

# EU Consumer Law Acquis Compendium

## Legislation

Estonia (EE) Nr. 5

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### Full name and/or number of the statute (in original language):

Kaubandustegevuse seadus

### Translation of the name:

Trading Act

### Reference in Official Journal (if appropriate):

Riigi Teataja 2004, No. 12, p. 78

### Date of coming into force:

15.04.2004

### Subsequent amendments:

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### Text:

Trading Act

Passed 11 February 2004

(RT1 I 2004, 12, 78),

entered into force 15 April 2004.

## Chapter 1

General Provisions

### § 1. Scope of application of Act

(1) This Act provides the bases of and procedure for trading, the organisation of supervision of trading and liability for violations of this Act.

(2) To the extent they are not regulated by other legislation, this Act applies to economic and professional activities within the framework of which the following takes place:

# EU Consumer Law Acquis Compendium

## Legislation

Estonia (EE) Nr. 5

---

- 1) offer for sale and sale of movables;
  - 2) grant of use and use of movables;
  - 3) manufacture or alteration of movables in accordance with an order placed by a client;
  - 4) offer and provision of beauty treatment and personal services;
  - 5) catering;
  - 6) organisation of street and market trading, and organisation of trading at public events.
- (3) This Act also applies to cases where a person offers for sale and sells movables outside the economic or professional activities thereof by way of street or market trading or at a public event.
- (4) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to the administrative proceedings prescribed in this Act, taking into account the specifications arising from this Act.

## § 2. Definitions

In this Act, the following definitions are used:

- 1) “trader” means a person or body which, within the framework of the economic or professional activities thereof, offers for sale and sells goods or offers and provides services;
- 2) “organiser of trading” means a person or body which, within the framework of the economic or professional activities thereof, organises street or market trading or trading at public events, including fairs and trade fairs;
- 3) “seller” means a natural person who serves clients on behalf of a trader, or a person who sells goods or provides services outside the economic or professional activities thereof by way of street or market trading;
- 4) “goods” means movables offered for sale or being sold;
- 5) “client” means a consumer within the meaning of the Consumer Protection Act (hereinafter consumer), or a person who is not a consumer but wishes to enter into a transaction or concludes a transaction with a trader;
- 6) “place of sale” means a place where a trader directly offers for sale and sells goods or offers and provides services.

# EU Consumer Law Acquis Compendium

## Legislation

Estonia (EE) Nr. 5

---

### § 3. Trading

(1) For the purposes of this Act, trading is the activity of a person or body within the framework of which the activities specified in clauses 1 (2) 1)–5) of this Act (hereinafter sale of goods or services) and the activity specified in clause 6) are conducted.

(2) Trading is divided into:

1) wholesale trade, where goods and related services are sold to a person who is not a consumer;

2) retail trade, where goods and related services are sold to a consumer, although retail trade may involve the sale of goods and related services to a person who is not a consumer;

3) catering, where food is sold together with its preparation and serving or just its serving for consumption on the premises;

4) service, where work is performed for a charge or without charge in accordance with an order placed by a client and whereby a new movable is created or an existing movable or its characteristics are maintained, improved or altered, or possession of a movable is taken or granted, or beauty treatment or personal services (hereinafter services) are offered or provided and goods related to such services are sold;

5) organisation of street or market trading and organisation of trading at public events.

## Chapter 2

### Requirements for Traders, Organisers of Trading and Sellers

#### § 4. Requirements for traders and organisers of trading

(1) A trader is required to:

1) create conditions which meet the requirements for the sale of goods or services and guarantee that the requirements will be adhered to;

2) ensure it has staff with the training necessary for the work;

3) verify, when receiving goods, that they correspond to the accompanying documents and that the accompanying documents meet the established requirements;

4) ensure that the requirements established for goods and services are met;

5) ensure that correct information which meets the requirements is provided concerning the goods or services being sold;

