

Message 001

Communication from the Commission - TRIS/(2025) 1618

Directive (EU) 2015/1535

Notification: 2025/0315/FI

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahtuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késések - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20251618.EN

1. MSG 001 IND 2025 0315 FI EN 24-06-2025 FI NOTIF

2. Finland

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4. 2025/0315/FI - C50A - Foodstuffs

5. Government proposal to Parliament for an Act amending the Alcohol Act

6. Alcoholic beverages

7.

Directive (EC) N°2006/123 on services in the internal market

Requirements which reserve access to particular providers

In general, the proposal would improve the functioning of the market and competition by enabling the supply of alcoholic beverages from cross-border distance sales, domestic retail sales points and Alko, Finland's national alcohol distribution monopoly.

The requirement would apply equally to beverages supplied from domestic retail sales, Alko and cross-border distance sales. A supply licence could be obtained by any operator who meets the conditions laid down in sections 13 and 17a of the Alcohol Act. A distance seller could also apply for a supply licence, in which case he could arrange for the beverages to be delivered directly to the recipient. In the case of cross-border distance selling, only the last operator in the supply chain must have a supply licence. If distance sellers do not supply the beverage themselves, their only obligation is to mark the contents on the package.

The proposal would therefore also provide more business opportunities for domestic operators lawfully selling alcoholic beverages. Foreign operators would have the right to sell all alcoholic beverages.

As regards marketing regulations, Finnish legislation would apply equally to all operators established in Finland. The regulations would apply to the marketing of alcoholic beverages abroad only when marketing was targeted specifically at Finland and when the operator was established in another EEA State in order to circumvent Finnish law. This would be in line with EU settled case-law, according to which a Member State retains the right to take measures against a service provider that is established in another Member State but whose activity relates, either wholly or mainly, to the territory of the first Member State, if the choice of establishment in another Member State was made in order to circumvent the legislation which would have been applicable to the service provider if they were established in the territory of the first Member State. The aim of the proposal is to implement the Government Programme of Prime Minister Petteri Orpo. In accordance with the Government Programme, the Government will reform alcohol policy responsibly in a European direction and continue the overall reform of the Alcohol Act carried out in 2018. The aim of the proposal is to make any current unclear interpretation unambiguous as regards its meaning, so that Finns will have the right to buy alcohol in a distance selling process from companies operating in other EU countries. The Government's objective is to promote fair and open competition.

The legal position on distance selling has been unclear, which is why it would be necessary to provide for distance selling clearly in the Act. Provisions on the supply of alcoholic beverages from cross-border distance sales, domestic retail sales points and alcohol companies directly to the recipient would be added to the Alcohol Act. The proposal would provide Finnish consumers with more scope and freedom of choice in their purchases of alcohol and promote the free movement of goods in the EU's internal market. The proposal would also improve the legal protection of citizens and businesses and facilitate the interpretation of the Alcohol Act by the authorities responsible for overseeing compliance with the Act.

The aim of the proposal under the Government Programme is to remove restrictions on marketing abroad within the limits of EU law. The tightening of marketing regulations is based on criteria related to the promotion of health and the protection of children and young people.

According to the proposal, the Alcohol Act would be amended to allow the supply of alcoholic beverages from domestic retail sales points, Alko and cross-border distance sales. A licence would be required for the

supply of alcoholic beverages. This would mean that the retail licence holder and Alko would be obliged to deliver an alcoholic beverage to the supply licence holder, who would in turn be responsible for supplying the alcoholic beverage to the purchaser. There would be no direct obligation on the distance seller to supply the alcoholic beverage to the holder of the supply licence: it would be sufficient for the distance seller to have labelled the alcoholic beverage in the consignment. In international supply chains, sellers typically enter into a contract with a first-stage carrier, which in turn agrees on forwarding the package with the next party in the transport chain. Therefore, the distance seller's responsibility would be limited to marking the consignment stating that it contains alcohol. In addition, the distance seller should also mark the consignment if it contains spirits. When a consignment indicates that it contains alcoholic beverages, the information would be transmitted in the supply chain and the operator in Finland would be obliged to comply with the provisions of the Alcohol Act in a supply situation. The retail trade licence holder, Alko and the distance seller would also be able to apply for a supply licence for alcoholic beverages, in which case they could arrange to supply alcoholic beverages to the purchaser themselves.

The purpose of the Alcohol Act is to prevent harm caused by alcohol to its users, to other people and to society as a whole by restricting alcohol consumption and monitoring related business activities. Oversight of the provisions of the Alcohol Act is based on a comprehensive licensing system. In practice, the licensing system ensures that traders operating in the alcohol sector are able to meet their obligations and can be reached and monitored, and that any illegal activities can be effectively addressed.

To achieve the purpose of the Alcohol Act, it would be necessary for the supply of alcoholic beverages to be subject to control and to similar provisions on, for example, permitted time limits for the supply of alcohol and prohibitions regarding delivery and retail sales. If the supply of alcohol were not subject to control, a new retail sales channel would be established alongside the retail licence system, one which would not be subject to any regulatory control. It would therefore be crucial for the entire licensing system under the Alcohol Act that the supply of alcoholic beverages is monitored and that action can be taken if necessary.

