the prohibitions to consume alcohol into consideration.

1.7 Online store, delivering alcoholic beverages to customers, and self-checkouts

The holder of a retail sales licence may not deliver alcoholic beverages to the customer. Alcoholic beverages cannot be delivered to corporate customers either. Alcoholic beverages can be sold only by supplying them in an approved retail outlet.

The holder of a retail sales licence can accept orders and payments in their online store for alcoholic beverages as well so that the alcoholic beverages are picked up from the retail store. Such services are considered to differ from the regular sales activities, and the Regional State Administrative Agency must, by application, approve their implementation if alcoholic beverages can be purchased through the services and the practices to supply alcoholic beverages

essentially deviate from the arrangements already in use and approved by the Regional State Administrative Agency.

The ordered alcoholic beverages must be supplied to the customer in a personal customer service contact in the indoor space of the retail outlet within the sales hours of alcoholic beverages. In the retail outlet, only alcoholic beverages included in the retail sales licence of the retail outlet in question can be supplied to customers. No licence can be obtained for supplying beverages in another retail outlet or pick-up point.

A car park located in the same building has in certain cases been considered appropriate for partial inclusion in the retail outlet. However, even in these cases, the customer must exit their vehicle to receive their purchase in the indoor space of the retail outlet.

As a rule, using a checkout system based on self-service has not been prohibited in retail. An approval must be received from the Regional State Administrative Agency before self-checkouts are implemented, and the customer's eligibility to purchase must be verified in each alcoholic beverages sales event and alcoholic beverages must be supplied in a personal customer service situation if purchasing alcoholic beverages from the checkouts is not possible.

The supervisor of the self-checkouts cannot engage in other duties without it compromising the effectiveness of supervision.

Product collection and scanning performed by customers can be used in the retail outlet. The collected and scanned products can be paid for either at the regular checkout line or by using an approved self-checkout. If the operating model does not involve matters that essentially compromise the monitoring of sales at the checkout, no separate approval by the Regional State Administrative Agency is needed for starting the operations.

The organisation of the pick-up points of alcoholic beverages, the self-checkouts and other retail activities as well as the provision of the checkout and sales arrangements must be described in the retail outlet's self-monitoring plan. In particular, the age limits on sales, intoxicated customers, the suspected passing on of alcohol and the limitations concerning the sales hours and their monitoring should be taken into account.

Regional State Administrative Agencies use case-specific discretion when issuing licence conditions concerning checkout and sales arrangements.

1.8 Procurement of alcoholic beverages

Only alcoholic beverages referred to in the licence which the licence holder has obtained with the licence number from the producer or the wholesaler may be sold in the retail outlet. The licence holder may also import the alcoholic beverages for sales taking place in their own retail outlet. Before commencing the import, the licence holder must submit a notification of their activities as an importer of alcoholic beverages to Valvira.

If the licence holder has several retail outlets, the alcoholic beverages to each of them must be obtained under separate licence numbers. Alcohol beverages may be purchased under or transferred from another retail sales licence only when a retail sales licence expires.

1.9 Placement of alcoholic beverages

Alcoholic beverages should be separated from soft drinks in a sufficiently clear manner. This facilitates the monitoring of sales and emphasises the special character of alcohol.

Such placement of alcoholic beverages also serves customers, since there are beverages in retail that may be difficult for the buyer to recognise as alcoholic beverages. The names, packaging and labelling of products and the colour of the beverage may be so similar to those of soft drinks that customers may well mistake alcoholic beverages for soft drinks.

Alcoholic beverages must be separated from products intended for children and young people. The packaging of alcoholic beverages function like advertisements in the retail outlet, and advertising of alcoholic beverages may not target children and young people.

The placement of alcoholic beverages should be such that the beverages can be monitored easily, which helps prevent shoplifting and passing on of alcohol. The effectiveness of monitoring can be increased by means of surveillance cameras and lockable cabinets, for example.

The retail outlet's self-monitoring plan must include a description of how the alcoholic beverages are placed in the retail outlet if their placement is not

consistently only on shelves or a retail outlet section specifically intended for alcoholic beverages.

1.10 Food containing alcohol

Based on the classification provided in the Alcohol Act, food containing alcohol are usually alcoholic preparations. An “alcoholic preparation” means an alcoholic substance which is not an alcoholic beverage or spirit and which may be a denatured product. According to the Alcohol Act, only alcoholic products used as food or supplements prepared in accordance with the Act of Excise Duty on Alcohol and Alcoholic Beverages may be sold for consumption. The producers, importers and sellers of these preparations may not promote or display their use for intoxication.

