

## Act on the Sale of Alcoholic Beverages, etc. (Alcohol Act)

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## Chapter 1. General provisions.

### Section 1-1. *Purpose of the Act*

The purpose of regulating the import and retailing of alcoholic beverages<sup>1</sup> pursuant to this Act is to curb to the greatest possible extent the harm to society and the individual that may result from the consumption of alcoholic beverages. To this end the Act aims at limiting the consumption of alcoholic beverages.

1 See Section 1-3.

### Section 1-2. *Scope and extent of the Act*

The Act shall apply to the import into, and export from, and the retailing of alcoholic beverages<sup>1</sup> in Norway.

The ministry may issue regulations regarding the application of the Act in Svalbard<sup>2</sup> Jan Mayen<sup>3</sup> and on the continental shelf<sup>4</sup> and may lay down special rules to take account of local conditions.

0 Amended by Acts of 22 December 1999 no. 108 (entry into force 1 January 2000), and 17 June 2005, no. 59 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 601).

1 See Section 1-3.

2 See Act of 17 July 1925, no. 11, Section 1 (2).

3 See Act of 27 February 1930, no. 2.

4 See Act of 21 June 1963, no. 12, Section 1, second sentence.

### Section 1-3. *Definitions*

In this Act "alcoholic beverage" is used as a generic term for beverages that contain more than 2.5 per cent alcohol by volume, nevertheless such that the minimum age provision in Section 1-5 also applies to beverages containing between 0.7 and 2.5 per cent alcohol by volume.

In this Act, the following definitions apply:

- non-alcoholic beverage: beverage containing less than 0.7 per cent alcohol by volume
- low-alcohol beverage: beverage containing between 0.7 and 2.5 per cent alcohol by volume
- alcoholic beverage category 1: beverage containing more than 2.5 and a maximum of 4.7 per cent alcohol by volume
- alcoholic beverage category 2: beverage containing more than 4.7 and less than 22 per cent alcohol by volume
- alcoholic beverage category 3: beverage containing between 22 and 60 per cent alcohol by volume

Spirits means a beverage that contains manufactured alcohol unblended or blended with other products. All beverages containing 22 per cent or more alcohol by volume shall be regarded as spirits.

Liquids which are unsuited as intoxicants because of denaturation or for other reasons, shall not be regarded as alcoholic beverages pursuant to this Act; nor shall liquids to which alcohol has been added only in an amount necessary to keep them in solution or to impart keeping qualities.

The provisions of this Act shall not apply to alcohol that pursuant to other Acts is sold, bought, supplied or dispatched for medical, technical or scientific use, or to spirits used for disinfection.<sup>1</sup>

The ministry may issue regulations on which alcoholic products shall be regarded as alcoholic beverages, and on which alcoholic beverages shall be regarded as spirits. In cases of doubt the ministry may settle such matters with binding effect.

0 Amended by Acts of 23 June 1995, no. 42, 16 May 1997 no. 28 (entry into force 1 January 1998), 2 July 1999, no. 57 (entry into force 1 July 1999), 13 December 2002, no. 87 (entry into force 1 January 2003 in accordance with res. of 13 December 2002, no. 1396), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 Cf. Act of 4 December 1992, no. 132, Section 26.

#### **Section 1-4. Definition of retailing, serving and wholesaling**

"Retailing" means the supply of alcoholic beverages<sup>1</sup> to the consumer in return for payment for consumption off the premises.

"Serving" means sale for consumption on the premises.. "Serving" is also deemed to include consumption of which the licensee<sup>2</sup> is aware in parts of the premises that are at his disposal, on other premises in his possession, or in the immediate vicinity of the premises.

"Wholesaling" means the supply of alcoholic beverages<sup>1</sup> in return for payment that does not fall within the first or second paragraph.

0 Amended by Act of 23 June 1995, no. 42 (entry into force 1 January 1996).

1 Se Section 1-3.

2 Se Section 1-4 b.

#### **Section 1-4a. Licence requirement**

Alcoholic beverages<sup>2</sup> may only be sold<sup>1</sup>, served<sup>1</sup> or produced on the basis of a licence granted under this Act.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Section 1-4.

2 See Section 1-3.

#### **Section 1-4b. Licensee**

Under this Act a licence shall be granted to the party for whose account the business is run.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

#### **Section 1-4c. Obligation to register – wholesaling of alcoholic beverages**

Alcoholic beverages<sup>1</sup> may only be sold wholesale by undertakings registered with the Customs and Excise Service as liable for excise duty.<sup>2</sup> However, goods on which special duty has been paid may be sold wholesale by undertakings registered under this Act in accordance with regulations issued by the ministry.

Alcoholic beverages that are not sold wholesale to purchasers abroad may only be sold wholesale to a party holding a licence to retail<sup>3</sup>, serve<sup>4</sup> or produce the beverage concerned or who is entitled to carry on wholesaling.

However, alcoholic beverages may not be sold wholesale to a party who holds a licence restricting that party to selling or serving for a specific event, unless the manager and deputy have documented knowledge of the Alcohol Act and provisions laid down pursuant thereto, or to a party who holds an ambulatory serving licence. The vendor is obliged to satisfy himself that the purchaser holds the requisite licence or is entitled to carry on wholesaling.

The ministry may issue regulations on the right of a party engaged in wholesaling to utilise alcoholic beverages as gifts, payment in kind or dividend, and to sell alcohol to employees for their own consumption.

Wholesaling shall be practised in such a way that the conditions mentioned in this Act and in provisions issued pursuant to this Act are complied with at all times, and in a proper manner in general. The ministry may issue regulations on the content of the obligation to ensure that the business is carried out in accordance with provisions laid down in or pursuant to this Act.

The responsibility for oversight of wholesaling rests with the Customs and Excise Service.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), amended by Acts of 19 June 2015, no. 50 (entry into force 1 January 2016), and 18 December 2015, no. 122 (entry into force 1 January 2016 in accordance with res. of 18 December 2015, no. 1591).

1 See Section 1-3.

2 See Tax Payment Act, Chapter 2.

3 See Section 1-4 (1).

4 See Section 1-4 (2).

### **Section 1-5. *Minimum age***

Alcoholic beverages<sup>3</sup> in category 3 may not be retailed,<sup>1</sup> served<sup>2</sup> or supplied to anyone under the age of 20.

Low-alcohol beverages and alcoholic beverages<sup>3</sup> in categories 1 and 2 may not be retailed,<sup>1</sup> served<sup>2</sup> or supplied to anyone under the age of 18.

Persons who retail, supply or serve alcoholic beverages in category 3 must be 20 years of age or more, and persons who retail, supply or serve other low-alcohol beverages and alcoholic beverages<sup>3</sup> in categories 1 and 2, must be 18 years of age or more. This does not apply, however, to the retailing of low-alcohol beverages when a person aged 18 or more supervises such retailing on a daily basis. The ministry may issue regulations on exemptions from the age limit provisions for persons with trade certificates if the trade certificate is naturally related to the retailing and serving activity and the training provides adequate instruction in legislation concerning alcoholic beverages. The ministry may issue regulations on exemptions from the age limit provisions in respect of apprentices and other persons undergoing training.

The ministry may lay down regulations on the minimum age for importing alcoholic beverages.

0 Amended by Acts of 23 June 1995, no. 42 (entry into force 1 January 1996), 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 19 June 2009, no. 67 (entry into force 1 July 2009), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 See Section 1-4 (1).

2 See Section 1-4 (2).

3 See Section 1-3.

### **Section 1-6. *Licensing period***

A municipal licence to retail<sup>1</sup> alcoholic beverages<sup>2</sup> in categories 2 and 3 may be granted for four years at a time, with expiry no later than 30 September of the year after a new municipal council takes office.

A municipal licence to retail alcoholic beverages other than those mentioned in the first paragraph, and to serve<sup>3</sup> alcoholic beverages<sup>2</sup>, may be granted for periods of up to four years, with expiry no later than 30

September of the year after a new municipal council takes office. Moreover, such licences may be granted for a specific part of the year, and for a specific occasion.

The municipality may determine that licences in accordance with the first and second paragraphs will nonetheless not expire, but continue to apply for a new period of up to four years, with expiry no later than 30 September of the year after a new municipal council takes office. The municipality may determine that no licences will expire, or lay down further guidelines concerning for which licences renewal must be applied for. On laying down these guidelines, the municipality may give weight to the same circumstances as when processing a new application, cf. Section 1-7a. Instead of a requirement for renewal, the municipality may change or lay down new conditions for licences to the same extent as when considering a new licence, cf. Sections 3-2 and 4-3.

Decisions pursuant to the third paragraph may only be taken if, after the municipal elections, the municipality has carried out a review of the alcohol policy in the municipality, including assessment of the licensing policy.

State licences to serve alcoholic beverages<sup>4</sup> shall apply until further notice.

State licences to produce alcoholic beverages<sup>5</sup> shall apply until further notice, but may be limited to a specified period, if special conditions so warrant.

If a final decision on renewal of a granted licence has not been made by the date on which the licensing period expires, the licence shall remain valid until the end of the month in which a final decision on a new licence is adopted, but may not extend more than three months beyond the start of the new licensing period.

0 Amended by Acts of 8 January 1993, no. 23, 23 June 1995, no. 42 (entry into force 23 June 1995 and 1 January 1996), 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 18 December 2015, no. 122 (entry into force 1 January 2016, in accordance with res. of 18 December 2015, no. 1591).