The proposal would allow the online marketing of spirits. At the same time, the provisions on marketing would be made slightly stricter. The proposal would prohibit influencer marketing and marketing in an on-demand programme service under the Act on Electronic Communications Services, i.e. in various streaming services, for example. In addition, the ban on the marketing of mid-strength alcoholic beverages in television and radio broadcasting would be extended by an hour in the evenings. The proposed restriction is based on the criteria for the promotion of health and the protection of children and young people. The aim is to prevent and reduce the exposure of children and adolescents to the advertising of alcoholic beverages on social media and in this way to the harmful effects of alcohol. The research suggests that alcohol advertising has a particular impact on alcohol consumption by children and adolescents.

8. The proposal is largely based on Government Proposal HE 173/2024, which was submitted to Parliament on 10 October 2024. This intended to enable the supply of alcoholic beverages from domestic retail sales points and from alcohol companies, but the proposal would not have clarified the law on the distance selling of alcoholic beverages across borders. The proposal was notified to the European Commission on 18 September 2024 in accordance with Directive 2015/1535. On 17 December 2024, the European Commission submitted a detailed opinion on the Government Proposal. According to the Commission, this government proposal would appear to discriminate against foreign operators and thus be contrary to EU internal market rules by failing to clarify the provisions on the cross-border distance sales of alcoholic beverages, while at the same time allowing domestic operators to supply alcoholic beverages. In response to the Commission's detailed opinion of 17 December 2024, the Government decided to withdraw the proposal and draw up a new one, to include provisions on cross-border distance sales and on marketing, in addition to

domestic supply. Finland withdrew the notification of the previous Government Proposal (notification 2024/0521/FI).

According to the legislative proposal, the Alcohol Act would be amended to allow Alko Oy and operators with an alcohol retail licence to trade online and realise other retail distribution and collection concepts, such as the home delivery of alcoholic beverages. The changes would be implemented while ensuring age limit checks. Unlike with the previous proposal, fermented alcoholic beverages of up to 8% alcohol content and alcoholic beverages of up to 5.5% alcohol content manufactured in other ways could be supplied from domestic retail sales points. Stronger drinks could only be supplied via Alko.

Provisions on the cross-border distance sales of alcoholic beverages would be added to the Act. The proposal would make any current unclear interpretation unambiguous as regards its meaning, so that Finns would have the right to buy alcohol in a distance selling process from foreign operators. In distance selling, alcoholic beverages containing up to 80% by volume of ethyl alcohol could be purchased. A definition of cross-border distance selling, based on the definition of distance selling referred to in the Excise Duty Act, would be added to the Alcohol Act. In addition, the Act would define distance purchasing and, to make things clear, state that distance purchasing is permitted.

In addition to the retail licence and a licence for serving alcoholic beverages, the Act would introduce a new licence for the supply of alcoholic beverages and state that the supply of alcoholic beverages would only be permitted if the alcoholic beverage was purchased and collected from a domestic retail sales point, from an alcohol company or from a cross-border distance sales point. As with alcoholic beverages sold from a domestic retail sales point or from an alcohol company, in the case of distance selling, suppliers of alcoholic beverages would have to supply the alcoholic beverages to the buyer or other recipient. However, cross-border distance selling would not require all operators in the supply chain to have a supply licence: the licence must be held by the party that ultimately supplies the alcoholic beverages to the customer in Finland. The distance seller would be responsible for ensuring that the consignment was marked stating that it contained alcoholic beverages and that the consignment would be separately indicated if it contained spirits.

The proposal would amend the provisions on the marketing of alcoholic beverages. The proposal states that the marketing of spirits should be permitted in the information data network in the future. At the same time, it proposes a number of new restrictions in marketing rules. Online influencer marketing would be prohibited for both mid-strength and strong alcoholic beverages. The marketing of alcoholic beverages would be prohibited in streaming services. The ban on the marketing of mid-strength alcoholic beverages on the television or radio would be extended by an hour in the evening, the period for the ban now being between 07:00 and 23:00.

9. The aim of the Government Proposal is to implement the Government Programme of Prime Minister Petteri Orpo. In accordance with the Government Programme, the Government will reform alcohol policy responsibly in a European direction and continue the overall reform of the Alcohol Act carried out in 2018. The Government's objective is to promote fair and open competition.

In line with the Government Programme, the proposal is to allow Alko and retail operators to sell alcoholic beverages online and realise other retail sales concepts related to distribution and collection, while ensuring age limit checks. The aim of the proposal is to promote growth in the domestic market and greater freedom

for Finnish citizens.

According to the Government Programme, the proposal is to make any current unclear interpretation unambiguous as regards its meaning, so that Finns will have the right to buy alcohol in a distance selling process from companies operating in other EU countries. The proposal would provide Finnish consumers with more scope and freedom of choice in their purchases of alcohol and promote the free movement of goods in the EU's internal market. The proposal would also improve the legal protection of citizens and businesses and facilitate the interpretation of the Alcohol Act by the authorities responsible for overseeing compliance with the Act.

The provisions on the marketing of alcoholic beverages would be amended so that in the future, the online marketing of strong alcoholic beverages (spirits) would be permitted. Therefore, the proposal also enables operators established in Finland to market spirits online targeting other countries in the European Economic Area. However, online influencer marketing would be prohibited for both mid-strength drinks and spirits. The marketing of alcoholic beverages would also be prohibited in streaming services. The ban on the marketing of mid-strength alcoholic beverages on the television or radio would be extended by an hour in the evening, the period for the ban now being between 07:00 and 23:00. The restrictions aim to protect children and young people in particular.

10. Basic text references: The basic texts have been provided in connection with an earlier notification:
2016/0653/FIN
2024/0521/FI

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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