## EU Consumer Law Acquis Compendium

### Legislation

Estonia (EE) Nr. 5

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- 6) ensure that settlements and measurements are accurate;
  - 7) be in possession of the accompanying documents of the goods and to present such documents to the person exercising supervision at the request thereof, except in cases where it is impossible to present the documents at the moment of inspection due to other obligations imposed on the trader by law;
  - 8) present the documents certifying the conformity of the goods to the person exercising supervision at the request thereof and for a period determined thereby;
  - 9) keep, in cases prescribed by law, the documents certifying the right to sell goods or services in the place of sale of the goods or services;
  - 10) use a business name or name to identify the trader.
- (2) It is prohibited for a trader:
- 1) illegally to restrict or favour the sale of goods or services or to influence consumers through disparagement of the goods or services of other traders, prohibited use of a business name or in any other manner which is contrary to good trade ethics and practice;
  - 2) to sell goods the handling of which is prohibited by law;
  - 3) to accept goods for sale from a person who does not have the right to handle the goods in such manner if that activity is restricted by law;
  - 4) to sell goods or services without a registration or without a notation concerning the goods or services in the registration or without an activity licence or selling permit, if a registration, a notation concerning the goods or services in the registration, an activity licence or a selling permit is required by law.
- (3) An organiser of trading is required to:
- 1) ensure that a place of sale meets requirements established for the sale of goods or services which it is permitted to sell at that place;
  - 2) ensure that goods and services are sold at a place of sale and during the time of trading prescribed for such purposes;
  - 3) ensure that the requirements provided for in §§ 19 and 20 of this Act are met;
  - 4) issue a selling permit pursuant to the requirements provided in § 18 of this Act.

#### § 5. Requirements for sellers

- (1) A natural person serving clients on behalf of a trader shall:
  - 1) have knowledge of his or her speciality and the goods or services being sold and

# EU Consumer Law Acquis Compendium

## Legislation

## Estonia (EE) Nr. 5

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adhere to the requirements established for the sale thereof;

2) orally provide additional information concerning the characteristics, origin, conditions for use, price and warranty against defects of the goods or services being sold and the meaning of internationally used or generally recognised symbols at the request of the client and in addition to the written information pertaining to the goods or services;

3) when selling goods or services at a place of business of the trader, wear a name tag with his or her name in a visible place;

4) when selling goods or services outside the place of business of the trader, prove, at the request of a client or supervisory official, his or her right to serve clients on behalf of the trader.

(2) A person who sells goods or services outside the economic or professional activities thereof by way of street or market trading or at a public events shall:

1) have knowledge of the goods or services sold by him or her;

2) adhere to the requirements established for the sale of the goods or services;

3) wear a name tag with his or her name attached in a visible place.

## Chapter 3

### Requirements for Goods and Services and Sale thereof

#### § 6. Requirements for goods and services

(1) Goods and services being sold shall meet the requirements established for such goods and services by legislation.

(2) The provisions of subsection (1) of this section extend to movables transferred and services provided without charge upon the sale of goods or services and to movables transferred or services provided for the purposes of sales promotion in any manner.

(3) If goods are sold by weight, dimension or bulk according to an order placed by a client and if relevant information is accessible in the immediate vicinity of the goods at the place of sale, the labelling on the goods packaged by the seller need not conform to the requirements set by legislation for the sales packaging of goods.

(4) The Minister authorised by the Government of the Republic may establish the requirements for the labelling of goods and the methods for determining the composition or characteristics of goods which are to be set out on the labelling.

#### § 7. Requirements for sale of goods and services

- (1) The sale of goods and services shall conform to the requirements established for the sale of such goods and services by legislation.
- (2) Upon the sale of goods which do not conform to the requirements established by law or upon the sale of second-hand goods, information to this effect shall be displayed at the place of sale of the goods.
- (3) Upon the sale of goods or services at a place of sale located outside a wholesale, retail, catering or service establishment or outside a place of sale, the trader is required to communicate the business name or name and the contact details of the trader and the name and sales price of the goods and services to the client.
- (4) If work related to the fulfilment of an order is to be performed in the absence of the client, the trader is required to issue a document or marking to the client which certifies receipt of the order. The marking shall enable identification of the trader by business name, name or registry code. If the order is fulfilled in the presence of the client, a document certifying receipt of the order shall be issued to the client at the client's request.