1 See Section 1-4 (1).

2 See Section 1-3.

3 See Section 1-4 (2).

4 See Chapter 5.

5 See Chapter 7.

### **Section 1-7. Licence to retail and serve alcoholic beverages**

Licences to retail<sup>1</sup> and serve<sup>2</sup> alcoholic beverages shall be granted by the municipality unless a State licence is granted pursuant to Chapter 5. Licences to serve alcoholic beverages on trains or on board ships which are not encompassed by the State authority to grant licences under Section 5-2, shall be granted by the municipality which is the base for the activity of the ship or train concerned. Where such activity extends across several municipalities, all affected municipalities must grant a licence.

Before the municipal council decides on an application, statements shall be obtained from the social services<sup>3</sup> and the police. Statements may also be obtained from the tax and excise authorities. In municipalities with a military training area, a statement shall also be obtained from the military unit concerned.

The municipality may require the applicant to provide documentary proof of the information needed to decide whether the requirements in Sections 1-7b and 1-7c are met, and also, as and when required, to present a financing plan, operating budget and cash budget for the establishment.

Notification of licences granted shall be sent to the police and the tax and excise authorities.

The municipality may delegate licensing powers to an inter-municipal board. Decisions taken by such a board may be appealed to the appeals body of the host municipality.

0 Amended by Acts of 13 December 1991, no. 81, 11 June 1993, no. 85, 16 May 1997, no. 28 (entry into force 1 January 1998), and 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-4 (1).

2 See Section 1-4 (2).

<sup>3</sup> See now Act of 18 December 2009, no. 131.

**Section 1-7a. *The municipality's exercise of discretion when processing applications for a licence to retail or serve alcoholic beverages***

When processing a licence application, the municipality may inter alia attach importance to the number of premises already licensed to retail and serve alcoholic beverages, the nature of the establishment, its location, the target group, traffic conditions and public peace and order, local competition policy considerations and consideration for the local environment in general. Importance may also be attached to whether the licence applicant and persons as mentioned in Section 1-7b, first paragraph are qualified to hold a licence to retail or serve alcoholic beverages.

The municipality may decide that no more than a specific number of licences shall be granted for sale<sup>1</sup> or serving.<sup>2</sup>

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Acts of 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 See Section 1-4 (1).

2 See Section 1-4 (2).

**Section 1-7b. *Requirement of good repute***

The licensee<sup>1</sup> and anyone exerting material influence on the establishment must be of spotless repute in relation to the alcohol legislation and provisions of other legislation relevant to the purpose of the Alcohol Act, as well as in relation to the tax and excise and accounting legislation.

Anyone who owns a significant part of the establishment or of the business enterprise that operates the establishment, or receives a significant portion of its revenues, or by virtue of their position in the management exercises significant influence thereon, will invariably be deemed to exercise significant influence on the establishment.

The assessment of whether a person exerts significant influence on the establishment may also take into account the influence on the establishment of close associates of that person. "Close associate" means

- 1) the spouse or a person with whom the individual concerned cohabits in a relationship akin to marriage
- 2) relatives in direct line of ascent or descent, as well as siblings<sup>2</sup>
- 3) the spouse of or a person cohabiting with a person as mentioned in 2) in a relationship akin to marriage

The assessment of the licensee's or other persons' repute under the first paragraph may not take into account circumstances more than ten years back in time.

The ministry may issue regulations on the content of, and documentary proof of compliance with, the requirement of good repute.

The requirement of good repute shall not apply in respect of licences granted to AS Vinmonopolet<sup>3</sup> for the right to engage in wholesaling under Section 1-4c, or licences granted under Section 5-3 and Chapter 6.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Acts of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599 – with the exception of the third paragraph), and 17 June 2005, no. 59 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 601 – applies to the entire section).

1 See Section 1-4 b.

2 Cf. Act of 16 June 2017, no. 48, Section 24.

3 Cf. Act of 19 June 1931, no. 18.

### **Section 1-7c. *Manager and deputy***

For each licence a manager and a deputy shall be designated who must be approved by the licensing authority. The requirement concerning a deputy may be dispensed with if it appears unreasonable in light inter alia of the size of the premises licensed to retail or serve alcoholic beverages. The requirements as to manager and deputy shall not apply in respect of licences granted to AS Vinmonopolet<sup>1</sup> and State licences granted under Chapter 6.

The manager and substitute must be employed at the licensed retail or serving premises or work in the establishment by virtue of their position as owners. Only the person entitled to control the retailing or serving of alcoholic beverages, including responsibility for overseeing the utilisation of the licence, may be appointed as manager. In the manager's absence the manager's duties shall rest with their deputy. If the manager quits the position, the licensee<sup>2</sup> must immediately apply for approval of a new manager.

The manager and deputy must be over 20 years of age and have documentary proof of their knowledge of the Alcohol Act and provisions laid down pursuant thereto. The documentation requirement will not apply to the granting of a licence for an individual specific occasion under Section 1-6, second paragraph or an ambulatory licence under Section 4-5.

The manager and deputy must have a spotless reputation in relation to the alcohol legislation and provisions of other legislation relevant to the purpose of the Alcohol Act.

When the repute of the manager and deputy pursuant to the fourth paragraph is assessed, circumstances more than ten years back in time may not be taken into account.

The manager and deputy are obliged to present proof of their identity if requested to do so by the licensing authority.

The ministry may issue regulations on the content of, and documentary proof of compliance with, the requirements as to good repute and qualifications, including payment for taking a test. The ministry may issue regulations on the further content of the manager's and deputy's obligation to ensure that the licence is utilised in accordance with provisions laid down pursuant to this Act.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998 in accordance with res. of 19 December 1997, no. 1315, except for the documentation requirement in the third paragraph, which is set for entry into force on 1 July 1999, in accordance with res. of 18 February 1999, no. 162 – 1 July 2000 for managers and deputies in establishments which hold or have applied for a licence before 1 July 1999), amended by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Act of 19 June 1931, no. 18.

2 See Section 1-4 b.

### **Section 1-7d. *Municipal alcohol policy action plan***

The municipality shall draw up an alcohol policy action plan. The ministry may issue regulations on the content of municipal alcohol policy action plans.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

### **Section 1-7e. *Licensing requirements pursuant to Section 4-2, third paragraph***

A licence pursuant to Section 4-2, third paragraph may only be granted if the production is to take place at the serving establishment, and the production and serving will form part of the establishment's overall character and range of products served.

0 Added by Act of 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

**Section 1-7f. Licensing requirements pursuant to Section 3-1b and Section 3-1c, first paragraph, second sentence**

A licence pursuant to Section 3-1b may only be granted if the production is to take place at the serving establishment, and the production and sale will form part of the establishment's overall character and range of products sold.

A licence pursuant to Section 3-1b, first paragraph, second sentence and second paragraph, and a licence pursuant to Section 3-1c, first paragraph, second sentence for alcoholic beverages in category 2<sup>1</sup> may only be granted for up to 15,000 litres per year and on the following terms:

1. The alcoholic beverage must be included in the product list in the comment on position 22.06 in the Norwegian Customs Tariff and may not contain spirits<sup>2</sup> or be mixed with alcoholic products not included in the product list in the comment on position 22.06 in the Customs Tariff.
2. At least one third of the intermediate goods that give the product its character must be own-produced.

0 Added by Act of 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708), amended by Act of 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 See Section 1-3 (2).

2 See Section 1-3 (3).

**Section 1-7g. Sale and serving on the same premises**

No licence may be granted for sale and serving on the same premises unless the conditions in Section 3-1c are fulfilled.

0 Added by Act of 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

**Section 1-8. Withdrawal of licence to retail and serve alcoholic beverages**

During the licensing period<sup>1</sup> the municipal council may withdraw a licence for the remainder of the licensing period, or for a shorter period if the conditions in Section 1-7b are no longer fulfilled, or if the licensee<sup>2</sup> fails to fulfil their obligations under this Act or provisions laid down pursuant thereto. The same applies in the event of infringement of provisions laid down in or pursuant to other legislation, when the provisions concerned are relevant to the purpose of this Act.

A licence may also be withdrawn if drug peddling repeatedly occurs on the premises, or if discrimination repeatedly takes place at the premises for reasons as mentioned in Section 186 of the General Civil Penal Code<sup>3</sup>.

The Ministry in a regulation lays down further provisions for the withdrawal of licences pursuant to the first and second paragraphs, including case processing rules and standardised sanctions for various types of infringement.

A licence may be withdrawn if it has not been utilised in the past 12 months. The ministry may issue regulations to delimit and supplement the right to withdraw licences under this paragraph.

State licences to serve alcoholic beverages<sup>4</sup> may be withdrawn by the ministry at any time, even if the conditions set out in the first paragraph have not been met.

0 Amended by Acts of 24 June 1994, no. 47, 23 June 1995, no. 42 (entry into force 1 January 1996), 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 19 June 2015, no. 65 (entry into force 1 October 2015), and 18 September 2015, no. 93 (entry into force 1 January 2016, in accordance with res. of 18 September 2015, no. 1066).

