



# Eyes on Ages

*A research on alcohol age limit policies in European Member States. Legislation, enforcement and research.*

**Tender EAHC/2012/Health/06 Lot 1**

**“Action to prevent and reduce harm from alcohol”**

**Tenderer: Dutch Institute for Alcohol Policy (STAP)**

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# EYES ON AGES

## **A research on alcohol age limit policies in European Member States. Legislation, enforcement and research.**

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### Colophon

Authors: drs. J. Mulder  
J. de Greeff MSc

© Dutch Institute for Alcohol Policy (STAP)  
P.O. box 9769  
3506 GT Utrecht  
Goeman Borgesiuslaan 77  
3515 ET Utrecht  
The Netherlands

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## Foreword

The purpose of this 'action to prevent and reduce harm from alcohol' is to contribute to the protection of children and young people from harmful alcohol consumption by collecting good practices in the enforcement of legal age limits for selling and serving alcoholic beverages. This action supports the implementation of the *EU strategy to support Member States in reducing alcohol-related harm*. The EU strategy identifies priority themes which are relevant in all Member States and also highlights the dissemination of good practices relating to the priority themes. Protecting young children and the unborn child is the first priority theme, with curbing under-age drinking and reducing harmful drinking among young people as a specific aim.

The World Health Organization concludes in one of the most recent reports that the European Union (EU) is the region with the highest alcohol consumption in the world (WHO, 2012).

The WHO reports: 'Alcohol is a cause of non-communicable diseases, including cancers, cardiovascular diseases and liver diseases. Alcohol also harms people other than the drinker, whether through violence on the street or domestic violence in the family...'. A major risk category are the young drinkers. European youngsters drink too much and they often begin too young, which can affect the development of their brains.

It goes without saying that the young people and their parents have their own responsibility to prevent the use of alcohol by under aged youngsters. However, also governments will have to make the efforts to counter the use of alcohol by youngsters as much as possible. One of the best ways to do so, is limiting the availability of alcohol to minors by establishing a legal age limit for the sales of alcohol. Most EU Member States have set the legal age limit at eighteen years old. This should imply that youngsters under eighteen should hear a resounding 'no' in many European countries when they try to purchase or order alcohol in a supermarket, bar or disco. However, in reality this is not the case: in many countries the compliance with the existing laws on alcohol sales are far from optimal.

This Eyes on Ages report will make clear what age limit policies have been legally established in the EU Member States (+ Switzerland and Norway). The report presents an unique picture of the way these national legislations on alcohol work in practice.

Positive is that there is now attention (and expected more attention) to improve the compliance and enforcement of the legal age limits. However, it is certainly a point of concern that still a lot of improvement is needed to ensure that it is difficult for under aged youngsters to obtain alcohol. Many alcohol providers still seem ignorant to the laws, as governments assign a low priority to the enforcement of the legal age limits.

My hope is that this report will contribute to the awareness – among all stakeholders involved – that everyone should take their own responsibility in reducing the use of

alcohol among youngsters. Because that would inevitably lead to the necessary health benefits that both the European Union as the national governments claim to pursue.

Wim van Dalen,  
Director of Dutch Institute for Alcohol Policy (STAP)

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## Executive Summary

The executive summary contains the key findings of the Eyes on Ages tender contracted by the Dutch Institute for Alcohol Policy (STAP) and commissioned by the Executive Agency for Health and Consumers (EAHC) of the European Commission. The aim of this tender was to facilitate the exchange of good practice in law enforcement and networking among public authorities and other experts in order to foster effective action to enhance compliance with minimum age limits for selling and serving alcoholic beverages within the Member States of the European Union (+Switzerland and Norway<sup>1</sup>).

The consumption of alcohol by adolescents is of concern for a number of reasons, like brain damage, alcohol dependence and an increased risk of an alcohol related death. In order to reduce the availability of the toxic substance alcohol, a higher compliance with minimum age limits for alcohol should be achieved. In turn, the higher compliance with the law will contribute to the prevention and reduction of the harm from alcohol use (specifically among adolescents). In this report an overview is given of age limit policies for alcohol in the EU. Good practices at the level of legislation, enforcement and research were found all over Europe to reduce the availability of alcohol for minors.

### Legislation

#### *Age limits in the EU*

The most commonly used age limit for alcohol in the EU is eighteen years. A few countries use sixteen or seventeen as an age limit and three other countries use an age limit of 20 years for higher alcoholic beverages. While all countries (29) have set age limits for selling alcohol, fewer countries have age limits for possession and consumption. The age limits in the EU are subject to constant change. All changes show an increase in the age limits for alcohol.

#### *Establishing the age of a customer*

In eighteen countries it is mandatory to establish the age of a customer, whose being of legal age to purchase alcohol is uncertain. In all of the countries this is done by asking for an (official or unofficial) identification card. Germany is the only country with a legal reference age of 25 years, causing sellers of alcohol to check the identification card from anyone who appears to be 25 or younger.

#### *Sanctions*

When alcohol is sold to a minor, legal persons (license holder, 28 countries), natural persons (sellers, 20) and minors (3) can be sanctioned. The most applied sanction is a financial fine, while also licences can be suspended or revoked and shop owners and sellers can be sentenced with imprisonment.

When it comes to possession and consumption (mostly) minors and parents can be sanctioned. Again, the most applied sanction is financial fines, while imposing social and educational measures are also possible sanctions in some countries.

About the effects of these sanctions on the compliance with the legal age limits is very little known.

## **Enforcement**

### *Authorities in charge of the enforcement*

In the EU, police is the most reported public authority in charge of the enforcement of the age limits for alcohol (in 22 countries). Most public authorities are organised on a national level and mostly use general enforcement officers, who also perform other tasks besides enforcing the alcohol laws.

### *Enforcement strategies*

The age limits for alcohol are mostly enforced by imposing sanctions, which is considered to be a reactive approach as it always follows a violation. However, age limits are also enforced in a proactive way by setting up enforcement communication and multi-stakeholder partnerships in order to prevent violations to take place.

### *Enforcement communication*

Enforcement communication can be used to raise a seller's presumed probability to be detected violating the law. Communicating about for example enforcement activities and sanctions that have been imposed, is done in 20 countries in the EU. A good practice can be found in the Netherlands, where the NVWA used different methods of enforcement communication to raise the presumed probability of detection among sellers of alcohol.

### *Multi-stakeholder partnerships*

Multi-stakeholder partnerships like the STAD project can contribute to an integral alcohol policy and reduce the sales of alcohol to minors. In total 27 multi-stakeholder partnerships that put efforts in enhancing the compliance have been reported in various countries in the EU. These partnerships exist of different stakeholders like GO's, NGO's, police, addiction organisations, but also branch organisations and associations of alcohol sellers.

## **Research**

### *Test purchasing research*

Test purchasing research is a tool to determine the compliance with the legal age limits for alcohol among sellers of alcohol. The results can be used to evaluate the effectiveness of local or national alcohol policy and in some countries also to impose sanctions on non-complying sellers.

### *Research tool*

In seventeen out of 29 countries experience with test purchasing research is reported. Many different types of organisations are involved in performing test purchasing research, for example GO's, NGO's and commercial organisations. In most countries this type of research, however, is not structurally embedded in a local or national alcohol strategy. The compliance rates found in this study vary between 0% and 93%. It is striking that most countries seem to face problems regarding the compliance with the legal age limits by sellers of alcohol.



### *Enforcement tool*

In six countries test purchasing research is used as an enforcement tool. Test purchasers are used by enforcement officers to test the compliance by a seller. If the seller fails to comply the enforcement officer can impose a sanction. This process of imposing a sanction based on a test purchase is, however, not legally allowed in most of the countries. In these countries the use of test purchasers is seen as provoking a crime and therefore illegal to use for enforcement purposes. Recent research showed, however, that using test purchasers as an enforcement tool is one of the most effective ways to enforce age limits for alcohol (see chapter 1).

## **Conclusions**

This study shows that legal age limits for alcohol are, besides a legal topic, also a current concern in most countries. Main issue is the problem with the compliance of the age limits by sellers of alcohol. However, many strategies and interventions have been developed to tackle this problem in Europe. And good practices are definitely available. Below the most important conclusions of this report are presented:

- *There is still a gap between the legal age limits for alcohol in Europe and the age limit that is advised from a medical point of view.* Brain development continues until the mid-twenties. Although the legal age limits generally emanate from health policy goals, the current legal age limits are lower than the age until the brain develops and is extra vulnerable for damage from alcohol consumption.
- *Enforcement is a crucial factor for age limit policy.* Enforcement is the most effective instrument to increase the compliance by sellers. There are other measures like RBS, enforcement communication and public support, but without frequent inspections it is unlikely these measures on itself will lead to high compliance levels. These findings are confirmed by the Swedish STAD model that resulted in a major increase in the compliance rate.
- *All ingredients for an effective age limit policy are available in Europe.* We have just concluded that enforcement is a crucial factor in age limit policies. This study shows that many good enforcement practices and strategies are available, but scattered over Europe. To make these practices and strategies available for all EU Member States, more networking and exchanging knowledge is necessary.
- *Countries with effective age limit strategies will face new problems like shoulder tapping.* When a legal framework, good enforcement and a high compliance by sellers have been established in a country, new problems may arise. Some minors will try to get their hands on alcohol in other ways, like asking older friends to buy alcohol for them (shoulder tapping). The arise of these problems is not an admission of failure, but a sign that the age limit policy is working. Further research should make clear what the possible strategies are to effectively combat the new arisen problems like shoulder tapping.

The author's recommendations can be found on page 58.

## 1. Introduction

Alcohol use by youngsters of fifteen and sixteen years of age is common in Europe. And the effects are becoming clearer and more visible. In this introduction we will explain why legal age limits for selling alcohol matter, starting with taking a look at the current drinking behaviour of minors in Europe. Consequently we will review three main elements of age limit policies: legislation, enforcement and compliance research.

### 1.1. Alcohol use by adolescents in Europe

The consumption of alcohol by adolescents is of concern for a number of reasons. First and foremost, the brain undergoes enormous structural and developmental changes during adolescence, with the brain perhaps not settling down to its adult pattern until the mid-twenties (Thompson et al, 2005). Adolescence is a transitional period of development associated with many risky behaviours, including the use of alcohol (Casey & Jones, 2010), and there is evidence that alcohol is neurotoxic to the brain at this time (Anderson, 2012a). It is not known whether this neurotoxicity itself explicitly impacts on educational achievement, but there is evidence that alcohol use, and in particular heavy use, can impair educational achievement, which, in turn has consequences over the life course for human capital development and employment and job opportunities (Anderson, 2012b). Secondly, alcohol has a differential impact on risk of death amongst young drinkers. In England, for example, although, in absolute terms, five times as many alcohol-related deaths occur amongst 55-64 years old than among 15-24 years old, more than 1 in 4 of all male deaths amongst 15-24 year olds are caused by alcohol as opposed to less than 1 in 12 of all deaths amongst 55-64 year old males (Jones et al, 2009). Finally, there is evidence that the later a young person starts to drink, the less likely they are to drink heavily or be identified as dependent on alcohol later in life (Anderson, 2012a).

When European 15-16 year olds are asked about their drinking, at least two thirds in all 24 EU countries surveyed in 2007, reported having drunk alcohol at least once during their lifetime. Two fifths had drunk between 1 and 5 times during the previous 30 days and 1 in 20 more than 20 times (Hibell et al, 2009). For the last drinking day, 40% of the average amount of actual alcohol consumed came from beer, 30% from spirits, 13% from wine, 11% from alcopops, and 6% from cider. Over the twelve years 1995-2007, whereas, in general, the proportion of 15-16 year olds reporting alcohol consumption in the last 12 months has been relatively unchanged in all countries and for both genders, the proportion of 15-16 year olds who reported having had five or more drinks in one occasion during the last 30 days has, in general, increased. In other words, although there have been no trends in the proportions of 15-16 year olds who drink, of those who do drink, there have been trends to more risky patterns of drinking.

## 1.2. Determinants of the consumption of alcohol

While there is some variation in the findings across the measurements, analysis of ESPAD (the European School Survey Project on Alcohol and Other Drugs) data found that, when controlling for parental education and other factors, belonging to a relatively richer household tends to increase alcohol consumption over the past 30 days (with few exceptions, such as among boys in Mediterranean countries) (Anderson et al, 2012c). The consumption-enhancing effect of income is larger for alcopops and spirits (about 3%) than for beer and wine (less than 2%). The quantity of alcohol drunk in grams of pure alcohol by beverage category during the last time alcohol was drunk confirms this finding, when comparing better off families, average income families and worse off families.

Parental education generally played only at best a small role in shaping the pattern of consumption of alcoholic drinks. For male students, having more educated parents was associated with a higher likelihood of consuming wine and a lower likelihood of consuming alcopops, while results for females were not significant. The probability of consuming alcohol was significantly reduced when both parents resided in the same household as the child, the effect being larger for spirits than for all other beverages, including alcopops. Not surprisingly, the effect is also greater for alcohol that is consumed at home.

Peer effects are important in explaining students' drinking. The probability of having drunk any alcohol in the past 30 days is more than 60 per cent higher when an "average" student reports that most or all his/her friends drink. In general, the peer effect is larger for girls than for boys and, except for wine, is smaller in wine drinking countries than in the remaining countries. If most or all friends drink, the probability of having drunk beer in the past 30 days is on average 68% higher for males and 80% higher for females. The peer effect on alcopops consumption is far smaller (though still big) for both males (45%) and females (84%). The peer effect is generally lower for wine and spirits.

Turning to the frequency of consumption in the past 30 days, students who report that most or all their peers drink, are also more habitual consumers. For instance, on average, both boys and girls who report that most or all their peers drink report drinking beer 11 times more than students with only a minority of friends who drink. Male students report to drink alcopops 3 times more in the reference period (the difference with beer is significant) and female students 8 more times (the difference with beer is not significant). Also in this case females generally tend to be influenced by peers more than males. The peer effect is largest for wine among the wine drinking countries while the peer effect for beer dominates among the other countries.

### 1.3. The role of minimum legal drinking age in affecting alcohol consumption

Based on ESPAD data, the higher the minimum legal age for purchasing alcohol, the later the age when the first drink is consumed (Anderson et al, 2012c). The largest effects are obtained in the consumption of wine and alcopops for both males and females. The minimum legal age of purchase appears less effective in diminishing the number of heavy drinkers (defined as those who consume alcohol very frequently).

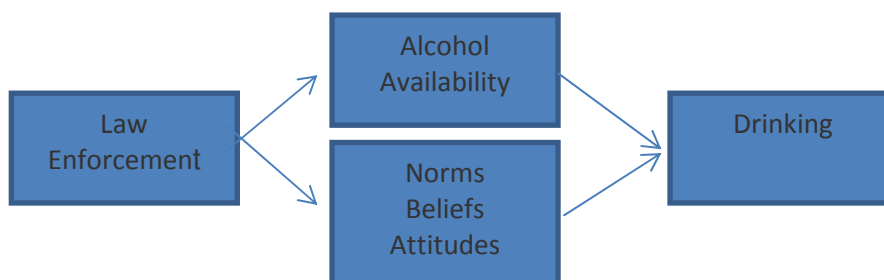
Legal minimum age limits are widely practised restrictions targeted to young people, although limits vary from country to country, ranging typically from 16 to 21 years of age (Anderson & Baumberg, 2006). A review of 132 studies published between 1960 and 2000 found strong evidence that changes in laws for minimum drinking ages can have substantial effects on drinking by young people and alcohol-related harm. These effects often lasted well after the young people reached the legal drinking age (Wagenaar & Toomey, 2002). A study from Denmark, where a minimum age limit of 15 years was introduced for off-premise purchases in 1998, found that drinking by young people above as well as below the age limit was affected (Møller, 2002).

### 1.4. The enforcement of legal age limits

Age limits will only function well when the minimum age for purchasing alcohol is efficiently enforced (Wagenaar et al., 2005; Anderson et al, 2009). Enhanced enforcement in particular seems to have an impact if the threat of suspending or revoking the licence to sell alcohol is used in cases of irresponsible selling. By enforcement of legal age limits we mean the whole of supervision, sanctions and communication used to uphold the laws on age limits for selling and serving alcoholic beverages.

Most research on the influence of the enforcement of alcohol legislation on underage drinking has been conducted in the United States, where the effect of enforcement on youth alcohol consumption is considered twofold: enforcement influences the direct availability of alcohol to adolescents and it influences the norms, attitudes and beliefs about the product in society (Wagenaar, 2011). Availability and social norms/attitudes are both strong predictors of drinking behaviour (Figure 1).

Figure 1: Role of law enforcement in affecting drinking behaviour (Wagenaar, 2011)



Wagenaar also explains that the effect of enforcement on compliance in bars (on premise) appears to be temporary. After an enforcement check, a general seller of alcohol is 17% more likely to comply with the law. After two months the effect in on-premise establishments drops under 10% (long term effect). For supermarkets (off-premise) there is no long term effect of enforcement checks (Wagenaar, 2011). The scientific evidence suggests that legal age limits should be enforced at least 4 times a year in every relevant alcohol selling point.

Complementary to enforcement, other interventions are used in order to raise compliance with the legal age limits for selling alcohol in bars. These preventive interventions have shown little or no effectiveness. The most tested intervention is probably the responsible beverage training to bar personnel. US studies show that the effectiveness of the responsible beverage training without enforcement is very limited (Wagenaar et al, 2005). Most effective seem those approaches that consist of a multi-component strategy. An impressive European example is the Stockholm STAD project. In this project intensified enforcement in shops and bars is combined with staff training and general education to the public. One of the main goals was attacking over-serving and drunkenness. In this way not only underage drinkers, but also older youngsters were targeted by the interventions to prevent alcohol related problems. The project resulted in a serious drop in crime of 29% in the experimental area (Wallin et al, 2003) and an increase in the compliance of the legal age limits for selling alcohol from 55% to 68% (Wallin et al, 2004). The international literature makes clear that it is the combination of policy changes, regulations, education and enforcement that leads to the largest effects on drinking behaviour (Babor et al, 2010).