Food containing alcohol can be liquid, such as herbal extracts, soy sauces and liquid aromas containing alcohol. The import or sales of such products does not require a licence and their sales or marketing does not involve other statutory restrictions than the prohibition to demonstrate them for intoxication purposes. However, these products may contain high alcohol contents, which is why the sellers of the products may, on their own initiative, set age or sales hour restrictions on the sales thereof if they deem that using products for intoxication purposes is possible.

Food containing alcohol may also be solid or contain solid substances. The Alcohol Act contains a separate section for solid alcohol preparations which are intended for consumption as is or which can be rendered drinkable by separating ingredients from them or by adding liquid to them. Such alcohol preparations include chocolate sweets and ice cream containing alcohol. If a solid alcohol preparation contains more than 2.8 per cent of alcohol by weight, the provisions concerning the retail, serving and marketing of alcohol beverages apply to it. The preparation’s alcohol content in percentage by weight will be regarded as its alcohol content in percentage by volume. For example, the retail sales of chocolate sweets and ice cream containing more than 2.8 per cent of alcohol by weight is possible only under a retail sales licence of alcoholic beverages.

The retail sales licence of alcoholic beverages allows for the sales of solid alcohol preparations containing a maximum of 8 per cent of alcohol by weight when produced by fermentation and a maximum of 5.5 per cent of alcohol by weight when produced by another method. Retail of solid alcohol preparations stronger than this falls under the exclusive right of Alko.

Solid alcohol preparations intended for consumption should be treated like alcohol beverages in the sales activities. For example, the sales hours and age limits of the sales of alcohol beverages apply to them. It is recommended that the products are placed separately from corresponding products aimed at children and young people and other, non-alcoholic products in retail outlets. The separate placement can be emphasised by means of signs or other methods indicating that the products contain alcohol.

The provisions concerning marketing apply to the alcohol preparations as well. For example, no joint discounts nor rebates may be given to them. For example, product advertising is also not permitted in public places, and it cannot target minors or be contrary to good practice. To facilitate the supervision of sales, solid alcohol preparations and their placement and sales must be taken into account in the self-monitoring plan of the retail outlet.

1.11 Annual report on retail sales

Licence holders must regularly provide the supervisory authorities with the reports and details on their sales and other activities necessary for the supervision and risk assessment of the activities.

The holder of a retail sales licence must annually report the value of their alcoholic beverage and food item sales to the Regional State Administrative Agency. If there have been no sales during a reporting period, the licence holder must report this by the prescribed date. The sales details must be reported per calendar year by 31 January.

The annual report must be submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu or by using an API solution. A failure to submit the annual report on retail may lead to the imposition of a fine.

2 Marketing of alcoholic beverages in retail

As a rule, advertising mild alcoholic beverages is permitted. Such advertising becomes prohibited if it uses sales promotion methods that are contrary to the good practice or inappropriate or if advertising targets minors.

The brand name of a spirit is used in some alcoholic beverages brought to market in retail subject to a licence. Because the indirect marketing of strong alcoholic beverages is prohibited, the prohibition of indirect marketing also

applies to these products, and they can be sold only in the retail outlet. If the retail licence has been issued in conjunction with a serving or production location these products can also be advertised inside the premises. Such products can be entered in standard price lists, but any separate discount prices cannot be advertised.

Such products should be displayed in a restrained and moderate way inside the retail outlet. The visibility of the beverages may also take into account the overall impression with regard to the sales volume and range of products of the retail outlet in question.

The Alcohol Act does not directly prohibit the marketing of mild alcoholic beverages whose name includes the generic name of a strong alcoholic beverage, such as gin, rum, or vodka. However, it must be ensured in such cases, by considering the overall impression or other marketing means, that such marketing does not constitute indirect marketing of a specific brand of strong alcoholic beverage.

The advertising of mild alcohol beverages is prohibited in public places. However, products that are sold in a retail outlet can be advertised in the indoor space of a retail outlet, while taking the aforementioned exceptions into consideration.

Information on the availability and prices of mild alcoholic beverages sold in a retail outlet can also be displayed in the display window of the retail outlet or in its immediate vicinity. Only for a justified reason, such as one related to the location or the difficulty of finding the premises, may an advertisement be placed elsewhere than within sight of the retail outlet. Customers must be able to understand the connection—both visual and functional—between an alcohol advertisement and its retail outlet. The general display of a shopping centre located outside the centre, for example, is not considered a licence holder's advertising.

