



Alcohol Issues in Licensed Premises

The amendments to the alcohol legislation concerning the advertising of alcoholic beverages have taken force on 1 January 2008.

These guidelines explain the new provisions on advertising and provide instructions on how to apply them. Chapter 3 on supervision is completely rewritten. The guidelines now emphasize the importance of self-supervision on licensed premises in the prevention of misconduct and disturbances. The amounts of euros of licence and supervision fees have been updated.

There is information on dispensing alcoholic beverages and guidelines on the topic on the Internet pages of the National Product Control Agency for Welfare and Health (STTV) in www.sttv.fi.

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1. Dispensing alcoholic beverages

1.1 Alcoholic beverages

Alcoholic beverages whose dispensing is subject to licence are defined as consumable alcohol which contains more than 2.8 ethyl alcohol % by volume. Mild alcoholic beverages refer to alcoholic beverages which do not contain more than 22% ethyl alcohol by volume and strong alcoholic beverages to alcoholic beverages which contain more than 22 ethyl alcohol % by volume (AlkoL 3 §). Alcoholic beverages which have been produced through fermentation and whose alcohol percentage by volume does not exceed 4.7 include so called medium strength beer, cider, long drinks and wine drinks.

1.2 Procuring beverages for dispensing

Only legally procured alcoholic beverages can be dispensed and consumed in licensed premises. Alcoholic beverages can be legally procured from the State Alcohol Monopoly, licensed producers and wholesalers of alcoholic beverages. According to the Alcohol Act section 8, a licence-holder can also import alcoholic beverages for dispensing as described later in Chapter 1.15. If any alcoholic beverages are consumed on licensed premises or in connection of the premises other than the alcoholic beverages legally delivered there, the licence holder or a staff member working on the premises can be sentenced for illegal sales of alcoholic substances (AlkoL 85 § subsection 6).

Dispensing and consumption of customer's own alcoholic beverages in licensed premises is prohibited at all times. Consequently, in private functions in restaurants, such as weddings, it is not permitted to consume for example as a welcoming toast the customers own champagne from abroad; only beverages which have been legally procured for dispensing are permitted.

Alcoholic beverages have to always be purchased using the licence number of the place concerned. The licence holder is not permitted to procure alcoholic beverages with his/her licence number for functions which are not organised in the licensed premises in question.

If an entrepreneur has both a retail and dispensing licence or several dispensing licences, all the purchases and stores which have been procured under one licence number have to be kept clearly separate from the other places of business. Store transfers between active licensed premises are not possible.

The law also restricts the consumption of a customers own alcoholic beverages in premises without a licence. According to the law, consuming alcoholic beverages is prohibited in restaurants and other such premises, where food and beverages are sold to the public (AlkoL 58 §). In other closed functions organised in public premises alcohol consumption is permitted, if the organiser has informed the police (AlkoL 59 §).

The regulations given in the Alcohol Act concerning the supplying of alcoholic beverages must be noted when procuring and dispensing alcoholic beverages in catered functions arranged on customer premises or other unlicensed premises or restaurants. Section 31 of the Alcohol Act states that supplying alcoholic beverages for reward is prohibited. The sanctions on unlicensed sales and supplying of alcoholic beverages are stated in section 85 of the Alcohol Act.

The Alcohol Act is violated if a catering service procures alcoholic beverages for a function at the request of the organiser, then charges a fee for delivering or serving them. Problems do not usually occur if the organiser of the function procures the alcoholic beverages, and the catering service only serves them together with the rest of

the offering.

A catering service may charge the organiser of a function for the staff by the hour, for example. If the catering service is in charge of facilities where they regularly arrange paid catered functions, this constitutes running a restaurant, and the dispensing of alcoholic beverages on the premises requires a licence.

1.3 Alcohol book-keeping and alcohol stores

The licence-holder has to record sales by each account so that the licensing authority receives accurate quarterly sales information.

In case the authorities carry out an inspection, the licence-holder has to be able to provide documentary evidence that the alcoholic beverages which have been dispensed in the licensed premises have been legally procured.

It is not permitted to store in the licensed premises other alcoholic beverages than those which have been procured with a licence number for the premises. Customers own alcoholic beverages which have been left in the premises for storing have to be kept clearly separate from the licensed beverages in a cloakroom or other similar place.

1.4 Discontinuing licensed business activities

If business activities are either discontinued or passed on to a new owner, the business alcoholic beverage stores can be handed over in accordance with the conditions and limitations set by the licensing authority (AlkoA 28 §). It is not permitted to take beverages which were bought for dispensing for personal consumption when business activities are discontinued. The alcoholic beverage stocks have to be either handed over to the new owner or another licensed business or returned to the wholesaler. The

buyer and seller are free to negotiate the hand-over price.

When transferring the stocks to the new owner or to other licensed premises, an inventory itemizing the alcoholic beverages and a deed of transfer must be made and kept available on the premises for the licensing authority to see. In addition, such transfers of stocks of alcoholic beverages must be declared by both parties in their quarterly report in the section for additional information.

The licensing authority has to be notified within two weeks of the discontinuation of licensed business activities or changes to management (STMp 162/98, 10 §).

1.5 Licensing hours

The earliest licensed premises may open is at 5 am, and they are allowed to stay open until 2 am. If alcoholic beverages are served in a restaurant and the dispensing of them is ordered to end earlier than 1:30 am on the licensed premises or in a part of them, the licensed premises or the respective part of them must be closed half an hour after the end of the licensing hours at the latest (MaraL 3 § subsection 1).

Licensed premises may stay open between 2 am and 4 am, depending on the licensing authority's decision to extend the licensing hours after 1:30 am in accordance with the respective regulations. In this case, the licensed premises must be closed half an hour after the end of the licensing hours at the latest (MaraL 3 § subsection 2).

It is prohibited to allow new customers to enter the premises in the last half hour before the statutory closing time (MaraL 3 § subsection 3).

If the restaurant is open between 2 am and 5 am in accordance with a written notification to the police, it is not allowed to dispense or consume alcoholic beverages in the restaurant during these hours (MaraL 4 § subsection 1).

It is allowed to start dispensing alcohol at 9 am. The dispensing must stop when the premises are closed, or at 1:30 am at the latest, provided that the dispensing hours have not been extended. If the licensed premises are closed after midnight, the dispensing must stop half an hour before the closing time at the latest (AlkoA 23 § subsection 1).

After the closing time, no customers must be permitted on the licensed premises, nor is it permitted to consume alcohol in the restaurant. After the statutory closing time, it is also prohibited to organise private functions, or for the staff to consume alcohol in the restaurant.

1.6 Extended licensing hours

In accordance with section 23 of the Alcohol Decree, licensing hours are between 9 am and 1.30 am. On application, licensing hours can be increased in the morning and after 1.30 am. A licence to dispense alcoholic beverages can be granted to start at the earliest at 5 am. Licensing hours can be extended until 2.30 am or 3.30 am.

The State Provincial Office grants extensions to licensing hours. The licence for extended hours is applied for on a specific application form which is available from the State Provincial Office or www.suomi.fi. The application form should be handed in approximately 1 month before the start of the planned extension of licensing hours. Filling the application form with care and giving thorough reasoning is important. The process is often delayed due to incomplete applications.

The Government Decree (1208/2002) lays down provisions for the grounds for granting extended licensing hours. The references to sections below refer to the above-mentioned decree.

Extended licensing hours can only be granted for a specific reason. The licence can only be granted if the licensed premises are located in a place where the extended

licensing hours do not appear to cause inconvenience and disturbance to those living in the surrounding areas. The licence can also be refused or it can be granted with differing hours or extent if the authority sees it necessary in order to implement the Alcohol Act. The extended licence can also be refused or a previously granted licence cancelled if serious licensing offences or recurrent breaches of the peace have occurred in the licensed premises (4 §).

The licence to dispense alcohol before 9 am can be granted only if special travel related reasons or a specific function or event requires it (5 § subsection 1).

Special reasons to dispense alcoholic beverages after 1.30 am include:

- 1) the licensed premises business idea which requires extended licensing hours due to high quality entertainment or other equivalent reasons;
- 2) a special function or event organised in the premises requires extended licensing hours.

Extended licensing hours can be granted to licensed premises which are primarily open until 3.30 am in the evening and night time if

- 1) the premises function as part of a high-level hotel or
- 2) the premises standard of equipment and level of service make it into a particularly high quality entertainment night club (5 § subsections 2 and 3).

The licence can be granted for everyday of the week or specific days of the week. The licence can apply to the entire premises, a department of the premises or another specified section of the premises (6 § subsection 2).

Licensed premises which have been granted a licence to dispense alcohol on a specific day of the week after 1.30 am can dispense alcohol until 3.30 am on the eve of Independence Day, New Year, May Day and

Midsummer unless the licensing authority states otherwise (7 §).

The extended licence can be granted at for two years at the most. A temporary licence for up to one month can be granted for specific functions and events (8 §).

The licensing authority asks for a statement from the police as part of the application. A police statement that notes such problems as previous breaches of the peace can be an obstacle for receiving a licence. In addition, the police's notion of the nature of the business activities is also taken into account when the decision on extended opening hours is made.

