

## **EU court ruling on minimum unit pricing a 'turning point' in fight against alcohol related harm**

Written by Nina Renshaw, Fiona Godfrey, Mariann Skar & Eric Carlin on 19 January 2016 in Opinion Opinion

Europe's governments should look to follow Scotland's lead and develop minimum pricing for alcohol, say health NGOs.



As the froth surrounding the European Court of Justice (ECJ) ruling on the Scottish minimum unit pricing (MUP) case subsides, only one conclusion is appropriate; the Court remains agnostic.

At first glance, the ruling may appear ambiguous, yet nevertheless it provides one very clear outcome: EU agriculture rules do not prevent national governments from setting a minimum price for alcohol.

After hearing extensive arguments in May on this point from the Scotch Whisky Association and four EU member states opposed to the Scottish legislation, the ECJ rejected their interventions on this point.

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This opens the way for Scotland and Ireland - which, in December, announced plans to also implement MUP - to use one of the most effective policy instruments to fight alcohol-related harm.

Media reaction to the ruling focused on the Court's ambivalence as to whether taxation would be more effective than MUP, rather than on the substance of the decision.

The Court stated that were raising taxes as effective as MUP, introducing the latter would be barred by the 'proportionality principle'. This led to the Scotch Whisky Association claiming victory, an error that many journalists regrettably fell for.

However, the final say on which measure should be introduced is passed back to the Scottish Court. They are seen as best-placed to judge the likely effectiveness and proportionality in relation to its objectives of reducing alcohol harm.

This is good news for health. The evidence on the effectiveness of MUP is solid and has only increased over recent years.

The greatest advantage of MUP over increased taxation is that it guarantees price changes, while higher excise duties are in practice often absorbed by producers and retailers. This is because they know equally as well as health advocates that higher prices are effective at curbing consumption.

This makes MUP particularly valuable in managing the heaviest and most at risk drinkers. This includes those consume strong, cheap alcohol in dangerous quantities; low-income households that are burdened with around two thirds of alcohol-related deaths in Scotland; and youth, which is price-sensitive.

Importantly, the ECJ asks national courts to decide on the basis of the latest available evidence. Evidence from Canada, which has a well-established MUP scheme, is revealing. An empirical study from 2013 found that a 10 per cent increase in the average minimum price was associated with a stunning 31 per cent drop in alcohol-related deaths.

The MUP case not only greenlights sensible policies but also highlights 'corporate social responsibility' in parts of the alcohol lobby.

Opposing a minimum price for alcohol of as low as £0.50 pence - around €0.70 - per unit to protect those most vulnerable to alcohol harm speaks volumes of Spirits Europe and winemakers, who contested the measure at every step.

However, the alcohol industry is split; some Scottish and Irish beer brewers have taken a commendable stance and publicly support the measure.

According to Scottish Health Action on Alcohol Problems (SHAAP), alcohol is currently available for as little as £0.15 per unit in Scotland. Meanwhile, 20 Scottish people die each week from the effects of alcohol, much of it due to cheap, high strength varieties.

Legal reasoning, although often difficult to decipher, has one great advantage over politics: The legal test asks for good evidence, not political feasibility. If policymaking in Europe was also guided by the best evidence, we would be a much healthier society.

We look forward to Scotland and Ireland moving forward with MUP and are confident that the effectiveness will be quickly and irrefutably proven.

This is a turning point, which is why the alcohol lobby tried everything to stop Scotland going ahead. Undoubtedly many other governments will be watching and waiting to follow suit.

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