## Outline of MUP court process, October 2016

The Alcohol (Minimum) Pricing (Scotland) Act was passed by the Scottish Parliament in May 2012. The Scotch Whisky Association (SWA) and several other European spirits and wine organisations made a legal challenge to the Act, claiming that it is unlawful.

### Outer House, Court of Session

Jan 2013: Hearing of SWA application for judicial review of Alcohol (Minimum Pricing) (Scotland) Act 2012.

May 2013 Judgement delivered. MUP found lawful. *Court rules there is objective justification supporting the proportionality of the Act and the proposed minimum price.*

### Inner House, Court of Session

Feb 2014: Hearing of SWA appeal against outer house ruling. Challenge that MUP breaches EU treaty rules.

April 2014: Inner House makes reference to ECJ for guidance on interpretation of EU law.

Jan 2016: Date set for final hearing. Judges order that any new material, not previously heard, can be submitted by either party prior to the final hearing.

June/July 2016: Four days of evidence heard.

**21 Oct 2016: Ruling delivered. MUP found lawful.** *Court concludes the judge in the original 2013 ruling had directed himself correctly on EU law, that his reasoning on the effectiveness of minimum pricing, as compared to tax, was sound and that the grounds submitted in the appeal were not well founded.*

### European Court of Justice, Luxembourg

May 2015: Hearing in ECJ.

Sept 2015: Advocate General delivers opinion.

*AG states that MUP can be lawful under EU law, but only if proportionality is demonstrated and less-trade restrictive measure (such as tax) cannot achieve the same objective. It is up to the national court to determine whether MUP satisfies proportionality test based on the evidence.*

Dec 2015: ECJ confirms AG opinion.

*UK Supreme Court -* *The SWA have 28 days to seek permission from the Court of Session to appeal to the UK Supreme Court. However, even if permission is refused an appeal can still be made direct to the Supreme Court within a further 28 days. Estimated time for Supreme Court consideration is one year.*

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