The change to summer and winter time affects those restaurants which have been granted extended licensing hours until 3.30 am. When the clocks are changed to summer time, last orders have to be taken at 2.30 am because the clocks go forward an hour from 3 am to 4 am. The licensed premises have to be closed according to the new time. The lost hour can be taken back when the clocks are turned back for winter time and last orders are at 3.30 am after the clocks have gone back from 4 am to 3 am.

1.7 Staff

Licensed premises are required to have enough staff to cover the full extent of activities in order to ensure efficient control and maintenance of order. The licensing authority has to be presented with a plan regarding the number of staff members and their tasks (AlkoL 21 c §). The staff plan form is available in the State Provincial Offices or www.suomi.fi.

The staff plan is a document which must be available for inspection in the licensed premises and which has to be kept up-to-date with regard to changes in staff. A shift schedule with full names of the members of staff and their tasks, which corresponds with the information on the staff plan, must also

always be available in the licensed premises.

A person under the age of 18 cannot serve alcoholic beverages unless s/he has obtained adequate vocational training in an educational establishment included in the Vocational Institution Act (487/87) or through apprenticeship training which meets the requirements of the Act on Apprenticeship Training (AlkoA 27 subsection 1) or vocational training which is in accordance with the Act 630/98 on Vocational Education or if s/he has taken a degree which is in accordance with the Act on Vocational Adult Education (631/98).

A young person under the age of 18 who has studied hospitality management in a vocational institution but has gained only a little theoretical education on dispensing alcoholic beverages and no practical training will not be considered adequately trained to dispense alcoholic beverages. However, a young person who has completed a degree in a hotel and catering institute where the curriculum includes education on customer service in a restaurant and a practical training period in licensed premises can be seen to hold competence which is in accordance with the Alcohol Decree.

A student, who has turned 16, can dispense alcoholic beverages in accordance with the curriculum only when supervised by a trainer/supervisor who is over 20 years old and has appropriate training (AlkoA 27 subsection 2). Dispensing alcoholic drinks in accordance with the curriculum referred to in the provision takes place either in the educational establishments own restaurant or at work during work-based learning periods under the supervision of a trainer or supervisor. Furthermore, a 17-year-old student who is studying in a hotel and catering institute does not hold the right to work in alcohol dispensing.

The members of staff are not permitted to be under the influence of intoxicating substances when at work (STMp 162/98, 11 §).

1.8 Duty manager

Licensed premises are required to have a duty manager and a necessary number of assistants for him/her who are appointed by the licence holder. The duty manager and his/her assistants have to be suitable for the role, and they have to have adequate professional skills which have been obtained either through training or experience. The duty manager and his/her assistants are, in addition to the licence holder, responsible for making sure that the provisions of the Alcohol Act are implemented in the licensed premises.

An unsuitable duty manager or his/her assistant is a person who is obviously unable to carry out his/her tasks due to previous offences or negligence or abuse of intoxicating substances.

Sufficient professional skills which have been obtained through education require a minimum of one-year full-time training in hospitality management with a curriculum including education and practical training on alcohol dispensing. Experience-based professional skill requires a minimum of two-years of full-time work dispensing alcoholic beverages and a certificate from a hospitality management institute showing that the person is aware of the provisions on alcohol dispensing.

Differing from subsection 3, in licensed premises which serve only alcoholic beverages which have been produced through fermentation and whose ethyl alcohol percentage by volume does not exceed 4.7% suitable professional skills can be proven on a certificate given by an educational establishment which shows that the person in question is aware of the provisions on alcohol dispensing (AlkoL 21 b §).

Further provisions on the above mentioned hospitality management curriculum and certificates granted by education establishments are noted in Social Affairs and Health Ministry decree (1371/02).

The licence holders plan for the duty manager and his/her assistants has to be available on the licensed premises. If there are several assistants for the duty manager, the order of the assistants has to be shown on the plan. The duty manager and his/her assistants training and experience-based professional skills have to be clarified at the licensed premises if the authorities so request (AlkoA 27 a §).

The availability of the duty managers plan requires that it is clearly executed. In many licensed premises the management shifts are highlighted in the shift schedule. The order of the assistants is necessary because the listed assistant will come and replace the duty manager if s/he has to leave the premises or is unable to come to work.

The duty managers task is to enforce the Alcohol Acts provisions and requires that s/he is present in the premises. An arrangement according to which the duty manager can be called in from his/her nearby home is not pursuant to the provision.

The duty manager arrangements aim is to ensure efficient self-control of the licensed premises which is central to the prevention of offences and disturbances. The licence holder has to ensure that the scheduled duty manager is able to efficiently monitor all areas of the licensed premises. The preconditions of efficient monitoring of the premises are considered unenforced, and the monitoring is seen to be neglected if the duty manager is completely tied up in the hotel reception, kitchen or working within certain other areas of the premises. When arranging monitoring, the licence holder has to take into account the special conditions of the licensed premises. This means that a restaurants different sections might require their own duty managers.

It is important to stress that the control of licensed premises should not only be the duty managers task and responsibility; instead, each employee needs, for their part,

to know the provisions and regulation on alcohol dispensing and to comply with them in cooperation with the rest of the staff. Creating and maintaining this kind of an attitude is a matter of honour for a professional licence holder and duty manager.

1.9 Order on licensed premises

An intoxicated person is not allowed on licensed premises. A customer who is behaving in a disturbing manner or who is noticeably intoxicated must be removed from licensed premises (AlkoL 23 subsection 1).

It is not permitted to serve alcoholic beverages if:

- 1) the person is under the age of eighteen;
- 2) the person is misbehaving or clearly intoxicated;
- 3) there is a reason to assume misuse of alcoholic beverages (AlkoL 24 § subsection 1).

It is also prohibited to dispense beverages which contain minimum of 1,2 and maximum of 2.8% ethyl alcohol by volume to a person under the age of eighteen (AlkoL 24 § subsection 2).

A person purchasing an alcoholic beverage has to, on request, identify him/herself as being over the age of eighteen (AlkoA 26 §).

Dispensing alcoholic beverages negligently to under-aged customers is a serious offence, and, in accordance with the established sanction procedures, the licence holder will lose his/her licence for a fixed term after the first occurrence. The law is always violated when an under eighteen-year-old customer is served alcoholic beverages, even if the young person appears older than his/her age.

A young customer's age must always be checked if the members of staff cannot otherwise definitely confirm that s/he is over the age of eighteen. The customers age must be

carefully checked against an official ID. The picture and the holder of the ID must match. Despite the fact that doormen check young customers age at the door of the premises, the bar staff must also always check the customers age if there is any reason to believe due to appearances that the buyer is under-aged. Thorough checking of IDs can prevent and bring up the abuse of someone else's ID.

The under-aged are not prohibited from spending time in restaurants. However, it is important to control that the under-aged are not consuming alcoholic beverages which were bought by someone else on the premises. Neglecting to supervise this is considered the same as serving alcoholic beverages to an under-aged customer.

An intoxicated person's characteristics are various functional disorders such as staggering, faltering or loud speech, hesitant and uncertain movements, nodding, glazed eyes etc.

An intoxicated person's judgement is considerably weakened. Due to this s/he is unpredictable, and his/her next move cannot be anticipated. An intoxicated person can easily cause disturbance for example in a situation in which s/he has taken another customers alcoholic beverage. In order to avoid all sorts of inconvenience and disturbance, an intoxicated person has to be removed from the licensed premises immediately when the intoxication is clearly noticeable. The removal has to be carried out in a sensitive but determined manner. If the customer is considerably intoxicated, the staff are to make sure that the customer is safely taken for example to his/her home. Sometimes attending to the customers safety in such a situation will require calling the police. A penalty for abandonment has been enacted in the Penal Code (RL 21:14 §).

In accordance with Accommodation and Catering Act, section 5, the licence holder and the staff have the right to deny a poten-

tial customer the access to the premises, if there is a valid reason for the denial from the point of view of order on the premises, or from the point of view of the business idea of the enterprise. On the basis of the business idea, customer selection can be done by setting age limits or requirements on attire as prerequisites for gaining access. The bases of customer selection must not be discriminatory. The provisions against discrimination are laid down in the Non-Discrimination Act, section 6. Nobody may be discriminated against on the basis of for example ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The penal provisions are laid down in the Penal Code, chapter 11, section 9.

1.10 Alcohol portions

Licensed premises have to have a sufficient selection of mild alcoholic beverages and moderately priced non-alcoholic beverages (AlkoL 25 §).

It is normally only permitted to dispense one basic portion of alcoholic beverages per customer at a time. During a meal it is permitted to serve several different alcoholic beverages at one time. It is also permissible to dispense alcoholic beverages to a group of people by bottles or in other sales packaging (AlkoA 24 § subsection 1).

Dispensing by bottle may be the most practical method in e.g. private occasions in which the number of participants is great. In this case, the staff serve the alcoholic beverage in the customers' glasses measuring it by basic portions of the type of beverage, judging the portion size visually. The organiser of the event is then charged for the drinks per bottle. It is strongly advisable to take a guarded stance regarding the dispensing of strong alcoholic beverages by bottle to small parties (2 - 4 persons). When dispensing alcoholic beverages by bottle, the staff must

note the level of the premises, the business idea, the customers, the time of day as well as the requirements of effective supervision and maintaining order. Dispensing by bottle must not lead to over-extensive dispensing or over-intoxication of customers.