### **1.5. Compliance research on age limits**

In Europe, a growing interest in enforcing legal restrictions on purchasing alcohol is connected to an increased use of test purchasing (mystery shopping) as a method to evaluate if sellers of alcohol comply with the legislation. Research has shown that the current compliance of age limits by sellers of alcohol is often a problem and that enforcement of the legislation is necessary. In test purchasing research an underage buyer, or a buyer with the appearance of a minor, tests whether the seller is willing to serve alcohol to him or her. In most countries test purchasers are used who just reached the minimum purchase age, but look younger. In other countries real underage are used in the field studies.

In a number of countries, test purchasers are usually hired by state as well as by (national) non-governmental organisations in order to check to what extent underage people are able to buy alcoholic beverages and to put pressure on retailers to improve their compliance with the legal age limits (Gosselt et al, 2007; Kaal & Tael, 2012). But it is not only the state that is interested in compliance research. In Finland, Norway and Sweden, the off-premise retail alcohol monopoly companies hire independent test purchasers to check how well the monopoly's employees are following the regulations requiring the presentation of an identification card (Vihmo & Österberg, 2011). The British retail consortium does the same within its shops. In countries like the Netherlands, Switzerland and Finland, NGO's and research institutes use mystery shoppers to evaluate the compliance of the legal age limits. There are also community

based research projects, such as the Finnish PAKKA project, which used test purchasers (Holmila, Karlsson & Warpenius, 2010).

The youth organisation Juvente from Norway presented in 2010 a first brief overview of the compliance levels in Europe at the European Alcohol and Health Forum of the European Commission. The compliance rate of the legal age limits differed strongly between countries. The success rates for the test purchasers (no compliance) varied between 50% to 100% (Rogne, 2010).

Recent studies from the UK show that test purchasers should not only be used as an evaluation method, but also as an enforcement instrument. These (mostly local) studies show that vigorous use of test purchasing, including action taken against offenders, decreases the availability of alcohol to minors. For example, in national enforcement campaigns in England the overall rate of alcohol sales to minors fell from 50% in 2004 to 15% in 2007 (LACORS, 2007). In police areas Thames Valley and West Yorkshire the rate of alcohol sales to 15-year-old purchasers is estimated at 63%. By contrast in 2009/2010 the Thames Valley Police reported an alcohol sales rate of 24% (Thames Valley Police, 2010) and the West Yorkshire Police reported an alcohol sales rate of 19% in 2012 (West Yorkshire Police, 2012). These results suggest that underage alcohol sales decreased significantly following the legalization of alcohol test purchasing. This implication is also confirmed by a recent evaluation in Scotland, concluding that test purchasing is the most useful intervention and had decreased underage alcohol sales significantly (NHS Scotland, 2012).

One of the goals of this study is to get more insight in the way test-purchasing is used as an evaluation and enforcement instrument in Europe. The next chapter will explain more about this goal and the other objectives of this study.

## 2. Objective and goals

The general objective of this tender is to facilitate the exchange of good practice in law enforcement and networking among public authorities and other experts in order to foster effective action to enhance compliance with minimum age limits for selling and serving alcoholic beverages within the Member States of the European Union (+Switzerland and Norway<sup>1</sup>). This objective is divided into two main goals. The first is to provide an overview of age limit policies and their enforcement and to collect and make available good practices in Member States on the enforcement of legal age limits. Secondly, the gathering of information on these good practices is also meant to provide useful and interesting content for the network conference (see 3.3). This conference is organised for public authorities and other relevant experts that has as a specific objective to facilitate the networking of public bodies involved in minimum age enforcement in Member States. It is the aim of this action to provide Member States opportunities to exchange good practices in the context of this action and to support networking for continued exchange, so that Member States can adopt good practices from other countries and adapt these to their national context.

The tender comprises four tasks, of which the first three are related to a survey on the national policies with regard to the legal age limits for alcohol in EU member states (with a special focus on good law enforcement practices and compliance research). The first three tasks have been translated in research questions:

**Task 1:** Map out the current situation – the legal framework – around legal age limits for selling and serving alcoholic beverages in all EU Member States.

1. *What is the legal framework relating to age limits for purchasing, possessing and consuming alcoholic beverages are used in the EU Member States?*
2. *What kind of sanctions are used, to what extent, and what is known about their effectiveness?*
3. *What kind of age limit breaches are brought to justice and what kind of arguments or challenges arise from the court cases that are relevant for policymaking in this area?*

**Task 2:** Provide case studies of good practice strategies employed by public authorities in Member States for enforcing age limits.

4. *Which public authorities are involved in the enforcement of the laws on age limits for selling and serving alcohol?*
5. *What are the general strategies that are used in Europe by public authorities to enforce the laws on age limits for selling and serving alcohol?*
6. *What are good practices on enforcement of legal age limits and with what organisational and legal background do they work best?*

<sup>1</sup> This study focusses on all the European Union Member States and Switzerland and Norway. From this point the term Member States includes Switzerland and Norway.

**Task 3:** Collect information on the methods for monitoring compliance with age limits, including the use of test purchases, as well as information on compliance levels of all Member States.

*7. How and by whom is test purchasing research (mystery shopping) being used in the EU Member States? And how can it contribute to the enforcement of legal age limits?*

The 4<sup>th</sup> task concerns a network conference where the research findings - especially the good practices on enforcing legal age limits - are presented and where Member States authorities in particular are invited to support networking and continued exchange between them.

**Task 4:** Organise a one-day network conference in an easily accessible, centrally located European city, open for participation by relevant experts from EU Member States.

**Action goals**

As is clear from this paragraph, a vast part of the implementation of the tender consists of research. Notwithstanding, the main goal of this tender is to foster effective action in order to enhance compliance with the legal age limits for selling and serving alcoholic beverages. Exchange of knowledge and good practice will contribute to better and more effective policies and fieldwork. For this, the following action goals have been formulated:

- Finding ways to support the networking of relevant Member State's authorities;
- Disseminate information and good practice to feed into Member States policymaking towards effective enforcement of alcohol age limits.



### 3. Methodology

At first, the composition of the research team is described. Section 3.2 describes the content of the research part of the tender and section 3.3 describes the network conference.

#### 3.1. Composition of research team

The research team includes alcohol law enforcement experts from six different European countries. The research team is experienced in all facets of the enforcement work. This means: policy making, law enforcement methods/strategies, research/evaluation, training and legal aspects. Within the research team, there is an operating team coordinating the action. Wim van Dalen (director of the Dutch Institute for Alcohol Policy –STAP–) is the supervisor of the tender.

Research team	Joost Mulder (NL), Thomas Karlsson (Fi), Fieke Franken (NL), Jeroen de Greeff (NL), Carina Amréus (S), Marian Gacsbaranyi (NL), Miriam Sahlfeld (CH), Ismo Tuominen (Fi), Peter Anderson (SP);
Operating team	Joost Mulder (NL), Fieke Franken (NL), Jeroen de Greeff (NL);
Principal research advisor	Thomas Karlsson (Fi);
Supervision	Wim van Dalen (NL).

#### *Contact person in every country*

In every EU Member State the most relevant contact person is selected to coordinate the research in their country. In short, the contact persons are the research managers for their country. Coordinating the research in a Member State comprises the following tasks:

- Be the contact person for the operating team regarding the information gathering. The contact person received the questionnaire and is responsible for the quality and the language (English) of the answers provided;
- Consult national experts on the different topics regarding the topic of legal age limits;
- Provide names and organisations in their country that could be invited to the networking conference or to whom outputs of the action could be conveyed (described in section 3.4).

#### 3.2. Research content

For the research part a questionnaire, comprising the first three tasks of the tender, has been developed. This paragraph describes how these three tasks are translated into the questionnaire and how the answers provided by contact persons in Member States are used regarding the report.

### **3.2.1. Task 1: Map out the current situation – the legal framework – around legal age limits for selling and serving alcoholic beverages in all EU member states**

This first task is focussed on documenting the different regimes that exist in EU member states regarding the legal age limits on alcoholic beverages. In this task the following research questions will be answered:

- 1. What is the legal framework relating to age limits for purchasing, possessing and consuming alcoholic beverages are used in the EU Member States?*
- 2. What kind of sanctions are used, to what extent, and what is known about their effectiveness?*
- 3. What kind of age limit breaches are brought to justice and what kind of arguments or challenges arise from the court cases that are relevant for policymaking in this area?*

#### *Collecting the data for task 1*

Esa Österberg and Thomas Karlsson have been involved in several EU financed research projects on alcohol policies and legislation in Europe. These studies, as well as the recent WHO overview of the legal age limits, are used as a baseline for the collection of data on the legal age limits in Europe and on the rules on the possession or consumption of alcoholic beverages. This study complements the available data with current information on (or changes in) the legal age limits collected by means of a questionnaire sent to the national contact persons on alcohol law enforcement in the different countries. In this questionnaire topics like legal age limits, legal requirements for selling and serving alcohol, sanctions and court cases were included.

This study provide an up to date overview of the legal age limits for alcoholic beverages in the Member States and the sanctions involved when not complying with the age limits. Moreover, the study also provides the background information for the good practices in Member States to enhance compliance with minimum age limits for selling or serving alcoholic beverages.

### **3.2.2. Task 2: Provide an overview of good practice strategies employed by public authorities in member states for enforcing age limits**

Secondly this study is focussed on the enforcement of the legal age limits in for selling alcohol. The research questions that will be answered in this task are the following:

- 4. Which public authorities are involved in the enforcement of the laws on age limits for selling and serving alcohol?*
- 5. What are the general strategies that are used in Europe by public authorities to enforce the laws on age limits for selling and serving alcohol?*
- 6. What are good practices on enforcement of legal age limits and with what organisational and legal background do they work best?*

#### *Collecting the data for task 2*

A specific part in the questionnaire asked the participants to answer questions regarding the organisation of the enforcement in their country. Topics like public authorities, enforcement officers and enforcement communication are included in the questionnaire.

In a separate case study report different good practices on enforcing age limits from four different countries are described more extensively. Law enforcement experts in the research team selected those cases based on the following criteria: dispersion in Europe, the evidence based effects on compliance, feasibility and documentation of the used strategies. For each good practice, the practical steps for implementation are described in order to make it easier for law enforcement authorities to adopt and adapt the method.

### **3.2.3. Task 3: Collect information on the methods for monitoring compliance with age limits, including the use of test purchases, as well as information on compliance levels of all Member States**

Compliance research on legal selling ages for alcohol has become a structural element of local alcohol policy in many countries. In several countries it is used by law enforcement authorities, NGO's and/or commercial stakeholders. In some countries, scientific validated methods of compliance research have been developed by universities. In other countries, compliance methods are developed in a more pragmatic way. The research question that will be answered in this task is the following:

- 7. How and by whom is test purchasing research (mystery shopping) being used in the EU Member States? And how can it contribute to the enforcement of legal age limits?*

#### *Collecting the data for task 3*

With the help of the national contact persons the organisations that perform compliance research per country have been identified. All available research on the compliance of legal age limits for selling alcohol has been collected by means of a questionnaire. As far as available, also the compliance research from the past years to identify a possible trend in compliance rates has been collected and analysed. If national research is not available, regional or local figures are used to give information on the compliance levels in that country. Furthermore the use of test purchasers in the enforcement was included in the questionnaire.

All the results on task 3 are presented in a separate chapter in the report (chapter 6). All the available research on the compliance of legal age limits for selling alcohol is collected and presented in a matrix overview including all national compliance studies executed in the last 5 years.

## **3.3. Network conference**

### **3.3.1. Task 4: Organise a one-day network conference in an easily accessible, centrally located European city, open for participation by relevant experts from EU Member States.**

On May 30 2013, a network conference is organised in Amsterdam back to back with the third law enforcement conference of the European Network on Alcohol Law Enforcement (ENALE). These conferences took place separately from one another.

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During the day the results of this survey were presented by the research team. In the evening an extra programme was organised by ENALE.

In the network conference all contact persons of the study, public authorities, NGO's and other organisations that are actively involved in enforcement on legal age limits have been brought together. One of the main goals of the conference was to support the networking between these target groups and to strengthen policy and law enforcement across EU Member States to enhance compliance with age limits. In total 85 people from 28 countries participated in the conference.

#### *Content of the conference*

During the conference the main results of this tender have been presented by different members of the research team. Furthermore, various good examples in Europe on legal age limit policy have been presented by national experts. The content of the conference was developed by the research team together with European law enforcement experts on legal age limits. The presentations during this conference can be found behind the link below<sup>2</sup>.

<sup>2</sup> <http://www.alcoholbeleid.nl/beleid/congressen/eyes-on-ages-2013.html>

## 4. National legislation

This is the first of three chapters with the research results. After this chapter about national legislation, chapter 5 will discuss how this legislation is being enforced and chapter 6 will discuss compliance research on legal age limits for alcohol.

This chapter will provide answers to the following research questions:

1. What is the legal framework relating to age limits for purchasing, possessing and consuming alcoholic beverages are used in the EU Member States?
2. What kinds of sanctions are used, to what extent, and what is known about their effectiveness?
3. What kind of age limit breaches are brought to justice and what kind of arguments or challenges arise from the court cases that are relevant for policymaking in this area?

For the first research question about the legal framework a differentiation is made for legal age limits (paragraph 4.1) and other legal requirements supporting these age limits (paragraph 4.2). Subsequently, sanctions and court cases will be discussed in paragraph 4.3 and 4.4.

### 4.1. Legal age limits

In chapter 1 we have seen that alcohol and youth is a main concern in many European Member States and a large number of the current health measurements is focussed on the reduction of alcohol consumption among adolescents. Legal age limits for selling alcohol are one of those legal regulations that are implemented.

As the legal frame for age limits varies widely between countries (and sometimes even within countries) a distinction has been made for the behaviour of the young consumer (purchasing, consuming and possessing) as well as for the location (on-premise, off-premise, public areas and private areas). In Table 1 an overview is given of the legal age limits that have been reported by the national contact persons that participated in this study (early 2013). The table shows the age limit mostly reported by the Member States is eighteen years for every category. After this exception sixteen years follows as the lowest age limit for alcohol, two countries report seventeen as age limit and the other countries have an age limit of eighteen years or higher. What strikes is that the vast majority of the countries in this study use an age limit of eighteen years (also see Figure 2a and 2b). It is remarkably that although every country has set an age limit for the sales of alcohol, only fourteen countries has set an age limit for possession and consumption. Especially in the private domain very few legal age limits have been reported.

Table 1: The reported legal age limits specified per European country for on-premise sales, off-premise sales, consumption and possession in public and private areas.

Country	On-premise		Off-premise		Public				Private				Differentiation <sup>1</sup>	
	Sales		Sales		Consumption		Possession		Consumption		Possession		LA	HA
	LA	HA	LA	HA	LA	HA	LA	HA	LA	HA	LA	HA		
<b>Austria<sup>2</sup></b>	16	16	16	16	16	16	16	16						
<b>Belgium</b>	16	18	16	18									Fermented	Distilled
<b>Bulgaria</b>	18	18	18	18										
<b>Croatia</b>	18	18	18	18										
<b>Cyprus</b>	17	17	17	17	17	17	17	17						
<b>Czech Rep.</b>	18	18	18	18										
<b>Denmark</b>	18	18	16	18									<16,5%	≥16,5%
<b>Estonia</b>	18	18	18	18	18	18	18	18	18	18	18	18		
<b>Finland</b>	18	18	18	20	18	20	18	20	18	20	18	20	<22,1%	≥22,1%
<b>France</b>	18	18	18	18										
<b>Germany</b>	16	18	16	18	16 <sup>3</sup>	18							Category	Category
<b>Greece</b>	18	18	18	18	18	18	18	18						
<b>Hungary</b>	18	18	18	18	18	18	18	18						
<b>Ireland</b>	-													
<b>Italy</b>	18	18	18	18										
<b>Latvia</b>	18	18	18	18										
<b>Lithuania</b>	18	18	18	18	18	18	18	18	18	18	18	18		
<b>Luxembourg</b>	16	16	16	16										
<b>Malta</b>	17	17	17	17	17	17	17	17						
<b>Netherlands</b>	16	18	16	18	16	16	16	16					<15,0%	≥15,0%
<b>Norway</b>	18	20	18	20									<22,0%	≥22,0%
<b>Poland</b>	18	18	18	18										
<b>Portugal</b>	16	16	16	16	16	16								
<b>Romania</b>	18	18	18	18	18	18								
<b>Slovakia</b>	18	18	18	18	18	18	18	18	18	18	18	18		
<b>Slovenia</b>	18	18	18	18										
<b>Spain</b>	18	18	18	18										
<b>Sweden</b>	18	18	18	20	18	20	18	20	18	20	18	20	<3,5%	≥3,5%
<b>Switzerland</b>	16	18	16	18									Fermented	Distilled
<b>UK</b>	18 <sup>4</sup>	18	18	18	18	18	18	18	5	5	5	5		

<sup>1-1</sup> No data available (Ireland did not deliver data for this report)

