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Judgment in Case E-9/00 *EFTA Surveillance Authority v Norway*

Different treatment of beer and other alcoholic beverages in Norway

In a judgment delivered today, the EFTA Court held that the Norway has failed to comply with: Article 16 of the EEA Agreement, by maintaining two forms of retail sale, whereby beer with an alcohol content of between 2.5% and 4.75% by volume, mainly produced domestically, may be sold outside the State retail alcohol monopoly, Vinmonopolet, while other pre-packaged beverages with the same alcohol content, mostly imported from other EEA States, may only be sold through the monopoly; and, Article 11 of the EEA Agreement, by applying more restrictive measures regarding licences to serve pre-packaged beverages with an alcohol content of between 2.5% and 4.75% by volume, mostly imported from other EEA States, compared to beer with the same alcohol content, mainly produced domestically.

The EFTA Court noted that the concerns reflected in the Norwegian alcohol policy are serious and important. There is nothing in the EEA Agreement that prevents Norway from maintaining a strict alcohol policy. However, that alcohol policy must operate within the limits of EEA law. It must be implemented so as not to conflict with the rules in Article 11 EEA on the free movement of goods and in Article 16 on the duty to ensure that any State monopoly is organised and operated in a non-discriminatory manner.

Norway had argued that the contested rules on the sale and serving of alcoholic beverages may be justified on grounds relating to public health, in particular the need to prevent an increase in the consumption of alcohol among young people, and in general to combat alcohol abuse. While acknowledging the seriousness of the Norwegian concerns, the Court found that Norway had not been able to show that the conditions for justification on the grounds of public health had been fulfilled. The different treatment of beer and other alcoholic beverages with the same alcohol content is neither suitable nor proportionate in relation to the health objectives pursued. The Court noted that measures necessary for the protection of the health and life of humans may be adopted, as long as those measures apply equally, in law and in fact, to beer and other beverages with the same alcohol content.

The full text of the judgment may be found on the Internet at: www.efta.int.

The EFTA Court is composed of the Judges Thór Vilhjálmsson (President), Carl Baudenbacher and Per Tresselt.

This press release is not an official document. Please note that the Court may not comment on the case.