#### § 8. Accompanying documents

- (1) For the purposes of this Act, an accompanying document is a document accompanying goods which enables the goods to be identified and bears the requisite information established for source documents by the Accounting Act (RT I 2002, 102, 600; 2003, 88, 588).
- (2) The trader may direct goods to different places of business of the trader, providing them with internal accompanying documents prepared in adherence to the requirements provided in subsection (1) of this section and containing a reference to the original accompanying document.
- (3) The provisions of subsection (1) of this section do not apply to the activities of a person specified in subsection 5 (2) of this Act.

#### § 9. Settlement

- (1) Upon settlement, the final price of goods or services may be rounded to a number which yields a whole number when divided by 10 cents, according to the following principle:
  - 1) the price shall be rounded up if, prior to rounding, the final price of the goods or services would have ended in 5 or more cents;
  - 2) the price shall be rounded down if, prior to rounding, the final price of the goods or services would have ended in less than 5 cents.

(2) Upon payment for goods or services by payment card, the trader shall provide the means for the card to be used in the presence of the client if the client so desires.

#### § 10. Trade information

(1) Trade information is:

- 1) information on goods, services or the conditions of their sale which is provided for clients at the place of sale;
- 2) a sign indicating the place of business;
- 3) information on the time of trading displayed at the place of business.

(2) A sign indicating the place of business and setting out the name of the undertaking and, if the trader so desires, the type of the place of business in a manner which the client can understand shall be located on the building where the place of business is situated next to the entrance to the place of business or at the place of sale.

(3) Information on the time of trading shall be displayed on the door or in the shop window next to the entrance to the place of business or at the place of sale.

(4) The trader shall provide information on suspension or termination of its activities in the manner specified in subsection (3) of this section.

(5) The provisions of subsection (3) of this section do not apply to places of business of traders engaged in wholesale trade.

#### § 11. Communication of discount sale of goods

(1) The words "lõpumüük" [final sale], "tühjendusmüük" ['everything must go'], "sulgemismüük" [closing down sale] or other words or expressions with a similar meaning may be used to provide information about the sale of goods at a discount if:

- 1) all the goods for sale or a limited selection of the goods are to be put on final sale;
- 2) the sale is for a limited period of time;
- 3) the price of the goods to be sold under such conditions is significantly lower than the usual price.

(2) The words "soodsmüük" [sale], "allahindlus" [discount] or other words or expressions with a similar meaning may be used to provide information about the sale of goods at a discount if:

- 1) it is the goods normally sold by the trader which are to be sold at a discount;

- 2) the sale is for a limited period of time;
- 3) the price of the goods to be sold under such conditions is significantly lower than the usual price.

### Chapter 4

#### Trading on Basis of Registration

##### § 12. Engagement in trading

- (1) Traders and organisers of trading are permitted to engage in trading if they are registered in the register of economic activities (hereinafter register).
- (2) Rural municipality or city governments and authorities or structural units of rural municipality or city governments duly authorised thereby (hereinafter rural municipality or city governments) have the right to operate as organisers of trade without a registration if they adhere to the provisions of this Act.
- (3) The provisions of subsection (1) of this section shall not apply to:
  - 1) traders in the cases provided in subsections 17 (1) and (2) and subsection 20 (1) of this Act;
  - 2) persons or bodies engaged in the sale of goods or services not intended for the public.

##### § 13. Application for registration

- (1) A person who wishes to engage in trading shall submit an application for registration to the rural municipality or city government of the location of the place of business of the business.
- (2) In order to sell goods or services in a mobile shop or in a place of business on board a watercraft or aircraft used to provide passenger services or on board a passenger train or in order to sell goods or services without a place of business, an application for registration shall be submitted to the rural municipality or city government of the location of the applicant.
- (3) An application for registration shall set out the following:
  - 1) the name and registry code of the applicant and the name of the corresponding register, and the address and other contact details of the applicant;