1 Cf. Section 1-6.

2 See Section 1-4 b.

3 Act of 20 May 2005, no. 28.

4 See Chapter 5.



### **Section 1-8a. Police right to close an establishment**

The police may close an establishment that retails<sup>1</sup> or serves<sup>2</sup> alcoholic beverages<sup>3</sup> without holding a licence.<sup>4</sup>

The police may close an establishment that retails or serves alcoholic beverages for up to two days when this is necessary in order to prevent disorderly conduct, protect the safety of individuals or the general public, or to prevent or halt violations of the law.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

1 See Section 1-4 (1).

2 See Section 1-4 (2).

3 See Section 1-3.

4 Cf. Section 1-4 a.

### **Section 1-9. Control of licences to retail and serve alcoholic beverages**

Responsibility for control of the utilisation of municipal licences to serve<sup>1</sup> alcoholic beverages,<sup>2</sup> municipal licences to retail<sup>3</sup> alcoholic beverages outside Vinmonopolet, and state licences granted under Section 5-3, first paragraph, shall rest with the municipality.

Responsibility for control of the utilisation of state licences granted under Sections 5-2 and 5-3, second paragraph shall rest with the ministry.

The licensing authority may at any time demand access to the premises and accounts of establishments licensed to retail and serve alcoholic beverages, and may demand relevant information on accounts and operations from the licensee. The licensee<sup>4</sup> is obliged to hand over, without compensation or payment, required product samples to the licensing authority.

The ministry may issue regulations on control of the retailing and serving<sup>1</sup> of alcoholic beverages and on the performance of such control.

The ministry may issue regulations on internal control to ensure compliance with requirements set in or pursuant to this Act.

0 Amended by Acts of 11 June 1993, no. 105, 16 May 1997, no. 28 (entry into force 1 January 1998), 23 May 2003 no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 See Section 1-4 (2).

2 See Section 1-3.

3 See Section 1-4 (1).

4 See Section 1-4 b.

### **Section 1-10. Transfer, death and bankruptcy**

A licence shall terminate upon transfer of the establishment. The same will apply upon transfer of all or a dominant portion of the shares or interests in a business enterprise that owns such an establishment. The establishment may nonetheless continue on the basis of the previous licence for a period of up to three months, provided that the licensing authority is notified to this effect and a new licence is applied for without undue delay, and no later than 30 days after the transfer has taken place. If the application for a new licence has not been finally decided by the municipality within three months, the municipality may authorise continued operation on the basis of the previous licence for a further period of up to one month. Alcoholic beverages<sup>1</sup> forming part of stocks may be transferred together with the establishment, in accordance with regulations issued by the ministry.

A licence shall terminate upon the death of the licensee<sup>2</sup>. The estate may nonetheless continue the activity on the basis of the previous licence for a period of three months after the licensee's death, provided that the licensing authority is notified to this effect, or within the same period transfer alcoholic beverages to licensees in accordance with this Act.

A licence shall terminate upon the licensee's bankruptcy.<sup>3</sup> In the period up to final completion of the administration of the estate, the estate in bankruptcy may transfer alcoholic beverages forming part of the estate to licensees, in accordance with this Act.

A creditor in whose favour a charge over alcoholic beverages has been created may after a bankruptcy/winding-up be authorised by the ministry to sell the alcoholic beverages charged to the holder of a licence granted pursuant to this Act. The ministry may issue regulations on the content of and exercise of such authorisation.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), and 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-3.

2 See Section 1-4 b.

3 See the Norwegian Bankruptcy Act

### **Section 1-11. Case processing rules**

For applications for a licence or other permits pursuant to this Act which fall under the Norwegian Services Act,<sup>1</sup> the case processing deadline as stated in Section 11, first paragraph, first sentence of the Services Act, shall be four months. Section 11, second paragraph of the Services Act concerning how permits are deemed to be granted when the case processing deadline has expired does not apply to licences or other permits under this Act.

The ministry may issue regulations concerning case processing rules for the fulfilment of the rules of the Services Act<sup>1</sup> for licences and other permits under this Act. The case processing rules may deviate from the rules of the Public Administration Act.<sup>2</sup>

0 Repealed by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), added again by Act of 19 June 2009, no. 103 (entry into force 28 December 2009 in accordance with res. of 19 June 2009, no. 672), amended by Act of 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 Act of 19 June 2009, no. 103.

2 Act of 10 February 1967.

### **Section 1-12. (Repealed by Act of 17 December 2004, no. 86.)**

0 Amended by Acts of 11 June 1993, no. 85, and 16 May 1997, no. 28 (entry into force 1 January 1998), repealed by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

### **Section 1-13. (Repealed by Act of 17 December 2004, no. 86.)**

0 Added by Act of 23 June 1995, no. 42 (entry into force 1 January 1996), repealed by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

### **Section 1-14. Information for statistical purposes, etc.**

The ministry may issue regulations on the duty of the licensing authority, the licensee,<sup>1</sup> the holder of a permit for duty-free sales at airports, a supplier of alcoholic beverages<sup>2</sup> on private import and persons engaged in wholesaling<sup>3</sup> to provide information for statistical purposes.<sup>4</sup>

A register shall be kept of information about holders of licences under this Act, and of persons entitled to carry on wholesaling. The ministry may issue regulations on the keeping and use made of the register, and on the obligation of the licensing authorities, the tax authorities and the customs and excise service to provide information for the register.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Acts of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 19 June 2009, no. 67 (entry into force 1 July 2009), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 19 June 2015, no. 50 (entry into force 1 January 2016).

1 See Section 1-4 b.

2 See Section 1-3.

3 See Section 1-4 (3) and Section 1-4 c.

4 Cf. Act of 16 June 1989, no. 54, Section 2-2.

### **Section 1-15. Disclosure and reporting requirement**

The police and the tax authorities are obliged, notwithstanding the confidentiality requirement, to provide the information necessary to process licences to retail and serve alcoholic beverages. Notwithstanding the confidentiality requirement, the licensing authority may obtain information from the National Population Register that is necessary for the consideration of such cases.

If the police or the tax authorities discover circumstances which may be assumed to be of material significance for the granting of a licence, they shall be obliged, on their own initiative and notwithstanding the confidentiality requirement, to inform the licensing authority accordingly. The ministry may issue regulations on the reporting and disclosure obligation.

This provision shall not apply to state licences granted pursuant to Chapter 6.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Acts of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

### **Section 1-16. Appeals and lawsuits concerning the validity of decisions in appeal cases**

Individual decisions by the municipality under Section 1-8 and Chapters 3, 4 and 7 may be appealed to the county governor.

The county governor may test the lawfulness of the content of a decision, whether it has been rendered by the correct body and whether it has been lawfully reached.<sup>1</sup>

Lawsuits concerning the validity of individual decisions under Section 1-8 of the Alcohol Act and Chapters 3, 4 and 7, where the county governor has reached a decision under the second paragraph of this section, may be raised against the municipality.<sup>2</sup>

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Act of 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 Compare Section 34 of the Public Administration Act.

2 Compare Section 1-5 of the Dispute Act.

## Chapter 2. Import and export

### Section 2-1. *Right to import alcoholic beverages*

Alcoholic beverages<sup>1</sup> may only be imported from abroad by parties who are authorised to engage in wholesaling,<sup>2</sup> hold a production licence,<sup>3</sup> a retail licence extended to concern import pursuant to Section 3-1b, first paragraph, or a serving licence extended to cover import under Section 4-2 third paragraph.

Under regulations issued by the ministry, alcoholic beverages may, however, be imported by AS Vinmonopolet<sup>4</sup> without a licence, as mentioned in the first paragraph. Alcoholic beverages may also be imported without such a licence by representatives of foreign powers in Norway for official use, when such beverages are imported duty-free or pursuant to regulations issued by the ministry.

Alcoholic beverages may be imported from abroad by private individuals for personal consumption (private import) without a licence as stated in the first paragraph. The ministry may issue regulations to lay down further requirements to be fulfilled for the import to be deemed to private import.

0 Amended by Acts of 4 December 1992, no. 132 (entry into force 1 January 1994), 23 June 1995, no. 42 (entry into force 1 January 1996), 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 19 June 2009, no. 67 (entry into force 1 July 2009), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 See Section 1-3.

2 See Section 1-4 (3) and Section 1-4 c.

3 Cf. Chapter 6.

4 Cf. Act of 19 June 1931, no. 18.

### Section 2-2. *Right to export alcoholic beverages*

Export of alcoholic beverages<sup>1</sup> in the pursuit of trade may only be carried on by persons licensed to produce alcoholic beverages<sup>2</sup> or to sell alcoholic beverages wholesale.<sup>3</sup>

0 Amended by Acts of 23 June 1995, no. 42 (entry into force 1 January 1996), and 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-3.

2 Cf. Chapter 6.

3 Cf. Section 1-4 (3) and Section 1-4 c.

### Section 2-3. *Legal basis for regulations on the import and export of alcoholic beverages*

The ministry may issue regulations on the import and export of alcoholic beverages.<sup>1</sup>

0 Amended by Act of 23 June 1995, no. 42 (entry into force 1 January 1996).

1 See Section 1-3.

### Section 2-4. *Requirements for suppliers of alcoholic beverages on private import*

Establishments may only supply alcoholic beverages<sup>1</sup> to private individuals who import alcoholic beverages for personal consumption if the establishment is registered with the Directorate of Health as a supplier of alcoholic beverages for private import.

The ministry may issue regulations to lay down further requirements to be fulfilled to ensure the responsible supply of alcoholic beverages for private import, and to ensure that establishments which undertake such supply act in accordance with provisions laid down in or pursuant to this Act or other legislation related to the purposes of this Act.

The Directorate of Health may decide to refuse or withdraw a registration if the establishment does not fulfil its obligations under this Act or provisions issued pursuant thereto. The same will apply in the event of infringement of provisions laid down in or pursuant to other legislation, when the provisions concerned are related to the purposes of this Act.

