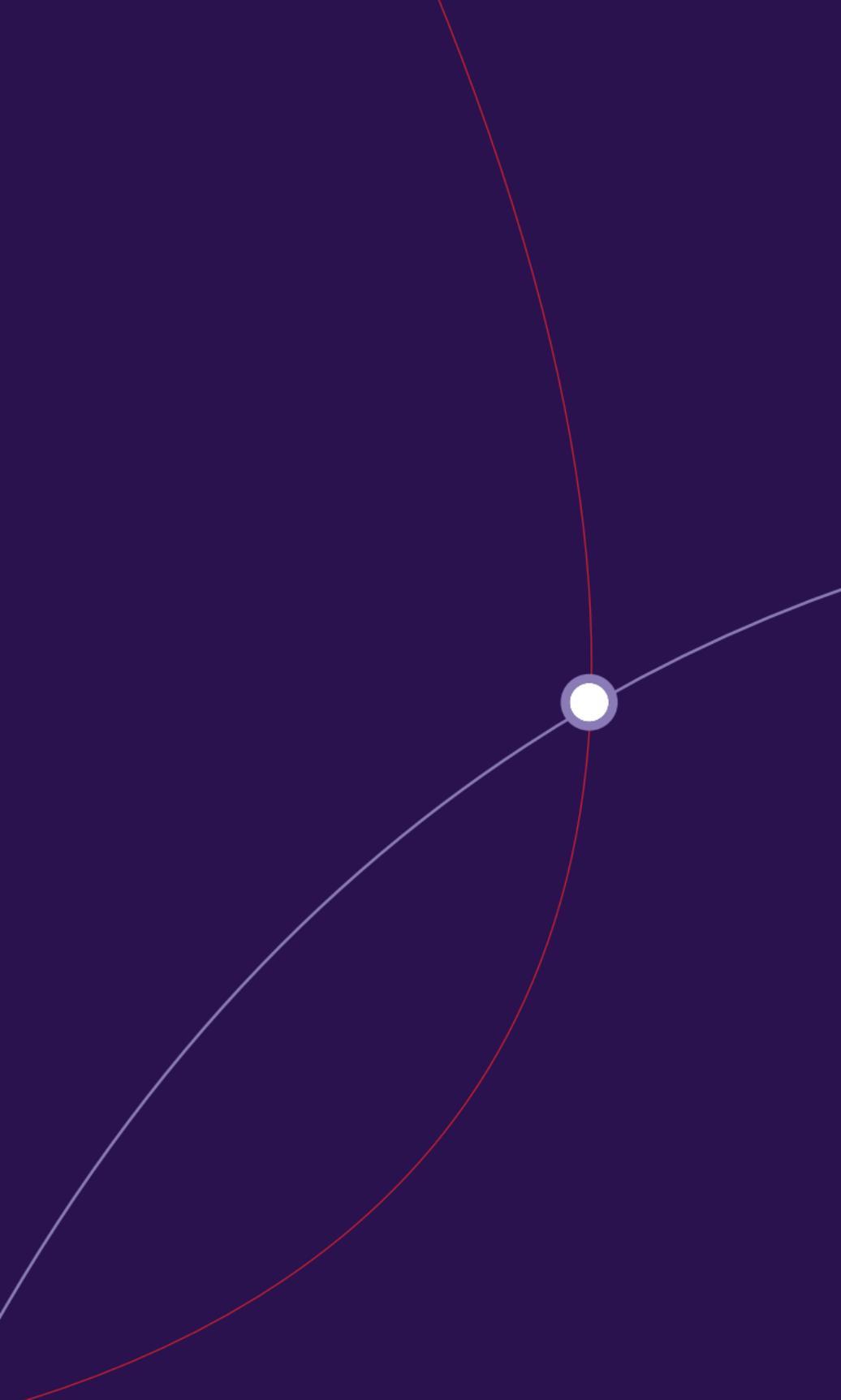


TRADE ABC



Tallinn
Enterprise Department



TALLINN ENTERPRISE DEPARTMENT
Price and Consumer Protection Division

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Dear Merchant!

It is great that you have decided to open a shop or catering establishment in Tallinn. We ask you to observe the laws that apply to trading, including the provision of services, in Estonia, thereby winning the trust of the consumers and the state.

All the relevant laws and regulations are published in the State Gazette (Riigi Teataja) and are available online at

www.riigiteataja.ee

They are also generally available in English. This booklet provides a short introduction of the main requirements that are important for ensuring the rights of the consumers. However, you should also read the entire texts of the laws in order to get an overview of all the obligations that must be fulfilled when trading.