## EU Consumer Law Acquis Compendium

### Legislation

### Estonia (EE) Nr. 5

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- 2) the desired area of activity in accordance with the provisions of subsection 3 (2) of this Act;
  - 3) the goods or services which the applicant wishes to sell or the sale of which the applicant wishes to organise;
  - 4) a determination of the place of business and the location of the place of business or the information provided in subsections (4)–(8) of this section;
  - 5) the locations of the places of sale in the case of a mobile shop;
  - 6) the desired time of trading (days or dates, and time or the word “ööpäevaringselt” [twenty-four hours a day]);
  - 7) if approval is required, the number of the decision of approval within the meaning of the Food Act (RT I 1999, 30, 415; 58, 608; 2001, 93, 566; 2002, 61, 375; 63, 387; 102, 603), the date on which the decision was made, the name of the authority which made the decision and the spheres of handling;
  - 8) the date of submission of the registration application and the signature of the person who submits the application;
  - 9) the name, official title and contact details of the person who signed the registration application;
  - 10) other information provided by law.
- (4) If an application is submitted to sell goods or services in a mobile shop, on board a watercraft or aircraft used to provide passenger services or on board a passenger train, the mark identifying the vehicle (the registration number of the vehicle registered pursuant to the procedure provided by law) shall be indicated in the application instead of the location of the place of business.
- (5) If an application is submitted to organise trading at a public event, the name, time and location of the public event shall be indicated in the application instead of the location of the place of business.
- (6) If an application is submitted for sale on a seasonal basis, the area where the trader wishes to sell the goods or services shall be indicated in the application instead of the location of the place of business.
- (7) If an application is submitted to sell goods or services without a place of business, the word “puudub” [non-existent] shall be entered in the application instead of the location of the place of business.
- (8) If, in addition to selling goods or services at the place of business indicated in the registration application, an applicant wishes to sell goods or services outside that place of business, the words “väljaspool tegevuskohta” [outside the place of business] shall be entered in the application by the location of the place of business.

(9) If the applicant wishes to sell goods or services in a mobile shop and if the places of sale are located in the territory of another local government, written consent from the rural municipality or city government of the location of the places of sale shall be submitted together with the application.

(10) If the applicant wishes to organise trading at a public event, the organiser of trading shall submit the written consent of the organiser of the event together with the registration application. Written consent need not be submitted if the person who organises trading at the public event is also the organiser of the event.

(11) A new registration shall be applied for if the location of the place of business indicated in the registration changes.

#### § 14. Place of business

(1) For the purposes of this Act, a place of business is a trader's place of sale which is included in a wholesale, retail, catering or service establishment and which may include production, storage and other facilities.

(2) A place of sale together with a seasonal extension located in its immediate vicinity outside the indoor facilities of the place of sale is deemed to be one place of sale.

(3) A seasonal extension of a place of sale shall be approved by the rural municipality or city government.

(4) Regardless of the number of places of sale, the following are deemed to be one place of business:

- 1) the places of business of one trader at a particular public event;
- 2) mobile shops;
- 3) the whole legally defined area where a trader sells goods or services on a seasonal basis;
- 4) the whole legally defined area where an organiser of trading organises the sale of goods or services.

#### § 15. Shops, stands and mobile shops

(1) A shop is a place of business of a trader engaged in retail trade which is a separate building or located in part of a building, on board a watercraft or aircraft used to provide passenger services or on board a passenger train and which includes a sales area.

(2) A stand is a place of business of a trader engaged in retail trade which is a separate building or located in part of a building, on board a watercraft or aircraft used to provide

passenger services or on board a passenger train and which does not include a sales area.

(3) A mobile shop is a motor vehicle which has been adapted for the retail sale of goods and which travels on a commercial service route formed of places of sale located in the territory of one or more rural municipalities or cities and which need not have a sales area.

(4) A sales area is a space in a shop which is in the possession of a trader, where goods are offered for sale and into which the client enters in order to select goods and conclude a contract.

#### § 16. Registration proceedings

(1) The provisions of the Register of Economic Activities Act apply to the registration procedure together with the specifications arising from this Chapter.

(2) Data shall be entered in the register by the rural municipality or city government of the location of the place of business of the applicant.