Outside the retail outlet, attention may not be drawn to a product by means of a particularly large advertisement, for example, or in a manner that otherwise attracts attention. Nor may the display of the product be clearly promotional; in other words, any extensive description of the product's quality, taste or other characteristics is prohibited.

Advertising the discount prices of alcoholic beverages outside the retail outlet is prohibited if the special offer is valid for a period of less than two months.

Alcoholic beverage prices that are valid for less than two months may not be displayed so that they are visible to the outside of the retail outlet, and the prices may not be announced on TV, the radio, websites, social media channels or in papers. The prices of alcoholic beverages may only be advertised if the discount is valid for a period of at least two consecutive months.

Valvira recommends that the advertisement includes the validity period of the price. If the intended validity of an alcoholic beverage price is indefinite, the start date of the price should be mentioned in the advertisement. It must be possible to determine the validity period of the price of an alcoholic beverage if the alcohol authorities request it. Including the validity period of the price in advertising improves the conditions of supervision. It also reduces the authorities' need to request the licence holder to determine the validity period of the price.

The restrictions provided in the Alcohol Act must be adhered to in the advertising of alcoholic beverages. Advertising should be objective and moderate. The advertising may not attract vulnerable consumer groups, such as young people or heavy drinkers of alcohol. The image given of the properties or effects of an alcoholic beverage may not be misleading and heavy consumption of alcohol may not be depicted in a positive light.

In particular, when new, stronger beverages are introduced to the market, it should be kept in mind that the marketing of alcohol is prohibited if it depicts the alcohol content of the beverage as a positive characteristic.

The retail outlet may organise presentation events of products covered by the retail sales licence, but not tasting events. Alcoholic beverages may not be handed out for free.

The purchase of alcoholic beverages may be made attractive by drawing the consumers' attention to additional benefits that are irrelevant to the product itself. Giveaways included in the purchases of alcoholic beverages must have a relevant connection to the main product. The giveaway included in the purchase of an alcoholic beverage, or a discount combined with it must in some way be connected to the consumption, storage etc. of the beverage. The giveaway cannot be promised as a random benefit, such as "Free glasses to the first 100 buyers". The giveaway must not reward the buyer for increasing their alcohol purchases. Ancillary products may not be advertised as "free" or otherwise gratuitous, because consumer must pay for the main product to receive them.

It is prohibited to offer and grant rebates on the price of alcoholic beverages, calculated on the basis of purchases of alcoholic beverages or other consumer goods or services. Rebates may also not be given on purchases made abroad under a bonus programme in effect in Finland. Alcohol sales may not be promoted in the context of loyalty cards or bonus programmes in such a way that the purchasing of alcohol would become cheaper the more alcoholic beverages or other consumer goods are bought.

Any advertising of mild alcoholic beverages which involves consumers entering a game, prize draw or contest is prohibited. A retail outlet can thus not organise games, prize draws or contests which are related to certain alcoholic beverages or include alcoholic beverages as prizes.

Organising contests, games and price draws in social media services or on websites is also prohibited. An advertiser may also not use images or texts produced by consumers or provide such content for sharing in the information network service.

Valvira has prepared the guidelines for alcohol marketing, with examples of the interpretation of the provisions. However, the overall impression of marketing is generally decisive in the assessment of when an activity must be deemed unlawful.

2.1 Pricing of alcoholic beverages

Joint discount prices are prohibited. A joint discount refers to a situation in which, for example, the buyer gets five ciders for the price of four, or the same beer sold in packs of 12 bottles is cheaper than when buying single bottles.

The price of an alcoholic beverage when sold individually must not be higher than the price of a similar beverage when sold in a multi-package. For example, if beer is sold in a multipack of 12 bottles for the price of 12 euros, the price of an equivalent beer bottle sold individually cannot exceed one euro.

The provision does not apply to a situation in which the same alcoholic beverage is sold in individual packages of different sizes, for example 0.33-litre and one-litre bottles. The price per litre of an alcoholic beverage in a bigger individual package may be cheaper than its price per litre in a smaller individual package.

The retail outlet may not refuse to sell multi-packaged items individually.

3 Supervision and sanctions

The holder of a retail sales licence holds the primary responsibility for monitoring compliance with the Alcohol Act in retail activities. In practice, a licence holder's systematic self-monitoring means the preparation, maintenance, and implementation of a written self-monitoring plan in cooperation with the licence holder's staff.