Dispensing alcoholic beverages in so-called doubles is prohibited. Dispensing two alcoholic drinks in two separate glasses, i.e. two basic portions, is also considered dispensing doubles. The aim of the prohibition on dispensing doubles is to prevent the customers fast intoxication and the inconvenience caused by it. The members of staff are thus able to observe the development of the customers intoxication when the alcoholic beverages are dispensed in accordance with the amounts confirmed in the decree.

The basic portion for spirits is 4 centilitres but they have to also be available in 2-centilitre portions. In hotel room mini bars a basic portion can be 5 centilitres if the beverage has been packed into a 5-centilitre miniature bottle (AlkoA 24 § subsection 2).

The basic portion for mild alcoholic beverages is 8 centilitres but they have to also be available in 4-centilitre portions (AlkoA 24 § subsection 3).

Alcoholic beverages which have been produced purely through fermentation (such as white and red wine) or whose alcohol content is maximum 5.5% by volume can be dispensed by a glass or bottle or in other sales packaging. The maximum portion per customer at a time is one litre (AlkoA 24 § subsection 4).

When dispensing cocktails with more than one alcoholic beverage in one drink, the total amount of alcohol in one cocktail can be equal to that of 4 centilitres of spirits (AlkoA 24 § subsection 5). Exceptions to this are beer, cider and sparkling wine cocktails which, according to the Product Control Agency Decision based on the Alcohol Decree, can include a maximum of 2 centilitres of spirits or 4 centilitres of mild

alcoholic beverages in addition to beer, cider or sparkling wine. When a cocktails 4-centilitre portion of strong spirits is calculated, 2 centilitres of mild alcoholic beverage (for example maximum 22% volume liqueur or fortified wine) compares with 1 centilitre of strong alcoholic beverage.

The National Product Control Agency can grant an exception to the regulations on the portion sizes (AlkoA 24 § subsection 6). A restaurant can apply for an exceptional permit for serving a special and slightly larger than normal cocktail.

1.11 Dispensing for credit and giving a receipt

It is not permissible to dispense alcoholic beverages for credit, pledge or as an exchange for goods or services.

However, dispensing alcoholic beverages for credit is permitted:

- 1) to a community
- 2) to a tourist staying in a hotel or if charging cash in a festive, social or other such function would cause unreasonable inconvenience due to the quality or extent of the function
- 3) to private individuals by complying with the credit arrangements approved by the Product Control Agency (AlkoA 25 §).

The Product Control Agency has approved the following credit arrangements for private individuals:

- an international credit card
- a domestic credit card which has been approved in other countries apart from Finland as a means of payment for alcoholic beverages.

In Finland the condition for accepting the credit cards listed above as a means of payment for alcoholic beverages is that other payments that the customer might incur

in the premises can be paid with the credit system in question.

The licence holder or the members of staff are not allowed to lend their own money or the restaurants money to customers so that they could buy alcoholic beverages there. The Supreme Administrative Court has in its practices noted that this is considered a prohibited procedure to dispense alcoholic beverages for credit.

The customer has to be given, without him/her requesting it, a receipt or other such document for the dispensed alcoholic beverages unless the licensing authority has for a specific reason granted an exception (AlkoA 25 § subsection 3). Exceptions have been granted for example to theatre restaurants. Giving a receipt during an interval slows down the service and is more difficult than in normal circumstances.

1.12 Licensed premises and changing them

It is permitted to dispense alcoholic beverages only in an area the licensing authority has approved and where control can be efficiently organised. Spectator auditoria or stands in sports, music or other such events cannot be used as licensed premises. Licensed premises have to be clearly marked out so that the boundaries are clearly visible to the customers if the definition of the licensed premises is not otherwise clear. Entry and exit points of the licensed premises have to be efficiently monitored (AlkoL 21c § subsection 3).

The alcoholic beverages which have been purchased in licensed premises have to be consumed within the premises. Retailing alcoholic beverages or removing them from the licensed premises is prohibited if they have been procured for dispensing in the restaurant (AlkoL 23 § subsection 2). The prohibition includes summer terraces and outdoor serving areas which have been constructed in connection of various events.

A licence holder or staff member working on premises intended for dispensing alcohol can be sentenced for illegal sales of alcoholic substances (AlkoL 85 § subsection 6) if they allow alcoholic beverages intended for dispensing to be carried out of the premises.

The plan for outlining the licensed premises

The licensing authority has to be presented with an outline plan for the licensed premises (AlkoL 21c § subsection 3). The outline plan form is available in the State Provincial Offices or www.suomi.fi.

In practice a written plan outlining the licensed premises must always be presented to the licensing authority when applying for a licence for new premises or when new licensed areas in existing premises are taken to use.

The plan has to show how the licensed premises will in practice be defined. It has to also clearly display that the area will be defined in a way which will be obvious to the customers. In addition, the area has to be marked off using structures and equipment so that the premises can be efficiently controlled and that the customers cannot easily take their alcoholic beverages off the premises. Defining the licensed premises as a technical question has to always be examined together with the premises own self-control system. These together enable dispensing which is in accordance with the provisions.

Changing the licensed premises

Changing the licensed premises can concern indoor or outdoor areas within the licensed premises or areas which are apart from the licensed premises. The changes can be either permanent or temporary.

The indoor changes of licensed premises include, for example, the extension of the main dining room or other sections of

the restaurant so that new room space is utilized for purposes of dispensing. In hotel restaurants, the licensed areas can include hall space, hotel rooms, meeting rooms and cabinets as well as dressing areas connected to sauna sections. Changes to licensed premises can also mean decreasing the size of the licensed serving area.

The space division on licensed premises can be changed on the basis of the licence holder's notification. However, a change to the licensed premises needs to be approved by the licensing authority if the change is significant from the point of view of the supervision of the dispensing activity (AlkoL 21c § subsection 4).

A change to licensed premises requires permission if:

- 1) the licence is for a fixed-term,
- 2) the licensed premises extended are outside,
- 3) the licensed premises are extended to another building (AlkoA 22 § subsection 1).

Changes carried out inside the licensed premises usually have an effect on the supervision of dispensing such that the licensing authority can handle them on the basis of a notification only. For example, if a smoking room is built in the restaurant, reducing the area used for dispensing alcoholic beverages and reducing the number of customer places, the change to the licensed premises can be handled on the basis of a notification only.

The notification of changes to licensed premises must be placed with the licensing authority at least three weeks prior to the implementation of the planned changes. In turn, the licensing authority must notify, within two weeks of receiving the notification, if it is approved (AlkoA 22 § subsection 2).

The notification and the application must include the following information and clarifications regarding the changes to the

licensed premises (the form is available from the State Provincial office or www.suomi.fi):

- 1) report on whether the changes to the licensed premises are permanent or temporary;
- 2) the date when the changed premises are going to be taken into use;
- 3) a report on the licence holders permission to use the changed area (e.g. rental agreement);
- 4) a report showing which area of the licensed premises the changes will affect;
- 5) drawings of the changes which will be carried out in the licensed premises or the planning permission drawings if the changes require planning permission;
- 6) the customer capacity in the new or changed licensed premises;
- 7) a plan showing how the new or changed licensed premises will be marked off;
- 8) a report on how alcoholic beverages are to be dispensed in the new or changed licensed premises and how its control will be carried out;
- 9) a statement that the licence holder has notified the municipal food control authority of the changes in the licensed premises or made the required application, in accordance with sections 13 and 14 of the Food Act.

Under the section 21 c and d, the licensing authority can prohibit the introduction of the changes or determine limitations and conditions for them (AlkoA 22 § subsection 5). The licensing authority can limit the licensing hours, licensed premises, the variety of dispensed alcoholic beverages or the customer capacity. It can also set necessary conditions to enable control and the maintenance of order in the premises if it is apparent that based on the plans the dispensing cannot be reasonably controlled due to the location or other special conditions or the number of staff and their tasks.

1.13 Kitchen alcohol

A restaurant can apply for a permission to use kitchen alcohol in food preparation. Kitchen alcoholic beverages are meant purely to be used in cooking, and they are free of alcohol tax. The use of tax-free kitchen alcohol for mixing drinks or cocktails is prohibited. Breaking this prohibition leads to the cancellation of the licence.

The licence has to be applied for from the Product Control Unit of the National Product Control Agency for Welfare and Health. The condition for receiving the licence is that the need for kitchen alcohol is justifiable and that the premises meet the set requirements.

The application has to include a report on the purpose for the alcohol and annual procurement needs (the types of alcohol, litres by type and the recipes).

The use and stores of kitchen alcohol has to be recorded.

Applying for a kitchen alcohol licence for minor use in food preparation is not profitable as the licence costs € 220 and the lowest annual control charge is € 95.

Alcoholic beverages originally acquired for dispensing can be transferred to kitchen use against receipt, and they can be used for cooking. It is permitted to use alcoholic beverages as raw materials in food preparation, in which case they must be included in the price of the food. Those amounts of alcoholic beverages which have been measured with officially inspected instruments can be separately billed as well. Any use of alcoholic beverages originally acquired for dispensing and then used for food preparation must be documented.

1.14 Measuring instruments for dispensing

Alcoholic beverages must be measured with officially inspected measuring instruments

(Weights and Measures Act 219/65, Weights and Measures Decree 370/92, and Measuring Instruments Directive 2004/22/EY).