(3) In the event of the sale of goods or services in a mobile shop or at a place of business located on board a water craft or aircraft used for the provision of passenger services or on board a passenger train, or in the event of the sale of goods or services without a place of business, the data shall be entered in the register by the rural municipality or city government of the location of the applicant.

(4) In addition to the data provided by the Register of Economic Activities Act, a registration shall contain:

- 1) the area of activity of the trader or organiser of trading;
- 2) the location of the place of business of the trader or organiser of trading, or the information provided in subsections 13 (4)–(8) of this Act;
- 3) a list of the goods or services to be sold, and a notation concerning the goods or services if the requirement for a notation arises from law;
- 4) the time of trading.

(5) In addition to the cases provided by the Register of Economic Activities Act, the rural municipality or city government of the location or place of business of the applicant shall make a decision to refuse to register or to refuse to make amendments to a registration if:

- 1) the goods or services, the place of business or the conditions thereof, or other circumstances related to the activities are clearly in contradiction to the provisions of legislation;
- 2) operating in the place of business or during the time of trading set out in the application or selling the goods or services set out in the application could damage the interests of persons who reside or regularly stay in the immediate vicinity of the place of

business.

(6) In addition to the cases provided by the Register of Economic Activities Act, the rural municipality or city government has the right to delete a registration in whole or in part if:

- 1) the requirements for the sale of goods or services or for the organisation thereof are materially or repeatedly violated;
- 2) goods or services are sold without the right to do so;
- 3) selling the goods or services at the place of business or during the time of trading set out in the registration could damage the interests of persons who reside or regularly stay in the immediate vicinity of the place of business.

### Chapter 5

#### Street and Market Trading and Trading at Public Events

##### § 17. Street and market trading

- (1) In street trading, a trader or a person specified in subsection 5 (2) of this Act operating on the basis of a selling permit sells goods or services at a place of sale in the ownership or possession of an organiser of trading on a street or in another similar place open to the public, as permitted by the rural municipality or city government.
- (2) In market trading, a trader or a person specified in subsection 5 (2) of this Act operating on the basis of a selling permit sells goods or services during a set time of trading at a place of sale in the ownership or possession of an organiser of trading at a set location, as permitted by the rural municipality or city government.
- (3) Any seasonal extension to a trader's place of sale outside the indoor facilities of the place of sale and in its immediate vicinity is not deemed to be street trading.
- (4) In addition to the provisions of this Act, a local government may establish a procedure for street or market trading.

##### § 18. Selling permit

- (1) A selling permit is a document issued by an organiser of trading which constitutes the basis for the sale of goods or services under the conditions indicated therein.
- (2) A selling permit shall set out:
  - 1) the name, location and registration number of the organiser of trading;

## EU Consumer Law Acquis Compendium

### Legislation

### Estonia (EE) Nr. 5

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- 2) the name and registry code of the trader, the name of the corresponding register and the location of the trader or, in the case of a natural person, his or her name, personal identification code or, in absence of the latter, date of birth, and address;
  - 3) the number of the selling permit;
  - 4) the location of the place of sale;
  - 5) a list of goods or services to be sold at the place of sale;
  - 6) the time of trading;
  - 7) the validity of the selling permit;
  - 8) the price of the selling permit.
- (3) An organiser of trading shall register the information specified in clauses (2) 2)–7) of this section by means of a durable medium.
- (4) The number of a selling permit is a non-recurrent combination of figures which is determined by an organiser of trading.
- (5) If a rural municipality or city government operates as an organiser of trading, the price of a selling permit shall be established by a regulation of the rural municipality or city council.

#### § 19. Restrictions on sale

- (1) It is prohibited to sell the following by way of market trading:
- 1) goods or services for the sale of which a notation in the registration or an activity licence or other similar document is required by law;
  - 2) goods, on the basis of a catalogue, printed advertisement or other printed matter;
  - 3) audiovisual recording media containing a recording and blank audiovisual recording media;
  - 4) computer programs on electronic data media or installed on the hard disk of a computer;
  - 5) other goods or services in the cases provided by law.
- (2) In addition to the goods and services prohibited by the provisions of subsection (1) of this section, the sale of second-hand industrial goods and the sale of animals within the meaning of the Animal Protection Act (RT I 2001, 3, 4; 93, 566; 2002, 61, 375; 63, 387; 96, 56) (hereinafter animals) is prohibited by way of street trading.