Nevertheless, systematic self-monitoring does not negate the need for supervision carried out by the supervisory authorities. The key principle of the monitoring carried out by authorities is the steering and development of licence holders' activities to prevent violations of the Alcohol Act. Defectively planned self-monitoring and previous omissions in the self-monitoring plan also constitute grounds for targeted supervision by the authorities.

3.1 Systematic self-monitoring

The holder of a retail sales licence must have sufficient and accurate details of their activities and the related statutory obligations, as well as the risks associated with their practical implementation.

A party or person applying for a retail sales licence and a licence holder must draw up a written self-monitoring plan to ensure the legality of their activities, comply with it, and keep records of its implementation. The self-monitoring plan must be included in the retail sales licence application. The plan must also be kept up to date.

The self-monitoring plan and the licence for the retail outlet as referred to in the Alcohol Act must be kept available to the staff implementing the plan and the supervisory authorities. A licence holder must ensure that their staff know the content of the alcohol licences and that the staff know their obligations provided in the Alcohol Act and stated in the self-monitoring plan.

The self-monitoring plan must include a description of the retail business idea and, when necessary, of the focus and risks of the monitoring related to it and to the location of the retail outlet. The plan must also include a description of the storing and storage rooms for alcoholic beverages in the retail outlet.

The self-monitoring plan must describe the tasks of the responsible manager or other person appointed to the task as well as the number and duties of the staff and the procedures by which the retail outlet aims to comply with the Alcohol

Act's prohibitions and obligations to prevent sales to intoxicated individuals or minors.

In addition, the self-monitoring plan must describe the placement of alcoholic beverages in the retail outlet if the alcoholic beverages are not placed consistently only on shelves or sections specifically designated for alcoholic beverages and describe the sales arrangements and placement of food containing alcohol in the retail outlet.

The self-monitoring plan must also describe the organisation of the retail activities, the implementation of the checkout and sales arrangements as well as the procedures related to compliance with the sales hours of alcoholic beverages.

The self-monitoring plan must describe the risks of the emergence of the detrimental effects of the sales of alcohol, how compliance with law will be monitored, how the management of critical risks will be realised, and how any deficiencies detected will be remedied.

The self-monitoring plan must also include a plan on any measures to be carried out due to critical situations and observations made by the authorities, as well as on the annual assessment of the self-monitoring plan's execution and on keeping it up to date. If a self-monitoring plan is changed, it must be possible to determine the date of the change later.

The self-monitoring plan must include an account of how the licence holder and the person responsible for executing the self-monitoring plan monitor compliance with the self-monitoring plan and any orders given to the staff, and an account on how the staff's competence pursuant to the Alcohol Act is ensured, and how the record keeping concerning training and competence has been arranged. When necessary, the self-monitoring plan may be combined with a self-monitoring plan pursuant to the Food Act and Tobacco Act and may also be drawn up electronically.

Valvira and the Regional State Administrative Agencies have drawn up a template form for self-monitoring plans. By carefully filling in and updating this form, licence holders can meet the requirements set for the self-monitoring plan. The self-monitoring plan can also be a free-form document.

The template for the self-monitoring plan on the retail sales of alcoholic beverages can be found on the websites of the Regional State Administrative

Agencies and under the retail applications in the e-services of the alcohol trade register Allu.

3.2 Supervision by the authorities

Regional State Administrative Agencies supervise the retail and serving as well as marketing of alcoholic beverages in their respective regions. Valvira's duties include the steering of the Regional State Administrative Agencies' alcohol licensing administration and supervision; coordination and development; the production of the alcohol administration's information, statistical and communication services; and the supervision of the retail sales, serving and marketing of alcoholic beverages throughout the country. Valvira's steering aims to ensure the consistent application of the law throughout the country.

The Alcohol Act requires extensive executive assistance and stakeholder cooperation for the realisation and enforcement of the licensing administration, steering and supervision. To prevent the detrimental effects of alcohol and to combat the underground economy and white-collar crime, cooperation has been intensified with the tax, distraint, customs, police, labour protection, and health protection as well as food safety authorities.

The authorities conduct systematic supervision of the retail outlets. Supervisory visits are conducted both as scheduled and without advance warning. Remote inspections which aim to support licence holders in the planning and implementation of self-monitoring, among other things, are also conducted according to an agreed schedule.