Capacity serving measures (the transfer devices, so called spirits measures of 12 cl, 8 cl, 4 cl, 2 cl, 1.5 cl, 1 cl) must be officially inspected before use. It is not necessary to have a re-inspection as long as the stamp is clear and the measure is undamaged.

Metering devices for alcoholic beverages (for spirits, wine, beer, cider and long drinks) must be officially inspected every three years, and every time the seal is broken or the accuracy of the metering device is suspect.

Using approved standard glasses (with a line measure indicating the correct capacity) is an alternative for using standard capacity serving measures or metering devices for alcoholic beverages. The nationally approved standard glasses have traditionally been those for beer and cider. Approvals of line measures, according to the Measuring Instrument Directive (MID), can take into account all portion sizes and types of alcoholic beverage. When using approved standard glasses, the beverage must be measured up to the line.

The table below shows the inspections required for the measuring instruments used for dispensing alcohol:

TYPE TESTS AND PERIODIC CHECKS FOR MEASURING INSTRUMENTS USED FOR DISPENSING ALCOHOL

Measuring device	Type test/ approval	Initial inspection	Periodic check	Check interval
Bottle mouth metering device	-	x	x	3 years
Metering device for beer/cider	x	x	x	3 years
Metering device for alcoholic beverages	x	x	x	3 years
Capacity serving measure (transfer measure)	-	x	-	-
Standard glass (line marker)	x	x	-	-

In older measures, the mark of the national initial inspection consists of a crown symbol, the last two digits of the year of the inspection (e.g. 06) and the inspector's identifier number (xx). More recent measures show approvals as defined in the Measurement Instruments Directive (MID).

Devices approved under the Measurement Instruments Directive have a compliance marking which consists of the CE-marking, a complementary metrological marking (M), the last two digits of the year of manufacture of the device (e.g. 07), and the identification number of the given inspection institute (e.g. 0424).

In Finland, the periodic check mark consists of a stamp or sticker placed on the measuring instrument, with a crown symbol and the date of the inspection.

An official periodic check can be performed and the respective mark can be placed by an authorized inspection institute only. Removing or damaging seals (by breweries, for example) invalidates the inspection. In Finland, the institution in charge of these inspections and type tests is Inspecta Oy, tel. 010 521 600, with offices and inspectors located in all areas of the country.

The Safety Technology Authority (TUKES) and the State Provincial Offices monitor that legal measuring devices only are used for dispensing alcohol. The user of a measure which has not been inspected can be fined for the use of an illegal measure. For more information on measuring, please see www.tukes.fi.

1.15 Importing alcohol for commercial dispensing

Once the licence holder has notified the Product Control Agency, s/he can import the types of alcoholic beverages for dispensing which have been specified in the licence (AlkoL 8 §). The notification is given to the Product Control Agency Product Control Unit on a notification form. The notification, for which a € 110 fee is collected, is returned signed to the licence holder so that it can be presented to customs if necessary. The notification forms and guideline for alcohol importation are available at the Product Control Agency.

The importer is responsible for the imported alcoholic beverages. The Product Control Agency supervises and monitors the execution of this responsibility. The Product Control Agency Product Control Unit maintains a product register of all alcoholic beverages sold in Finland. The product register contains the basic information of the alcoholic beverages in the Finnish market (product name, product group, alcohol content, EAN code, producer, country of origin, net content and packaging type) and the trader responsible for the product. The importer has to report the product register of all new products before they enter the market.

All imported consignments have to be reported monthly to the Product Control Agency Product Control Unit on a report form on the 18th of the month (at the latest) following the month of importing.

The practical measures differ when alcoholic beverages are imported from the EU or from third party countries. Beverages which are imported from third party countries are required to have an initial inspection analysis certificate from an approved laboratory on the products composition and quality. This analysis certificate must be attached to the product notification.

A standard import licence, granted by the Ministry of Agriculture and Forestry on request, is required for a minimum of 3000-litre consignments of grape wines.

If the importation is continuous, the licence holder can apply from the customs for a licence to work as a registered trader. In such a case the licence holder has to determine a continuously valid security to ensure that the excise duty is paid. The forms are available in the Customs District Office and are to be lodged with the Customs District where the premises are situated.

An occasional alcohol importer works as a non-registered trader. In such a case the District Customs Office has to be notified before the products leave for Finland, and the importer has to determine a non-recurring security for the payment of the excise duty.

Imported alcoholic beverages must be declared for taxation. The customs districts levy the tax. Importing alcoholic beverages is considered illegal if the alcohol tax has not been paid in Finland. Dispensing alcohol which has not been taxed will lead to losing the licence.

1.16 Restaurant's self-supervision in the product control of alcoholic beverages

Licensed premises are responsible for the product control of the alcoholic beverages that they sell. The responsibility is particularly emphasised when the restaurant imports alcoholic beverages for its own sale and when it dispenses draught beer since the quality of the beer in such a case is dependent on the conditions and the actions which have been taken.

The Product Control Unit has compiled together with brewing and catering sectors organisations guidelines for self-control of beer in restaurants: Oluen omavalvonta ra-vintolassa (Helsinki 1997). According to the guidelines, the quality checks of beer are part of the general self-control procedures in a restaurant; it should be part of the

restaurants self-control plan. The guidelines present the most common quality risks related to the dispensing practices of beer and how to prevent these risks, as well as giving an example of a self-control form.

The Product Control Unit monitors the quality of draught beer by carrying out random cleanliness checks and taking laboratory samples.

1.17 Collecting information and the duty to report

The licence holder is obligated (AlkoL 44 §) for control purposes to inform the licensing authority on a quarterly basis about the sales and staff information.

Every licence holder has to hand in the information on a form to the State Provincial Office on the 10th of the following month. If the licence is temporary, the form has to be handed in ten days after the activities have been discontinued. The State Provin-

cial Offices record the information into the alcohol industry register. The licence holder can also fill and return the form online in the following address: www.sttv.fi.

If there has been no sales in the notification period and the licensing authorities have not been notified of the discontinuation of activities in the restaurant, the quarterly notification has to be given by the due date showing that there has been no sales in that period.

Neglecting to send the correct information is considered a credibility issue and, hence, as an offence under Alcohol Act 22 Subsection 1 Paragraph 1 which states that the licence can in repeated cases even be cancelled. If the restaurant has after a request still not presented the control form, the licensing authority will start sanction procedures.

Receiving the information is important to the entire sector because it enables development of the sector and preventing grey economy and financial crimes.

2. Advertising alcoholic beverages in restaurants

2.1 General principles

Advertising strong alcoholic beverages on licensed premises is permitted, if the premises hold a licence to dispense strong alcoholic beverages. The advertising must be fact-based and restricted. It is prohibited to advertise strong alcoholic beverages on the outside of the licensed premises (bill boards, window stickers, adverts in the paper media and the internet). Advertising in restaurants is defined in more detail by the Ministry of Social Affairs and Health, decision 841/95.

Advertising mild alcoholic beverages (max 22% alcohol by volume) is primarily permitted. It is prohibited, however, if it is targeted at minors, or if the promotion methods violate the existing good custom in

promotion or are improper otherwise. The total impression created by the marketing is often decisive when it is assessed which practice violates the law.

The forms of advertising and promotion prohibited under the Alcohol Act (section 33 § subsection 2) are defined in more detail in the guidelines for advertising alcohol by the National Product Control Agency (2/02/99).

2.2 Pricing and price announcements in the advertising of alcoholic beverages

In the Alcohol Act, there is no upper or lower limit for the pricing of alcohol. When necessary, the Ministry of Social Affairs and Health can, under the Alcohol Act, give regulations regarding the basis of the pricing

of alcoholic beverages. So far, such regulations have not been issued.

The Alcohol Act was amended by a new section, 33 a (588/2007), to cover pricing and price announcements. The new regulations, entering into force 1 January 2008, prohibit bulk discounts and marketing the "happy hour".

Pricing

Under the Alcohol Act, section 33 a, subsection 1, it is not allowed to offer two or more containers or portions of any alcoholic beverage on bulk discount, in other words, priced together in such a way that the unit price of the same goods, bought separately, would be higher. In dispensing, the basic principle is that alcoholic beverages are dispensed one portion per customer at a time. Because of this, bulk discounts in dispensing seldom come up.

According to the rationale of the Act, the bulk discount prohibition concerns those cases also in which alcoholic beverages are served according to a sort of "take two for the price of one" -principle, in which two simultaneous orders of alcoholic beverages, made together for two different people, are priced less than two separate single orders would be. However, this regulation does not prohibit a restaurant from selling alcohol for a private occasion, for example, at a price less than the listed restaurant prices, provided the cheaper pricing does not require that the customer buys a certain amount of alcohol.

The regulation does not concern a situation, either, in which the same alcoholic beverage is sold in different containers, for example in bottles of 0.33 litres and one litre. It is permitted that the alcoholic beverage in the larger container be priced lower per litre than it is in the smaller container. This is the case in the pricing of e.g. beer and red and white wine, when they are dispensed per glass or per bottle.

When alcoholic drinks are advertised, the size of the portion and its price must both be told. The price announcements must not mislead the consumer. It may be misleading to express the size of the portion by the words "large" or "small", because there may be different types of portion sizes in use in the restaurant. The advertisement must state in centilitres what constitutes, for example, a "large tankard" of ale or a "glass" of red wine.