On assessing whether registration should be refused or withdrawn, and for how long, weight can be given to, among other things, the type of infringement, the severity of the infringement, whether the establishment can be blamed for the infringement, and the rectification measures taken. Weight can also be given to how the establishment has previously practiced such supply.

0 Added by Act of 19 June 2009, no. 67 (entry into force 1 July 2009).

1 See Section 1-3.

### **Section 2-5. Time restrictions for the supply of alcoholic beverages**

The supply of alcoholic beverages<sup>1</sup> for private import may take place from 08:30 to 18:00. On the day before Sundays and public holidays, supply may take place from 10:00 to 16:00. This does not apply to the day before Ascension Day.

The supply of alcoholic beverages for private import is prohibited on Sundays and public holidays, 1 and 17 May and Christmas Eve.

0 Added by Act of 19 June 2009, no. 67 (entry into force 1 July 2009), amended by Acts of 12 December 2014, no. 69 (entry into force 1 January 2015 in accordance with res. of 12 December 2014, no. 1595), and 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 See Section 1-3.

### **Section 2-6. Oversight of the private import of alcoholic beverages**

The Directorate of Health oversees compliance with the provisions concerning the private import of alcoholic beverages<sup>1</sup> stipulated in or pursuant to this Act.

All persons are obliged to provide the information necessary for the implementation of the oversight of the private import of alcoholic beverages.

0 Added by Act of 19 June 2009, no. 67 (entry into force 1 July 2009).

1 See Section 1-3.

## **Chapter 3. Sale of alcoholic beverages.**

### **I. General provisions<sup>1</sup>**

1 See Section 1-3 last paragraph.

#### **Section 3-1. The right to retail alcoholic beverages**

The retailing of alcoholic beverages<sup>1</sup> in categories 2 and 3 may solely be conducted by AS Vinmonopolet<sup>2</sup> on the basis of a municipal licence, a permit as described in Section 3-1a, or a licence under Section 3-1b or Section 3-1c.

The retailing of alcoholic beverages in category 1 may solely take place on the basis of a municipal licence<sup>3</sup>, a permit as described in Section 3-1a, or a licence under Section 3-1b or Section 3-1c. This shall also apply

where such retailing is to be carried on by a business enterprise that is wholly or partly owned by the municipality. The licence shall be limited to particular premises and a particular type of trade.

AS Vinmonopolet may not hold a licence to retail alcoholic beverages not encompassed by the company's sole right under the first paragraph or a production licence,<sup>4</sup> and may not carry on wholesaling<sup>5</sup> of alcoholic beverages. A licence to retail alcoholic beverages containing more than 4.7 per cent alcohol by volume may only be granted to AS Vinmonopolet provided that a licence to retail other alcoholic beverages is also granted in the municipality.

AS Vinmonopolet shall not discriminate between suppliers and products on the basis of nationality or country of origin. The ministry may issue regulations on purchasing, product range, delivery terms and price setting.<sup>6</sup>

Only alcoholic beverages supplied by a holder of a production or retail licence or by a party entitled to engage in wholesaling, or which have been imported or produced pursuant to Section 3-1b or by AS Vinmonopolet pursuant to Section 2-1, second paragraph, may be retailed. AS Vinmonopolet may nonetheless arrange the auction of alcoholic beverages on behalf of persons who do not hold the right to retail alcoholic beverages. The ministry may lay down further regulations on such auctions, including fees.

0 Amended by Acts of 8 January 1993, no. 23 (as amended fourth paragraph, must be fifth paragraph), 4 December 1992, no. 132 (entry into force 1 January 1994), 23 June 1995, no. 42 (entry into force 1 January 1996), 16 May 1997, no. 28 (entry into force 1 January 1998), 22 December 1999, no. 105 (entry into force 1 January 2000 in accordance with res. of 22 December 1999, no. 1373), 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 17 June 2005, no. 59 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 601), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708), 22 June 2018, no. 76 (entry into force 1 November 2018 in accordance with res. of 28 September 2018, no. 1482), and 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 See Section 1-3.

2 Cf. Act of 19 June 1931, no. 18.

3 See Section 1-7.

4 Cf. Chapter 6.

5 See Section 1-4 (3).

6 Cf. Article 16 of the EEA Agreement.

### **Section 3-1a. Sale of alcoholic beverages at airports**

Alcoholic beverages<sup>1</sup> may be retailed duty-free subject to authorisation from the customs and excise service. Authorisation may only be granted for retail sale to passengers leaving for abroad from Norwegian airports or to passengers arriving from abroad at Norwegian airports. Authorisation may not be granted for retail sale to passengers departing for or arriving from Svalbard,<sup>2</sup> Jan Mayen<sup>3</sup> and the continental shelf.<sup>4</sup>

Section 3-1, fifth paragraph will apply *pari passu* to such retailing.

0 Added by Act of 17 June 2005, no. 59 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 601), amended by Act of 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 See Section 1-3.

2 Cf. Act of 17 July 1925, no. 11, Section 1 (2).

3 Cf. Act of 27 February 1930, no. 2.

4 See Act of 21 June 1963, no. 12, Section 1, second sentence.

### **Section 3-1b. Sale of alcoholic beverages produced in own establishment**

A municipal licence under Section 3-1, second paragraph may be extended, provided that the requirements in Section 1-7f, first paragraph are fulfilled, to include the import or production for sale<sup>1</sup> in own establishment of alcoholic beverages<sup>2</sup> in category 1 that do not contain spirits. If the requirements in Section 1-7f, second

paragraph are also fulfilled, it can also be extended to include production for sale in own establishment of alcoholic beverages in category 2.

A municipal licence under Section 3-1, second paragraph may furthermore, if the requirements in Section 1-7f are fulfilled, include the sale from own establishment of alcoholic beverages in category 2, produced in accordance with a state production licence pursuant to Chapter 6.

Licences granted for a specific part of the year or for a specific single occasion, cf. Section 1-6, second paragraph, may not be extended to include permission for the import or production for sale in own establishment, or to include sale from own establishment of alcoholic beverages in category 2 produced in accordance with a state production licence pursuant to Chapter 6.

The provisions of Chapters 1 and 3 will apply for as long as they are appropriate for licences under the first and second paragraphs.

Production on the basis of an extended licence under the first paragraph may not take place in the same facility as production pursuant to Chapter 6 of the Act.

0 Added by Act of 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708), amended by Act of 22 June 2018, no. 76 (entry into force 1 November 2018 in accordance with res. of 28 September 2018, no. 1482).

1 See Section 1-4 (1).

2 See Section 1-3.

### **Section 3-1c. Retail licence for the same premises as are granted a serving licence**

A municipal retail licence may be granted for own-produced alcoholic beverages in category 1 for the same premises as have been granted a serving licence, if

- a) the licensee has the right to produce alcoholic beverages
- b) the licence is to be exercised at the licensee's production venue, and
- c) the licence is to apply to smaller premises where separate premises for sale and serving are not possible in practice.

If the requirements in Section 1-7f, second paragraph are fulfilled, the licence may include the sale of own-produced alcoholic beverages in category 2.

The ministry may issue regulations on the content of the requirements in the first paragraph, (b) and (c), and on other requirements to ensure that beverages which are sold and served are kept separate.

0 Added by Act of 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

### **Section 3-2. Conditions attached to the licence**

Conditions may be attached to a licence in accordance with the general rules of administrative law.

0 Amended by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

## **II. Sale of alcoholic beverages in categories 2 and 3.<sup>1</sup>**

0 Amended by Acts of 8 January 1993, no. 23 (entry into force 1 March 1993), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 See Section 1-3 (2).

### **Section 3-3. Determination of the number of retail licences for AS Vinmonopolet**

The ministry may determine the highest number of sales licences and their distribution. The municipal council determines the highest number of sales outlets for AS Vinmonopolet<sup>1</sup> within the municipality and approves their location. The provision in Section 1-7a, first paragraph, first sentence applies accordingly.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Act of 19 June 1931, no. 18.

### **Section 3-4. Time restrictions for sale from AS Vinmonopolet's sales outlets**

Sale from AS Vinmonopolet's<sup>1</sup> outlets can take place from 08:30 to 18:00. On the day before Sundays and public holidays<sup>2</sup>, sale may take place from 10:00 to 16:00. This does not apply to the day before Ascension Day. However, the opening hours of AS Vinmonopolet's outlets may not be longer than the hours of sale for other alcoholic beverages in the municipality.

The opening hours of AS Vinmonopolet's outlets are determined by the ministry. The ministry may determine that the sales hours must be limited to the first five business days of the week.

Retailing from AS Vinmonopolet's sales outlets is prohibited on Sundays and public holidays,<sup>2</sup> 1 and 17 May<sup>3</sup> and Christmas Eve.

0 Amended by Acts of 8 January 1993, no. 23, 16 May 1997, no. 28 (entry into force 1 July 1997), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 12 December 2014, no. 69 (entry into force 1 January 2015 in accordance with res. of 12 December 2014, no. 1595), and 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 Cf. Act of 19 June 1931, no. 18.

2 Cf. Act of 24 February 1995, no. 12, Section 2.

3 Cf. Act of 26 April 1947, no. 1, Section 2.

### **Section 3-4a. Time restrictions on the retailing of alcoholic beverages pursuant to Sections 3-1b and 3-1c<sup>1</sup>**

Retailing<sup>2</sup> of alcoholic beverages<sup>3</sup> pursuant to Sections 3-1b and 3-1c may take place from 08:00 to 18:00.