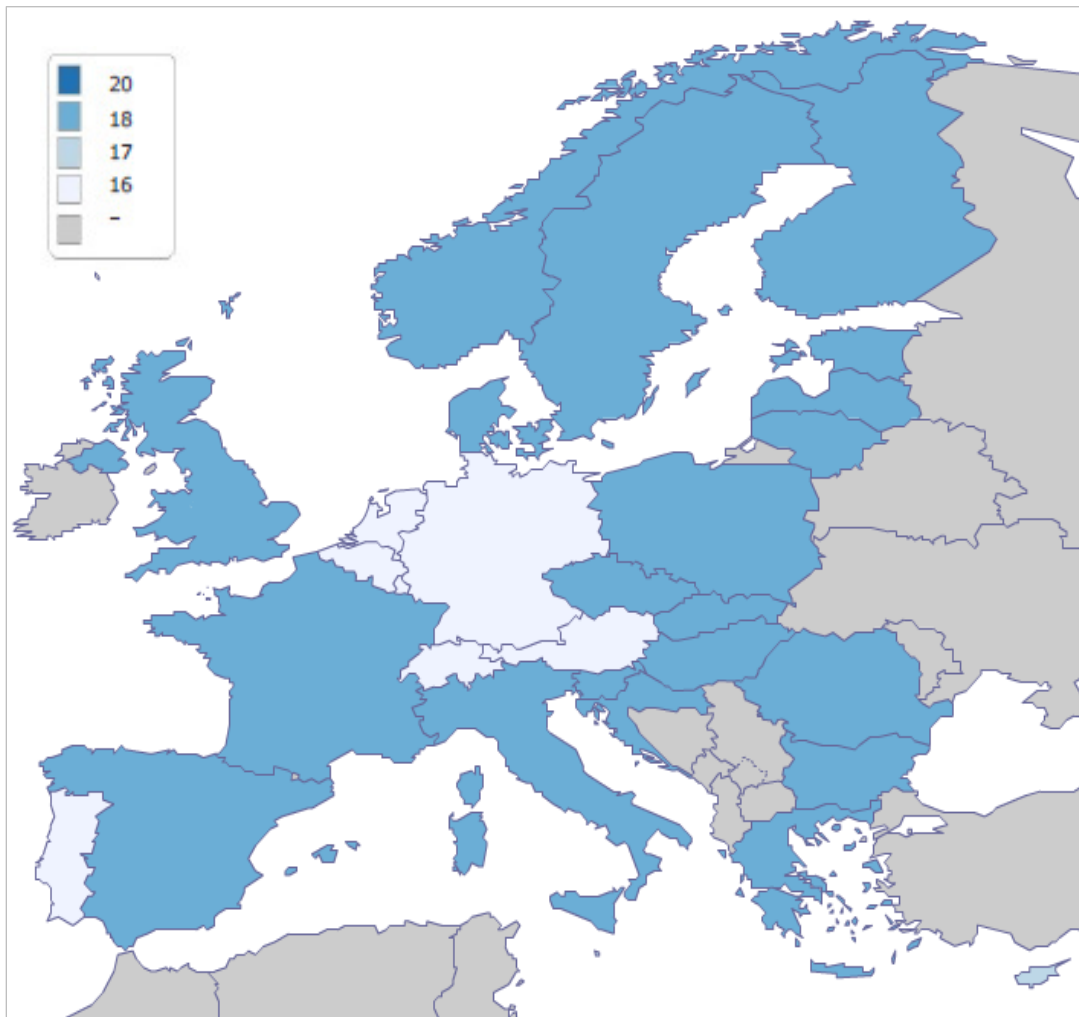
<sup>1</sup> When a country has more than one age limit for different alcoholic beverages, a differentiation has been made for Low Alcoholic beverages (LA) and High Alcoholic beverages (HA).

<sup>2</sup> Represents the age limit of the capital region. Age limits may vary in other regions.

<sup>3</sup> Consumption of Low Alcoholic beverages (LA) by fourteen and fifteen year olds is permitted in attendance of the parents.

<sup>4</sup> A person aged sixteen or seventeen is permitted to drink wine, beer or cider (but not other alcohol) with a meal in a restaurant, hotel or part of a pub set apart for eating meals. A condition is that it has to be purchased by an adult and that the minor is accompanied by an adult.

Figure 2a. Age limits in Europe for purchasing Low Alcoholic (LA) beverages on-premise.

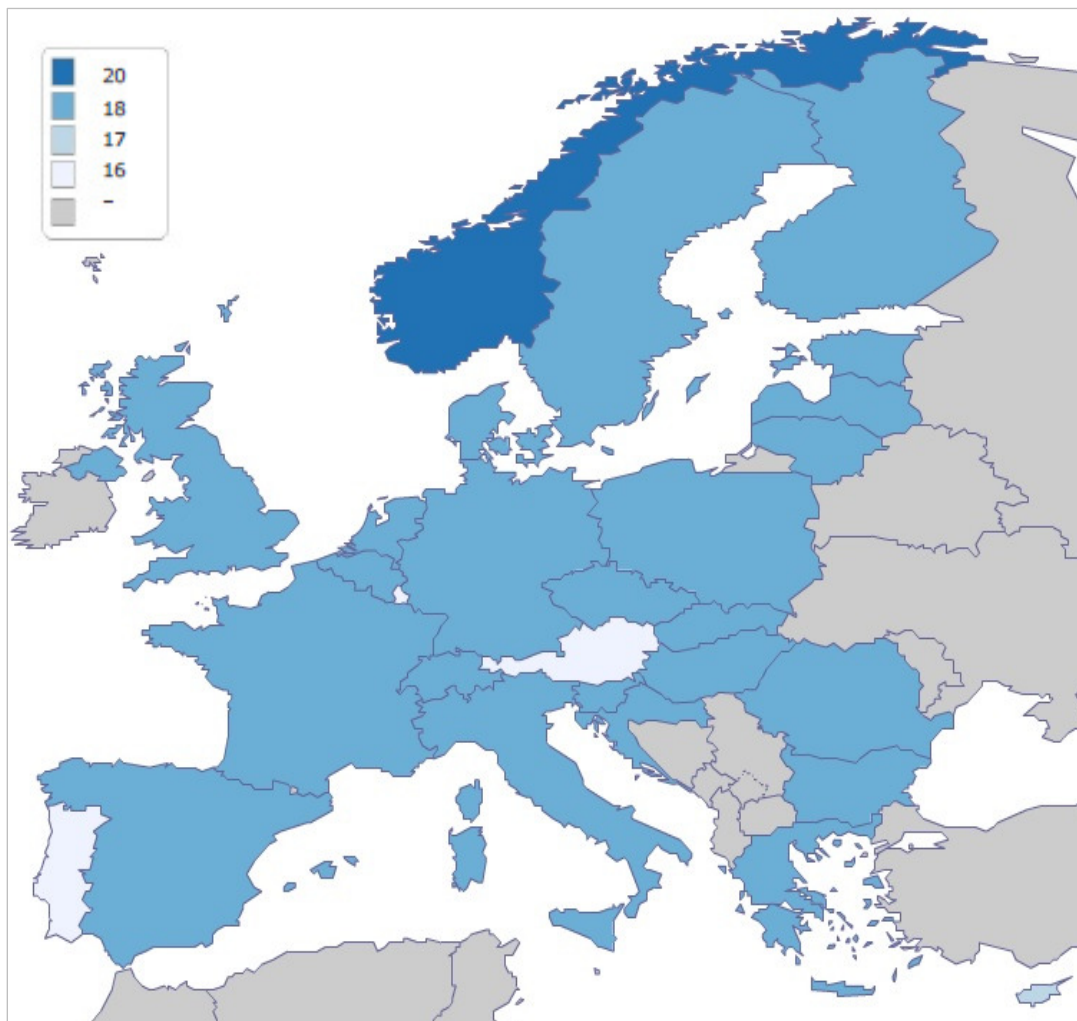


In both Figure 2a and 2b it is visible that 18 is the most common age limit to legally purchase alcohol in on-premise establishments like a bar or restaurant. In Figure 2a the legal age limits for Low Alcoholic beverages are shown. It strikes that in the centre of Europe 16 years is still a common age limit, as also in Portugal. In Cyprus and Malta 17 is the age limit to purchase Low Alcoholic beverages.

In Figure 2b can be found that even fewer countries haven't adopted an age limit of 18 or higher for purchasing High Alcoholic beverages in on-premise establishments. Only Luxembourg, Austria, Portugal (all 16) and Cyprus and Malta (both 17) have an age limit below 18 years for High Alcoholic beverages. On the other hand, Norway has set an age limit of 20 for the alcoholic beverages containing 22,0% or more alcohol by volume.

When looking at the off-premise sales the picture is mostly the same, except for Sweden and Finland who have adopted an age limit of 20 for purchasing High Alcoholic beverages.

Figure 2b. Age limits in Europe for purchasing High Alcoholic (HA) beverages on-premise.



#### 4.1.1. Exceptions on a national level

Table 1 gives an overview of the broad legal framework of age limits for each country. This framework shows that most of the age limits vary between sixteen and twenty years old. This way the age limits appear to be quite similar in Europe. However, almost every country has reported exceptions on the national legislation and several ways of differentiating between low and high alcoholic beverages. Because so many exceptions on the national legislations have been reported, only the most common and most striking exceptions will be named here, the rest of the exceptions are included in Attachment 2.

##### *Exceptions with regard to low and high alcoholic beverages*

One of the exceptions that has been reported by several countries is a differentiation in the age limits for low and high alcoholic beverages. Belgium and Switzerland for example differentiate for low and high alcoholic beverages by the way the volume of alcohol is obtained: fermentation or distillation. Other countries like the Netherlands, Denmark and Finland differentiate low and high alcoholic beverages by volume. Germany uses a categorized differentiation with beer, wine, sparkling wine and mixed



drinks with wine or beer as low alcoholic beverages and mixed spirits drinks and spirits are categorized as high alcoholic beverages.

#### *Exceptions with regard to regional differences*

Another exception on the broad framework is reported by Austria and Switzerland that are both divided in several regions or cantons. In Switzerland the cantons cannot legislate which would be contrary to the national legislation, but they may be stricter. In one canton (Ticino) the age limits are not sixteen for low alcoholic and eighteen for high alcoholic beverages like the national legislation states, but it is eighteen years for all alcoholic beverages. In Spain there is no national alcohol law regarding minors. Here, regions have their own regulation. So the age limit for alcohol differs from sixteen to eighteen years old per region. The same applies to Austria where some regions have raised the age limit from sixteen years for all alcohol to sixteen for fermented beverages and eighteen for distilled beverages.

#### *Exceptions with regard to adult companion*

A striking exception on the broad legal framework can be found in Germany and the UK. In both countries people below the age limit are allowed to drink alcohol whenever they are accompanied by an adult. In Germany youngsters of fourteen and fifteen years old can drink low alcoholic beverages in public when one of their parents buys it for them and is present as a supervisor. In the UK any person aged sixteen or seventeen is permitted to drink wine, beer or cider with a meal in an on-premise establishment like a restaurant, hotel or part of a pub set apart for eating meals, if it is purchased by an adult and they are accompanied by an adult.

### **4.1.2. Changes**

The legislation in Europe regarding age limits for alcohol is subject to constant change. When looking at the changes in age limits for alcohol that have been reported in Europe, all changes and planned changes are about raising the age limits. There are no countries reporting to lower the age limits.

In the study several countries have reported that the age limits for alcohol have been (partially) raised in the last few years. In March 2011 Denmark raised the age limit for high alcoholic beverages containing 16,5% alcohol by volume or more from sixteen years to eighteen years. France raised the age limits to eighteen in 2009, while before this time low alcoholic beverages were available for sixteen and seventeen year olds as well. Italy reported that the overall age limit was raised last year from a minimum of sixteen to eighteen years old. Finally, in Malta it is reported that the age limits have been changed in 2009 from sixteen years to seventeen years old.

Some countries have indicated that the age limits are about to change in the coming years. Portugal has accepted a reform bill that will come in to force on May 1 in 2013. This bill will raise the age limit for spirits from sixteen to eighteen years. Austria, where the alcohol laws are scattered, have recently shown increasing efforts towards a harmonization of the nine regional youth protection laws. This harmonization will probably lead to a national distinction of the age limits with a minimum of sixteen years for fermented alcoholic beverages and eighteen years for distilled alcoholic beverages. These age limits have already been legally established in six regions, but for the other three regions this harmonization would lead to a raise of the age limit for distilled beverages from sixteen to eighteen years old. Finally, in the Netherlands the

age limit for low alcoholic beverages is about to become equal to the age limit of high alcoholic beverages, resulting in a general age limit of eighteen years. This bill on the age limit raise will probably be implemented on the first of January in 2014.

The settlement of age limits is characterized by debates in which economical and health arguments oppose each other. The legal age limits are often a compromise between the both. However, in Sweden the social protection by law has precedence over other stakes. Swedish alcohol policy has a long history, where important principles, such as social considerations and protection, especially of young people, to keep the consumption of alcoholic beverages down, and limit the harmful effects of alcohol consumption. This is reflected in the Swedish alcohol legislation, which in Sweden is viewed as a law of social protection, which implies that there are special interests that should be monitored such as the protection of young people.

## 4.2. Legal requirements supporting the age limits

Setting a legal age limit for alcohol is one thing, however making sure that sellers of alcohol comply with these age limits is another thing. In this section we will discuss legal requirements that are set by countries in order to enhance the compliance with the age limits. One of the most common laws to do so is the obligation for sellers to establish the age of a person who attempts to purchase alcohol. Other legal requirements to enhance the compliance with the age limits that are often used in countries, will be discussed later in section 4.2.2.

In Table 2 an overview is given of the countries that have reported a legal obligation to establish the age of a customer purchasing alcohol. In this table is specified how compliance with the age limits has to be established by sellers of alcohol. This table reveals that eighteen countries have set a legal obligation to establish the age of a purchaser of alcohol. The table shows that whenever a country has stated that sellers should establish the age, it is always done by asking for an identification document.

Table 2. The reported legal obligation and methods to establish the age of a customer who tries to purchase alcohol and other legal requirements specified per country.

Country	Obligation	Methods	Ref. Age legal	Ref. Age voluntary	Other legal requirem.
<b>Austria</b>	YES	Official identification document			YES
<b>Belgium</b>	YES	Any identification document			NO
<b>Bulgaria</b>	–				YES
<b>Croatia</b>	YES	Official identification document			NO
<b>Cyprus</b>	NO				NO
<b>Czech Rep.</b>	NO				YES
<b>Denmark</b>	NO				YES
<b>Estonia</b>	NO				NO
<b>Finland</b>	YES	Official identification document		25 <sup>1</sup> 30 <sup>2</sup>	YES
<b>France</b>	NO				YES
<b>Germany</b>	YES	Official identification document	25		NO
<b>Greece</b>	YES	Official identification document			NO
<b>Hungary</b>	YES	Official identification document			NO
<b>Ireland</b>	–				–

<b>Italy</b>	YES	Official identification document		YES
<b>Latvia</b>	YES	Any identification document		NO
<b>Lithuania</b>	YES	Any identification document		NO
<b>Luxembourg</b>	NO			YES
<b>Malta</b>	NO			NO
<b>Netherlands</b>	YES	Official identification document	20 /25 <sup>2</sup>	YES
<b>Norway</b>	YES	Official identification document		YES
<b>Poland</b>	YES	Any identification document		NO
<b>Portugal</b>	YES	Official identification document		NO
<b>Romania</b>	NO			YES
<b>Slovakia</b>	YES	Official identification document		YES
<b>Slovenia</b>	YES	Official identification document		NO
<b>Spain</b>	YES	Official identification document		YES
<b>Sweden</b>	YES	Official identification document	25 – 30 <sup>1</sup> 25 <sup>2</sup>	YES
<b>Switzerland</b>	NO			YES
<b>UK</b>	NO		21/25 <sup>2</sup>	YES

<sup>1-1</sup> No data available

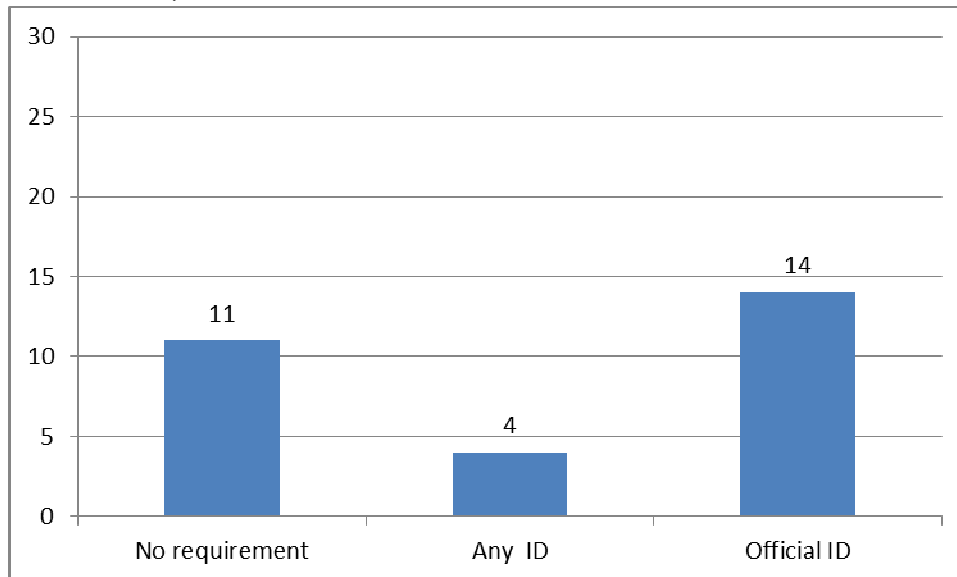
<sup>1</sup> Self-regulatory measures by State monopoly

<sup>2</sup> Retailers have adopted voluntary reference ages for checking the age of a customer

There are differences in the type of identification documents that are required. In most countries sellers have to ask for an official identification document (Figure 3). Depending on the country these official documents are ID cards, passports, driver's licenses, student cards and health insurance cards, showing a picture of the person. In countries that do not necessarily require sellers to ask for an official identification document, other documents showing the age of a person are sufficient (e.g. a library card).

When looking at the method that is being used by all countries, it is striking that only one country reported using a legal reference age, which means that whenever the appearance of a customer (buying alcohol) is not unmistakably above a certain age, a seller has to ask for an identity document. The reference age is always some years higher than the age for selling alcohol (examples can be found below the table). In Germany a seller has to ask the customer for an identification document when one is not clearly above the age of 25 years old, while the legal age limits are sixteen and eighteen for alcoholic beverages. Other countries than Germany also use a reference age, but in these countries it is a form of self-regulation. In Sweden and Finland for example the State Monopoly recommends to use a reference age of 25 (Sweden: 25 to 30) years old and the Swedish and Finnish shops (selling low alcoholic beverages) recommend to use a reference age of 25 years old for checking identification.