The price of an alcoholic drink may vary. The basis for the change in the pricing may be an event which is objectively observable. The pricing basis must be clearly explained, and the change must concern all customers equally. It is permissible, for example, to reduce the price of beer by 20 cents per goal during a televised sports event, or to fix the price of beer to reflect the outside temperature on the terrace.

The restaurant can price alcoholic beverages more economically for the customer when the customer group in question is clearly defined, such as those registered as regulars. Special prices for regular customers are thus permitted. In all advertising of the special prices which regular customers get, the regulations explained later must be adhered to regarding the announcing of the special prices.

If the entrepreneur uses a customer bonus plan or a similar customer benefit plan in which alcoholic beverages form a part of the product purchases leading to a benefit, the following conditions must be adhered to:

- The bonus system must not be limited to alcoholic beverages only. The system must cover all purchases made by the customer on the licensed premises within a certain period of time.
- The benefit must be expressed in euros, and it can be max 5% of the purchases made in the places of business of the entrepreneur within a certain period of time.

- The customer must have the freedom to choose which services or benefits he/she claims on the licensed premises for the amount of the euros of the gained benefit.
- The bonus system must not be marketed in a way which would cause alcoholic beverages to increase the bonus as well.
- In order to aid the supervision of the bonus system to ascertain its conformity to law as well as its compliance with existing guidelines, the licence holder must provide, if the licensing authority sees it necessary, an explanation of matters relating to the use of the bonus system.

Showing price information

The Decree on indicating prices of consumer goods in marketing (price markings), 1359/1999, requires that the sales prices and unit prices of consumer goods are indicated in all marketing activities in a way which is clear, unambiguous, and easily understandable and noticeable from the consumers' point of view. The Decree on price markings applies to restaurants, for example, and the prices of products sold in them, such as alcoholic beverages.

Information on the prices and portion sizes of those alcoholic beverages which sell best on the premises, or are most commonly ordered there, must be available on the premises for customers to see easily on, for example, the wall, counter or tables. In addition, customers must always have access to a complete list of prices of alcoholic beverages. According to the Decree on price markings, the price information should, when possible, be visible outside the premises as well. However, it is only the price information of mild alcoholic beverages which may be visible outside the licensed premises, as under the Alcohol Act it is permissible to advertise and present strong alcoholic beverages inside the licensed premises only. It is permissible to announce the prices of mild

alcoholic beverages on, for example, outside booths, wall-mounted bill-boards or in the window and door of the restaurant.

Announcing special offers on alcoholic beverages

The new provisions of the Alcohol Act section 33 set limits on showing prices of mild alcoholic beverages outside the licensed premises. Under the new provisions, it is not permitted to show the price set for a special offer on any alcoholic beverage outside the licensed premises if the offer is valid for less than two months. The decisive factor is the uninterrupted period of validity of the price. "Happy hour" special offers are usually valid for a few hours at a time, and therefore, the requirement is not fulfilled that the period of validity extend without interruption for two months.

It is not permitted to display the special prices of alcoholic beverages on offer for less than two months, or "happy hour" prices, outside the licensed premises on places like, for example, the door, window or street, nor is it permitted to advertise them, for example, in papers, the Internet-site of the restaurant, and in the communications directed to the regular customers. Announcing prices for special offers on alcohol is permitted only when the offer is valid without interruption for at least two months. If a special offer under a customer bonus plan or an offer available to bonus coupon holders is not valid for two months without interruption, it is not permitted to advertise it. In order to make sure that the validity period of the price of the advertised alcoholic beverage in question is completely unambiguous, it is advisable to mention the validity period of the price in the marketing materials.

Because the pricing of alcoholic beverages is free as such, special prices and "happy hour" offers are permitted as before, but it is permitted to announce them only within the licensed premises.

2.3 Inappropriate sales promotion

Under the Alcohol Act 33 §, section 2, subsection 7, the National Product Control Agency for Welfare and Health and the State Provincial Offices can intervene with the advertising and promotion activities of alcoholic beverages if they are contrary to good manners or use methods that are inappropriate from the viewpoint of the consumer.

The prohibited type of advertising includes such methods as attracting customers to the restaurant with free alcoholic beverages or offering drinks cheaper if the customer takes more. It is not permitted to advertise in a way to attract the so-called weak consumer groups such as the young or those with a tendency to abuse alcohol.

Examples of inappropriate and prohibited promotion:

- "First drink free", "Lottery tickets for free drinks"
- Packaged services and/or goods sold by the restaurant, containing the right to consume alcoholic beverages without limit; for example, "Free drinks on VIP-ticket", "Even money - and drink as much as you can before your time is up"
- "Two drinks for the price of one"
- Bonus cards and other documents intended to be stamped, for example: "Every tenth beer for free", "Every fifth drink for half price"
- Presenting the buyer of an alcoholic drink with a t-shirt, cap or other material not essential for the consumption of the drink
- Beer drinking competitions and other similar events in which the drink is alcoholic. The alcohol by volume percentage of drinks permissible in these competitions is max 2.8.

A licence holder may, however, serve the customers mild alcoholic beverages free, if it is done with an element of surprise and as a gesture of hospitality. For example, the customers present on the premises at a given moment may be served a round of some mild alcoholic beverage on the house because of a significant event.

The hospitality gesture must not be announced beforehand by advertising in the media or by text messages. The free serving must be completely random, and the amount of alcohol served must be moderate. It is not permissible to arrange the serving regularly so that the customers would know the time beforehand even if it were not publicly announced.

2.4 Lotteries and open competitions

It is not permitted to arrange lotteries for the public on licensed premises with alcoholic beverages as prizes. It is inappropriate and therefore prohibited, for example, for a restaurant to announce "a raffle for a bottle of wine with everyone joining who is in by 9 pm". An entry ticket or other receipt must not function as a lottery ticket. Events with lotteries are competitions in which pure chance decides the winner, like bingo.

If the restaurant arranges competitions which involve the evaluation of the skills or knowledge of the participants, or measuring their performance, a prize may be, in addition to other prizes, a moderate amount of some mild alcoholic beverage. The restaurant must not advertise the competitions and the prizes which include alcohol in a way which could be seen as inappropriate or in violation of the existing good custom.

It is not permitted to arrange lotteries or competitions for the customers in restaurants in which the prizes would involve strong alcoholic beverages, even if participation would not require buying.

2.5 Freebies and combined offers

The buyer of alcoholic beverages must not be presented with an extra product into the bargain which does not have a palpable connection to the alcoholic beverage. For example a drink and its decorations have a clear connection in the situation in which the alcohol is consumed.

It is permitted to:

- present the glass as a freebie with one mild alcoholic drink. The glass is essential and necessary for consuming the alcoholic beverage.
- offer a meal and one mild alcoholic drink for one price. It must be stated in the connection that there is a non-alcoholic alternative available as well. The drink is not “free”, because the customer pays for it in the combined price.
- include one mild alcoholic drink in the price of the show ticket in the case of a significant function involving a program, held on licensed premises; where the drink can be considered a welcome gesture; and also to include a moderate, limited number of mild alcoholic drinks with the meal in the same ticket. There must be a non-alcoholic alternative available. It is not permitted to include strong alcoholic beverages in the show ticket.
- include one mild alcoholic drink in the price of the entry ticket, to be consumed during the visit in question. The customer must be informed that there is a non-alcoholic alternative available. The drink is not “free” because the customer pays for it in the price of the entry ticket.

2.6 Events for the regulars

The licence holder may occasionally arrange events for the regulars, keeping the events restricted in participation and limited in time,

and serve for free a moderate amount of mild alcoholic beverages. Occasional in this connection means 1 – 2 events a year.

The regulars must have an existing customer relationship. The invitation to the event must be sent beforehand and it must be personal. A person is not a regular if he arrives at the restaurant and registers as a regular only then in order to benefit from the free service.

In these events, only mild alcoholic beverages may be served for free. Advertising and promoting strong alcoholic drinks is illegal. Therefore, the licence holder must not serve the regulars (=consumers) strong alcoholic beverages for free.

The invitation to the event must not contain expressions which might give the impression that there would also be strong alcoholic beverages available during the event. If the words drink or cocktail are used, the invitation must clearly state that they contain mild alcoholic beverages, like cocktails prepared of mild alcoholic beverages only.

The amount of alcohol served must stay moderate. Moderate means, for example, that the served amount would not lead to the intoxication of the customer in a normal situation. A moderate amount would consist of about three standard restaurant portions.

Restricted events for regulars must be clearly limited in time in the invitation, for example an event may take place on 6 June, 2008, from 7 pm to 10 pm. The restaurant or the relevant part of it must be barred from other public for that period. After the event, the restaurant can continue operating normally, open for the public. The regulars also can continue their evening in the restaurant.

2.7 Product presentations

It is permitted to present alcoholic beverages on a licensed dispensing area in connection with for example trade shows. In a trade

show open for the public, it is not permitted to serve alcoholic beverages for free, or to have them tasted for free. The tasting and consuming of drinks in connection with product presentations must be done according to the provisions and regulations concerning dispensing and advertising.

The presenters in the alcohol sector must agree with the licence holder about the delivery of the alcoholic beverages to the tradeshow as well as other practical arrangements for the presentation. Section 85 of the Alcohol Act states that only legally supplied alcoholic beverages may be consumed on licensed premises.