The Regional State Administrative Agencies and Valvira can audit licence holders' facilities, activities, and documents, as well as the transport of alcohol-containing substances. Representatives of the supervisory authorities must be provided with unimpeded access to the premises and documents to be monitored, and they have the right to save the information required in monitoring activities and to obtain the samples required for monitoring free of charge. A licence holder must arrange the record keeping concerning the self-monitoring plan and the checkout functions so that, when needed, the authorities have access to the information. The Regional State Administrative Agency may impose licence conditions pertaining to the checkout and sales arrangements of retail if the location or activities of the premises involve special monitoring or general order and safety risks or if serving is also being carried out in the same location.

If the staff of the retail outlet are unable to maintain order in the retail outlet or ensuring general order and safety in the area so requires, police can prohibit the sales of alcoholic beverages for a maximum of the sales hours in progress. The Regional State Administrative Agency must be informed of the prohibition.

3.3 Sanctions for breaching retail provisions

The starting point for the supervision carried out by the authorities is to guide and advise, but in cases involving clear violations, the activities are intervened in by means of sanctions pursuant to the Alcohol Act. Recurring minor deficiencies and violations also constitute grounds for issuing a warning or imposing a penalty. In more serious cases, a licence may be revoked for a fixed period of time or permanently.

The supervisory authority may prohibit a licence holder from continuing the business activity referred to in the Alcohol Act to the extent that the activity is materially contrary to good practice and has not been remedied or ceased within the set, reasonable period of time, despite the supervisory authority's request to this effect. The prohibition can be made more effective with a periodic penalty payment.

Based on violations of alcohol provisions, a Regional State Administrative Agency can issue a warning or impose a penalty of no less than 300 euros and no more than 1,000 euros to a retail sales licence holder. In addition, the retail sales licence may be revoked, without compensation, for a fixed period of time or permanently due to serious or recurring violations.

Even if a warning has not been issued or a penalty has not been imposed, a licence or approval may be revoked for a fixed period of time if the licence holder violates their essential obligations provided in the Alcohol Act in a manner that shows a blatant disregard for the obligations related to self-monitoring. A licence may be revoked permanently without a preceding warning or penalty if the operator violates the Alcohol Act with an act or omission that causes a serious threat to human health and the action overall has been aggravated.

A licence or approval must be revoked if a licence holder so requests or if the conditions for the licence or approval are not valid due to inaccurate information given in the application or a change in circumstances, and the situation has not been remedied within the prescribed period of time.

The staff of the retail outlet are also responsible for the sales of alcohol and the realisation of supervision and the maintenance of order. For example, a salesperson who has sold alcoholic beverages to a minor or a person who is visibly intoxicated may be imposed a criminal sanction, such as a fine.

3.4 Sanctions for breaching marketing provisions

The supervision of the marketing of alcoholic beverages is primarily the duty of each Regional State Administrative Agency within its respective territory. The agencies' territorial divisions and contact details can be found on their websites. Valvira supervises the marketing of alcoholic beverages throughout the country, i.e. marketing that takes place in the territory of more than one Regional State Administrative Agency or that is implemented nationally.

The sanctions for marketing violations are provided for in section 68-70 of the Alcohol Act. The sanctions may be imposed on both the party ordering and the party executing the marketing and a person who works for them.

When detecting shortcomings or activity contrary to the provisions of the Alcohol Act or regulations, Valvira or a Regional State Administrative Agency may provide informal guidance for remedying the activity.

If the guidance is insufficient for ending the unlawful activity, Valvira or the Regional State Administrative Agency may prohibit the party which has ordered the marketing activity or the party executing it, and a person working for them, from continuing or repeating the activity contrary to the provisions. The prohibition can be made more effective with a periodic penalty payment.

4 Applying for a retail sales licence

Before starting the retail sales of alcoholic beverages, a retail sales licence must be applied for and obtained for the location in which the intended sales activity will take place. The application for a retail sales licence of alcoholic beverages is submitted to the Regional State Administrative Agency in whose territory the retail outlet is located.

Retail in an airport tax-free shop only to passengers travelling abroad who will take the items along is possible by submitting a retail notification to Valvira.

The penal provisions applicable to the unlawful sale and supply of alcohol are provided in Chapter 50(a) of the Criminal Code of Finland. A person who sells, supplies, or otherwise delivers an alcoholic beverage to another party contrary to the Alcohol Act may be sentenced to a fine or imprisonment for an alcohol offence. The proceeds of the crime are forfeited to the State as provided in the Criminal Code of Finland.