## EU Consumer Law Acquis Compendium

### Legislation

### Estonia (EE) Nr. 5

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(3) Young plants sold by way of street trading shall be sold in a place of sale which is separately marked off for that group of goods.

(4) Foodstuffs, animals, young plants and second-hand industrial goods, including motor vehicles, may be sold by way of market trading only in a place of sale which is separately marked off for those goods.

#### § 20. Trading at public events

(1) A trader or a person specified in subsection 5 (2) of this section may sell goods or services at a public event on the basis of a selling permit issued by the organiser of trading.

(2) The provisions of § 18 of this Act apply to organisers of trading at public events and to selling permits issued thereby.

(3) In addition to the document set out in subsection (1) of this section, a trader shall hold a registration, activity licence or other similar document to sell certain goods or services if so required by law.

(4) It is not permitted to sell goods or services at a public event if their sale at public events is prohibited.

(5) In addition to the provisions of this Act, a local government may establish a procedure for the sale of goods or services at public events.

## Chapter 6

### Supervision

#### § 21. Authorities exercising supervision

Officials of the following authorities shall, within the limits of their competence, exercise supervision over adherence to this Act and the requirements established on the basis thereof:

- 1) the Consumer Protection Board;
- 2) the Health Protection Inspectorate;
- 3) police prefectures;
- 4) rural municipality or city governments.

#### § 22. Rights and obligations of officials exercising supervision

- (1) Officials exercising supervision have the right, according to their competence, to:
- 1) monitor compliance with this Act without hindrance and without giving prior notice;
  - 2) enter, without hindrance, the territory or premises used by a trader or an organiser of trading within the framework of economic or professional activities, or vehicles carrying the goods of a trader, or to open means of transport in the presence of the trader or organiser of trading, their representative or impartial observers;
  - 3) obtain information necessary for the exercise of supervision from state authorities, rural municipality and city governments, traders and their staff, and organisers of trading;
  - 4) examine, on site, documents related to the sale of goods or services and to obtain copies thereof;
  - 5) seize accompanying documents of goods;
  - 6) inspect the conformity of goods or services, the sale of goods or services, and places of business to the requirements set therefor;
  - 7) issue precepts;
  - 8) oblige traders to inform the public of any dangers related to the goods or services;
  - 9) verify the existence of a document certifying the right to sell the goods or services if the obligation to hold such a document is provided by law;
  - 10) verify the existence of registration and the accuracy of the registration data if the requirement for registration is provided by law;
  - 11) take control samples of goods or of products related to the provision of services without charge, taking into account the provisions of subsection (2) of this section.
- (2) The supervisory authority shall bear the expenses of assessment services which are ordered to check goods and shall return the goods or, if the trader so desires, compensate the trader for the value thereof if, according to an expert opinion, the goods meet the requirements. If, according to an expert opinion, the goods do not meet the requirements, the expenses of the assessment services shall be borne by the trader. Goods which do not meet the requirements shall not be returned or compensated.
- (3) Officials of the authorities exercising supervision specified in § 21 of this Act shall present identification in order to prove that they are entitled to exercise supervision.
- (4) Officials exercising supervision are required to ensure the confidentiality of business and technical information which becomes known to them in the course of supervision unless the disclosure of such information is prescribed by law.

#### § 23. Precept issued by official exercising supervision

- (1) An official exercising supervision may issue a precept if:
- 1) a trader, seller or person specified in subsection 5 (2) of this Act sells goods or services which do not meet the requirements or does not adhere to the requirements for the sale of goods or services,
  - 2) a trader sells goods without the requisite accompanying documents,
  - 3) a place of business does not meet the requirements,
  - 4) a trader operates without a document certifying the right to sell goods or services, if it is required that such a document be held, or
  - 5) a trader or organiser of trading operates without registration or without a corresponding notation in the registration if a registration or a corresponding notation in the registration is required.
- (2) In a precept specified in subsection (1) of this section, an official exercising supervision shall:
- 1) call attention to the offence and demand that the sale of the goods or services be suspended in part or in full or be terminated or that the goods or services be removed from sale, or
  - 2) demand that acts necessary for the lawful continuation of the sale of the goods or services be performed.
- (3) Upon failure to comply with a precept specified in subsection (1) of this section, the official exercising supervision may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).
- (4) The upper limit for penalty payments specified in subsection (3) of this section is 10 000 kroons.