Figure 3. The number of countries in which there is a legal requirement to establish the age of a customer trying to purchase alcohol and the type of document that is being used for the identification procedure.



#### 4.2.1. Difficulties establishing the age of a customer

In countries with a legal requirement to ask for an identification of a buyer whose being of age to purchase alcohol is uncertain, it is reported that in practice many sellers do not ask for identification. The low compliance with this requirement is, according to experiences, due to several difficulties that are involved in establishing the age of a customer:

- Buyers look older than they really are and sellers therefore overestimate their age;
- Shoulder tapping: when minors let friends, who are of legal age, purchase alcohol for them;
- Seller's inability to calculate the age from an identification document;
- Sellers are afraid to intervene (ask for identification);
- Sellers forget to intervene (ask for identification).

To support sellers of alcohol, several age verification systems are available. In Belgium for example a so called 'E-card reader' is used in automatic shops. In Switzerland technical installations are used to help cashiers by giving a signal when an alcoholic product is scanned. However, the effectiveness of the aforementioned examples and other systems has not been evaluated. In the Netherlands an evaluated age verification system called 'AgeViewers' can achieve a compliance rate close to 100% (Van Hoof et al, 2009).

### **AgeViewers system**

Ageviewers is a specific method of remote age validation which cannot be circumvented by sales personnel and does not require their involvement. In order to release the cash register for alcohol sales, customers need to touch a special terminal at the point of sale, hereby enabling an image of their face to be sent to a remote age validation centre. In this centre trained operators judge if buyers are unmistakably adult. If so, the cash register is released remotely and alcohol can be sold. If not unmistakably adult, a message is shown that the buyer is required to put his/her ID on the terminal. Subsequently, the exact age is established remotely and the cash register will be released or remain blocked accordingly. This objectified method of age validation has evidenced to make it virtually impossible for minors to buy alcohol.

Besides the aforementioned difficulties in establishing the age of a customer, governments and enforcement agencies also experience difficulties regarding the obligation for sellers to establish the customer's age. The two main difficulties are a lack of law enforcement (resources) and sellers who deliberately do not ask for identification. These issues are interrelated as in case of a lack of law enforcement, sellers are less likely to comply with the legislation around the age limits for alcohol. In several countries it is reported that the enforcement agencies do not have enough resources to control all selling places. Moreover, often there is no effective enforcement system. Owners and sellers often do not experience a high probability of detection, so they do not feel urged to establish the age of a young purchaser. During test purchasing researches in several countries was found that the attitude of sellers towards asking for an identification document was rather indifferent (sellers do not care and wish to sell quickly) or modest (sellers misevaluate the age of the buyer). Especially in countries where there is no strict regulation on establishing the age of a customer (using a reference age) it is reported that sellers do not feel responsible for the sale of alcohol to minors, but rather point their fingers towards parents, the buyer or their friends. In Italy for example, it is reported that sellers have the belief that proving someone's identity and thus their age is the responsibility of public officials like the police, not the responsibility of a seller.

#### **4.2.2. Other legal requirements**

There are other laws besides establishing age to enhance the compliance with the legal age limit among sellers and servers of alcohol. These legal requirements can roughly be divided into two themes: requirements that prohibit selling alcohol and mandatory policies in selling places.

##### *Prohibition of alcohol sales*

Several requirements have been reported that prohibit selling places to sell alcohol under certain circumstances. Three countries have reported legal requirements for locations where it is not allowed to sell alcohol. In Bulgaria and the Czech Republic for example it is not allowed to sell alcohol in schools and at public events that are specially organised for children below the age limit for alcohol. Besides these locations, in Bulgaria it is also not allowed to sell alcohol at kindergartens, hostels for pupils or students, in medical or health institutions and at sport events. A different example of a prohibition to sell alcohol can be found in Sweden and Finland. In these countries

only liquor stores that are owned by the state are allowed to sell alcoholic beverages that contain 3,5% (Sweden) or 4,7% (Finland) alcohol by volume and higher. Other shops can only sell low alcoholic beverages up to those percentages.

In some countries sellers are prohibited to sell alcohol when verification of the age of a buyer is not possible. In Austria and the Czech Republic for example, it is not allowed to sell alcohol through vending machines which cannot verify that persons under the age limit buy alcohol. The Czech Republic has added to this requirement that in any case where it is not possible to verify the age of the buyer, it is not allowed to sell alcohol (e.g. mail order).

#### **Good Practice: Poland banning the sale of alcohol through internet**

In Poland it is forbidden by law to sell alcohol by internet. However, this is not literally described in the law. The law that forbids this way of selling alcohol was created before the internet existed. In short the law states that it is illegal to sell alcohol in any other place than the point of sale that is described in the licence to sell alcohol. When the contract of sale is concluded by internet the place of sale is the residence of the purchaser, according to the Polish Civil Code. Therefore it is not allowed to sell alcohol by internet. This was confirmed by the Supreme Administrative Court in 2011.

Currently PARPA (State Agency for the Prevention of Alcohol-Related Problems) uses the sentence of the Supreme Administrative Court, which confirms the illegality of alcohol sales by internet, to persecute sellers of alcohol that continue selling alcohol by internet.

Finally, three countries have reported a legal requirement that regulates the opening hours for sellers of alcohol. In the Netherlands and Estonia closing hours linked to the age of customers can be implemented for bars, pubs and night clubs. For example, a Dutch municipality could oblige all bars to refuse the access to youngsters below eighteen after midnight, but still allow people from eighteen years and older to enter the bar. By setting closing hours for a certain age limit a municipality prevents that minors can enter a bar after that time. This way the availability of alcohol for minors is reduced.

#### *Mandatory policy in selling places*

In several countries legal requirements have been reported that require licence holders to have an internal policy regarding the sale of alcohol. The definition of this policy for off- and on-premise licence holders differs per country. In the UK a licence holder for example has to have a policy ensuring that customers who appear to be under eighteen years old are asked to show an identification document with their photograph, their date of birth and a holographic mark. In Sweden, every supermarket and store must have a self-inspection program for the sales of alcohol. In Finland, all licensed premises are required to have a duty manager and a necessary number of assistants who make sure that the provisions in the alcohol law are implemented.

In five countries the internal policy should include personnel training with regard to selling and serving alcohol. In Sweden for example an owner must pass a knowledge test (controlled by the Swedish National Institute of Public Health) based on the Swedish alcohol law to obtain a license.

Seven countries report legal requirements regarding the minimum age of sellers (and owners) of premises that sell alcohol. In the Czech Republic, France and Finland a sales person has to be no younger than the legal age limit for purchasing alcohol. In Denmark a licence holder should be at least 25 years old or if the person is educated in the hospitality business at least 23 years old.

Finally, in six countries it is required to hang sign postings inside premises where alcohol is being sold, stating that it is illegal to deliver alcoholic beverages to children who are not of legal age to drink alcohol.

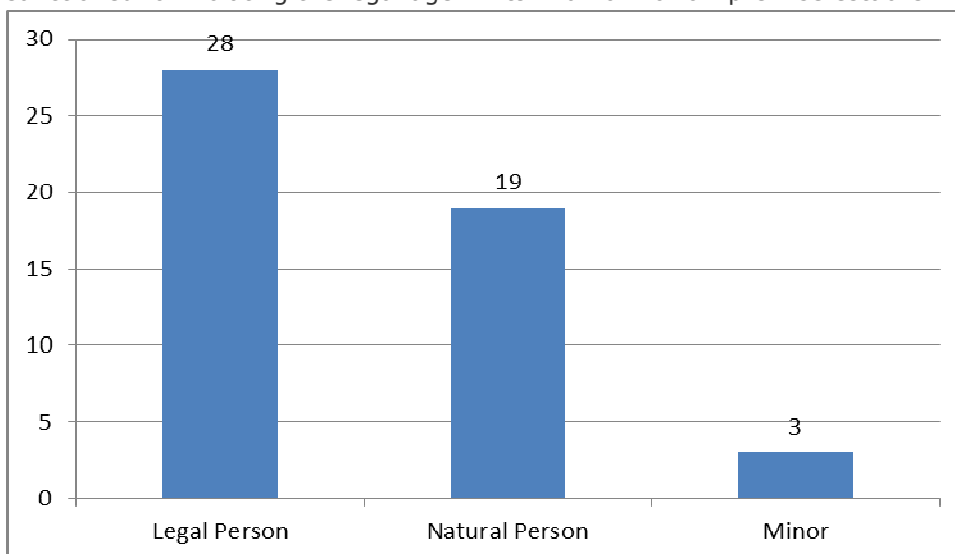
### 4.3. Sanctions

In order to enforce the legal age limits for alcohol, all countries have set a legal frame of sanctions that can be imposed when shop owners, sellers or minors are violating the age limits. In this paragraph, it will be specified who can be sanctioned, what type of sanctions can be imposed and what is known about the effectiveness of these sanctions.

#### 4.3.1. On- and off-premise sales

In 28 out of 29 countries it is reported that a *legal person*, like a shop owner or a manager, can be sanctioned in case of selling alcohol to a minor (Figure 4). When a legal person is being sanctioned, most of the countries (24) report that a financial fine will be imposed on the legal person (see Figure 5 for all types of sanctions). The amounts of these financial fines vary strongly between countries. For example, in Slovenia a legal person can be sentenced a fine between approximately € 2.000,- and € 33.000,- for selling alcohol to a minor or to person from whom it is justifiable to assume that he or she will pass it on to a minor. However, in Lithuania the fine for a legal person ranges between € 290,- and € 870,-.

Figure 4. The number of countries in which legal persons, natural persons and minors can be sanctioned for violating the legal age limits in an on- or off-premise establishment (n=29).



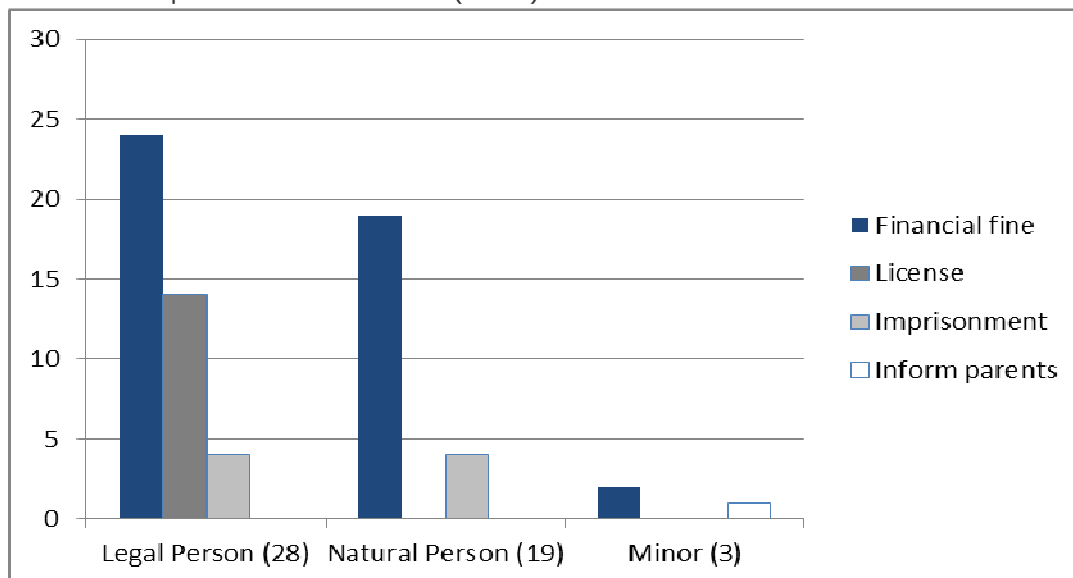
Furthermore, in thirteen countries it is also reported that the licence to sell alcohol can be temporarily and (in case of repeatedly violating the age limits for alcohol) permanently withdrawn. Other reported sanctions that can be applied to legal persons are imprisonment (four countries) and limiting certain aspects of the licence like selling hours (one country).

Besides the legal person also *natural persons* (specific sellers like cashiers or bar personnel) can be sanctioned in nineteen countries. All nineteen countries reported that financial fines will be imposed whenever a natural person sells alcohol to a minor. Again the amounts of these fines vary strongly between countries. In Slovenia a natural person violating the age limits can be sentenced a fine between approximately € 400,- and € 2.000,-, while in Lithuania a natural person can be sentenced with a fine around € 20,-.

Besides the financial fines, in four countries it is reported that in severe cases imprisonment can be imposed on natural persons.

Most countries report that there is no legal basis to sanction *minors* when they buy alcohol. However, two countries (UK and Estonia) have stated that financial fines will also be imposed on minors when alcohol is sold to them. In the UK the fine cannot exceed € 1.000,- and in the Estonia the minor can be sentenced a fine up to € 80,-. And Portugal reports that the legal representative of the minor will be informed about the purchase of alcohol.

Figure 5. The number of countries in which different types of sanctions can be imposed to legal persons (in 28 countries), natural persons (19) and minors (3) when violating the age limits in an on- or off-premise establishment (n=29).



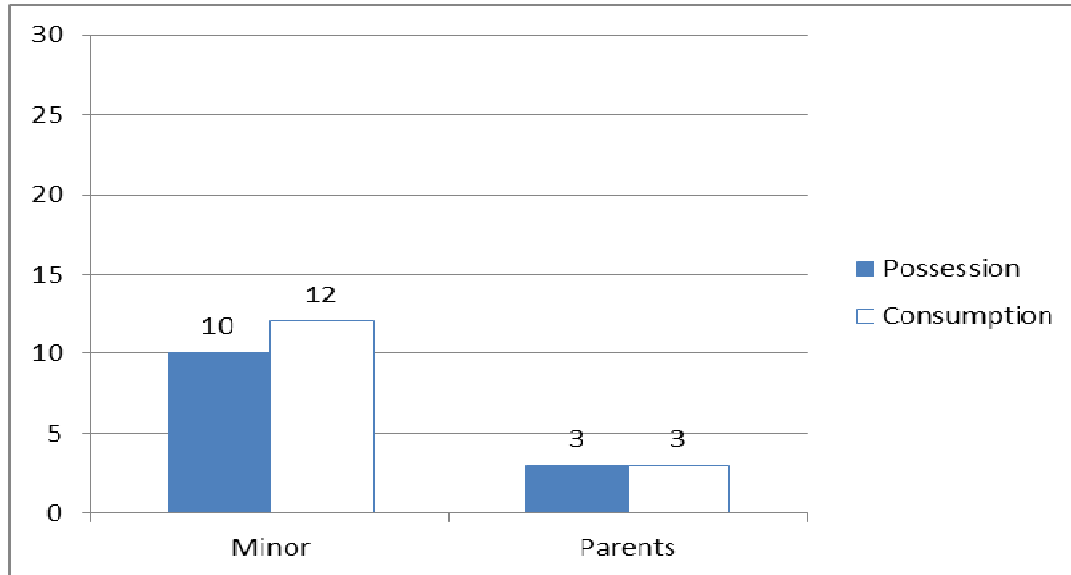
#### 4.3.2. Possession and consumption in the public domain

As shown in Table 1 fourteen countries have set a legal age limit for the public domain. In ten countries *minors* can be sanctioned for possessing alcohol and in twelve countries minors can be sanctioned for consuming alcohol in the public domain (Figure 6). These sanctions are mostly small financial fines. In Finland for example the



alcohol will be disposed and the minor will receive a fine of € 20,-. In the Netherlands the fine is € 45,-.

Figure 6. The number of countries in which minors and parents can be sanctioned for violating the legal age limits for possessing or consuming alcohol in a public area (n=12).



In addition to the financial fines, minors can also receive social and educational sanctions (see Figure 7a and 7b for all types of sanctions). These sanctions imply that a minor is sent to mandatory counselling at youth care or social welfare work. Finally, it is reported that in case of possession or consumption of alcohol by minors, parents can be informed and in some cases child authorities are also informed about the violation.

Striking is that not only minors, but also *parents* can be sanctioned for the violations made by their children, as legal representatives of their children. In Austria, Slovakia and Lithuania financial fines can be imposed on parents when their children have consumed alcohol in public. In Austria and Lithuania financial fines can be imposed on parents when their children possess alcohol. In Slovakia the fine for parents is € 33,- and in Lithuania the fine is around € 20,-. There is no data for the amounts of the sanctions in Austria.

When a minor possesses alcohol in Slovakia, parents are obliged to join their child in mandatory counselling at a social worker.

Figure 7a. The number of countries in which different types of sanctions can be imposed to minors (in 10 countries) and parents (3) when violating the age limits for *possession* in a public area (n=10).