The Alcohol Act requires extensive executive assistance and stakeholder cooperation for the realisation and enforcement of the licensing administration. When processing the licence application, the Regional State Administrative Agency performs an overall assessment of the fulfilment of the conditions of being issued a licence and of whether a self-monitoring plan has been prepared and approved.

To prevent harm caused by alcohol and to combat the underground economy and white-collar crime, the Regional State Administrative Agency inspects the licence applicant's general conditions and other factors to be considered in a case-specific overall assessment by requesting reviews and statements from different authorities.

The retail sales licence of alcoholic beverages is primarily issued as valid until further notice. The licence is issued for a fixed period of time if the applicant has applied for a temporary licence or if the activities are of a temporary nature. For a legitimate reason, the Regional State Administrative Agency may also decide that the licence is issued for no more than one year for the purpose of monitoring the applicant or the conditions for the activity subject to a licence or the effects of the activities.

The retail sales licence entitles the holder to sell alcoholic beverages to retail customers. In addition, alcoholic beverages can be sold for a serving licence holder for serving purposes. The retail sales licence and the rights included in it cannot be sold, because the operations cannot be outsourced, or the licence cannot be otherwise transferred. Only the licence holder can sell alcoholic beverages.

The retail sales licence of alcoholic beverages is specific to the retail outlet. The licence holder may sell alcoholic beverages only on the premises for which they have been issued an alcohol retail sales licence. If the licence holder wants to sell alcoholic beverages in another location, they must first apply for and receive a retail sales licence which entitles them to sell alcoholic beverages in this location.

The retail sales licence of alcoholic beverages is specific to the licence holder. If a licence holder transfers the retail outlet to another entrepreneur who continues business operations in the retail outlet, the new entrepreneur may sell alcoholic beverages in that location only after the Regional State Administrative Agency has issued them a retail sales licence based on their application.

Before the Regional State Administrative Agency can start processing the licence application and the self-monitoring plan required for the application, the applicant must have a Business ID. A retail sales licence cannot be issued to a limited liability company, partnership, general partnership, cooperative society or association during the process of incorporation, because these will not be legally competent until after they have been registered.

A retail sales licence of alcoholic beverages can be issued to a natural person or a legal person who is deemed to have the financial prerequisites and the reliability required for the said activity. Obstacles to obtaining a licence may include the applicant's bankruptcy or liquidation, failure to comply with the payment obligations or unsuitability for personal reasons, such as intoxicant abuse or committing crimes.

When issuing a retail sales licence, the suitability of the sales arrangements for selling alcohol are assessed on a case-by-case basis. The Regional State Administrative Agency is permitted to impose orders pertaining to the checkout and sales arrangements if the location or activities of the premises involve special risks regarding monitoring or general order and safety or if serving is also being carried out on the same premises. Most commonly, orders concerning checkout and sales arrangements have been issued in the context of implementing checkout systems based on self-service.

The Government Decree on the implementation of the Alcohol Act (151/2018) defines in greater detail the content of the application for a retail sales licence of alcoholic beverages.

Retail sales licence applications and notifications should be submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. A person who acts on a company's behalf must have the right to sign for the company or an authorisation to act on the company's behalf issued by a person with a right to sign for the company. Such an authorisation can be issued in the suomi.fi service. Applications submitted using the Allu e-services are automatically forwarded to the correct Regional State Administrative Agency

for processing. The e-services are not available for retail sales licences regarding the Åland Islands.

4.1 Conditions of a grocery store's retail sales licence

A retail sales licence may be issued to a grocery store for the sales of alcoholic beverages with a maximum alcohol content of 8%, produced by fermentation, and alcoholic beverages a maximum alcohol content of 5.5%, produced by other means, to an applicant whose sales of groceries in the indoor space of the building is not temporary. The licence cannot be issued for temporary sales, outdoor spaces or retail outlets that exclusively sell alcoholic beverages.

The retail outlet must have for sale a diverse selection of groceries needed on a daily basis. The sales of alcoholic beverages cannot be significantly higher than the sales of other food. The purpose of the provision is to ensure that the sales of alcoholic beverages is part, but not the main part, of the services provided to customers by the grocery store. The shares of the sales of different products cannot be estimated precisely when the licence is applied for, but what the trader emphasises in their business operations can already be observed at that stage. If the main focus of the grocery store is on providing alcoholic beverages for customers to purchase, it is inevitable that their share of the sales would be clearly higher than the share of groceries.

