



DET KONGELIGE
HELSE- OG OMSORGSDEPARTEMENT

The Royal Ministry of Health and Care Services

EFTA Surveillance Authority
Rue Belliard 35
B-1040 Brussel
Belgium

Your ref

Our ref

Date

200703312-/HCB

15.02.2008

Private import of alcoholic beverages

Reference is made to your letters dated 15 December 2004 (letter of formal notice), 19 June 2007 (follow-up letter after the “Rosengren Case”) and 8 November 2007 (letter of reasoned opinion) and also to the package meeting 15 November 2007 concerning private import of alcoholic beverages.

The EFTA Surveillance Authority’s reasoned opinion is that the Norwegian legislation, by restricting the import of alcoholic beverages for personal use and by applying quotas and authorisation for the bringing of alcoholic beverages for personal use by persons travelling into Norway, is in breach of the principle of free movement of goods as established in Article 11 of the EEA Agreement.

We recognise that the Court’s opinion in the “Rosengren case” will have impact on the assessment of the Norwegian private import system. However, in our opinion there are some differences between the Swedish and the Norwegian system that could lead to another conclusion regarding the Norwegian prohibition of private import of alcoholic beverages. Nevertheless, we recognise that the result of a possible court ruling in this case is rather uncertain.

For the Norwegian Government it is essential to ensure and maintain a high level of protection of public health in the field of alcohol policies. A control system that ensures that alcohol taxes are paid and that alcohol is not delivered to persons under the age of 18 (20), is a central element in the high level protection policy. Today’s system, with a ban on private import and import for private use through Vinmonopolet only (with some exceptions), ensures a high level of protection.

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Due to an assumption that it probably will be possible to ensure an approximately equivalent high level of protection by other means than a ban on private import of alcoholic beverages, the Norwegian Government has concluded that the ban on private import should be repealed and replaced by an alternative control system. The Norwegian Government will therefore immediately initiate work on drafting alternative control mechanisms and an amendment of the legislation on private import of alcoholic beverages.

The prohibition of private import of alcoholic beverages is laid down in provisions in the Act on the Sale of Alcoholic Beverages. It is the Parliament that has the authority to repeal the legislation on prohibition of private imports. When an alternative control system and new legislation are drafted, the Government will submit a white paper proposing amendments to the legislation to the Parliament. Prior to submitting a bill to the Parliament, the Government must, according to Norwegian law, carry out a public hearing of the proposed amendments of the legislation. Keeping in mind the need to ensure an in-depth drafting process that meets the demands of Norwegian legislation, we will probably be able to submit a bill to the Parliament for reading in the spring session 2009.

Regarding the questions raised with regard to the quotas applicable to individual transport of alcoholic beverages, we consider these matters to be closely connected to the general ban on private import on alcoholic beverages. We will therefore consider these quotas in connection to the drafting process concerning the control systems for private imports.

Yours sincerely,

Jon-Olav Aspås
Director General

Copy:
Vinmonopolet