The municipal council may restrict or extend opening hours for all or for individual retail outlets in the municipality in relation to the provision of the first paragraph. The retailing of beverages as mentioned in the first paragraph shall nonetheless be prohibited after 20:00 on business days, and after 1800 on days preceding Sundays and public holidays, except the day preceding Ascension Day. It may be determined that retailing shall not take place at particular times of the day or on particular weekdays.

The retailing of alcoholic beverages as mentioned in the first paragraph shall not take place on Sundays and public holidays, and on 1 and 17 May.

0 Added by Act of 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708), amended by Act of 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 Compare Act of 24 February 1995, no. 12, Section 5.

2 See Section 1-4 (1).

3 See Section 1-3.

## **III. Sale of alcoholic beverages in category 1.<sup>1</sup>**

0 Amended by Acts of 8 January 1993, no. 23, 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 See Section 1-3 (2).



**Section 3-5.** (Repealed by Act of 16 May 1997, no. 28.)

0 Repealed by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

**Section 3-6.** (Repealed by Act of 8 January 1993, no. 23.)

0 Repealed by Act of 8 January 1993, no. 23.

**Section 3-7. *Time restrictions on the retailing and supply of alcoholic beverages containing a maximum of 4.7 per cent alcohol by volume*<sup>1</sup>**

The retailing and supply of alcoholic beverages<sup>2</sup> in category 1 may take place from 08:00 to 18:00. Retailing shall cease at 15:00 on days preceding Sundays and public holidays<sup>1</sup>. This shall not apply to the day before Ascension Day.

The municipal council may restrict or extend opening hours for all or for individual retail outlets in the municipality in relation to the provision of the first paragraph. The retailing and supply of beverages as mentioned in the first paragraph shall nonetheless be prohibited after 20:00 on business days, and after 18:00 hrs on days preceding Sundays and public holidays<sup>3</sup> except the day before Ascension Day. It may be determined that retailing shall not take place at particular times of the day or on particular weekdays.

The retailing and supply of beverages as mentioned in the first paragraph shall not take place on Sundays and public holidays,<sup>1</sup> or on 1 and 17 May.<sup>3</sup>

0 Amended by Acts of 31 May 1991, no. 22, 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466, and 12 December 2014, no. 69 (entry into force 1 January 2015 in accordance with res. of 12 December 2014, no. 1595).

1 Compare Act of 24 February 1995, no. 12, Section 5.

2 See Section 1-3 (2).

3 Cf. Act of 26 April 1947, no. 1, Section 2.

**Section 3-8. *Retail outlets not eligible for a licence***

The ministry may decide by regulations that certain types of outlet shall not be eligible for a licence to retail alcoholic beverages.<sup>1</sup>

0 Amended by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-3.

**Section 3-9. *Utilisation of licence***

A licence shall<sup>1</sup> be utilised in such a way that the conditions mentioned in the licensing decision, in this Act and in provisions issued pursuant thereto, are fulfilled at all times, and in an otherwise proper manner.

The ministry may issue regulations to supplement and clarify the content of the obligation to utilise the licence in accordance with provisions laid down in or pursuant to this Act.

0 Added by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), and 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Section 1-8.

## Chapter 3A. Wholesale of alcoholic beverages.

0 Added by Act of 23 June 1995, no. 42, repealed by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

## Chapter 4. Municipal licences to serve alcoholic beverages.

### Section 4-1. *Serving of alcoholic beverages*

Multiple serving licences for the same premises can only be granted to one licensee<sup>1</sup>, unless the licences lay down serving times that do not overlap, cf. Section 4-4.

Only alcoholic<sup>2</sup> beverages supplied by the holder of a production or retail licence or a party entitled to carry on wholesaling, or which are produced or imported pursuant to Section 4-2, third paragraph, may be served.

0 Amended by Acts of 23 June 1995, no. 42 (entry into force 1 January 1996), 16 May 1997, no. 28 (entry into force 1 January 1998), 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 See Section 1-4 b.

2 See Section 1-3.

### Section 4-2. *Scope of the licence*

The licence may apply in respect of alcoholic beverages<sup>1</sup> in category 1, alcoholic beverages in categories 1 and 2, or all alcoholic beverages.

The licence may be general or it may solely apply to the serving of participants at a private event.

The licence may be extended to include the production of alcoholic beverages which are not spirits,<sup>2</sup> or the import of such alcoholic beverages as are covered by the licence, for serving in the licensee's own establishment. Licences granted for a specific part of the year or for a temporary event, cf. Section 1-6, second paragraph, may not be extended to include authorisation to import alcoholic beverages for serving in the licensee's own establishment. State licences to serve alcoholic beverages<sup>3</sup> may also be extended to cover such import. The provisions of Chapters 1 and 4 of the Act will apply as far as appropriate.

The licence shall apply to specific premises and a specific type of activity. The licence may for a specific occasion be extended to apply off the premises.

Production of alcoholic beverages under a municipal authorisation linked to a licence to serve such beverages may not be carried out at the same installation as production under Chapter 6 of the Act.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 See Section 1-3 (3).

2 Cf. Section 1-4 (3).

3 See Section 5-2 and Section 5-3.

### Section 4-3. *Conditions attached to the licence*

Conditions may be attached to a licence in accordance with general rules of administrative law.

0 Amended by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

#### **Section 4-4. *Time restrictions on the serving of alcoholic beverages***

The serving<sup>1</sup> of alcoholic beverages<sup>2</sup> in category 3 may take place from 13:00 to 24:00. Other alcoholic beverages may be served from 08:00 to 01:00.

The municipal council may restrict or extend hours of serving for all or individual licensed premises in the municipality in relation to the provision of the first paragraph.

The stipulated hours of serving may be extended for a specific occasion.

Alcoholic beverages in category 3 may not be served between 03:00 and 13:00. Other alcoholic beverages may not be served between 03:00 and 06:00.

The hours of serving alcoholic beverages in category 3 may not be extended beyond the hours during which other alcoholic beverages may be served.

Consumption of served alcoholic beverages must cease at the latest 30 minutes after the expiry of the hours of serving.

At hotels and guest houses, alcoholic beverages in categories 1 and 2 may be served to overnight guests, notwithstanding the restrictions of this section.

For sector-internal sample tastings, alcoholic beverages in categories 1, 2 and 3 may be served from 06:00 to 03:00 notwithstanding the restrictions of this section. The ministry may issue regulations concerning the requirements that must be fulfilled for an activity to be regarded as a sector-internal sample tasting, including the duty to notify the tasting to the licensing authority.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 22 June 2018, no. 76 (entry into force 1 November 2018 in accordance with res. of 28 September 2018, no. 1482).

1 See Section 1-4 (2).

2 See Section 1-3 (2).

#### **Section 4-5. *Ambulatory license to serve alcoholic beverages***

The municipal council may grant one or more licences that are not attached to a particular person or licensed premises, and may permit one or more of these licences to be utilised on premises that are approved for a specific occasion and for serving<sup>1</sup> participants at a private event. An ambulatory licence may not be extended to include the production or import of alcoholic beverages for serving in the licensee's own establishment.

0 Amended by Acts of 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), and 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-4 (2).

#### **Section 4-6. *Legal basis for regulations on non-alcoholic beverages.*<sup>1</sup>**

The ministry may issue regulations on the obligation of licensed premises to stock a reasonable selection of non-alcoholic<sup>1</sup> festive beverages and other non-alcoholic beverages, on their obligation to include such beverages in their wine list, price lists and the like, and on the serving of such beverages.

1 See Section 1-3 (2).

#### **Section 4-7. *Utilisation of licence***

The licence shall be utilised in such a way that the conditions stated in the licensing decision, in this Act and in provisions laid down pursuant to this Act, are complied with at all times, and in an otherwise proper manner.

The ministry may issue regulations to supplement and clarify the content of the obligation to utilise the licence in accordance with provisions laid down in or pursuant to this Act.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998), amended by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

## Chapter 5. State licences to serve alcoholic beverages.

**Section 5-1.** (Repealed by Act of 16 May 1997, no. 28.)

0 Amended by Act of 11 June 1993, no. 85 (entry into force 1 January 1994), repealed by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

### **Section 5-2. Licences to serve alcoholic beverages on trains, aircraft and ships**

After obtaining the necessary statements, the ministry may grant

1. a licence to serve alcoholic beverages<sup>1</sup> in categories 1 and 2 on trains that are public means of transport
2. a licence to serve alcoholic beverages in categories 1 and 2 on board aircraft on domestic flights
3. a licence to serve alcoholic beverages on board ships that are a public means of transport, and on board cruise ships on trips of several days' duration.

A licence granted under the first paragraph, no. 3 solely confers the right to serve alcoholic beverages to the passengers and, with the shipmaster's consent, to the crew and others accompanying the ship.

A licence granted under the first paragraph, no. 3 to serve alcoholic beverages on board a ship that is a means of public transport only confers the right to serve alcoholic beverages in category 3 if the ship plies routes between Norway and foreign countries, or coastal routes on trips of more than four days' duration.

Before the ministry decides an application a statement may be obtained from the tax and excise authorities.

The ministry may require the applicant to provide documentary proof of the information needed to decide whether the requirements of Sections 1-7b and 1-7c are met.

The ministry may establish such further conditions and restrictions on the exercise of the licence as it deems necessary at any time.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 22 June 2018, no. 76 (entry into force 1 November 2018 in accordance with res. of 28 September 2018, no. 1482).