## Chapter 7

### Liability

#### § 24. Operation in place of business not meeting requirements

- (1) Operation by a trader or organiser of trading in a place of business which does not



meet the requirements is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 25. Sale of goods or services in place of business not indicated as required

(1) Sale of goods or services by a trader or seller or organisation of the sale of goods or services by an organiser of trading in a place of business which is not indicated as required, or failure to provide a seller with the required identification is punishable by a fine of up to 50 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

#### § 26. Sale of goods or services in place not intended for such sale

(1) Sale of goods or services by a trader or seller or organisation of the sale of goods or services by an organiser of trading in a place not intended for such sale, or sale or organisation of the sale of goods or services which are not intended for sale in the given place of sale is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 40 000 kroons.

#### § 27. Sale of goods or services without corresponding notation in registration

(1) Sale of goods or services by a trader or seller or organisation of the sale of goods or services by an organiser of trading without a corresponding notation in the registration, if such a notation is required, is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 28. Violation of requirements established for selling permits and issue thereof

(1) Violation by an organiser of trading of the requirements for selling permits and the issue thereof is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 40 000 kroons.

#### § 29. Operation without selling permit

(1) Operation by a trader or seller without a selling permit, if such a permit is required, is punishable by a fine of up to 50 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

#### § 30. Violation of requirements established for sale of goods or services

(1) Violation by a trader, seller or organiser of trading of the requirements established for the sale of goods or services is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 40 000 kroons.

#### § 31. Sale of goods or services not meeting requirements

(1) Sale by a trader or seller of goods or services which do not meet the requirements is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 32. Absence of accompanying document or failure to present accompanying document upon sale of goods

(1) Absence of an accompanying document which meets the requirements or failure, by a trader or seller, to present such an accompanying document upon the sale of goods if such a document is required is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

#### § 33. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350; 64, 390; 82, 480; 105, 612; 2003, 4, 22; 83, 557; 90, 60) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590) apply to the misdemeanours provided for in §§ 24–32 of this Act.

## EU Consumer Law Acquis Compendium

### Legislation

Estonia (EE) Nr. 5

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(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 24, 26 and 32 of this Act shall be conducted by:

- 1) the Consumer Protection Board;
- 2) the Health Protection Inspectorate;
- 3) police prefectures;
- 4) rural municipality or city governments.

(3) Extra-judicial proceedings concerning the misdemeanours provided for in § 25 of this Act shall be conducted by:

- 1) the Consumer Protection Board;
- 2) rural municipality or city governments.

(4) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 27–29 of this Act shall be conducted by:

- 1) the Consumer Protection Board;
- 2) police prefectures;
- 3) rural municipality or city governments.

(5) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 30 and 31 of this Act shall be conducted by:

- 1) the Consumer Protection Board;
- 2) the Health Protection Inspectorate;
- 3) police prefectures.

### Chapter 8

#### Implementing Provisions

#### § 34. Transitional provisions

(1) Trade licences issued for a specified term before the entry into force of this Act are valid until the date entered therein or until the information specified therein changes, but not for longer than until 15 April 2005.

## EU Consumer Law Acquis Compendium

### Legislation

### Estonia (EE) Nr. 5

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- (2) Trade licences issued for an unspecified term before the entry into force of this Act are valid until the information specified therein changes, but not for longer than until 15 April 2005.
- (3) The bases for deleting registrations apply to the revocation of trade licences until 15 April 2005.
- (4) Traders engaged in wholesale trade before the entry into force of this Act are permitted to operate without registration until 15 September 2004.

#### § 35. Entry into force of Act

This Act enters into force on 15 April 2004.

1 RT = Riigi Teataja = State Gazette