The alcohol to be dispensed can be procured from the State Alcohol Monopoly, a licensed producer, or a wholesaler. After informing the National Product Control Agency, the licence holder may also import the alcoholic beverages for the dispensing. Also for the purposes of product presentations, the alcoholic beverages to be taken to the licensed premises must be procured as previously stated, and the deliveries must be recorded on the license number of the premises.

2.8 Advertising of strong alcoholic beverages

It is prohibited to advertise strong alcoholic beverages directly or indirectly outside a restaurant. It is permitted, however, to inform the public of the extent of the license, for example, "A-rated" or "fully licensed".

Strong alcoholic beverages cannot be advertised in newspapers, television, window stickers, outside signs, the Internet etc.

In advertising it is forbidden to show:

- strong alcoholic beverages product name (e.g. Finlandia Vodka, Koskenkorva Varg-tass) or alcohol type (e.g. Irish Whiskies, coffee and cognac). It is also not permitted to refer to alcoholic beverages in a roundabout way such

as using the beverage's product code instead of the name (for example 013 for Koskenkorva).

- pictures of strong alcoholic beverage bottles or labels;
- the established symbols of strong alcoholic beverages (e.g. the field on a Koskenkorva bottle label);
- the entire beverage selection, including strong alcohols e.g. all drinks for two euros.

Advertising strong alcoholic beverages inside the restaurant is permitted. When drinks portions are advertised the size and price for the entire portion and the amount of alcohol in a cocktail have to be displayed.

However, strong alcoholic beverages cannot be advertised

- in products that the customers are meant to take with them (postcards, flyers, matchboxes etc.);
- by organising raffles and competitions connected to strong alcoholic beverage;
- by giving as prizes or raffle prizes products which display symbols of strong alcoholic beverages (e.g. t-shirts);
- by offering samples of strong alcoholic beverages.

The staff clothing can display symbols of strong alcoholic beverages. Work clothes have to remain work clothes: the restaurant has to make sure that work outfits with symbols of strong alcoholic beverages do not end up outside the licensed premises.

Advertising drinks or cocktails made with strong alcoholic beverages means promoting strong alcoholic beverages which is prohibited outside the restaurant. The prohibition refers to all cocktails made with strong alcoholic beverages whether their name includes the name of a strong alcoholic beverage (e.g. kossuissy, jallukola) or not (e.g. Caipiroska, Irish Coffee).

Advertising the cocktail list is also prohibited if it includes cocktails which are made with strong alcoholic beverages. It is only permitted to advertise drinks which have been made entirely with under-22% volume alcoholic beverages.

Pre-bottled mild alcoholic beverages can be advertised if the name does not include the strong alcoholic beverages type. Hence, Long Drinks which have been bought from a wholesaler can be advertised but house long drinks cannot since they are made on the premises from strong alcoholic beverages, and advertising them promotes the restaurants strong alcoholic beverage sales.

Such names as snapsi and salmari or salkkari awaken images of strong alcoholic beverages. If these terms are used to adver-

tise drinks made with mild alcoholic beverages, it has to be clearly shown: tervasnapsi 21%, mild salmari, Pink Cat salmari 21%.

2.9 Tobacco advertising

Direct and indirect advertising and other promotion of tobacco, tobacco products, tobacco imitations, and tobacco equipment is prohibited (Act on Measures to Reduce Tobacco Smoking 8 §, later Tobacco Act). The prohibition includes restaurant premises.

Other provisions of the Tobacco Act have to also be complied with in restaurant activities, where appropriate. The sales and advertising of products referred to in the Tobacco Act are monitored by municipalities and the Product Control Agency.

3. Supervision and sanctions

3.1 Self-supervision

The self-supervision of the licensed premises plays a central role in preventing misconduct. So far, there are no provisions in the Alcohol Act requiring the licence holder to draft a self-supervision plan for supervising the dispensing activities and maintaining order. However, a plan of this kind, containing procedural instructions for the staff for various cases in which misconduct and disturbances can occur, serves both the licence holder and the staff well. The plan should pay special attention on the prevention of the more serious offences, for example by making sure all regulations regarding minors and intoxicated customers are strictly adhered to. The staff should study under the leadership of the Duty Manger, at regular intervals, how the supervision activities are being carried out under the self-supervision plan. If required, the plan must be enhanced to improve the operations and their supervi-

sion still further. Authority inspections monitor how the self-supervision is working. The State Provincial Office registers in the alcohol trade register whether the licensed premises have a self-supervision plan or not.

Customers who are clearly intoxicated must be removed from the licensed premises. In addition, customers who behave disturbingly must be removed from the licensed premises (AlkoL 23 § subsection 1). The primary task of the licence holder and the staff is to maintain the good order on the licensed premises. If the maintaining of the order or the safety of the customers so require the police must be called to clear the situation. In all operation, the licence holder must also pay attention on the requirements of the near vicinity. The operation must not cause undue harm or disturbance to those living near the licensed premises. In all matters relating to the maintenance of good order on the premises, the licence holder should keep in regular contact with the local police.

In order to maintain order and safety, the licence holder can place security personnel, as provided in the Security Stewards Act (533/1999), on the premises and in their immediate vicinity. Also the police may order the licence holder to place security personnel, for a certain period or until further notice, on the premises or in their immediate vicinity, if there has been repeated disturbance in the operation of the business or if there otherwise is any special reason related to the operation of the business to do so in order to maintain order and safety (MarAL 5 § subsection 2). The State Provincial Office can set conditions concerning security personnel when granting the license, if the supervision and maintaining order so require (AlkoL 21 d § and 22 § subsection 1).

3.2 Authority supervision

The State Provincial Offices supervise both the retail sale and serving of alcoholic beverages and the advertising and sales promotion of alcoholic beverages in their areas (AlkoL 42 §). The National Product Control Agency for Welfare and Health (STTV) is entitled to handle supervision activities in the entire country (AlkoL 41 §). Inspection visits to licensed premises are conducted in a planned manner, often together with other authorities such as the police. In order to prevent grey market operations and economical crime in the restaurant business, the cooperation has been intensified with the authorities especially in internal revenue, debt recovery, customs, police and occupational health.

The tasks of the National Product Control Agency for Welfare and Health (STTV) include guiding the supervision of the licence administration and supervision activities of the State Provincial Offices, providing information and communications services for the alcohol administration, and supervising the retail sale and serving of alcoholic beverages

and supervising the advertising and sales promotion of them in all of the country. The aim of the National Product Control Agency for Welfare and Health (STTV) guidance is to ensure that the law is applied in a consistent manner in the entire country (Government Decree 1140/2004 1 a §).

For the sake of supervision, the National Product Control Agency for Welfare and Health (STTV) and the State Provincial Office are entitled to inspect licensed premises, the operations performed there and the documents needed for the supervision, as well as to have access all notifications, information and documents necessary for the purposes of supervision. The National Product Control Agency for Welfare and Health (STTV) and the State Provincial Office are also entitled to take and obtain free-of-charge such samples as are needed for the supervision (AlkoL 44 §).

On inspection visits, the inspecting authority works, as far as possible, in a way which does not disturb the customers or the normal operation of the restaurant. The inspector introduces himself or herself to the duty manager by showing his or her badge. The duty manager and the rest of the staff must cooperate well with the inspector. It is not appropriate, for example, to inform the customers that there is an inspector present, as this might cause undue confusion.

The inspector discusses the possible cases of misconduct or other defects with the duty manager, if the inspector detected any. Inspection records are taken, and a copy is given to the licence holder or the duty manager. The records can include a request for the licence holder to present a clarification, if any misconduct or defects were detected.

The role of the police in the supervision of dispensing activities is central. The police controls maintaining public order on licensed premises (AlkoL 46 §). If the maintenance of order so requires, the police can suspend

the serving of alcoholic beverages for a maximum of 24 hours. If dispensing is suspended, the State Provincial Office must be notified (AlkoL 22 § subsection 2).

The police use an electronic check form for informing the State Provincial Office immediately if any misconduct or defects are detected on licensed premises so that the State Provincial Office can initiate the possible further actions required by the Alcohol Act. The police can impose a fine on a staff member working on licensed premises, for example a waiter or waitress, if he or she is caught in violation of the provisions on dispensing alcohol (AlkoL 93 §).

3.3 Sanctions for breaking the dispensing regulations

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

- 1) the Alcohol 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 have occurred on the licensed premises (AlkoL 22 § subsection 1).

The National Product Control Agency for Welfare and Health (STTV) and the State Provincial Office monitor that the licence holder continuously holds the reliability required under Alcohol Act 21 a § for dispensing alcohol and that the economic and professional qualifications for continuing

the dispensing activities are fulfilled and the licence holder abides by the provisions of the alcohol legislation.

The prevention of grey market activities in the restaurant business forms a significant key area for the supervision activities. Permanent cancellations of licenses are, most often, caused by the licence holder neglecting to pay his taxes and other public charges.

For single, minor misdemeanours, the sanction usually is an admonition or fine. Repeated, more serious offences can lead to the withdrawal of the license either for a certain period or permanently. Dispensing alcoholic beverages to a minor under 18, and dispensing alcoholic beverages to a person who is clearly intoxicated, are serious offences. The sanctions on dispensing to minors take a strict line. The line is getting stricter as regards dispensing to intoxicated persons as well. It is the role of self-supervision to ascertain that there is no dispensing to minors or clearly intoxicated persons. Disturbances and violations of dispensing provisions, especially those concerning dispensing to intoxicated persons, can also lead to the withdrawal of the license to keep extended hours.