The Consumer Protection Act (Tarbijakaitseadus) regulates the provision and sale of goods and services and was enacted to protect the following rights of the consumers:

- ▶ consumers (customers) have the right to receive information on the goods and services being offered, and the information should be in Estonian unless the consumer has agreed to the provision of information in another language;
- ▶ the labelling of the goods being sold should be clearly legible, understandable, unambiguous and in Estonian. The foreign-language labelling must not be covered up by the Estonian translation or other additional information;
- ▶ goods which are technically complex or require special skills when using them should be accompanied by an instruction manual from the producer and an Estonian translation on paper or other permanent data carrier;
- ▶ when offering or selling goods, a trader should indicate the selling price and the unit price of the goods. The selling price means the final price to be paid by a consumer for a unit of goods or quantity of goods. The unit price means the final price for one kilogram, one litre, one metre, one square metre or one cubic metre of goods. If the goods are not measured in the units specified above, the price for a single unit of the goods may also be considered to be the unit price. The selling and unit prices of the goods should be indicated in writing in such a way that they are clearly legible as well as unambiguous and easily identifiable by consumers;
- ▶ the consumer must be given a document confirming the purchase (register receipt), which includes the

trader's business name and the address of its place of business, the date of the purchase, the names and prices of all the goods or services that were purchased, and the amount that was paid. If the paid amount is less than 20 euros, the receipt must be provided on demand;

- › if the purchased goods or consumed services are of poor quality, the consumer may submit an oral or written complaint to the trader. The trader is required to respond to the complaint within 15 days of receiving it. If the trader does not consider the claim to be justified and refuses to satisfy the claim, the trader is obligated to substantiate its decision. The trader must inform the consumer that they have the right to appeal to the Consumer Disputes Committee of the Consumer Protection Board, or the court.

The Trading Act (Kaubandustegevuse seadus) provides the bases and procedures for trading including the definitions and obligations of the trader:

- › the place of business must be labelled with the business name of the trader and the type of business (shop, café, bar etc.) and also information on the business hours – the consumers must understand what the name of the company from which they are buying and see information of the business hours on the door or display window;
- › it is prohibited for a trader to sell goods if their handling is prohibited by the law generally or prohibited in this place of sales – for example, a shop can only sell alcoholic beverages if it has submitted the notice of the economic activities to the Register of Economic Activities;

- › the trader must have an accompanying document for the goods being sold, which enables the identification of the goods and has the requisite information required of source documents by the Accounting Act;
- › when payment is made by payment card, this must be done in the presence of the client;
- › when traders sell goods at public events they must have a sales ticket issued by the trading organiser.

The Alcohol Act (Alkoholiseadus) provides special requirements for the handling of alcohol, restrictions on the consumption of alcoholic beverage, organisation of state supervision over compliance and liability for violations of the Act, including the following most important requirements:

- › traders who have submitted a notice to the online Register of Economic Activities regarding retailing, wholesaling or catering have the right to trade in alcoholic beverages. The notice must be submitted by a member of the company's management board via the Estonian information gateway www.eesti.ee or a notary. A notice of economic activities does not need to be submitted for the sale of alcoholic beverages at public events;
- › the prohibitions related to the retail sales of alcoholic beverages are specified in § 41 of the Alcohol Act. The retail sales of alcoholic beverages listed on the notice of economic activities is only permitted in the places of business indicated in the Register of Economic Activities. Alcohol that is not approved for sale may not be stored in shops or catering establishments. If a shop has only indicated the sale of beverages with low alcoholic content in its notice to the Register of Economic Activities, it is prohibited from storing alcoholic beverages with high alcoholic content;

- › in case of e-commerce, the retail sales of alcoholic beverages is permitted only by the company's shop or catering establishment specified in the information submitted to the Register of Economic Activities;
- › the retail sales of alcoholic beverages are permitted if an accompanying document that complies with the requirements exists. Cash must not be used for the purchase of alcohol from wholesalers. Traders are not permitted to sell alcohol that has been purchased for cash;
- › the retail sales of alcoholic beverages is permitted in shops between 10:00 am and 10:00 pm. The delivery of alcoholic beverages to consumers by a delivery service is prohibited between 10:00 pm and 10:00 am;
- › alcoholic beverages can be sold for consumption on premises in catering establishments, accommodation establishments and other places of sales indicated in the Alcohol Act;
- › the sale of alcoholic beverages from kiosks and in street or market trading is prohibited. A kiosk is a place of business that lacks a salesroom, unlike a shop that has a salesroom that the consumer can enter;
- › retail sales establishments must display the sales price of alcoholic beverages, the types and names of the beverages, and if alcoholic beverages are sold for on-premises consumption, the sales price per quantity of alcohol;
- › the retail sales of alcoholic beverages is only permitted in shops and catering establishments that have a cash register, which must be used to register all transactions performed upon the retail sales of alcoholic beverages.