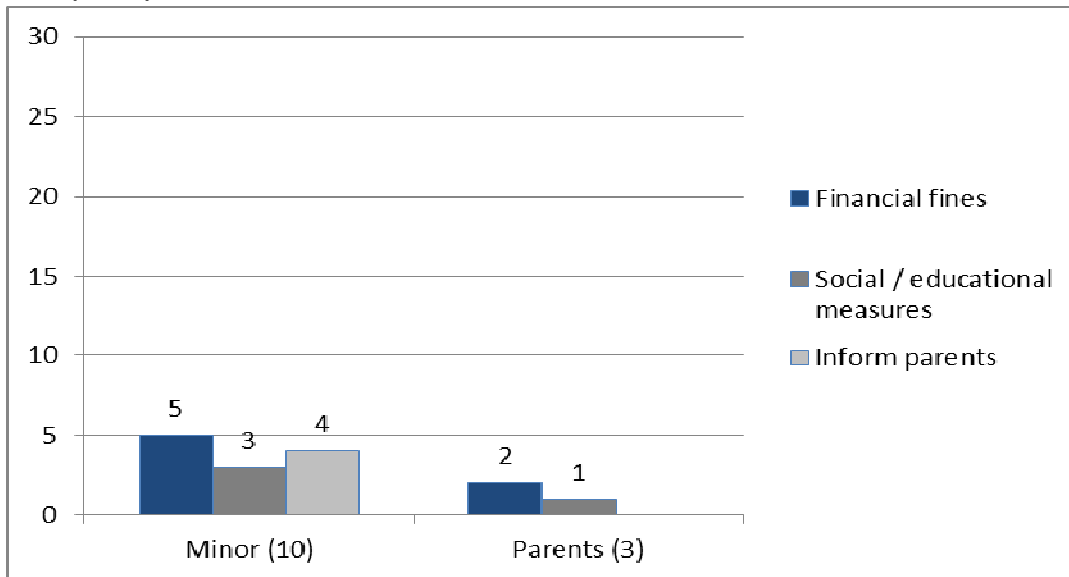
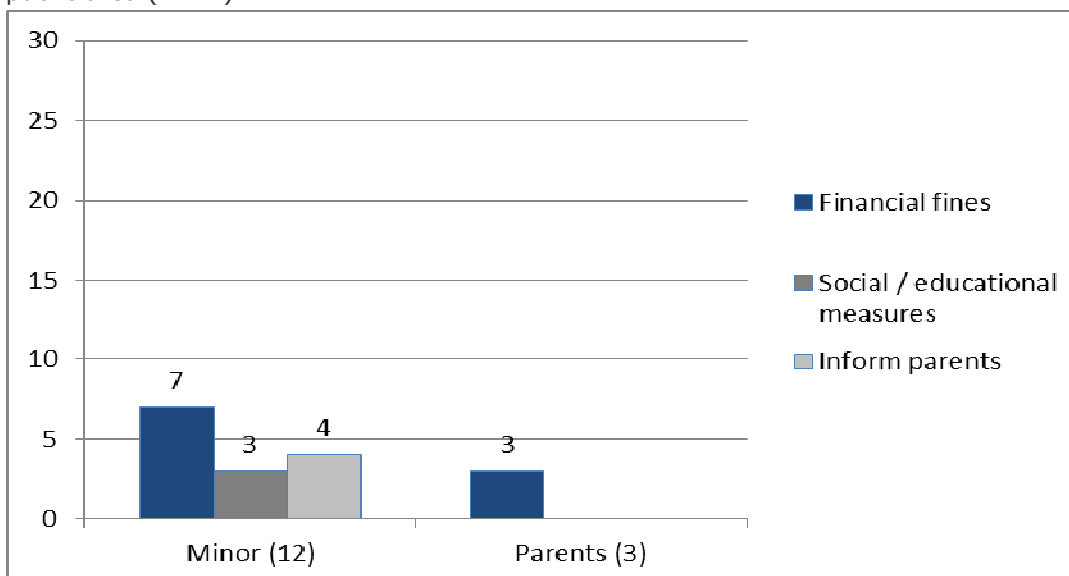


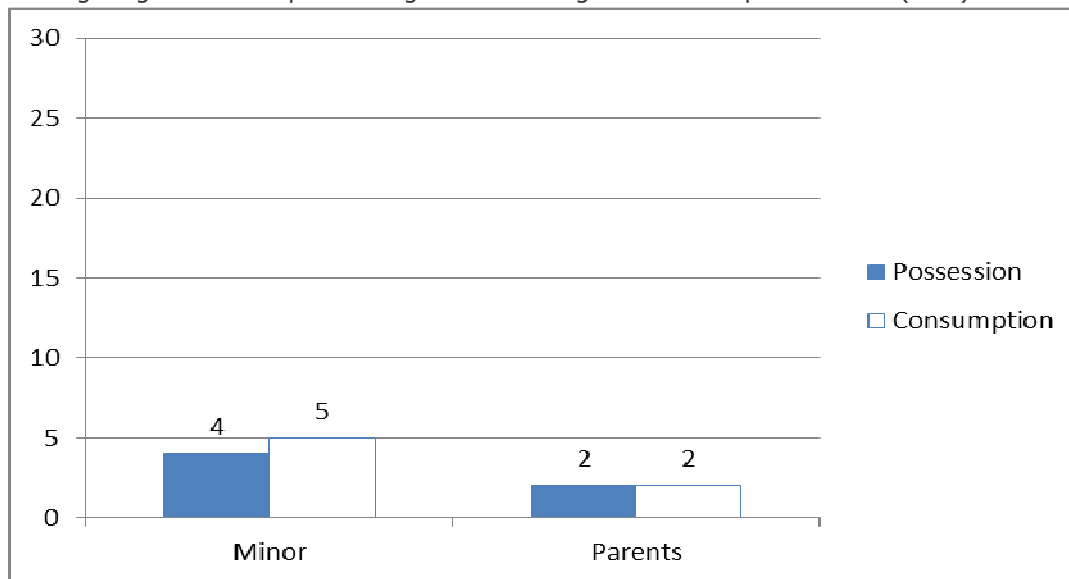
Figure 7b. The number of countries in which different types of sanctions can be imposed to minors (in 12 countries) and parents (3) when violating the age limits for *consumption* in a public area (n=12).



#### 4.3.3. Possession and consumption in the private domain

As shown in Table 1 six countries have set a legal age limit for the private domain. In four countries *minors* can be sanctioned for possessing alcohol and in five countries minors can be sanctioned for consuming alcohol in the private domain (Figure 8). Again most countries report that financial fines are mostly applied in these cases. In Lithuania a minor can be sentenced with a fine around € 10,-, in Finland the fine is € 20,- and in Estonia a minor can be fined up to € 40,- just for consuming an alcoholic beverage.

Figure 8. The number of countries in which minors and parents can be sanctioned for violating the legal age limits for possessing or consuming alcohol in a private area (n=5).



In addition to the financial fines, minors can also receive social and educational sanctions like explained above (see Figure 9a and 9b for all types of sanctions). And finally, just like in the public domain, when minors possess or consume alcohol, parents can be informed and in some cases child protection authorities are also informed about the violation.

Similar to the public domain, *parents* can also be sanctioned for as a representative for their children, who violated the laws on possessing or consuming alcohol in the private domain. For example by a financial fine or obliging parents to join their child in mandatory counselling at a social worker. The amounts of the fines that can be imposed on parents are the same as in the public domain.

Figure 9a. The number of countries in which different types of sanctions can be imposed to minors (in 4 countries) and parents (2) when violating the age limits for *possession* in a private area (n=4).

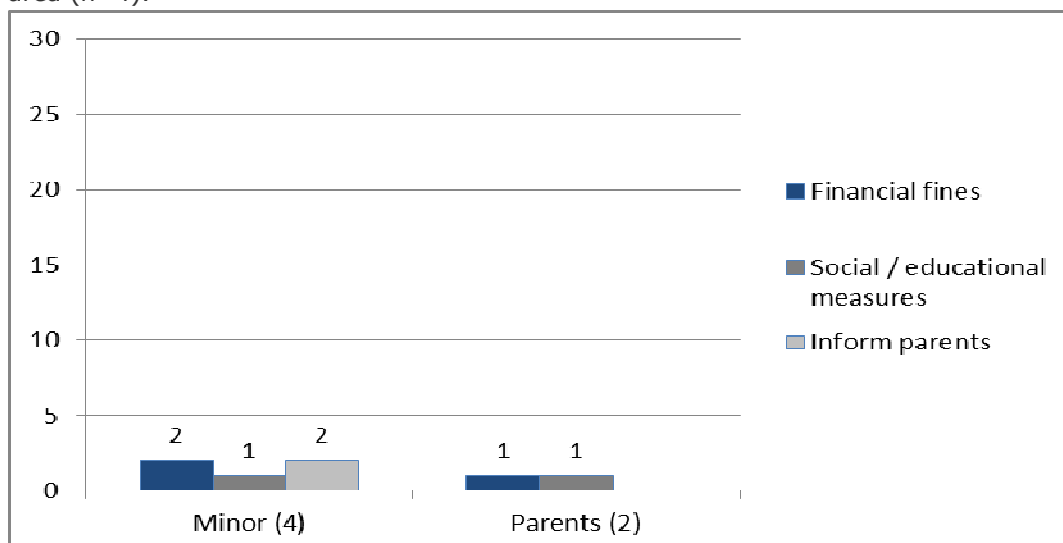
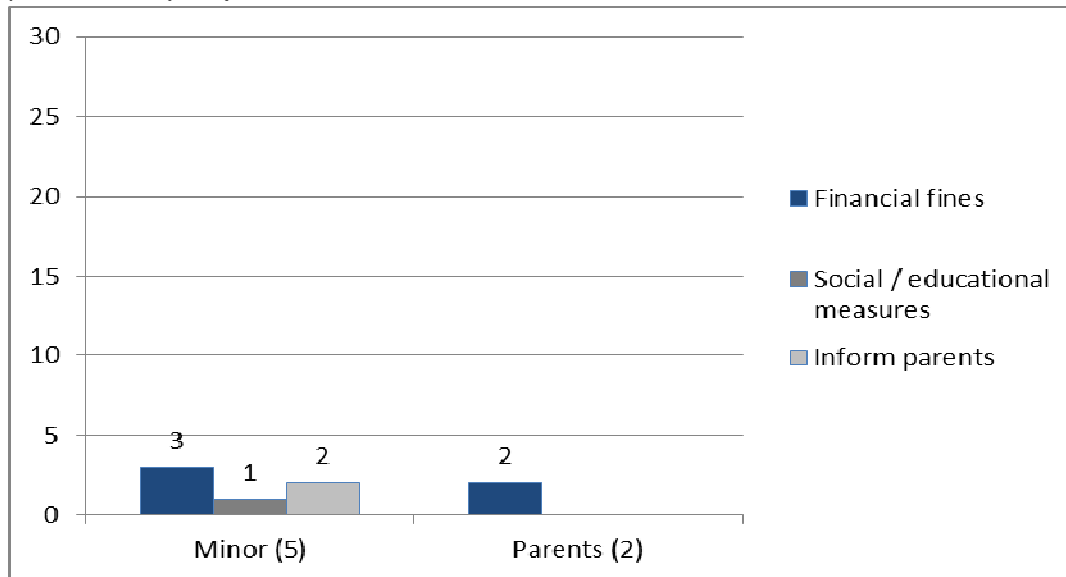


Figure 9b. The number of countries in which different types of sanctions can be imposed to minors (in 5 countries) and parents (2) when violating the age limits for *consumption* in a private area (n=5).



#### 4.3.4. Effectiveness of the sanctions imposed

Very little is known about the effect of sanctions on compliance by sellers with the legal age limits. Only in a few countries information about the effectiveness of the sanctions is based on actual research, like the Swedish 'Kronoberg Model' in the textbox below.

##### Sweden: Kronoberg Model

In Sweden the so called 'Kronoberg model' has been proven to be very effective in reducing the number of assault crimes, but also in reducing the access to alcohol for minors. Since assault crimes are strongly linked to alcohol, it was very important for the Swedish to prevent young people's access to alcohol. According to the Kronoberg model the police has to act quickly and thoroughly where alcohol and young people are concerned. In the model several important steps are described. In order to make it a success the model should be used to its full extent. Here we will only describe the steps that are related to sanctions.

- Identify and investigate persons selling alcohol to minors. The objective is that sellers will be convicted after investigation and that cases will be given extensive publicity in the media.
- Contact the parents of all persons below the age of eighteen who are in possession or under the influence of alcohol. The parents of anyone in the company of the minor who has alcohol, are also to be contacted since it is probable that everyone in the group will consume the alcohol. It is important that parents understand they are responsible for their children when it comes to alcohol and that they have an obligation to act.

In this model the sellers of alcohol are sanctioned and the parents of minors are notified of their possession or consumption of alcohol. This, in combination with the other steps, has been proven to be very effective in reducing the access to alcohol for minors (Alm, 2009).

In Austria it is shown that the compliance by sellers increased both after educational measures (including providing feedback and information and offering training courses to sellers) and after reports to the police (Stiftung Maria Ebene, 2013).

In other countries information about effectiveness of sanctions is mostly based on experiences in the field. For example, in the Netherlands there are individual cases where imposing sanctions led to the compliance with the legal age limits by sellers. The experience of the enforcement authority is that the most far-reaching sanctions (or threatening with these sanctions) like withdrawing the licence to sell alcohol, are the most effective sanctions to achieve compliance. In the UK it is reported that sanctions have shown some effects on the compliance, but that the effects can be short lived. According to this experience enforcement needs to be applied regularly to maintain its effect on compliance.

The information above is solely about sanctions that have a positive effect on the compliance. There are, however, also four countries that report no or unsatisfying effects based on their experience. One of the problems reported by these countries is that the penalties for sellers violating the laws are too low. The profit of sellers of alcohol is much higher than the penalties imposed when alcohol is sold to a minor. Another problem that is reported, is whenever the licence to sell alcohol is revoked, a new company opens up in a new place with a different name, but with the same staff. Because of these reasons, the seller will refuse to check for the age of the customer and continues selling alcohol to minors.

#### **4.4. Court cases on age limits**

When legislation is unclear or is no longer up to date (e.g. new developments like the internet), court cases can play an important role in defining adjustments in the law, policy and enforcement strategies. This paragraph explains the impact of jurisdiction on the topic age limits on alcohol in EU Member States.

##### *Court cases on test purchasing*

In most countries there was no information available on relevant court cases. In the information that was provided, we found that most of the jurisdictions were related to the use of test purchasers. The use of test purchasers is not always allowed, because the law sees it as provocation. More on this can be found in chapter 6. In the Textbox below an example of jurisdiction on the use of test purchasers by enforcement officers is given.

**Jurisdictions on the use of test purchasers as part of enforcement activities in Switzerland:**

In Switzerland, test purchases have established themselves as an effective instrument for enforcing the minimum age for delivering alcohol. They have significantly helped to reduce the rate of illegal sales of alcohol to minors. However, their effectiveness remains limited by legal uncertainties looming over the use of their results in the context of criminal proceedings. In Swiss experience, test purchases can be more effective when criminal proceedings are possible. In some cantons fines can already be imposed (e.g. in Saint Gall) or licenses can be withdrawn (e.g. in Bern) for a certain period of time when test purchasing results show that an establishment has sold alcohol to minors.

Still, there is a need in Switzerland to create a legal basis for criminal proceedings after test purchases on a federal level. In 2012, The Federal Court partially removed the legal uncertainty with regard to test purchasing. It established that test purchases at stake would have to satisfy the same conditions as a secret investigation in order for it to be used as evidence in court when the fine is being challenged. This decision highlighted the need of a legal basis for test purchasing, that is currently under discussion in the Federal Parliament with the future Swiss Federal Law on the sale of alcoholic beverages, more particularly article 13.

*Court cases on establishing age*

In the Netherlands, the law states that any person buying alcohol who is not unmistakably of legal age to buy alcohol, has to be asked for an ID-card. However, the term 'unmistakably' is arbitrary and cannot objectively be measured. Because of this, there have been several jurisdictions on this aspect. Now, enforcement officers have to describe the youngster in detail (appearance, behaviour, clothing and face) in the sanction report when they are imposing a sanction on the seller. Whenever the description is not sufficient and the seller who was fined appeals the sanctions, there is a chance that the judge will undo the fine. In one court case for example, the description of the appearance of the minor was not sufficient and the judge granted the appeal.

*Other court cases*

Slovenia experiences difficulties in sentencing sellers who sold alcohol to minors. For example when youngsters do not want to testify against sellers of alcohol, the procedure can be stopped by courts. Some arguments by courts are insufficient evidence of violation of the law, youngsters claim that they bring alcohol with them from outside or that friends give them alcohol and inspectors do not always see the actual violation.

Other court cases provided are appeals for licences that have been revoked because of a number of offenses like selling alcohol to minors. Whether the appeals were granted or rejected depended on the amount and the exactness of the evidence. In the following court case in Sweden the appeal by the license holder was dismissed: "*The municipality revoked the licence to serve alcohol due to it being served on premises not available to the licensee and without the licensee being present and also being served to a minor. The licensee appealed the decision to the administrative court, where the appeal was dismissed.*"

In Slovenia two reported court cases are related to selling alcohol to minors. In Slovenia it is illegal to sell alcohol to persons who may pass them on to persons under the age of 18 ('shoulder tapping'). There were two court cases in which sellers appealed the sanction that was imposed because of the aforementioned offence. The sellers pleaded that they did not have any chance to predict what would happen selling alcohol to the adult youth. In both cases the argument was that the assumption by the inspectorate was not proven as the cashier lady didn't detect any activities which could lead to offering alcohol to minors. Both appeals were granted. These court cases show how difficult it can be to sanction shoulder tapping.

#### **Summary chapter 4: Legislation**

- The most commonly used age limit in Europe is eighteen years.
- Every country has set an age limit for alcohol sales (on- and off-premise); fourteen countries have regulated possession and consumption in public areas and six countries for possession and consumption in private areas.
- The age limits are subject to constant change in Europe. All changes show an increase in the age limits for alcohol.
- The mostly used legal requirements in Europe is setting an obligation to establish the age of a buyer whose being of age to purchase alcohol is uncertain (eighteen countries).
- 28 countries have reported that a legal person, like a shop owner or a manager, can be sanctioned in case of selling alcohol to a minor. In most countries financial fines are imposed. Besides legal persons, also natural persons (twenty countries) and minors (three countries) can be sanctioned in Europe.
- When it comes to possession and consumption of alcohol in public and private areas by minors, both the minors and their parents can be sanctioned in Europe. In most countries the sanctions are imposed to minors (mostly financial fines).
- The results from the participating countries show that there is very little known about the effect of sanctions on the level of compliance with the legal age limits.
- Court cases play a role in alcohol related law enforcement. The decision in Switzerland highlighted the need to create a legal basis for test purchasing on a federal level.

## 5. How is the legislation being enforced?

In this chapter is discussed how the legislation, described in the previous paragraph, is being enforced in Europe. The term enforcement, however, doesn't mean the same in all countries. In this study enforcement stands for the supervision and, if necessary, strengthening of the law by using means available to the enforcement officers.

