



22 October 2009

## MINIMUM PRICING ILLEGAL EUROPEAN COURT RULES

### - Serious blow to Scottish alcohol minimum pricing plan -

In a major blow to Scottish Government plans to introduce minimum prices on alcohol the European Court's Advocate General today ruled that minimum pricing is illegal.

The Opinion said minimum prices were 'not necessary in order to protect public health' and were a distortion of competition.

The ruling follows complaints to the Court by the European Commission against Austria, Ireland and France for violation of EU rules in trying to impose national minimum pricing for tobacco.

The Court's Advocate General has concluded that France and Austria are not able to impose minimum prices on health grounds. Ireland put forward different justification but here too minimum pricing was rejected on the grounds that it distorts competition.

The Advocate General's rejection of minimum pricing cast fresh doubts on the legality of the Scottish Government's plan to impose minimum price controls on Scotch Whisky and other drinks. The Scotch Whisky Association (SWA) has already argued that such a regime was likely to breach both European Single Market rules and international trade law.

### **Gavin Hewitt, SWA Chief Executive, welcomed the today's development:**

"This Opinion is a comprehensive rejection of minimum pricing by the European Court of Justice and cannot simply be ignored by the Scottish Government. Austria, Ireland and France have been told clearly today that minimum pricing is a breach of EU law. The Scottish Government must recognise the legal situation and drop this proposal which would be hugely damaging to Scottish jobs.

"We are ready to work with the Government to tackle alcohol misuse by other means including discussing our proposed ban on sales below tax."

- END -



For further information: Campbell Evans 0131 222 9231 or 07768 002262

The Advocate General's Opinion (Cases C-197/08, C-198/08 and C-221/08) are at

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&numaff=&nomusel=&ddatefs=20&mdatefs=10&ydatefs=2009&ddatefe=22&mdatefe=10&ydatefe=2009&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&alldocrec=alldocrec&docor=docor&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoor=docnoor&radtypeord=on&newform=newform&docj=docj&docop=docop&docnoj=docnoj&typeord=ALL&domaine=&mots=&resmax=100&Submit=Rechercher>

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