

Scottish courts back minimum unit pricing

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News

Plans to set a minimum price for alcohol in Scotland have met with a mixed response, despite being backed by the Scottish courts.



Plans to set a minimum price for alcohol in Scotland have met with a mixed response, despite being backed by the Scottish courts | Photo credit: Press Association

The Court of Session in Edinburgh ruled against a challenge by the Scotch whisky industry, who claimed the plans were a breach of European law.

The ruling, on Friday, now paves the way for the Scottish government to implement its policy, passed by MSPs in 2012.

However, the judgement could be appealed by the industry at the UK Supreme Court in London.

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Reaction to the ruling was swift, with Scottish S&D group MEP David Martin telling this website, "This is a sensible decision."

He added, "The Scottish Parliament has identified a serious public health problem in Scotland and put forward a policy to try to tackle it. It should not have been for the courts to decide if this is the correct way or not. It is a matter for legislators to weigh up the arguments and come to an informed decision."

His colleague Catherine Stihler commented, "I welcome the ruling as I have always supported minimum pricing. Urgent action is required to combat Scotland's dangerous relationship with alcohol. Thanks to the Court of Session rejecting the appeal we can move forward with legal certainty in applying the legislation democratically approved by the Scottish Parliament. I hope minimum pricing is implemented as part of a wider strategy which both tackles the abuse of cheap alcohol and highlights the dangers of drinking too much."

Greens/EFA group MEP Alyn Smith said, "Minimum pricing is a proportionate, evidence-based policy to cut down on harmful drinking amongst the heaviest drinkers. The evidence from Canada where this policy has been in place for years is clear, this is worth doing to address Scotland's drinking problem."

"Both the European Court of Justice and the Scottish Courts have now given minimum unit pricing a clean bill of health. I hope the SWA will do the decent thing and accept the result and not appeal to the UK Supreme Court. There is a real need for the industry to work with the government in making our alcohol harm reduction strategy work, I hope this judgement marks the end of their misguided campaign against this entirely reasonable policy."

Further reaction came from Alison Douglas, chief executive of campaign group Alcohol Focus Scotland, who described the judgement as a "great day for Scotland's health."

Her comments were echoed by Nina Renshaw, Secretary General of the European Public Health Alliance, who said, "This landmark case will give the green light to other countries across Europe to follow suit. Ireland is next in line, with their ground-breaking public health and alcohol bill, which will do even more to raise awareness of the impacts of alcohol and will protect children and young people from ubiquitous, aggressive alcohol marketing and promotion."

Renshaw said the group offered its "full support" to other countries considering following Scotland and Ireland's "excellent examples."

She said, "We call on the Scottish government to implement without delay. Scotland will see the

benefits of MUP very quickly, and first and foremost to people with the most chronic alcohol issues and in those communities most damaged by harmful alcohol use.

"The toll of harmful alcohol use is not only on people's health and the costs to health services, but also on their families and those of people hurt by road crashes, violence and crime.

"The ruling, after the legal challenge from the alcohol industry which has wasted years and cost lives in the meantime, tells governments they are indeed entitled to enact laws which protect our health above all else."

However, the news was greeted with dismay elsewhere, with the Scotch Whisky Association saying it regretted the decision.

David Frost, Chief Executive of the organisation, said: "We continue to believe that the policy is a restriction on trade and that there are more effective ways of tackling alcohol misuse."

Paul Skehan, Director General of spiritsEUROPE, told the Parliament Magazine, "We have noted the opinion of the Court of Session, will analyse the decision in detail and then consult with our own members as well as with the Scotch Whisky Association and Comité Vins before deciding on the appropriate next steps.

"We remain convinced that any such measure would be ineffective in addressing the real alcohol-related harm issues at hand in Scotland."

Jan de Grave, from Brewers of Europe, said, "We continue to believe that price increases, whether imposed by taxation, minimum unit pricing or any other legislation, are not an effective and proportionate means of controlling the consumption of beer. Prices set by the normal operation of the competitive market will ensure the greatest benefit for consumers.

"Tackling alcohol-related harm requires an approach covering all the drivers of the behaviour of the minority of consumers that misuse alcohol in order to determine the right policy mix."

He added, "The Brewers of Europe are convinced that a targeted, evidence based approach is the sustainable way forward, recognising that the vast majority of European citizens are responsible, moderate consumers.

"The brewing sector has proved itself to be a pro-active and reliable partner and Europe's brewers have already developed a large number of initiatives at national and European level to promote responsible beer consumption and reduce alcohol misuse.

"Regarding Ireland's far-reaching draft Alcohol Bill, it is to be noted that no less than 14 other EU Members States, plus the European Commission, have issued comments and detailed opinions following the publication of the draft Bill, through the EU's notification procedures for measures that may act as potential barriers to trade. While the United States and Mexico have responded through the WTO's Technical Barriers to Trade process."

Under the plans, a price of 50p (about 70 cents) per unit of alcohol would be set, taking a bottle of spirits to at least £14 (just over €15).

The Scottish government, health professionals, police, alcohol charities and some members of the drinks industry believe minimum pricing would help address Scotland's "unhealthy relationship with

drink."

The issue of minimum pricing was referred to the European Court of Justice, which ruled last December that European law may have been breached by the policy.

However, the European Court ruled that it was ultimately up to national courts to make the decision about whether to implement it.

About the author

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