Prior to the setting of the sanction, the licence holder is asked to provide a written explanation. If the licence holder does not provide one within the prescribed time, the matter can be solved according to Alcohol Act § 22.

3.4 Sanctions for violations of the advertising provisions in the Alcohol Act

If an alcoholic beverage is advertised or if other marketing or promotion contrary to the section 33 of Alcohol Act is carried out, the National Product Control Agency for Welfare and Health and the State Provincial Office can prohibit the subscriber of the activities or their executor and those working for them not to continue or repeat the

activities which are in violation of the provisions (AlkoL 49 § subsection 1).

The National Product Control Agency for Welfare and Health or State Provincial Office can intensify the ban or order given under the provisions of the act with a conditional imposition of a fine or threat that after a set time the unfinished procedures will be carried out on the expense of the defaulter (AlkoL 50 § subsection 2). The National

Product Control Agency for Welfare and Health or State Provincial Office can also highlight its instruction with a conditional imposition of a fine or a threat of action if corrections have not been made in the given time (AlkoL 48 § subsection 2).

In accordance with section 22 of the Alcohol Act advertising misconducts which have taken place in licensed premises can also lead to licence implications.

4. Granting a licence

A licence can be granted to a natural person or a legal person.

The licence is granted for the ongoing future, for a fixed term or for a temporary period.

The licence is specific to the trader and licensed premises. A trader who has a licence for one place cannot start dispensing in new premises before s/he has been granted a licence for them. If a trader with a licence hands over the premises to someone else who continues the business there, the new trader cannot dispense alcoholic beverages in the licensed premises in question before s/he has applied for a licence, and the licensing authority has granted it. If the licence holder wishes to transfer the licensed activities to new premises, s/he has to apply for a new licence.

Section 85 of the Alcohol Act contains the provisions concerning illegal sales of alcohol. An unlicensed person who sells or otherwise procures for a fee, or offers or keeps alcoholic beverages for sale, can be fined or sentenced to imprisonment for a maximum of two years for procuring alcoholic substances. The financial benefits of the crime are forfeit under the Alcohol act as required in the Penal Code.

4.1 Fixed term licence

A fixed term licence is granted for a maximum of one year.

A fixed term licence may be granted if there is a specific reason to observe the licence holders preconditions for carrying out licensed activities. The criterion for granting a fixed term licence and for observation may be the licence holders deferred tax which s/he is paying off according to the scheme of payment. Granting a fixed term licence may also be justified in order to observe the licence holders trustworthiness. A reason for this may be that the licence holder has previously committed crimes or s/he is justifiably suspected to have a problem with alcohol.

If licensed activities in the same place have previously caused disturbance and inconvenience to the surroundings or the general order, a fixed term licence might be granted to enable observation.

A fixed term licence might also be considered when the nature of the activities in licensed premises is also restricted to a fixed term. Such a situation might occur when the premises have only been rented to the trader for a fixed term.

4.2 Temporary licence

A temporary licence can be granted for a function whose duration has been clearly defined in advance. A licence for functions and events is granted for a maximum of one month.

A temporary licence is granted on the same basis as fixed term licences and ongoing licences when it comes to the applicant, duty manager and his/her assistants and the location of the licensed premises.

When the licence application is assessed, the nature of the function, the suitability of the premises and the dispensing arrangements are evaluated. Under section 21 d of the Alcohol Act, the licence might be rejected or limited if the licence is applied for a sports function or event which by nature is a family event or if a high number of children or young people are expected to participate. When temporary licences are granted, special attention is given to the nature of the event and its extent, as well as to the dispensing arrangements and the applicants ability to attend to control and efficiently maintain order. The temporary licensed premises have to be clearly and unambiguously marked off. The licensed premises have to be marked off and control organised in a way which ensures that the dispensed alcohol cannot be removed from the premises. A staffing plan and plans for marking off the licensed premises have to be given to the licensing authority.

The licensing authority can limit the number of customers to a level which ensures that uncontrollable situations will not arise.

The applicant has to prove that the temporary licensed premises will have sufficient sanitary facilities. As a rule, the applicant has to organise sanitary facilities for the premises, and general sanitary facilities for a public event will not be considered for his/her benefit.

The alcoholic beverages for the temporary licensed premises must be procured with the temporary licence number even if the licence holder has a restaurant with an ongoing licence in the region.

When the activities under the temporary licence have been finished, the events food and drink sales have to be reported to the State Provincial Office on a quarterly notice form within ten days of the function ending. After the event the remaining alcohol store can be transferred to other licensed premises or returned to wholesalers (see chapter 1.4).

4.3 Applying for a licence

Before starting licensed activities, the trader has to apply for and be granted a licence for the premises in question.

The licence is granted by the State Provincial Office on a written application. A licence for dispensing aboard public transport is granted by the State Provincial Office in the applicants place of residence, or if the applicant does not have a residence in Finland, in the State Provincial Office of Southern Finland (AlkoA 20 §).

It is recommended to hand in the application well in advance before the licensed premises are due to open or a new owner takes over since dispensing without a licence or with the previous owners licence is illegal. The premises have to be mostly finished and the required changes carried out before the licensing authority can approve the premises. The licence is not granted until the applicant and the premises have been verified to fulfil the licence requirements.

The licence is applied for with a specific form which can be obtained from the State Provincial Office or www.suomi.fi. The required documents are listed on the form. Every applicant has to give the company's business identification number. The completed form with the attached documents is

returned to the State Provincial Office who asks for statements from such parties as the police.

The application has to state:

- 1) the name of the applicant, business identification or identity number or date of birth and contact details;
- 2) the names, contact details and identity numbers or dates of birth for the people in the governing body of a legal person, the director, the partners in a partnership and the accountable partners in a limited partnership;
- 3) the duty manager and his/her assistants names, identity numbers or dates of birth and contact details;
- 4) the licensing hours, location and contact details of the licensed premises.

The following have to be attached to the application:

- 1) a legal persons company articles, partnership agreement or rules as well as the latest confirmed profit and loss account and balance;
- 2) the duty manager and his/her assistants agreement to take the post and the certificates proving their professional ability;
- 3) a plan for the number of staff and their tasks;
- 4) a plan for marking off licensed area including the drawings for it;
- 5) other accounts required by the licensing authority of the applicants financial standing, organisation, staff, duty managers, customer capacity and the licensed premises and area.

The licensing authority can, if necessary, demand for preconditions for granting the licence, limitations to the licence or further reports on establishment of terms for control and maintenance of order (AlkoA 21 §).

4.4 Companies or other communities under formation

A limited company, cooperative or an organisation which is under formation cannot be granted a licence because they have legal identity only after registration. However, if a licence is in such a case applied by and granted to a private individual, the licence issue has to be brought to the licensing authority for processing after the registration of the company if business activities are run by an organisation. A partnership and a limited partnership can apply for a licence in their own name after the company's basic report has been left with the registration authorities.

4.5 Licence for fermented alcoholic beverages whose percentage by volume does not exceed 4.7

The licence entitles the licence holder to dispense alcoholic beverages whose percentage by volume is maximum 4.7% such as beer, cider as well as long drinks and light wines produced through fermentation. It is not permitted to dispense mild cocktails if the ingredients include alcoholic beverages which are stronger than 4.7% by volume and have not been produced through fermentation.

4.6 Licence for alcoholic beverages whose percentage by volume exceeds 4.7

The licence to dispense all alcoholic beverages, the so called A-licence, entitles the licence holder to dispense all mild and strong alcoholic beverages.

In practice the licence can also be granted as a B-licence which entitles the licence holder to dispense mild alcoholic beverages which include drinks whose percentage by volume is no higher than 22%.

4.7 The grounds for granting a licence

For granting a licence, the Alcohol Act imposes the following precondition which also applies in cases of change to ownership (AlkoL 21 a - d §):

- the licence holder has to be deemed necessarily trustworthy to dispense as well as fulfilling the other financial and professional requirements;
- the licensed premises have to be suitable for restaurant use. They have to fulfil the requirements that legislation imposes on premises used as licensed premises;

Provisions on the approval and use of licensed premises are given especially in the Food Act, and provisions on the construction of them are found in the legislation on fire and rescue services. The restaurant entrepreneur must apply for the approval of the food premises by the municipal food control authority before the beginning of operations or any substantial change in operations. The food control authority makes the decision on the approval of the food premises (Food Act, sections 14 and 15).

The applicant must provide a statement concerning the approval of the food premises with the application.

- the licence holder has to be deemed necessarily trustworthy to dispense as well as fulfilling the other financial and professional requirements;
- the licensed premises have to be suitable for restaurant use. They have to fulfil the requirements that legislation imposes on premises used as licensed premise). Before business activities in the premises are initiated, the licence holder has to also give a report to the local police which is in accordance with section 3 of the Decree on Accommodation and

Catering Firms. The licence applicant has to attach to the licence application a statement showing that the above mentioned reports have been completed.

- the licensed premises have to be exclusively managed by the licence holder and the authorities have to be able to control the premises;

The mention of the licence holders exclusive management means that no other trader can run their own business in the premises. Business activities cannot be divided in such a way that the licence holder sells alcoholic beverages in the licensed premises and some other trader runs his/her own business selling food. This prohibition makes it easier to control the licensed premises and establishes a clear relationship of responsibility. The above does not, however, make it prohibited for the licence holder to buy food preparation services or prepared food from another trader, as long as, food in the licensed premises is sold by the licence holder and for his profit.