1 See Section 1-3.

### **Section 5-3. Licensing of Armed Forces' officers messes etc.**

Officers' messes operated in accordance with the guidelines for such activity may be granted a licence by the ministry to serve alcoholic beverages.<sup>1</sup>

When called for on special grounds, the ministry may authorise Headquarters Defence Command Norway and the Directorate for Civil Protection and Emergency Planning to grant officers messes<sup>2</sup> a licence to serve alcoholic beverages at installations which are assigned a security classification in the interest of national security.

Before a licence is granted under the first paragraph, statements shall have been obtained from the police, the social services<sup>3</sup> and the municipal council. Notification of granted licences shall be sent to the police.

The ministry may establish such further conditions and restrictions on the exercise of the licence as it deems necessary at any time.

A licence under the first paragraph is otherwise granted pursuant to the provisions of Chapter 4.

0 Added by Act of 11 June 1993, no. 105, amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December

2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 12 August 2016, no. 77 (entry into force 1 July 2017 in accordance with res. of 16 June 2017, no. 778).

- 1 See Section 1-3.
- 2 See Act of 12 August 2016, no. 77, Section 3, b.
- 3 Cf. Act of 18 December 2009, no. 131, Chapter 2.

## Chapter 6. Production

0 Amended by Act of 23 June 1995, no. 42 (entry into force 1 January 1996).

### Section 6-1. *Production of alcoholic beverages*

Alcoholic beverages<sup>1</sup> may only be produced on the basis of a licence granted by the ministry, or pursuant to Section 3-1b, first paragraph or Section 4-2, third paragraph. The licence may encompass alcoholic beverages which are not spirits, spirits or all alcoholic beverages. The licensing requirement does not apply to the production for own consumption of alcoholic beverages which are not spirits.

The production installation shall be arranged in a satisfactory manner. The ministry may issue regulations in this respect.

0 Amended by Acts of 23 June 1995, no. 42 (entry into force 1 January 1996 in accordance with res. of 1 December 1995, no. 926), 21 June 2002, no. 46 (entry into force 1 July 2002 in accordance with res. of 21 June 2002, no. 562), 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 See Section 1-3.

### Section 6-2. *Conditions for allocation of a production licence*

A production licence shall be granted subject to fulfilment of the following conditions:

1. The licensee<sup>1</sup> and anyone who owns a significant part of the establishment or of the business enterprise that operates the establishment, or receives a significant proportion of its revenues, or by virtue of his position in the management exercises significant influence on it, is of spotless repute in relation to legislation of significance for the running of the business, including the alcohol legislation, customs legislation<sup>2</sup>, tax and excise legislation,<sup>3</sup> accounting and company legislation<sup>4</sup> and food legislation.<sup>5</sup>
2. Adequate security is furnished for compliance with demands for payment of alcohol taxes.
3. Stocks are adequately secured.
4. The licensee is not engaged in other activity which is incompatible with the production of alcoholic beverages.

The ministry may issue regulations to supplement this section.

0 Repealed by Act of 23 June 1995, no. 42 (entry into force 1 January 1996), added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Section 1-4b.

2 Act of 21 December 2007, no. 119.

3 See Acts of 26 March 1999, no. 14 and 19 June 2008, no. 58.

4 See, among other things, the Limited Liability Companies Act, the Public Limited Liability Companies Act, the Accounting Act and the Act of 19 November 2004, no. 73.

5 See Act of 19 December 2003, no. 124.

### Section 6-3. *Requirements concerning applications*

Applications shall be in writing and shall be accompanied by an application fee. The applicant shall, unsolicited, present the information needed to decide whether the statutory requirements for allocating a licence are met. The application shall also include particulars of any other business operated by the applicant.

The ministry may issue regulations on what requirements are to be imposed on applications and with respect to the application fee.

0 Repealed by Act of 23 June 1995, no. 42 (entry into force 1 January 1996), added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

#### **Section 6-4. *Obtaining statements***

Before an application is decided, statements shall be obtained from the police,<sup>1</sup> the excise authorities, the tax authorities, the customs authorities and the Norwegian Food Safety Authority.<sup>2</sup>

0 Repealed by Act of 23 June 1995, no. 42 (entry into force 1 January 1996), added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Act of 4 August 1995, no. 53.

2 Cf. Act of 19 December 2003, no. 124.

#### **Section 6-5. *Duty of disclosure***

The police<sup>1</sup>, the excise authorities, the tax authorities, the customs authorities and the Norwegian Food Safety Authority<sup>2</sup> are obliged, notwithstanding the duty of confidentiality, to provide such information as is necessary for dealing with cases under this chapter. Notwithstanding the confidentiality requirement, the licensing authority may obtain information from the National Population Register that is necessary for the consideration of cases under this Chapter.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), amended by Act of 23 June 2020, no. 111 (entry into force 1 September 2020 in accordance with res. of 23 June 2020, no. 1297).

1 Cf. Act of 4 August 1995, no. 53.

2 Cf. Act of 19 December 2003, no. 124.

#### **Section 6-6. *Exercise of production licence***

Licences shall be exercised in such a way that the conditions mentioned in the licensing decision, in this Act and in provisions laid down pursuant to this Act, are complied with at all times, and in an otherwise proper manner. The ministry may impose new conditions if this is necessary to secure the implementation of the Act.

The holder of a production licence is responsible for ensuring that the products are distributed in a secure manner and in accordance with rules laid down in or pursuant to this Act, from the start of production or from the time when the products arrive in Norway until they are delivered to another licensee. This applies even if distribution is left to other parties.

Where bottling, filling or other parts of the business are left to other parties, the licensee is responsible for ensuring that this is done in a secure manner and in accordance with rules laid down in or pursuant to this Act.

The ministry may issue regulations on distribution and bottling and filling. The ministry may also issue regulations on the obligation of licensees to provide information for statistical purposes.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

### **Section 6-7. Notification and approval**

The ministry shall be notified before a licence is put into use. Notification shall also be given if the establishment is closed down or operations are suspended. Notification shall be given of the establishment or closure of storage facilities, of changes in the management of the enterprise and of the transfer of significant portions of the shares or ownership interests. Notification shall also be given of significant changes in the scale of the business and of other factors of significance to the oversight of the business.

A new storage facility or change in the fitting out of a storage facility must be approved by the licensing authority before the change is implemented. The same applies where a new bottling plant is put into use, or the fitting out of a bottling plant is changed.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

### **Section 6-8. Oversight of the exercise of production licences**

Responsibility for oversight of the exercise of production licences rests with the ministry.

The ministry may at any time demand access to the premises of the establishment and to its accounts. The licensee is obliged to provide such information on accounts and operations as is needed to enable an inspection to be carried out. The licensee is obliged to hand over necessary trade samples without compensation.

The ministry may issue regulations on oversight of the exercise of licences. The ministry may also issue regulations on internal control and accounting, to ensure compliance with requirements laid down in or pursuant to this Act.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

### **Section 6-9. Licence fee**

An annual fee for the production of alcoholic beverages<sup>1</sup> shall be paid, which shall be calculated on the basis of the volume of alcoholic beverages sold. The ministry shall fix a minimum fee, which shall be remitted before the licence is exercised and no later than 1 February of each following year.

The ministry may issue regulations on the calculation and remittal of the fee.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-3.

### **Section 6-10. Revocation of licences**

The ministry may revoke a licence if the conditions mentioned in Section 6-2 are no longer met or the licensee<sup>1</sup> otherwise fails to fulfil his obligations under this Act or violates other legislation related to the purpose of this Act.

A licence that is no longer in use shall be revoked.

0 Added by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Section 1-4b.

## **Chapter 7. Fees, taxes and the application of AS Vinmonopolet's<sup>1</sup> profit**

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), and 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 Cf. Act of 19 June 1931, no. 18.

### **Section 7-1. Licence fees**

An annual fee, calculated with reference to the revenues which the licence may be expected to bring the holder, shall be payable for a licence to retail alcoholic beverages<sup>1</sup> outside Vinmonopolet, and to serve<sup>2</sup> alcoholic beverages.

The ministry shall issue regulations on fee rates and payment of the fee. The ministry may set a separate fee for licences to serve alcoholic beverages at a temporary event and for ambulatory licences<sup>3</sup>. The licensing authority shall set the fee.

The fee shall accrue to the municipality, with the exception of the fee for licences granted under Sections 5-2 and 5-3, second paragraph, which shall accrue to the State.

0 Amended by Acts of 4 December 1992, no. 131 (entry into force 1 January 1993), 8 January 1993, no. 23, 23 June 1995, no. 42 (entry into force 1 January 1996), 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 See Section 1-3.

2 See Section 1-4 (2).

3 See Section 4-5.

### **Section 7-2. The state share of AS Vinmonopolet's profit**

Each year, in connection with the government budget, the Storting shall stipulate the share of AS Vinmonopolet's<sup>1</sup> net profit to be transferred to the State Treasury.

0 Amended by Acts of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 9 December 2011, no. 50 (entry into force 1 January 2012), amended section number from Section 7-3, and the previous Section 7-2 was repealed at the same time.

1 Cf. Act of 19 June 1931, no. 18.

## **Chapter 8. Special orders and prohibitions.**

### **Section 8-1. Prohibition of production and redistillation of spirits**

The production or redistillation of spirits<sup>2</sup> other than by those authorised to do so shall be prohibited<sup>1</sup>.