In this paragraph the different ways of enforcing the legal age limits will be described, by answering the following research questions:

4. Which public authorities are involved in the enforcement of the laws on age limits for selling and serving alcohol?
5. What are the general strategies that are used in Europe by public authorities to enforce the laws on age limits for selling and serving alcohol?
6. What are good practices on enforcement of legal age limits and with what organisational and legal background do they work best?

### 5.1. Public authorities

All countries have been asked to describe how the enforcement of the legislation on age limits for alcohol is organised in their country. In this description three main aspects are provided: the public authorities in charge of the enforcement of the age limits, at what governmental level the enforcement is organised and if the authorities have specifically assigned enforcement officers to alcohol tasks or if they are more general inspectors. In Table 3 an overview of these three aspects is provided. The table shows that police is the public authority that has been reported most. Moreover, enforcement is mostly organised at a national level. Furthermore, the enforcement officers in Europe are mostly general officers and hardly officers who are specifically assigned to enforce the alcohol laws.

Table 3. An overview of how the enforcement of age limits is organised (public authorities, enforcement level and enforcement officers) in the different countries.

Country	Public Authorities	Enforcement level	Enforcement officers
<b>Austria</b>	- Police	National/local	General
	- Local administrative authorities	Local	General
	- Trade agencies	Regional	General
<b>Belgium</b>	Federal Public Health Service	National	General
<b>Bulgaria</b>	- Health inspection	National	–
	- Police	Regional	
<b>Croatia</b>	State Inspectorate	National/local	General
<b>Cyprus</b>	Police	National	General
<b>Czech Rep.</b>	- Police	National/regional	General
	- Municipal police	Local	General
<b>Denmark</b>	Police	Local	General
<b>Estonia</b>	- Police and Border Guard Board	National/local	General
	- Municipality/City government	Local	Specific/general
<b>Finland</b>	- Police	National/local	General



	- Regional State Administrative Agencies	Regional/local	Specific
<b>France</b>	- Police	National	General
	- Public Force	National/local	General
<b>Germany</b>	- Police	Local	General
	- Public Affairs Office	Local	General
<b>Greece</b>	Police	National	General
<b>Hungary</b>	- Police	National	General
	- Authority for Consumer Protection	National	General
<b>Ireland</b>	-	-	-
<b>Italy</b>	Police	National	General
<b>Latvia</b>	Police	National/local	
<b>Lithuania</b>	- Drug, Tobacco & Alcohol Control Department	National	Specific
	- Police	National	General
<b>Luxembourg</b>	Police	National	General/specific
<b>Malta</b>	Police	National	General
<b>Netherlands</b>	- Municipalities	Local	General/specific
	- Police	National	General
<b>Norway</b>	- Police	National	General
	- Municipalities	Local	General/specific
<b>Poland</b>	Police	National/local	General
<b>Portugal</b>	Authority for Food and Economic Security (ASAE)	National	General
<b>Romania</b>	- Gendarmerie	National	General
	- Police	National/local	General
	- National Authority for Consumer Protection	National	General
	- Municipalities	Local	General
<b>Slovakia</b>	Police	National	General
<b>Slovenia</b>	- Health Inspectorate	National	General
	- Market Inspectorate	National	General
	- Police	Local/Regional	General
<b>Spain</b>	Police	National/Local	General
<b>Sweden</b>	- Police	Local	General
	- Municipalities	Local	Specific
<b>Switzerland</b>	Cantonal/Municipal Public Authorities <sup>1</sup>	Regional	General/specific
<b>UK</b>	- Police	Local	General
	- Trading Standards Office	Local	General

<sup>1</sup>-<sup>1</sup> No data available

<sup>1</sup> The cantonal public authorities are in charge. There are 26 cantons and each canton has its own specific organisation within which the enforcement of the Swiss Federal Law on Alcohol is done (e.g. the police).

### 5.1.1. Police

The table above shows that the police is involved in the enforcement of the age limits in 25 countries. How they are involved in the enforcement varies per country. In Italy for example the police is the only public authority in charge of the enforcement of the age limits and operates at the national level. However, in Spain the police is also the only public authority in charge, but operates either at a national level and at a local level. In some countries the police is one of the public authorities in charge of the enforcement, but not as prominent as in Spain and Italy. Another example is Lithuania, where the Drug, Tobacco & Alcohol Control Department is a specialized institution on alcohol control policy and the police has more general functions, including alcohol.

### 5.1.2. Other public authorities

Table 3 shows that there are also other organisations involved in enforcing the age limits for alcohol. These organisations vary strongly per country in level of organisation and type of enforcement officers. Some countries have national organisations like the Belgian Federal Public Health Service, the Romanian National Authority for Consumer Protection and the Hungarian Authority for Consumer Protection with more general inspectors. In other countries, enforcement is decentralized. For example, in Switzerland the enforcement of the age limits for alcohol is also decentralized to the 26 cantons. This means that every canton (region) can decide which public authority is in charge of the enforcement. Therefore it varies between the different cantons. In some cantons for example the enforcement is arranged at the cantonal level, but in other cantons the municipalities are in charge.

### 5.1.3. General and specific enforcement officers

For all national organisations in charge of the enforcement is reported that they have more general enforcement officers. Only a few countries have specifically assigned enforcement officers, who operate at a local or regional level. In Sweden for example the municipalities are in charge of the enforcement, mostly using specifically assigned to alcohol tasks. In Norway the municipalities are partially in charge of the enforcement. Specific and general enforcement officers are used, depending on the municipality. The same accounts for the Netherlands. In the Netherlands, since 2013 the enforcement of the alcohol law is decentralized from the National Food and Consumer Product Safety Authority to all the municipalities in the country. The process of setting up the enforcement and recruitment officers is yet in an early stage, but it is already evident that some municipalities use specifically assigned enforcement officers, while other municipalities are using more general officers. In the text box below the weekend-pool is shortly described, more information can be found in the additional case study report.

#### **Good Practice: The weekend-pool, a young age limit inspection team**

The National Food and Consumer Product Safety Authority (NVWA) supports municipalities by making available the so called weekend-poolers. This is a specialized age limit inspection team consisting of young inspectors who do not stand out in the crowd, are better in estimating the age of the purchaser and are also good in communicating with the young target group. Weekend-poolers are designated as inspectors and therefore have the competences of an official inspector. Based on their findings they are able to write an account and this account is the basis for a penalty report (more information can be found in the case study report).

## 5.2. Ways of enforcing the age limits

There are different ways in which public authorities can enforce the legal age limits for alcohol. In this report the most common ways of enforcement are described. The most common way of enforcement regarding age limits for alcohol is imposing sanctions (see paragraph 4.3). There is not much information provided on the inspection and sanction procedures that enforcement officers are using. However, the Dutch NVWA

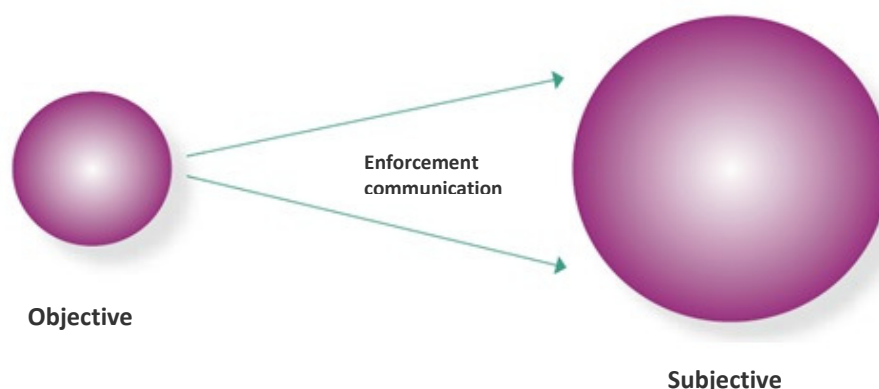
delivered information about how an age limit inspection is implemented and how this can lead to a sanction. In the Netherlands the inspection procedure is based on three steps. It starts with explorative research on the hotspots where alcohol is sold or served and where many young costumers are visiting. Then an undercover pre-inspection takes place with young assistant inspectors. And finally the real inspection is organised at a day and time that the premise is normally visited by young potential buyers of alcohol. When violations of the law are established a penalty report will be written and the fine will be imposed on the owner. More information on this process is included in attachment 3.

In the current paragraph two complementary elements in the enforcement process of age limits will be described: enforcement communication and multi-stakeholder partnerships. While imposing sanctions are considered to be a reactive approach (sanctions follow violations of the law) of enforcing, using enforcement communication and setting up multi-stakeholder partnerships are considered to be a proactive approach of enforcing (preventing violations of the law).

### 5.2.1. Enforcement communication

In several countries, communicating about inspections by enforcement officers appeared (based on research and experiences) to be effective in increasing the presumed probability of detection among sellers of alcohol (VWA, 2005). In Figure 10 the presumed effect of enforcement communication is illustrated. Without the communication about inspections and the results of these inspections, there is only an objective probability of detection. This objective probability is rather small considering the shortage of enforcement officers and resources that is reported in several countries. When public authorities use enforcement communication as a part of the enforcement strategy, sellers will experience a higher probability of detection because it seems that the public authorities are performing inspections and imposing sanctions regularly.

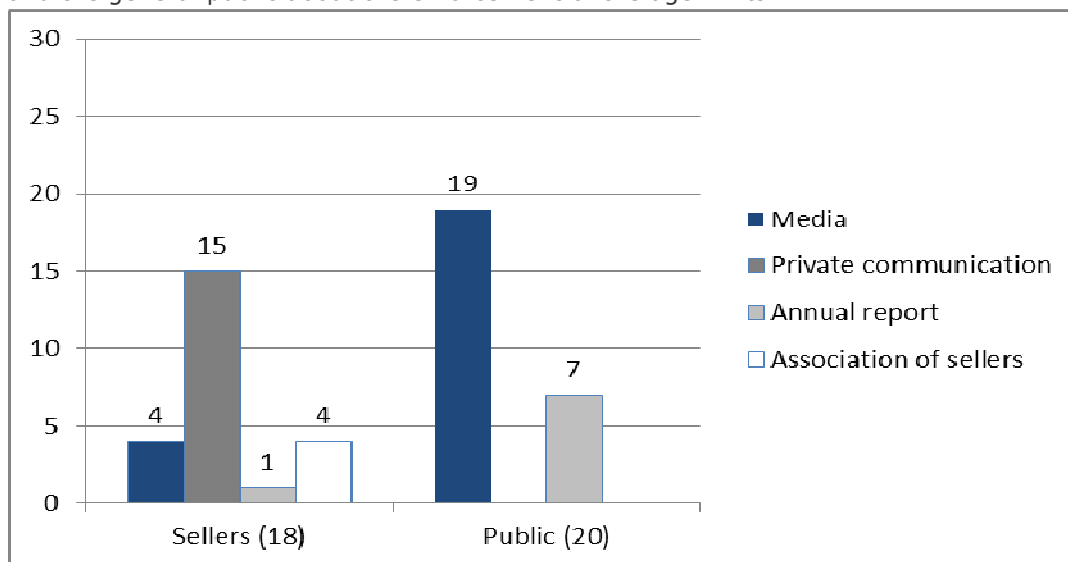
Figure 10. The effect of enforcement communication. Objective represents the objective probability of detection and subjective represents the experienced probability of detection (NVWA, 2005).



Enforcement communication can be directed to the sellers of alcohol and the general public. When speaking about communication to sellers we mean forms of communication that are additional to the communication that is already done by the enforcement officer on location (for example when imposing a fine). In this study,

eighteen countries communicate to sellers about the enforcement of age limits for alcohol. In Figure 11 an overview is given of the different forms of communication used by countries. Fifteen countries use private communication to sellers mostly in the form of a letter. Other reported forms of communication to sellers are organised meetings with associations of sellers (four countries), communication through media (four countries) and an annual report stating the inspections that have been done in the past year (one country). 20 countries communicate to the general public about enforcement activities regarding age limits for alcohol. In nineteen countries is communicated about inspections and sanctions through media. Examples of communications through media are newspapers, press conferences and social media. Also annual reports are used in seven countries to communicate to the general public.

Figure 11. The number of countries that use different forms of communication to inform sellers and the general public about the enforcement of the age limits.



Not every country reports that the enforcement communication is done in a structured way and not every country reports that it has an effect. In fact, some countries even report that it is presumed that it has no effect on the compliance by sellers. However, in Europe several good examples of enforcement communication can be found. In Sweden immediate effects were observed after enforcement communication was applied: sellers were more likely to follow the rules, meetings were held within the business and the staff felt a heightened risk of detection. According to Swedish experiences, it depends on the size of the city and the amount of inspections done how long the effect lasts. Finnish experiences show that the enforcement communication as an integral part of enforcement is effective in enhancing compliance. Besides Sweden and Finland there are other countries reporting that enforcement communication enhances the compliance with the legal age limits. This is mostly based on experiences in the field and not on research. In the following textbox enforcement communication in The Netherlands is described, including research on effects of this communication.

### Good Practice: Enforcement communication in The Netherlands

- The Netherlands reported that measuring effects of enforcement communication is hard, but provided a case that implicates a positive effect on the perception of sellers to get caught: In 2003 the NVWA performed another perception research before and after an enforcement action. In this case the action was communication about the rules on selling alcohol to minors, enforcement actions and the sanctions when not complying. Compared to the perception research before the enforcement actions, after the enforcement actions the presumed probability to be detected was increased among sellers who were checked (51%) and sellers who were not checked (42%). And also the knowledge about the amount of fines that will be imposed when not complying was increased among sellers who were checked (74%) and sellers who were not checked (72%).  
(Source: VWA, 2005)

Below the strategies for enforcement communication of the NVWA are described (since January 2013 the NVWA has transferred its authority to enforce alcohol laws in the Netherlands to municipalities):

- Enforcement communication to sellers:
  - During inspections by enforcement officers
  - During meetings with stakeholders
  - Through press releases
  - Through editorials in journals for alcohol sellers
  - Through messages sent by the Twitter account of the NVWA
  - Publishing research results (like the researches mentioned above)
  - Inspections in uniform
  - Communication about rules and sanctions
- Enforcement communication to the general public:
  - Through press releases
  - Through messages sent by the Twitter account of the NVWA
  - Inspections in uniform
  - Publishing research results (like the researches mentioned above)

### 5.2.2. Multi-stakeholder partnerships

In many countries it seems to be well known that an integral approach is the most effective way to enhance the compliance with the age limits. This is reflected in the number of multi-stakeholder partnerships that have been reported by the participating countries. In total 27 partnerships that put efforts in enhancing the compliance have been reported by various countries. These partnerships, where different stakeholders in the field of age limit policies for alcohol are involved, consist of governmental organisations (GO's), non-governmental organisations (NGO's), police, addiction organisations, but also alcohol branch organisations and associations of alcohol sellers. The partnerships can roughly be divided in two kinds: multi-stakeholder partnerships with alcohol sellers and multi-stakeholder partnerships without alcohol sellers. These two kinds will be described below.

#### *Without alcohol sellers*

Ten out of 27 partnerships are organised without alcohol sellers. When looking at these partnerships, it appears that most of them are well organised and often

embedded in an alcohol project or a platform. However, only a few of the reported partnerships without alcohol sellers are considered to be substantial in size and activity. A good example is the non-governmental partnership in Slovenia called Prevention Platform. One of its focusses is to advocate for active awareness on compliance with the age limits. Together with the other NGO's – and regularly also public institutes like inspectorates, police and responsible ministries – they use media advocacy and test purchasing research to raise the awareness on the compliance with the age limits.

Smaller partnerships without alcohol sellers are often embedded in (regional) alcohol projects. These projects are mostly focussed on prevention. One of the aspects of prevention is the alcohol sales to minors. In Austria for example, it is reported that regional prevention institutes and FGÖ (Funds for a healthy Austria) organise test purchasing research to test the compliance with the age limits for alcohol and to sensitize the sellers of alcohol. Another example can be found in the Netherlands, where about fifteen regional alcohol projects (partially) focus on limiting the availability of alcohol to minors. In one regional alcohol project enforcement, education and setting regulations are part of an integral approach. Because these three pillars have been brought together, the enforcement is embedded in a broader perspective where many stakeholders work together in an intersectorial alcohol policy to reduce the alcohol sales to minors. The Dutch approach is also described in the European Building Capacity manual (Mulder et al, 2010) for integral local alcohol policy.

#### *With alcohol sellers*

In nineteen of the 27 partnerships sellers of alcohol are represented. Just like partnerships without alcohol sellers, not all of these partnerships are substantial in size and activity. Most partnerships focus on one or two aspects of enhancing the compliance with age limits. The aspects that are most often reported are setting up information campaigns and organising responsible beverage service trainings. In Belgium for example, IDA (Information on Drugs en Alcohol) organises a national campaign every year to enhance the compliance with the legal age limits. In these campaigns many stakeholders are involved: VAD, FEDITO and ASL, the umbrella organisations responsible for prevention in the Dutch-, French and German speaking parts of Belgium. Also umbrella organisations for the supermarkets (Comeos), small retail shops (UNIZO) and press shops (Prodipress) play an important role in the campaigns. In the campaigns, stickers "no alcohol under 16, no liquor under 18" are being disseminated, trainings for staff of supermarkets and retail shops are held and also initiatives to inform parents and youngsters are undertaken.

Another example can be found in Estonia, where many different stakeholders worked together on a new warning label: "forbidden under the age of 18". This label was elaborated by stakeholders like the Ministry of Interior, Police, the National Institute for Health Development and branch organisations. The idea behind the warning label and the respective message is to prevent and impede consumption of and access to alcohol by minors. The warning label is reported to be used by both the state agencies on their preventive materials and during media campaigns and the label is also used by the alcohol branch in selling places, on products, during campaigns and commercials.