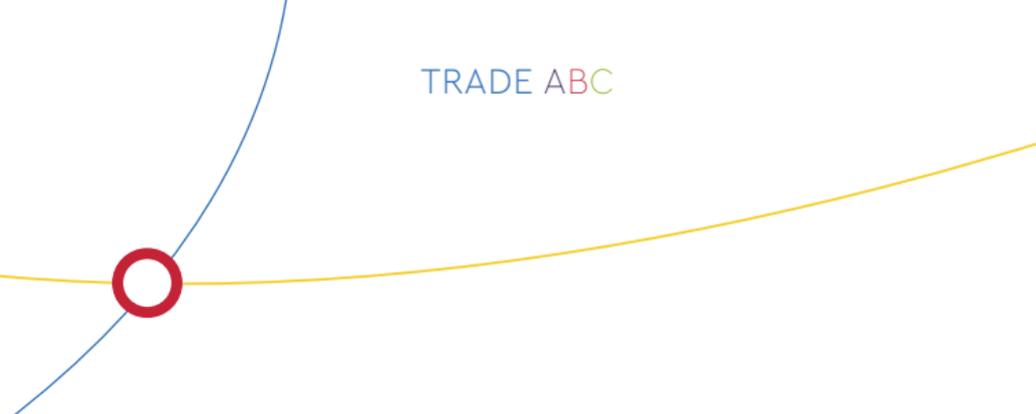


The following restrictions on the retail sales and advertising of alcoholic beverages in Tallinn were enacted by regulation no. 30 of the Tallinn City Council on September, 18, 2008:

- › the retail sales of strong alcoholic beverages are permitted in shops with the total area of at least 150 m²;
- › alcoholic beverages served in the seasonal extensions of a catering establishment must come from the interior of the catering establishment;
- › selling alcoholic beverages in unopened consumer packaging to be taken out of catering and accommodation establishments is prohibited;
- › the alcoholic beverages offered for sale in shops must be separated from non-alcoholic beverages and other products;
- › the retail sales of alcoholic beverages are not permitted in markets or public bathing locations;
- › shops located in temporary buildings can only sell alcoholic beverages with low ethanol content;
- › the retail sales of alcoholic beverages is not permitted in a shop where the main entrance of a primary school, secondary school or vocational school is located less than 50 metres from the shop;
- › the retail sales of strong alcoholic beverages is not permitted in service station shops or shops near service stations, if the entrance to the shop is less than 15 metres from the nearest fuel pump;
- › alcohol advertising is prohibited in areas that are less than 300 metres from a pre-school establishment, primary school, basic school, secondary school, vocational school, hobby school or youth project camp.

The Tobacco Act (Tubakaseadus) provides the requirements for tobacco products and products related to tobacco products, incl. special requirements for the handling of tobacco products and products related to tobacco products:

- ▶ in order to trade in tobacco products and products related to tobacco products, the trader must submit a notice of economic activities in the field of retailing, catering or wholesaling to the Register of Economic Activities via the Estonian information gateway www.eesti.ee or a notary. A notice of economic activities does not need to be submitted in the case of public events;
- ▶ the accompanying document drawn up for the tobacco product, including the internal accompanying document, must include the following:
 - 1) the manufacturer's lot code of the tobacco products;
 - 2) in the case of cigarettes, the maximum retail price;
- ▶ the prohibitions related to the retail sales of tobacco products are prescribed in § 22 of the Tobacco Act and the prohibitions related to their consumption are prescribed in § 27 to § 31 of the same law. It is prohibited to trade in cigarettes by the piece;
- ▶ in catering establishments smoking and consumption of electronic cigarettes is only permitted in proper smoking rooms, where neither food or drink can be served;
- ▶ the retail sales of waterpipe tobacco and the use of waterpipes on premises in catering establishments and public events is permitted if the waterpipe tobacco comes from a proper sales package and this package is located at the place of sale. The smoking of waterpipes in catering establishments is permitted only in special smoking rooms.



The Food Act (Toiduseadus) provides the requirements for the handling of food, the self-checking of the operator and state supervision in order to ensure food safety and the compliance of food with other requirements.

A notice must be submitted to the Veterinary and Food Board when preparing and selling food in a shop, catering establishment or public event. Based on the assortment of food being sold, a activity licence must be obtained from the Veterinary and Food Board, or the corresponding notice submitted to regarding the place of business. For more information, see the Veterinary and Food Board website

www.vet.agri.ee

which includes an overview in English. The food sellers in Tallinn should contact the Veterinary Centre of Harju County located in Tallinn at Västriku St 2b, phone 658 0420, email info.harju@vet.agri.ee.

The Law of Obligations Act (Võlaõigusseadus) provides the requirements for consumer sales contracts, including the rights of the consumers and obligations of the traders if poor quality goods are sold. The Law of Obligations Act also provides the requirements for e-commerce trading, which must be fulfilled unconditionally.

The General Part of the Economic Activities Code Act (Majandustegevuse seadustiku üldosa seadus) provides the general conditions and procedures for exercising the freedom of economic activity. We direct your attention to the fact that § 31 prescribes the obligations of service providers (traders).

Trading is generally a free economic activity, in which the requirements of the aforementioned laws must be fulfilled. Additional and stricter requirements have been enacted in the cases that are regulated by specific laws, which are related primarily to the trading of alcohol, tobacco products and food, as well as the purchase and sale of precious metals, etc.

**If you have additional questions,
please contact the Price and Consumer
Protection Division
of Tallinn Enterprise Department
by phone at 640 4398 or 640 4241
or via e-mail:
kaubandus@tallinnlv.ee**