A retail sales licence can also be issued to an applicant engaged in grocery sales for the indoor space of a mobile shop (a vehicle or a boat). The mobile shop (the vehicle or the boat) must have a scheduled route that serves permanent or seasonal population. A retail sales licence may, for example, not be issued for a mobile shop that would tour public events or make stops at them or that would transport alcoholic beverages on routes or to stops based on customers' orders.

Applications for a retail sales licence for a grocery store are submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. The form to be used is the application for a retail sales licence.

4.2 Retail sales licence in connection with a serving licence

A retail sales licence can be issued in connection with a serving licence when serving alcoholic beverages with a maximum alcohol content of 8%, produced by fermentation, and with a maximum alcohol content of 5.5%, produced by

other means, for the retail of such products in the indoor space of the licenced premises.

A retail sales licence connected to a temporary serving licence, or a licensed area approved for events may only be issued for the demonstration event of several producers of alcoholic beverages which aims to demonstrate the products to consumers. A retail sales licence may be issued to beer or wine exhibitions, for example, in which several producers of alcoholic products present their products to consumers. A retail sales licence may not, however, be issued to a venue serving alcohol at a music festival, for example.

Applications for retail sales licences for serving alcohol should be submitted electronically in the e-services of the alcohol trade register Allu at valvira.fi/allu. Such licence applications should be submitted using the serving licence application form when applying for a serving licence or for already established activities by submitting a change application for the valid serving licence.

4.3 Retail sales licence in conjunction with a production location of alcoholic beverages

A retail sales licence of alcoholic beverages can be issued for retail activities taking place in conjunction with a production location of alcoholic beverages. In that situation, the licence holder may sell alcoholic beverages that they have produced themselves or other alcoholic beverages with a maximum alcohol content of 8%, produced by fermentation, and with a maximum alcohol content of 5.5%, produced by other means.

Applications for retail sales licences are submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. The form to be used is the application for a producer's retail sales licence. The same form is also used for applying a licence for the retail of farm wine or craft beer.

4.3.1 Farm wine and craft beer

The retail sales licence of farm wine and craft beer concerns retail in the indoor space of one retail outlet. This retail sales licence is issued to the producer of the mentioned alcoholic beverages, who may only have a retail sales licence entitling them to one retail outlet. The retail outlet of farm wine and craft beer must be located in conjunction with or in the immediate vicinity of the production location which is located in a building as referred to in the Land Use and Building Act and in which fermentation has taken place. The retail outlet may

also sell beverages other than those made by the licence holder, which are made by fermentation and have a maximum alcohol content of 8% and beverages made by other methods and have a maximum alcohol content of 5.5%.

According to the Alcohol Act, farm wine must meet the following criteria:

- its maximum ethyl alcohol content is no more than 13%
- it is produced solely by fermentation from berries, fruit and other plant parts except grapes and grain
- its production location is legally and financially independent of other manufacturers of alcoholic beverages
- in its production location, the maximum volume of alcoholic beverages produced during a calendar year is 100,000 litres
- its production location is in conjunction with agriculture
- its production location is physically separate from other production locations of alcoholic beverages
- no licence production is carried out at its production location

According to the Alcohol Act, craft beer must meet the following criteria:

- its maximum ethyl alcohol content is no more than 12%
- it is produced solely by fermentation from malted or unmalted grains
- ingredients other than the seeds of other plants, sugar, hops and other plant part involved in fermentation and spices have not been used in the production
- it can be farmhouse ale (sahti)
- the brewery that made it is legally and financially independent of other manufacturers of alcoholic beverages
- in the brewery that made it, the maximum volume of alcoholic beverages produced during a calendar year is 500,000 litres.
- the brewery that made it is physically separate from other producers of alcoholic beverages
- the brewery that made it does not carry out licence production.

The producers of farm wine and the producers of craft beer may be engaged in production or operational cooperation with each other. The procurement of raw materials and supplies needed in the production of the alcoholic beverage as well as the packaging, marketing and distribution of the alcoholic beverage constitute such cooperation. However, the prerequisite is that the total volume of the alcoholic beverages produced in the cooperation does not exceed 100,000 litres for producers of fruit wine and 500,000 litres for producers of craft beer.

4.4 Notification of the commercial importation of alcoholic beverages for retail

The holder of a retail sales licence may import the alcoholic beverages referred to in the retail sales licence for retail purposes after submitting a notification to Valvira of their activities as an importer.

The notifications can be submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. The processing of the notification is subject to a charge, and a letter indicating that information has been entered in the register will be sent after a notification has been received. This letter must be presented to customs in connection with the importation.