1 See Chapter 10.

2 See Section 1-3 (3).

### **Section 8-2. Prohibition of unlawful keeping and storing of alcoholic beverages**

The keeping or storing of spirits<sup>2</sup> that have been unlawfully produced or redistilled, and the keeping or storing of alcoholic beverages<sup>3</sup> that are assumed to have been unlawfully sold, or to be intended for unlawful sale, shall be prohibited<sup>1</sup>.

The prohibition in the first paragraph against the storing of unlawfully produced or redistilled spirits shall also apply to the keeping of such items for private use.

0 Amended by Act of 16 May 1997, no. 28 (entry into force 1 July 1997).

1 See Chapter 10.

2 See Section 1-3 (3).

3 See Section 1-3.



**Section 8-2a. Prohibition of purchase of unlawfully produced or redistilled spirits**

The purchasing of unlawfully produced or redistilled spirits<sup>2</sup> shall be prohibited<sup>1</sup>.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 July 1997).

1 See Chapter 10.

2 See Section 1-3 (3).

**Section 8-3. Prohibition of production, storing and sale of fermenting or fermented undistilled liquid**

The production or supply or possession of a fermenting or fermented undistilled liquid shall be prohibited<sup>1</sup>, unless it must be assumed that:

1. the liquid is intended for the production of, or is, a product which is not spirits<sup>2</sup>,
2. the liquid is intended for the production of spirits which may lawfully be produced, or
3. the liquid is intended for the production of, or is, a product containing no more than 2.50 per cent alcohol by volume.

The supply of liquid as mentioned in return for payment shall be prohibited, even if such liquid is intended for the production of alcoholic beverages<sup>3</sup> as mentioned under no. 1.

0 Amended by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Chapter 10.

2 See Section 1-3 (3).

3 See Section 1-3.

**Section 8-4. Preparations used as alcoholic beverages**

The ministry may issue provisions on the control of and prohibition<sup>1</sup> of import and sale of the juice of grapes, malt extract, preparations and other products mainly used in the production of, or as additives to, alcoholic beverages.<sup>2</sup>

0 Amended by Act of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599).

1 See Chapter 10.

2 See Section 1-3.

**Section 8-5. Prohibition against apparatus for the production of spirits, etc.**

Without authorisation from the ministry, the possession, import or sale of apparatus, including parts and equipment, that are intended for or are found to be expedient for the production or redistillation of spirit for industrial use or spirits for consumption, shall be prohibited<sup>1,2</sup>.

0 Amended by Act of 10 December 2004, no. 77 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 658).

1 See Chapter 10.

2 See Section 1-3 (3).

**Section 8-6. Prohibition against use of alcoholic beverage as winnings or prizes**

The auctioning of alcoholic beverages<sup>2</sup> or using alcoholic beverages<sup>2</sup> as winnings or prizes, and the facilitating of such, shall be prohibited<sup>1</sup>.

Notwithstanding the above prohibition, alcoholic beverages may be used as winnings or prizes in a private context.

Auction of alcoholic beverages between persons authorised to retail alcoholic beverages is nevertheless permitted. Vinmonopolet may nonetheless arrange the auction of alcoholic beverages on behalf of persons who are not authorised to retail alcoholic beverages.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998, with the exception of the second paragraph, which entered into force on 1 January 2001 in accordance with res. of 21 December 2000, no. 1345), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 See Chapter 10.

2 See Section 1-3.

### **Section 8-6a. Prohibition of dispensing of alcoholic beverages for marketing purposes**

The dispensing of alcoholic beverages<sup>2</sup> to consumers for marketing purposes shall be prohibited<sup>1</sup>.

0 Added by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

1 See Chapter 10.

2 See Section 1-3.

### **Section 8-7. (Repealed by Act of 16 May 1997, no. 28.)**

0 Repealed by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

### **Section 8-8. Illegal purchase**

The purchase of alcoholic beverages<sup>2</sup> in category 3 on behalf of someone below 20 years of age, or of other alcoholic beverages<sup>2</sup> for someone below 18 years of age, shall be prohibited<sup>1</sup>.

0 Amended by Acts of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466).

1 See Chapter 10.

2 See Section 1-3.

### **Section 8-9. Prohibition of serving and drinking of alcoholic beverages**

The drinking or serving of alcohol shall be prohibited<sup>1</sup> unless a licence for the same has been obtained, even when this is done without payment:

1. on premises with adjoining areas where food and beverages are served,
2. on premises that are usually open to the public,
3. at meeting halls or other community premises,
4. at other places where public meetings, parties, exhibitions or other events take place,
5. in a street, square, road, park or other public place,
6. on a ship, aircraft, train, bus or other domestic means of public transport.

In places as mentioned in the first paragraph the owner or other person responsible shall also be prohibited from keeping, serving or allowing the serving or drinking, of alcohol.

The prohibition of the drinking and serving of alcohol on premises as mentioned in the first paragraph nos. 1., 2. and 3. of this section shall not apply when the owner, lessee, operator or an employee uses the premises for their own purposes for a private event. The prohibition of the drinking and serving of alcohol on premises as mentioned in the first paragraph, no. 3. shall not apply where a resident in a housing cooperative or other cooperative housing undertaking uses the premises for their own purpose for a private event.

The prohibition of the drinking and serving of alcohol on premises as mentioned in nos. 2. and 3. shall not apply where the premises are let or loaned to a private individual for a temporary, private, event and the landlord has no responsibility for any other part of the event.

0 Amended by Act of 16 May 1997, no. 28 (entry into force 1 January 1998 in accordance with res. of 19 December 1997, no. 1315).

1 See Chapter 10.

**Section 8-10.** (Repealed by Act of 16 May 1997, no. 28.)

0 Repealed by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

**Section 8-11. *Prohibition of retailing to, supply and serving of, persons who are under the influence of alcohol or drugs***

The retailing<sup>2</sup>, supply or serving<sup>3</sup> of alcoholic beverages<sup>4</sup> to persons who are obviously under the influence of alcohol or drugs, or the serving of alcoholic beverages in such a manner that it must be assumed that the person concerned will become so influenced, shall be prohibited<sup>1</sup>.

0 Amended by Acts of 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 19 June 2009, no. 67 (entry into force 1 July 2009).

1 See Chapter 10.

2 See Section 1-4 (1).

3 See Section 1-4 (2).

4 See Section 1-3.

**Section 8-12. *Prohibition of retailing of alcoholic beverages at a discount***

Persons licensed<sup>2</sup> to retail alcoholic beverages shall be prohibited<sup>1</sup> from offering special discounts on the sale of alcoholic beverages to the consumer.<sup>3</sup>

0 Amended by Act of 23 June 1995, no. 42 (entry into force 1 January 1996).

1 See Chapter 10.

2 See Section 1-4 b.

3 See Section 1-3.

**Section 8-13. *Prohibition of import and retailing of certain alcoholic beverages***

The serving, retailing or wholesaling of spirits<sup>2</sup> containing more than 60 per cent alcohol by volume shall be prohibited<sup>1</sup>. The import of such spirits into the country without a production licence shall also be prohibited, cf. Section 6-1. The ministry may nonetheless determine that certain special types of spirits with a higher alcohol content shall be excluded from this provision.

0 Amended by Act of 16 May 1997, no. 28 (entry into force 1 January 1998).

1 See Chapter 10.

2 Cf. Section 1-3 (2).

## Chapter 9. Prohibition against advertising<sup>1</sup>

1 Cf. the Constitution, Section 100 (3). Compare Acts of 9 March 1973, no. 14, Chapter 4, and 4 December 1992, no. 132, Chapter VII.

### Section 9-1. Advertising of items for use in the production of alcoholic beverages

Without authorisation from the ministry, advertising in newspapers, magazines and the like, in shop window displays or by other means, of apparatus – including parts and equipment – intended for or found to be expedient for the production or redistillation of spirit for industrial purposes, spirits for consumption<sup>2</sup> or isopropanol, shall be prohibited<sup>1</sup>.

The encouraging through books, other written material, advertisements in the press or by other means, of unlawful production or redistillation of spirit for industrial purposes, spirits for consumption or isopropanol, or the provision of guidance in a form which appears likely to promote such production or redistillation among the public or among a large circle of persons, shall be prohibited<sup>1</sup>.

Furthermore, the advertising of substances that are specially intended to be, or which are described in advertisements as being suitable as, additives to alcoholic beverages, shall be prohibited<sup>1,3</sup>. The same applies to the advertising of raw materials, to instructions for making alcoholic beverages, to apparatus and to other items used in the production of such beverages.

The ministry may lay down regulations to delimit, supplement and implement the first, second and third paragraphs. The ministry may make exemptions from the prohibition in the third paragraph when there are special reasons for so doing.

1 See Chapter 10.

2 See Section 1-3 (3).

3 See Section 1-3.

### Section 9-2. Advertising of alcoholic beverages

The advertising of alcoholic beverages<sup>1</sup> shall be prohibited.<sup>2</sup> The prohibition also applies to the advertising of other products carrying the same brand or distinctive mark as alcoholic beverages. Moreover, such products may not be included in advertisements for other goods or services.

The ministry may lay down regulations to delimit, supplement, implement and make exceptions from the provisions of the first paragraph. The ministry may make further exceptions from the prohibitions when there are special reasons for so doing.

0 Amended by Acts of 16 May 1997, no. 28 (entry into force 1 January 1998), 17 December 2004, no. 86 (entry into force 1 July 2005 in accordance with res. of 17 June 2005, no. 599), and 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res of. 6 May 2011, no. 466).

