



Thursday 4<sup>th</sup> March 2010

**EUROPEAN COURT RULES MINIMUM PRICING IS ILLEGAL  
- Scottish minimum price plan now in serious doubt -**

Scottish Government plans to introduce alcohol minimum pricing suffered a further serious setback today (March 4<sup>th</sup>, 2010), when the European Court of Justice ruled that minimum pricing of tobacco in Austria, France and Ireland is illegal.

The ruling upheld an October 2009 ‘Opinion’ by the Court’s Advocate-General that minimum pricing unfairly distorts competition. Minimum pricing arrangements in the countries involved were all found to violate EU law, in line with over thirty years of European Court case-law. The Scotch Whisky Association (SWA) called on the Scottish Government to withdraw its minimum pricing proposal from the Alcohol Bill and work with all parties to address alcohol harm in Scotland.

**Gavin Hewitt, Chief Executive of The Scotch Whisky Association, said:**

“Today’s ruling is a major development, confirming our contention that minimum pricing breaches EU law and unfairly distorts competition. Given this latest evidence, the Scottish Government must now recognise the legal realities. It cannot introduce a trade barrier in breach of the UK’s European obligations by imposing minimum pricing on alcohol in Scotland.

“The Court has also said that measures to prevent sales at a loss are acceptable. The SWA has said repeatedly that we are ready to work with the Scottish Government on just such a legal, alternative and transparent mechanism to address alcohol harm. We would urge the Scottish Government to withdraw minimum pricing from the Alcohol Bill and hope that a consensus can now be reached on tackling loss leading sales of alcohol.”

**Note to Editors:**

1. The European Court of Justice’s press release can be found at:  
<http://curia.europa.eu/jcms/upload/docs/application/pdf/2010-03/cp100021en.pdf>
2. For further information, please contact Campbell Evans (0131 222 9231 or 07768 002 262) and David Williamson (0131 222 9230 or 07730 496 151) at the SWA.