- to enhance efficient control and maintenance of order, the licensed premises must have a suitable number of staff to cover the extent and quality of the activities;

The licensing authority can influence on the number of staff in the licensed premises if the licensing authority find that with the extent and quality of the licensed premises in mind, efficient control and maintenance of order cannot be carried out with the number of staff the applicant proposes. The evaluation of the sufficiency of the number of staff can also come up in connection to violation cases. Under section 22 of the Alcohol Act, when a sanction decision is made, the licensing authority can set a condition on the licence that the licence holder

has to hire a security steward if it finds that the number of staff in the licensed premises is not sufficient.

- The licence can be rejected or limited if
 - it is applied for premises in connection or in close proximity to premises mean for and mainly used by children and young people or for a place where the business activities are considered to primarily be targeted at children and young people;
 - if the licence is applied for a work place canteen
 - if the licence is applied for a sports event or other function which is by nature a family event or if a high number of children or young people will participate in the event;
 - the location of the licensed premises is such that the licensing authority has grounds to suspect due to reports and statements that licensing activities will cause disturbance and other negative consequences to the residential environment, general order and safety or the community services.

The licensing authority supervises that the provisions are complied with during the validity of the licence. Hence, the provisions which apply to granting a licence also apply to previously granted licences, in which the authorities can intervene under section 22 subsection 1 of the Alcohol Act.

4.8 The requirement for line of business

The company articles or partnership agreement or other similar document has to state licensed activities as the applicants line of business (STMp 162/98 3 §).

4.9 The requirements for the applicant

A licence is granted to an over eight-year-old applicant who has not been declared bankrupt and whose ability to function is not limited and who possesses the required trustworthiness to dispense alcoholic beverages as well as the necessary financial and professional preconditions.

The applicant is considered to be lacking the required trustworthiness and financial preconditions if

- 1) the applicant abuses intoxicating substances,
- 2) the applicant is according to a distraint or other report unfit to answer for his/her debts,
- 3) the applicant has in the last five years in practising his/her profession or elsewhere committed a crime which can lead to imprisonment,
- 4) the applicant or organisation in which the applicant has exercised authority has in the last five years had licence permanently cancelled,
- 5) the applicant has repeatedly or regularly neglected paying taxes or other public payments,
- 6) the applicant has exercised authority in an organisation which has in the last five years been adjudicated bankrupt or whose bankruptcy lapsed due to lack of funds and if the applicants above mentioned or directly comparable activities show that s/he is evidently improper to practice licensed activities.

The applicant is lacking the professional requirements if s/he has not appointed a duty manager and his/her assistants for the licensed premises as provided in section 21 b § (see chapter 1.8).

What is above provided on the applicant is also applicable to the person who based on ownership, agreement or other arrange-

ment exercises authority on behalf of the licence holder (AlkoL 21 a §).

The licensing authority can, if necessary, demand for preconditions for granting the licence, limitations to the licence or further reports on establishing terms for supervision and maintenance of order (AlkoA 21 § subsection 2).

4.10 Withdrawing an application

If an application which has been handed to the State Provincial Office is withdrawn before it has been fully processed, the handling fee is half of the entire fee the applicant would have paid.

4.11 Changes to the company's ownership or authority relations

If considerable changes take place in the ownership or authority of a licensed company or organisation, the changes have to be reported within two weeks to the licensing authority (STMp 162/98, 6 § subsection 3).

4.12 Name changes

Changes to the name of the licence holder or the business premises must always be reported to the licensing authority. The licensing authority notes the information in

the licence register, whose authenticity is of high importance for such matters as goods delivery and the collection of control fees.

4.13 Changes to the location of the premises or ownership

The licence is specific to the trader and licensed premises. A trader who has a licence for one place cannot start dispensing in new premises before s/he has been granted a licence for them. If a trader with a licence hands over the premises to someone else who continues the business there, the new trader cannot dispense alcoholic beverages in the licensed premises in question before s/he has applied for a licence, and the licensing authority has granted it. If the licence holder wishes to transfer the licensed activities to new premises, s/he has to apply for a new licence.

4.14 Processing time

The application has to be completed in good time because processing it and collecting statements from various authorities takes time.

The average processing times for applications in the State Provincial Office is one month.

5. Licence and control fees

The authorities charge a fee from the licence holder on the decisions they make as well as charging an annual fee. Behind this is the government principle related to the Act on Criteria for Charges Payable to the State, according to which the originator of work is liable to pay the incurred expenses. The fees are distrainable without a court order or decision (MaksuperusteL 11 § subsection 2).

If the person liable to payment finds that a mistake has been made in the payment order, s/he can demand a correction from the authority, who ordered the payment, within six months of the order. An amendment appeal to the decision on the correction demand can be sued from the Administrative Court.

The Ministry of the Interior has decided

on the fees for the State Provincial Offices services. The Ministry of Social Affairs and Health Decree 1395/2006 lays down provisions for the National Product Control Agency services which are liable to charges.

5.1 Licence fees

The reduced fee, shown on the table, applies when the licence holder already holds a licence granted by the National Product Control Agency for Welfare and Health or the State Provincial Office. However, the

reduction can be no greater than the largest payment that has been previously charged.

The reduced fees also apply if the licence applicant simultaneously applies for two or more licences. In such a case, the applicant is charged for the highest fee unreduced and the handling fees for the other licences reduced.

If an application is withdrawn before it has been fully processed, the handling fee is half of the entire fee the applicant would have paid.

The State Provincial Office charges the following fees on decisions:

	Unreduced handling fee	Reduced handling fee
License to dispense alcohol	525 €	360 €
Temporary license or if the premises hold over 200 customer seats	360 € 525 €	180 € 360 €
Extended licensing hours	280 €	no reduction
Permit to change licensed premises	180 €	no reduction
Notification of changes on licensed premises	75 €	no reduction
Other licences related to dispensing alcoholic beverages	180 €	no reduction
The holder of a permit allowing extended licensing hours is liable for an annual control fee, specific to the premises.	125 €	no reduction
Other decision on a licence change	75 €	no reduction

The National Product Control Agency for Welfare and Health (STTV) charges the following fees on dispensing-related decisions:

	Unreduced handling fee	Reduced handling fee
Licence to sell alcoholic beverages on seafaring vessels in international traffic	440 €	220 €
Dispensing licence for a restaurant car in a train or bus in international traffic	440 €	
Licence to keep extended licensing hours in international traffic	220 €	
Other licence or approval relating to dispensing alcoholic beverages	110 €	

5.2 Control fees

An annual control fee is charged from on-going licence holders per specific premises.

For those licensed premises which dispense alcoholic beverages whose percentage by volume is over 4.7% (A- and B-licence), the fee is defined as 100 percent alcohol of the previous years calculated or evaluated purchases for a year as follows:

Alcohol purchases in litres per year	Fee
0–100	100 €
101–2000	180 €
2001–10 000	360 €
over 10 000	700 €

A new licence holder is not liable to the control fee during the first calendar year.

For those licensed premises which dispense alcoholic beverages produced through

fermentation and whose percentage by volume is no more than 4.7%, the fee is based on the previous years calculated or evaluated purchases of alcohol beverages for a year as follows:

Alcohol purchases in litres per year	Fee
0 – 1 999	100 €
2 000 – 49 999	200 €
50 000 – 99 999	300 €
over 100 000	380 €

A new licence holder is not liable for the control fee during the first calendar year.

The control fees on dispensing are invoiced per calendar year in advance, latest by the 30th of April. The licence holder is not charged for the control fee on the year when his/her activities have ceased latest by 31 March.

6. Contact details

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STTVs Internet pages: www.sttv.fi

Telefax

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Product Control Unit

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<http://www.laaninhallitus.fi/>

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State Provincial Office of Eastern Finland

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7. Statutes

7.1 Legislation

Alcohol Act: Sections 1– 64 (AlkoL 1143/94 and 764/02), Sections 81–97 and 104–105 (459/68)

Decree on Alcoholic Beverages and Spirits (AlkoA 1344/94, 1207/02 and 1140/04)

Accommodation and Catering Act (MarAL 308/06)

Food Act (23/06)

The Decree of the Ministry of Social Affairs and Health on the Professional Requirements for the Duty Manager and His/Her Assistants in Licensed Premises (1371/02)

Government Decree on Extended Licensing Hours (1208/02)

The Decree of the Ministry of Social Affairs and Health on the National Product Control Agency for Welfare and Health's Services which are Liable to Charges (1395/06)

The Ministry of the Interior Decree on the State Provincial Office Payments which are Liable to Charges (1254/07).

7.2 The decisions of the Ministry of Social Affairs and Health

The Decision of the Ministry of Social Affairs and Health on advertising strong alcoholic beverage and other promotional activities as well as giving out their product information (STMp 841/95)

The Decision of the Ministry of Social Affairs and Health on granting licences and on licensed activities (STMp 162/98)

7.3 The National Product Control Agency for Welfare and Health guidelines

Trade importing alcoholic beverages for dispensing (30 December 2005)

Guidelines for advertising alcoholic beverages (2/02/99).

STTV National Product Control Agency
for Welfare and Health

**National Product Control Agency
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