Another information campaign was held in Poland called "Appearances can be deceptive, ID is not". This campaign focussed on raising the awareness among sellers of alcohol and people witnessing sales of alcohol to minors. Materials for sellers were delivered to stores all over Poland by local police officers. At the moment of delivery the police also used a form of enforcement communication by telling each seller what the legal consequences would be if they violated the age limit. Unfortunately measuring the change in compliance rates wasn't part of any of the campaigns described above.

A multi-stakeholder partnership that was evaluated and showed positive results like a reduction in alcohol sales to minors, is the STAD project from Sweden. In this project the municipality of Stockholm, police and club owners work together. A description of this good practice can be found in the text box below. More information about STAD can be found in the case study report.

#### **Good Practice: The STAD project in Sweden**

The STAD (Stockholm Prevents Alcohol and other Drugs) project was launched in 2006 in Stockholm. STAD is a community based multi-component program based on three pillars:

1. Training in responsible beverage service (RBS) for restaurant owners, servers and doormen.
2. Intensified enforcement by the police.
3. Community mobilization and cooperation between different stakeholders.

The main goal of the project is to prevent violent crimes in nightlife settings. The STAD evaluation was focussed on 550 licensed premises in the Northern part of Stockholm, with the southern part of the city as a control area. The project realised a 29% drop in violent crimes in Stockholm with a cost-benefit ratio of 1:40.

*(Wallin et al, 2003; Wallin et al, 2004)*

After its success the STAD project was spread through Europe, several countries like Denmark started projects that are based on the Swedish model. In Denmark the project is called "Responsible Serving" where a cooperation of all operators in the area is meant to be developed and that responsible serving is established. It is reported – when the project has run for two years – that the cooperation that has been established is positive. This mainly applies for the cooperation with the police, but it also applies for the restaurant owners and youth education centres in many municipalities. However, coordinators of the project point out that the commitment of the restaurant owners has been varying.

Besides the Swedish STAD project, another substantial and well organised project that has been evaluated is the Finnish PAKKA project. The Local Alcohol Policy (PAKKA) project was conducted in two cities in Finland between 2004 and 2007. In this period multi-component community interventions were developed to reduce the number of sales to intoxicated individuals and subsequent alcohol-related violence and injuries that occur. In addition to this, the project also included a sub-study where alcohol sales to under aged were targeted. In order to reduce the sales of alcohol to minors responsible alcohol sales was promoted, drinking styles were changed by reducing

underage drinking and heavy drinking and community attitudes and norms were influenced.

**Summary chapter 5: Enforcement**

- Police is the mostly reported public authority in charge of the enforcement in Europe (in 22 countries).
- Most public authorities in charge of the enforcement are organised at a national level.
- The enforcement officers in Europe are mostly general inspectors. Officers specifically assigned to alcohol tasks have been reported in only seven countries. These officers operate at a local or regional level.
- In Europe the age limits are most commonly enforced by imposing sanctions (reactive approach), setting up enforcement communication and multi-stakeholder partnerships (both proactive approaches).
- When public authorities use enforcement communication as a part of the enforcement strategy, sellers experience a higher probability of detection.
- Multi-stakeholder partnerships can contribute to an integral alcohol policy.
- Multi-stakeholder partnerships without alcohol sellers are often well organised and are embedded in an alcohol project or a platform. Multi-stakeholder partnerships with alcohol sellers are mostly about information campaigns and responsible beverage service trainings. No conclusion can be made on a difference in effectiveness.
- A positive example of a partnership with alcohol sellers is the STAD project, showing positive results on for example reducing the sales of alcohol to minors.



## 6. Compliance research

In this chapter test purchasing research in Europe will be described, by answering the following research questions:

7. How and by whom is test purchasing research (mystery shopping) being used in the EU Member States? And how can it contribute to the enforcement of legal age limits?

Test purchasing research is a tool to determine what the compliance is of the legal age limits for selling alcohol. The general procedure is that a minor, or a person that looks like a minor, enters a shop or bar to order a drink. If the seller refuses selling, for instance by first asking for an ID, he or she complies with the law. By checking a representative number of selling points researchers are able to present local or national compliance results. Those could also be specified for specific categories of alcohol selling points (e.g. supermarkets, bars, events etcetera). Compliance research is an important tool to evaluate the effectiveness of local or national alcohol policy.

### 6.1. Test purchasing research in Europe

Test purchasing research on the compliance with the legal age limits for selling alcohol has become quite common in Europe (Table 4). Seventeen out of the 29 countries that are included in this study report experience with this evaluation instrument. And those countries are spread all over Europe.

In Table 4 the organisations that are involved in performing test purchasing research or in method development are listed. In most countries national (health/prevention) institutes are coordinating test purchasing studies. In some countries like the UK and the Netherlands it is reported that commercial organisations are involved in the compliance checks. Most of the time the research has an ad hoc character and it's not part of a long-term national compliance strategy. If the studies are embedded within a broader alcohol strategy it is mostly part of a local alcohol plan.

Table 4. Countries that use test purchasing research for legal age limits.

Country	Organisations involved	Regular <sup>1</sup> / Ad hoc	National/Local strategy
<b>Austria</b>	- Regional institutes for addiction prevention - Others <sup>2</sup>	Ad hoc	Local
<b>Belgium</b>	Flemish Association for Alcohol and other Drug Problems	Ad hoc	
<b>Estonia</b>	National Institute for Health Development	Ad hoc	
<b>Finland</b>	National Institute for Health and Welfare	Regular	Local
<b>Germany</b>	Municipalities	Ad hoc	Local
<b>Hungary</b>	Authority for Consumer Protection	Ad hoc	
<b>Netherlands</b>	- STAP/University of Twente	Regular	Local

	- Municipalities	Ad hoc	
	- Supermarkets	Ad hoc	
	- Others <sup>2</sup>	Ad hoc	
<b>Norway</b>	- Juvente	Ad hoc	
	- Wine monopoly	Ad hoc	
	- Sirius	Ad hoc	
<b>Poland</b>	Municipalities	Ad hoc	Local
<b>Portugal</b>	Consumers organisation	Ad hoc	
<b>Romania</b>	Municipality of Pitesti/ STAP/University of Twente (NL)	Ad hoc	Local
<b>Slovakia</b>	Youth organization	Ad hoc	Local
<b>Slovenia</b>	University of Ljubljana	Ad hoc	
<b>Spain</b>	Consumers organisation	Ad hoc	
<b>Sweden</b>	- STAD	Regular	Local
	- IOGT-NTO	Ad hoc	
<b>Switzerland</b>	- Municipalities	Ad hoc	Local/national
	- Cantons	Regular	
	- Blue cross	Ad hoc	
	- Supermarkets	Ad hoc	
<b>UK</b>	Supermarkets	Ad hoc	Local/national

<sup>1</sup>Regular research means more than 2 studies within the last 5 years.

<sup>2</sup>Other organisations that are also mentioned in different countries to be involved in test purchasing research are local/national media and commercial research organisations.

## 6.2. Test purchasing results

First of all it is good to make clear that test purchasing results in the EU are hard to compare. First of all because the age limits differ per country. The compliance of a legal age limit of 16 years cannot be compared with the compliance of an age limit of 20 years. Second, the test purchasing method varies per country (more about this in the next paragraph). And third of all it makes a difference if you evaluate your own compliance (like retail organisations do) or if you evaluate the compliance of another. Despite of those remarks, we anyhow present a table (Table 5) with the most recent compliance results in the sixteen countries that have experience with the method. Not with the purpose to compare countries by their results but to make clear that adequate compliance of age limits is an issue in all EU countries where test purchasing research takes place.

The table also makes clear that the target group of the studies is not the same in each country. We can see that the supermarket or off-premise sale is the most common place to investigate the compliance. The places that are visited vary per country. Besides supermarkets most of the times the research is focused on: bars, clubs, state monopoly's, events, cafeteria's and 24/7 food shops. We see countries that only have general compliance results where others only report specific results per category seller. Nine countries report to have full national coverage of the data.

Table 5. Compliance by different selling points per country.

Country	Off-premise	On-premise	General	Events	National coverage
<b>Austria</b>	58,4%	62,1%		22,1%	NO
<b>Estonia</b>	35,4%	13,9%	23,6%		YES
<b>Finland</b>	49%/92% <sup>1</sup>				NO
<b>Germany</b>			65,1%		NO
<b>Hungary</b>	60%				YES
<b>Netherlands</b>	30%	11%	28%		YES
<b>Norway</b>	77%/86% <sup>1</sup>				NO/YES <sup>1</sup>
<b>Poland</b>			23%		YES
<b>Portugal</b>			44%		YES
<b>Romania</b>	0%	0%	0%		NO
<b>Slovakia</b>	8%				NO
<b>Slovenia</b>			8,3%		NO
<b>Spain</b>			19%/33% <sup>2</sup>		YES
<b>Sweden</b>	93%	76%			YES/NO
<b>Switzerland</b>	74,3%	73,3%	69,6%	49,7%	YES
<b>UK<sup>3</sup></b>	0%	22%			YES

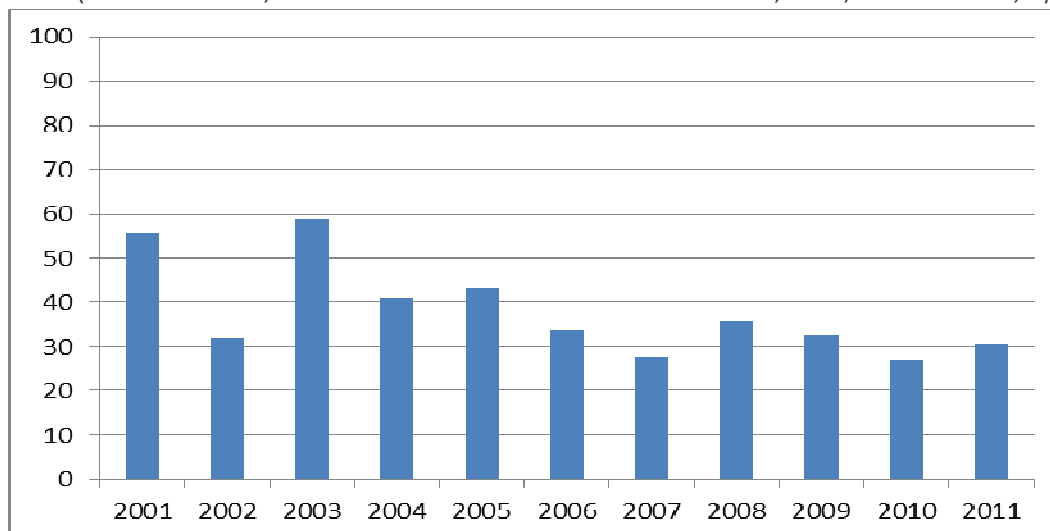
<sup>1</sup> First number is the compliance in supermarkets. Second number is the compliance in state monopoly's (data collected by the monopoly itself).

<sup>2</sup> Compliance for liquor.

<sup>3</sup> Data collected by retail organisation for different age groups (only data for 17 years old used in this table).

In those countries that already have a longer and more regular tradition on test purchasing like: Finland, Hungary, the Netherlands, Sweden and Austria (in some regions), we see that the compliance in general has increased over the last years. In Figure 12 we see an example of longitudinal study results from Switzerland between 2001-2011. The compliance of the age limits in Switzerland increased from 44,3% in 2001 up to 69,6% in 2011.

Figure 12. Percentage of minors that succeeded in buying alcohol in Switzerland between 2001-2011 (Source: Ferarihs, Übersicht zu Alkoholtstkäufen in der Schweiz, 2011, Schlussbericht, April 2012).



### 6.3. Test purchasing methods

The methods used for test purchasing can roughly be divided in two categories. One where minors are used and another where people that look like minors - but have the legal age for buying alcohol - are used. Often it is the law that determines if researchers are allowed to use real minors or not. Thirteen countries have reported to use real minors and four don't. We also see countries where the age of the test purchaser depends on the kind of product that is purchased. Research on liquor and distilled alcoholic beverages sales requires older aged youngsters than studies on the sales of beer and fermented alcoholic beverages in those cases.

Looking at the used test purchasers it strikes that some countries use a rather broad age spectrum. In scientific sense it makes a big difference if you use thirteen or seventeen year old mystery shoppers. The degree of compliance will cohere with the age gap of the purchasers compared to the minimum age for selling alcohol. It is much more likely that a seller complies to the age limit when facing a thirteen year old who wants to purchase alcohol, then when a seventeen year old does.

Table 6: Test purchasing methods per country.

Country	Age limit sales on/off	Age test purchaser	Minor/Legal age	National TPR model/protocol
<b>Austria</b>	16/18 <sup>1</sup>	13-17	Minor	NO
<b>Belgium</b>	16/18	15/16	Minor	YES
<b>Estonia</b>	18	18/19	Legal age	YES
<b>Finland</b>	18/20	18/20	Legal age	YES
<b>Germany</b>	16/18	17/18	Minor <sup>2</sup>	NO
<b>Hungary</b>	18	16/17	Minor	NO
<b>Netherlands</b>	16/18	15	Minor	YES
<b>Norway</b>	18/20	13-17/18-25	Minor/Legal age	NO
<b>Poland</b>	18	18+	Legal age	NO
<b>Portugal</b>	16	12-15	Minor	NO
<b>Romania</b>	18	17	Minor	NO
<b>Slovakia</b>	18	15-17	Minor	NO
<b>Slovenia</b>	18	<18	Minor	NO
<b>Spain</b>	18	15-17	Minor	NO
<b>Sweden</b>	18/20	18	Legal age	YES
<b>Switzerland</b>	16/18	14-17	Minor	YES
<b>UK</b>	18	13-17	Minor	YES

<sup>1</sup>National age limit is 16, but in some regions the age limits are 16 for low and 18 for high alcoholic beverages.

<sup>2</sup>Data only for state of Rheinland-Pfalz where test purchasers can be 17 years old, but only under certain conditions (consent letter of parents, voluntariness, training, care of local authorities).

In seven countries there is a model or protocol developed for test purchasing research. This makes it easier to compare different studies within the country. It's often a National Health Institute that developed the protocol. In such a protocol aspects as: selection of the test purchasers, their dress code, how to enter the

premise, showing of ID are described. In attachment 4 a description of the method used in an Austrian region is added.

Regarding the research method we see another interesting issue and that is the actual purchase of the product. In some countries like Austria and the Netherlands (in supermarkets) the test purchase ends before the actual offense takes place. After the seller agrees with the transaction, the test purchasers communicate that they don't have enough money and cancel the money transfer. As a result the actual offense is prevented while the intention to sell to a minor is still measured.

#### 6.4. Test purchasing in enforcement strategies

Test purchasing can also be an instrument within enforcement operations. Especially some US states have experience with minors as decoys. The test purchaser makes inspections more efficient because the officers don't have to wait until an underage customer enters a bar or supermarket. The enforcement officer can just send an underage test purchaser in and within five minutes the officer knows if the salesman complies to the age limits or not. In the EU test purchasing within enforcement strategies is less popular as test purchasing for evaluation purposes (Table 7) but still in six countries minor decoys are used. Furthermore there is a trend visible that more countries are exploring the possibilities of using test purchasers for inspections, or are working on national legislation on this topic (e.g. Switzerland). In the case study report a casus is included that explains how German police officers work with test purchasers. The work of these German police officers showed promising results in reducing the number of age limit violations (a decrease of 10% from 2009 to 2012). That using test purchasers within enforcement operations is a promising method to increase compliance is confirmed by recent research from the UK (see paragraph 1.5). Table 7 shows that this method is possible in only six Member States. Furthermore, not all of these six countries report a legal basis for test purchasing in the law. In some countries the legal basis can be found on a regional level like in Austria and Switzerland.

Table 7: Countries that use test purchasing methods in enforcement strategies.

Country	Legal basis	Sanction that can be imposed
<b>Austria</b>	On regional level	- Financial fines - Educational measures for owner/staff
<b>Croatia</b>	-	-
<b>Germany</b>	YES	Financial fines
<b>Slovakia</b>	-	Financial fines
<b>Switzerland</b>	On cantonal level	- Financial fines - Revoking the license
<b>UK</b>	YES	Financial fines

'-' No data available

That it is legally possible to use test purchasers in the enforcement, does not imply for every country that this enforcement strategy is being used. Furthermore the way test purchasers are used differs per country. Some countries use it for sanctions (see Table

7), but in Croatia the test purchasers are mostly used in the enforcement to attract media attention and send out a warning to all alcohol vendors.

#### **Summary chapter 6: Research**

- Seventeen out of 29 countries report to have experience with test purchasing research (TPR).
- There are many types of organisations involved in performing TPR (NGO and commercial).
- TPR is most of the times not structurally embedded in local or national alcohol strategies.
- All countries seem to face problems with the compliance with the legal age limits for selling alcohol.
- In only seven countries a TPR-research model is developed.
- In most countries real minors are used for TPR
- Six countries also use test purchasers within enforcement operations, which seems to be a promising method to increase compliance with age limits by sellers.

## 7. Conclusions

In this final chapter we will give the main conclusions based on the overview of age limit policies in Europe.

All EU Member States (+ Norway and Switzerland) have legal age limits for selling alcohol. However, the age limit policies vary widely between the Member States. Furthermore, countries differ on aspects like sanctions, type of enforcement authorities, communication strategies, etcetera. No country is similar. But still, legal age limits matter in Europe. They are the corner stone of an effective alcohol policy that reduces the access to alcohol for minors. Age limits are not the only instrument to reduce the availability of alcohol, but it surely is an effective instrument within multi-component alcohol strategies in Europe.

This study shows that legal age limits for alcohol are, besides a legal topic, also a current concern in most countries. Main issue is the problem with the compliance of the age limits by sellers of alcohol. Different strategies and interventions have been developed to tackle this problem in Europe. And good practices are definitely available. In this last chapter we discuss the most evident conclusions from the results of this EU study on age limit policies.