1 See Section 1-3.

2 See Chapter 10.

### Section 9-3. Supervision

The Directorate of Health will supervise compliance with the provisions on prohibition of advertising laid down in or pursuant to this Act. The Directorate of Health may undertake the scrutiny and inspection, including requiring the provision and confiscation of documents, etc., which it finds necessary in order to perform its tasks under the Act. The Directorate of Health may examine all premises, land, facilities and equipment, including means of transport, used by commercial operators in their commercial activities. Representatives or employees of the commercial operator are obliged to provide the necessary guidance and assistance when the control is performed. The Directorate of Health may require the assistance of the police to perform the control.

Any person is obliged to provide the information necessary for the performance of the tasks of the Directorate of Health pursuant to Chapter 9 of the Act.

The duty of confidentiality pursuant to an Act, order or agreement will not impede the duty of disclosure, or the right to perform scrutiny and inspection pursuant to this section. This will not apply, however, to information, documents, items, samples or other items subject to the duty of confidentiality described in Section 117 to 120, of the Criminal Procedure Act, with the exception of Section 118, first paragraph, first sentence. Where there are reasonable grounds to suspect infringement of Section 9-2, of the Alcohol Act, and special considerations make this necessary, a provider of access to electronic communication networks or services may be required to provide information about agreement-based secret telephone numbers or other subscription information, as well as electronic communication addresses, even if the information is subject to Section 118, first paragraph, second sentence of the Criminal Procedure Act.

0 Added by Act of 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), amended by Acts of 16 February 2007, no. 6 (entry into force 1 March 2007 in accordance with res. of 16 February 2007, no. 172), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 20 May 2020, no. 42 (entry into force 1 July 2020, in accordance with res. of 20 May 2020, no. 1032).

#### **Section 9-4. Rectification and coercive fine**

Should the Directorate of Health find that the prohibition of advertising has been violated, it may order the circumstance to be rectified. A deadline for rectification shall concurrently be set. The Directorate of Health may obtain written confirmation from the offender that the unlawful circumstances will cease.

A coercive fine may be fixed at the same time as the rectification order is made.<sup>1</sup> The fine shall run from the expiry of the deadline for rectification, and may be imposed in the form of a one-off fine or a cumulative daily fine. The fine shall accrue to the State.

If an infringement of provisions overseen by the Directorate of Health pursuant to Section 9-3 entails a risk of serious detriment to consumers' interests, and there are no other effective means of stopping the infringement, at the request of the Directorate of Health and pursuant to the rules of Sections 43 a to 43 c of the Marketing Control Act, a court may require

- a) a hosting service provider or an owner of an online interface to remove content from the interface or to include a clear warning that is seen by consumers when they access the web-based interface,
- b) an Internet provider to restrict access to an online interface,
- c) a hosting service provider to remove, deactivate or restrict access to an online interface,
- d) a register entity for top-level domains or a domain registrar to delete, suspend, or reregister a fully qualified domain name to the Directorate of Health.

On assessing whether an order pursuant to the third paragraph is to be made, account must be taken, among other things, of freedom of information and freedom of expression, the interests of consumers, the interests of the respondents and the opportunities for less invasive measures.

The Directorate of Health may make a decision pursuant to the first paragraph, first sentence with temporary effect if there are reasonable grounds to assume that there is an infringement of Section 9-2, and there is a risk of serious detriment to the interests of consumers.

A decision with temporary effect shall apply for a specific period of time that may not exceed three weeks from the date of entry into force. The decision may be renewed if the conditions in the fifth paragraph are fulfilled.

If the Directorate of Health, when exposing a violation, finds particular cause to believe that further violations of the prohibition of advertising will be committed, and which cannot be halted under the first and second paragraphs, it may stipulate in advance that the fine shall run as from the date when a new violation commences. Such coercive fines may be imposed for a period not exceeding one year.

Where there are special reasons for doing so, the Directorate of Health may waive, entirely or in part, a coercive fine that has been imposed.

The ministry may issue regulations on the imposition, calculation and collection<sup>2</sup> of coercive fines.

0 Added by Act of 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), amended by Acts of 16 February 2007, no. 6 (entry into force 1 March 2007 in accordance with res. of 16 February 2007, no. 172), 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of 6 May 2011, no. 466), and 20 May 2020, no. 42 (entry into force 1 July 2020, in accordance with res. of 20 May 2020, no. 1032).

1 Cf. Section 51 of the Public Administration Act.

2 Cf. Section 7-2 (1), d. of the Legal Enforcement Act.

### **Section 9-5. Appeal**

Orders made under Section 9-4 may be appealed to the Market Council.<sup>1</sup>

The case-handling rules laid down in or pursuant to the Marketing Control Act<sup>2</sup> shall insofar as appropriate apply to consideration of cases by the Market Council.

0 Added by Act of 23 May 2003, no. 34 (entry into force 1 July 2003 in accordance with res. of 23 May 2003, no. 626), amended by Act of 9 January 2009, no. 2 (entry into force 1 June 2009 in accordance with res. of 9 January 2009, no. 7).

1 See Act of 9 January 2009, no. 2, Chapter 7.

2 Act of 9 January 2009, no. 2.

## **Chapter 10. Penalties**

0 Chapter heading changed by Act of 22 June 2018, no. 76 (in force from the date decided by the King).

### **Section 10-1. General penal provisions**

Anyone who wilfully or through negligence contravenes provisions laid down in or pursuant to this Act will incur the penalty of fines or imprisonment not exceeding six months.

If the contravention is particularly grave, the penalty will be fines or imprisonment not exceeding two years. In reaching a decision the court shall attach importance to whether the contravention was committed on a large scale or whether other circumstances of a particularly aggravating nature obtain.

Contravention of Sections 2-1, 3-1, 3-1b, 8-1, 8-2 and 8-3 involving very substantial quantities of alcoholic beverages may incur a penalty under Section 233 of the General Civil Penal Code<sup>1</sup>.

If the contravention involves the production, redistillation or supply in return for payment, of spirits<sup>2</sup> or liquid as described in Section 8-3, imprisonment shall invariably be imposed unless especially extenuating circumstances obtain.

Attempts to perpetrate a misdemeanour are also punishable.

0 Amended by Acts of 15 March 1991, no. 5, 19 June 2015, no. 65 (entry into force 1 October 2015), and 17 June 2016, no. 51 (entry into force 1 July 2016 in accordance with res. of 17 June 2016, no. 708).

1 Act of 20 May 2005, no. 28.

2 See Section 1-3 (3).

### **Section 10-2. Penalties in the event of repeated contravention**

If the offender has previously incurred penalties under provisions laid down in or pursuant to this Act or the Alcohol Act of 5 April 1927, fines or imprisonment not exceeding two years may be imposed.

### **Section 10-3. Destruction of alcoholic beverages, etc.**

If the conditions for confiscation<sup>1</sup> pursuant to the General Civil Penal Code<sup>2</sup> are met, the prosecuting authority<sup>3</sup> may decide that unlawfully produced spirits<sup>4</sup> and fermenting or fermented undistilled liquid shall be destroyed. The same shall apply to any other alcoholic beverage<sup>5</sup> that has been poured into a glass or is present in an opened bottle. The decision concerning confiscation of legally produced spirits shall be in writing, with statement of grounds. The owner or possessor shall, as far as possible, be informed of the prosecution authority's decision as a copy of the decision and may require the case to be submitted to the court within one month after the confiscation took place.

0 Amended by Acts of 6 May 2011, no. 13 (entry into force 1 January 2012 in accordance with res. of. 6 May 2011, no. 466), and 19 June 2015, no. 65 (entry into force 1 October 2015).

1 See the Penal Code, Chapter 13.

2 Act of 20 May 2005, no. 28.

3 See the Penal Code, Chapter 6.

4 See Section 1-3 (2).

5 See Section 1-3.

### **Section 10-4. Confiscation on behalf of the State Treasury**

Alcoholic beverages<sup>1</sup> that are assumed to have been the object of, or are assumed to be intended for, contravention of this Act, and whose owner and possessor is unknown, shall pass to the State Treasury, provided that the owner has not come forward within one month after the item came into the hands of the authorities.

1 See Section 1-3.

### **Section 10-5. Infringement fees**

0 **Added** by Act of 22 June 2018, no. 76 (in force from the date decided by the King).

## **Chapter 11. Entry into force of the Act**

### **Section 11-1. Entry into force of the Act**

The Act shall enter into force on the date decided by the King.

0 The Act entered into force on 1 January 1990 in accordance with res. of 22 September 1989, no. 947.

### **Section 11-2. Transitional provisions**

Licences to retail and serve alcoholic beverages issued pursuant to the Alcohol Act of 5 April 1927 shall remain valid until further notice, subject to the following limitations:

The provision in Section 1-6 shall take effect for outlets retailing spirits after the expiry of the licensing period on 31 December 1991.

Where the serving of spirits is concerned, the provision in Section 4-1 shall have the effect that AS Vinmonopolet's taproom managers will become licensees in their own right as from the date on which the Act enters into force.<sup>1</sup>

The provision in Section 4-2, second paragraph shall take effect for municipal licences after the expiry of the current licensing period. Where State licences are concerned, the provision shall take effect nine months after the Act enters into force.

0 Amended by Act of 8 January 1993, no. 23.

1 From 1 January 1990 in accordance with res. of 22 September 1989, no. 947.

### **Section 11-3. *Repeal of other Acts***

— — —

### **Section 11-4. *Amendments to other Acts***

With effect from the entry into force of this Act, the following amendments shall be made to other Acts: — —