The importer of an alcoholic beverage is responsible for the quality and composition of the alcoholic beverage they deliver for consumption, and for the product and its labelling and other presentation complying with provisions and regulations. Valvira steers and supervises the realisation of this responsibility. In labelling, attention must be paid to the fact that any mandatory labelling concerning allergenic ingredients, for example, must be given on the packages in both Finnish and Swedish. More detailed instructions on labelling, the presentation thereof and the marking of alcohol content are provided in Valvira's guideline Labelling of alcoholic beverages.

Importers must report all products they import to the alcohol trade register prior to their retail. In addition, all imported batches must be reported to Valvira on a monthly basis. Notifications and reports must be submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu.

Further information on the import of alcoholic beverages is available on Valvira's website.

When imported, an alcoholic beverage must be reported as taxable. The import of an alcoholic beverage is considered illegal if alcohol tax has not been paid for it in Finland.

4.5 Changes in the retail outlet

If a licence holder decides to materially change the nature or extent of their activities so that the issued licence no longer covers the altered activities, the licence holder must apply for a change to the licence prior to the change. The change may not be carried out before the Regional State Administrative Agency has approved the change to the licence.

Applications for changes in licences are submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. The change application is made by selecting the licence to be changed and submitting a change application for it.

4.6 Changes in a company's ownership and control relations, or in a bankruptcy.

As a rule, the alcohol authorities obtain information about changes in a company's ownership and control relations directly from the Finnish Patent and Registration Office's registers, and such changes do not usually need to be reported separately. The updating of information can be verified in the e-services of the alcohol trade register Allu at valvira.fi/allu. If the information has not been updated within two weeks of its registration with the Finnish Patent and Registration Office, the changes must be reported to the Regional State Administrative Agency.

If a licence holder assigns the business to another company or a sole trader, or if the licence holder's business ID changes, the party continuing the business must apply for a new retail sales licence. The new entrepreneur may not sell alcoholic beverages before a new licence has been issued to them.

If the holder of a retail sales licence is declared bankrupt, the insolvency estate may continue the sales of alcoholic beverages for no more than one year as of the commencement of the bankruptcy. The insolvency estate must notify the Regional State Administrative Agency of the discontinuance or continuance of the retail activities. To continue the activities, the insolvency estate needs a retail sales licence number from the Regional State Administrative Agency.

4.7 Name changes

If the name of an establishment changes, the Regional State Administrative Agency must be informed of the change. The change can be made in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. Changes are made by selecting the licence to be changed and submitting a change application for it.

The information is saved in the alcohol trade register, the accuracy of which is important with regard to the delivery of goods and the collection of supervision fees.

4.8 Discontinuing the activities

If the sales of alcoholic beverages is discontinued, a written notification on the discontinuance must be submitted to the relevant Regional State Administrative Agency. The notification must be submitted in electronic format in the e-services of the alcohol trade register Allu at valvira.fi/allu. The notification is submitted by selecting the licence to be discontinued and by entering an end date for the licence.

When the activity ends or is transferred to another party, the holder of the retail sales licence for alcoholic beverages may sell their stock of alcoholic beverages to another licence holder without a wholesale licence. The buyer and seller are free to agree on the transfer price. When the activity ends, the stock of alcoholic beverages may also be moved to another sales outlet of the licence holder or be returned to the wholesaler.

A document must be drawn up on the transfer of a stock of alcoholic beverages to a new owner or to another sales outlet, and it must indicate the quantity of each alcoholic beverage transferred. The document concerning the transfer of a stock of alcoholic beverages must be submitted to the Regional State Administrative Agency within 30 days of the transfer of control.

The licence holder must also provide the Regional State Administrative Agency with an annual report concerning the sales completed by the closing date.

4.9 Licence and supervision charges

The Regional State Administrative Agency charges a fee for the processing of the licence applications and a statutory annual supervision fee. The annual

supervision fee of the retail sales licence is 200 euros; however, the fee is waived for the first calendar year. The supervision fees on retail are invoiced per calendar year no later than 30 April, when the licence holder has had a valid licence on 1 April.

The fees cover the costs of the work performed by the authorities. The fees can be distrained without a court order or decision. The licence processing fees are laid down in the Government decree on charges payable for the services of the Regional State Administrative Agencies. The charge tables can be found on the websites of the Regional State Administrative Agencies and the appendix of the decree.



Valvira

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