### **There is still a gap in Europe between the age limits for alcohol from a health and legal point of view**

In the first chapter of the report we have seen that the brain development of adolescents continues until the mid-twenties. This knowledge has become available for alcohol prevention since the last decade. Although the legal ages limits generally emanate from health policy goals, the current legal age limits for selling alcohol are lower than the age until the brain develops.

But we can see a trend in Europe to raise the minimum ages for selling alcohol. All countries that recently changed the law on this topic increased their age limits. The most frequently used age limit in Europe for selling alcohol at the moment is eighteen years. In three northern Scandinavian countries we see the highest age limits with twenty year for off-premise sales of products above a certain percentage of alcohol. And in the north we also see the most countries with legal age limits for possession and consumption in private settings. In the south of Europe we see no countries with those formal regulations.

### **Enforcement, a crucial factor for age limit policy**

Setting an age limit is not enough to prevent alcohol purchases and consumption by minors. Results from test purchasing research show that minors can easily buy alcohol in almost every country that is performing this type of research. In eighteen European countries sellers are legally required to ask for an identification document when a customer is not unmistakably of age to purchase alcohol. It appears that sellers do not or not adequately check the age of a customer purchasing alcohol. One of the reasons is that sellers of alcohol experience difficulties in establishing the age. Difficulties experienced are for example inability to calculate age from birth date, remembering to ask ID and being afraid to intervene. In order to overcome these difficulties this study found that technical support is available in the form of age

verification systems like the Dutch AgeViewers. However, as these supporting devices are not mandatory for sellers the effect remains limited to a small group of alcohol sellers.

In order to prevent alcohol sales to minors the actual compliance by sellers with the age limits has to be increased. This study showed that compliance is a big problem in many European countries. And well organised and regular enforcement is the most effective instrument to increase compliance. Other additional measures are mandatory RBS training programs, enforcement communication and public support for legal age limits. But without frequent inspections it is unlikely that the supportive measures on itself will lead to high compliance levels. These research findings are confirmed by the Swedish STAD model where an increase in the compliance rate was found after the introduction of a multi-component strategy.

### **All ingredients for an effective age limit policy are available in Europe**

We have just concluded that enforcement is a crucial factor when it comes to age limit policies. What strikes in Europe is that there are many good enforcement practices and strategies regarding age limits for alcohol that could be part of an effective age limit policy. However, this study also reveals that these enforcement and other good practices and strategies are scattered over Europe:

- Sweden, Slovakia, Lithuania, Finland and Estonia regulate alcohol sales, consumption and possession with age limits of 18 and/or 20 years old.
- Germany and the UK have a legal basis to impose sanctions after a test purchase;
- Germany has a legal reference age of 25 years for establishing the age of a customer;
- Poland has a ban on selling alcohol through internet;
- The Netherlands uses young 'weekend-poolers' to observe age limit breaches;
- The Netherlands uses enforcement communication to enhance the compliance by sellers;
- The Swedish STAD model is using multi-component programs with a high enforcement capacity, RBS training and community mobilization (also recently implemented in Norway and Finland).

But these good practices should always be embedded in a broader age limit policy. The basis of a successful age limit policy is a combination of legislation, enforcement and compliance research. Legislation on age limits and other aspects that can influence the availability of alcohol to minors (e.g. internet sales restrictions) are the starting point. Additionally official reference ages could support the legal age limits. Subsequently, enforcement resources are necessary to create compliance. Science has shown that each selling point should be visited at least once every three months to have a structural impact with enforcement (Wagenaar, 2011). And test purchasing research can establish the general compliance levels and the hotspots where more attention is needed. This study shows that knowledge and experience on the three main policy elements (legislation, enforcement and compliance research) are abundantly present in Europe, but should pass the country borders more structurally to be of use in all EU Member States.



## **Countries with effective age limit strategies will face new problems like shoulder tapping**

In the development of age limit policies we can see four clear phases:

- Establishing a legal age limit for selling alcohol;
- Good enforcement of the age limits by public authorities;
- An increased compliance of the age limits by sellers of alcohol;
- The onset of some new problems with the availability of alcohol to minors.

When the compliance increases due to efforts made in the first two phases, new (smaller) problems may arise. Shoulder tapping is one example of a problem that could appear. Although this study didn't specifically focus on shoulder tapping, several countries reported it to be a problem regarding the enforcement of age limits. Shoulder tapping occurs when older citizens buy alcohol that is supposed for a minor customer. Often friends buy alcohol for younger members of the group. Another problem that could appear can be found in Sweden where alcohol is illegally sold to minors on the streets out of cars. The arise of these problems is not an admission of failure but a sign that the age limit policy is really working. Minors would never make use of these difficult and often illegal solutions if the alcohol was freely available everywhere.

One could of course question the meaning of legal age limits if minors find other ways to get access to alcohol anyway. The positive answer to this question is that the group of minors that makes use of these detours is always smaller than the group that is prevented from easy access to alcohol. Furthermore a strong and effective legal age limit also supports parents at home, schools, clubs and others that are dealing with age limit discussions. And finally, we have the impression that enforcement organisations are also able to innovate strategies to combat the new arisen problems like shoulder tapping and alcohol sales on the streets. Further research should make clear what the possible strategies are to effectively combat shoulder-tapping and to what extend those strategies are already used in Europe.

## 8. Recommendations

### **Unify legal age limits in the EU for selling**

As most of the countries have an age limit of eighteen years, it appears that age limit policies for alcohol are quite similar. However, there are many exceptions in the legislation of countries regarding age limits. Also some countries haven't set legal age limits for consumption and possession of alcoholic beverages in private and public areas. These aspects show that the age limit policies in the EU aren't that similar. A logical question is: Should the laws on age limits be unified in the EU? At first, we strongly recommend the countries that have an age limit of sixteen or seventeen to raise it to eighteen, like is common in most of the Member States. Furthermore, we recommend to do more research on the effects of setting age limits in the public and private domain, to explore whether unification on this aspect is desirable. We believe, though, that further unification could jeopardize the possibility for countries to adjust the legislation to their specific situation and culture.

### **Introduce effective age systems**

The compliance rates by sellers of alcohol found in this study show that in many countries the system of checking the age of a customer is far from waterproof. This is confirmed by the various difficulties experienced by sellers of alcohol when checking the age of a customer. In order to overcome these difficulties we recommend to use effective age systems in alcohol sales points. Systems like the Dutch AgeViewers take away the responsibility of the seller to check age and therefore prevent most difficulties. These effective systems, however, are not mandatory in all countries. Therefore we recommend to experiment with the mandatory use of evidence based effective age systems to reduce the availability of alcohol for minors. Furthermore, research on the effectiveness on supporting systems could separate non-effective age systems from effective age systems in Europe.

### **Effectiveness of enforcement: more research is needed**

In this report we found that there hardly is any research on the effectiveness of sanctions. Therefore it is not surprising that there are many differences between countries regarding the type of sanctions and the level of the sanctions. Furthermore it is also unclear what type of organisation and what type of officers can be used best in the enforcement of age limits. Should an organisation be organised on a national, regional or local level? Is it better to use general or more specific officers? And of course, which sanctions are most effective? These are all important questions that, we believe, require more research in order to make enforcement more effective.

### **Combine good practices and strategies**

In this study many good enforcement practices and strategies regarding age limits for alcohol have been found. However, it is clear that these enforcement and other good practices and strategies are not united in an effective age limit policy in one country, but scattered over Europe. In our point of view the following practices could be used

by every Member State in an integral age limit policy to reduce the availability of alcohol for minors:

#### Legislation

- Adopt an age limit of eighteen years for purchasing alcohol in on- and off-premise establishments (independent of the attendance of parents);
- Set a legal requirement for each seller to check the age of each customer trying to purchase alcohol, using a reference age of at least five years above the legal age limit;
- Set a legal requirement for each alcohol sales point to use an effective age system;
- Adopt a law that allows enforcement officers to use (under aged) mystery shoppers for enforcement purposes, including the legal basis to impose sanctions when a violation is found;
- Adopt a ban on selling alcohol through internet given the lack of effective age verification systems.

#### Enforcement

- Set up multi-stakeholder partnerships based on a multi-component program, consisting of actions regarding regulation, enforcement and education (like the STAD project);
- Use enforcement communication to enhance the compliance with the age limits by sellers;
- Use test purchasers within enforcement strategies to detect age limit violations and subsequently impose sanctions.

#### Research

- Use mystery shoppers to evaluate the compliance with the law by sellers and to evaluate the effectiveness of the enforcement strategies used by the government.

### **Legalise the use of test purchasers in enforcement**

One good practice from the list above deserves some extra attention: *use test purchasers within enforcement strategies in order to detect age limit violations and subsequently impose sanctions*. This research showed that only six out of 29 countries can legally use this method. However, recent research from the UK (see paragraph 1.5) and recent practice in Germany showed that this method can contribute to a higher compliance with the age limits among sellers of alcohol. And we have also seen that an increasing number of countries is exploring the possibilities to use test purchasers for inspections. Therefore we strongly recommend all countries to legalise the use of test purchasers in enforcement and no longer consider it to be provoking a crime. This is possibly the most effective method to increase the compliance by sellers.

### **Continue networking in the EU**

Above we have seen that the good practices and strategies to reduce the availability of alcohol to minors are available in Europe. Therefore we recommend the EU to continue fostering the networking between EU Member States and also recommend the Member States to continue networking and exchanging knowledge with the other Member States. This study showed that every country can find new good practices and strategies to adopt in their own age limit policy.

## References

- Alm, A. (2009). *Evaluation of the K-model (The Kronoberg Model). A summary of the report*. Stockholm: Brottsförebyggande rådet.
- Anderson, P., Baumberg, B. (2006). *Alcohol in Europe. A public health perspective*. London: Institute of Alcohol Studies.
- Anderson P., Chisholm D. & Fuhr D. (2009). Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol. *Lancet*, 373, 2234-2246.
- Anderson, P., Møller, L. & Galea, G. (2012a). *Alcohol in the European Union*. Copenhagen, Denmark: World Health Organization.
- Anderson, P. Workplace. In eds. Anderson, P., Møller, L. & Galea, G. (2012b). *Alcohol in the European Union*. Copenhagen, Denmark: World Health Organization.
- Anderson, P., Suhrcke, M. & Brookes, C (2012c). *An overview of the market for alcohol beverages of potentially particular appeal to minors*. London: HAPI.
- Babor, T., Caetano, R., Casswell, S., et al. (2010). *Alcohol: No Ordinary Commodity - Research and Public Policy*. New York, NY: Oxford University Press.
- Franken, F., Gosselt, J., Krokkeé, J. (2011). *Alcohol en Jongeren in Kop van Noord-Holland Nalevingsonderzoek*. Utrecht: STAP; Enschede: Universiteit Twente
- Gosselt, J., Hoof, J. van, Jong, M. de, Prinsen, S. (2007). Mystery shopping and alcohol sales: do supermarkets and liquor stores sell alcohol to underage customers? *Journal of Adolescent Health*, 41, 302-308.
- Hibell, B., Guttormsson, U., Ahlstrom, S., Balakireva, O., Bjarnason, T., Kokkevi, A., & Kraus, L. (2009). *The 2007 ESPAD Report: Substance Use Among Students in 35 European Countries*. Stockholm: The Swedish Council for Information on Alcohol and Other Drugs.
- Hibell, B., Guttormsson, U., Ahlstrom, S., Balakireva, O., Bjarnason, T., Kokkevi, A., & Kraus, L. (2012). *The 2011 ESPAD Report: Substance use among students in 35 countries*. Stockholm: ESPAD.
- Holmila M., Karlsson T., Warpenius K. (2010). Controlling teenagers' drinking: effects of a community based prevention project. *Journal of Substance Use*, 15, 201-214.
- Hoof, J. van, Gosselt, J., Jong, M. de (2009). *Remote Versus In-Store Age Verification*. Enschede, the Netherlands: University of Twente.

- Jones, L., Bellis, M., Dedman, D., Sumnal, H., Tocque, K. (2009). *Alcohol-attributable fraction for England. Alcohol-attributable mortality and hospital admissions*. Northwest Public Health Observatory.
- Kaal, E., Tael, M. (2012). *Alkoholiseadusega alaealisele ja joobes isiku alkoholitarbimise tõkestamiseks seatud piirangute järgimine ning seda takistavad tegurid. Alkoholi tele- ja internetireklaam ning noored. (Observance of restrictions set by Alcohol Act which impede alcohol consumption by minors and drunk people and factors that hinder it. Youth and alcohol advertising in television and internet)*. Tallinn: TNS Emor, National Institute for Health Development.
- Karlsson, T. & Österberg, E. (2001) A scale of formal alcohol control policy in 15 European countries. *Nordisk alkohol- & narkotikatidskrift*, 18 (English supplement), 117–131.
- Karlsson, T. & Österberg, E. (2007) Scaling alcohol control policies across Europe. *Drugs: education, prevention and policy*, 14 (6), 499–511.
- LACORS, (2007). Under-age alcohol sales fall thanks to council trading standards, <http://www.lacors.gov.uk/lacors/NewsArticleDetails.aspx?id=17746>; Hughes, K, Furness, L., Jones, L. & Belis, M.A., 2010. Reducing harm in drinking environments: Evidence and practice in Europe, <http://www.cph.org.uk/showPublication.aspx?pubid=692>
- Mulder, J., Dalen, Van W., Moll, M. (2010). *Creating Local Alcohol Policy: How to develop an integrated local alcohol policy in Europe*. Utrecht: STAP
- Møller, L. (2002). Legal restrictions resulted in a reduction of alcohol consumption among young people in Denmark. In: Room R, ed. *The effects of Nordic alcohol policies: analyses of changes in control systems*. Helsinki, Nordic Council for Alcohol and Drug Research, 155–166.
- NHS Scotland (2012). An evaluation of the implementation of, and compliance with, the objectives of the Licensing (Scotland) Act 2005, <http://www.healthscotland.com/documents/5989.aspx>
- NVWA (2005). *An Eye on Supervision: Enforcement Communication in Theory and Practice*. The Hague: NVWA.
- Österberg, E. & Karlsson, T. (Eds) (2002). *Alcohol Policies in EU Member States and Norway. A Collection of Country Reports*. Helsinki: Stakes.
- Österberg, E. Availability. In eds. Anderson, P., Møller, L. & Galea, G. (2012a). *Alcohol in the European Union*. Copenhagen, Denmark: World Health Organization.

- Rogne, F. (2010) *Compliance with age limits*. Presentation at the alcohol and health forum Nov. 2010 in Brussels.
- Stiftung Maria Ebene (2013). *Mystery Shopping: Alkohol-Testkäufe in Vorarlberg*. Austria, Supro.
- Thames Valley Police (2010). Got any ID? Alcohol test purchasing results for Oxfordshire. <http://www.thamesvalley.police.uk/newsevents/newsevents-pressreleases/newsevents-pressreleases-item.htm?id=127305>
- Thompson, P.M., Sowell, E.R., Gogtay, N. et al. (2005). *Structural MRI and brain development*. International review of Neurobiology 2005 67 DOI: 10.1016/S0074-7742(05)67009-2.
- Vihmo J., Österberg, E. (2011). *Information on the Nordic alcohol market 2011*. Helsinki: Alko.
- Wagenaar, A.C., Toomey, T.L. & Erickson, D.J. (2005). Complying With the Minimum Drinking Age: Effects of Enforcement and Training interventions. *Alcoholism: Clinical and Experimental Research*, 29 (2), 255-262.
- Wagenaar, A. (2011). *Presentation at the first European conference on alcohol law enforcement*. Rotterdam: Netherlands
- Wallin, E., Norström, T. & Andreasson, S. (2003). Alcohol prevention targeting licensed premises: A study of effects on violence. *Journal of studies on alcohol*, 64, 270-277
- Wallin, E., Lindewald, B. & Andreasson, S. (2004). Institutionalization of a community action program targeting licensed premises in Stockholm, Sweden. *Evaluation Review*, 28, 396-419.
- West Yorkshire Police (2012). Aggregate from three press releases: Test purchase proves successful. <http://www.westyorkshire.police.uk/news/test-purchase-proves-successful>; Off-licence 'winners' and 'losers' in test purchase operation. <http://www.westyorkshire.police.uk/news/licence-winners-and-losers-test-purchase-operation>; Illegal alcohol sale clampdown in Bradford. <http://www.westyorkshire.police.uk/news/illegal-alcohol-sale-clampdown-bradford>.
- Willner, P. (2000). *Alcohol Sales to Underage Adolescents*. Swansea: University of Wales Swansea.

## ATTACHMENT 1: Contact persons Eyes on Ages

Country	Organisation	Name
<b>Austria</b>	Anton-Proksch-Instituts	Julian Strizek
<b>Belgium</b>	Vereniging voor Alcohol- en andere Drugproblemen (VAD)	David Möbius
<b>Bulgaria</b>	National Centre of Addictions at the Ministry of Health	Tsveta Raycheva
<b>Croatia</b>	Institute of Public Health "Dr. Andrija Stampar"	Marina Kuzman
<b>Cyprus</b>	Cyprus Antidrug Council	Leda Christodoulou
<b>Czech rep.</b>	National Institute of Public Health	Hana Sovinova
<b>Denmark</b>	Alcohol & Society Denmark	Ina Johansen
<b>Estonia</b>	National Institute for Health Development	Mariliis Tael
<b>Finland</b>	National Institute of Health and Welfare	Thomas Karlsson
<b>France</b>	Bureau des addictions et autres comportements de santé de la DGS	Pierre-Yves Bello
<b>Germany</b>	Deutsche Hauptstelle für Suchtfragen	Christina Rummel
<b>Greece</b>	Organisation for Combating Drugs (OKANA)	Meni Malliori
<b>Hungary</b>	Center for Social Care, Budapest IX. / TASZ - Hungarian Civil Liberties Union	Zsolt Nagy
<b>Ireland</b>	-	-
<b>Italy</b>	Instituto Superiore di Sanita	Emanuela Scafato
<b>Latvia</b>	Latvian Alcohol and Tobacco Control Coalition	Alise Krumina
<b>Lithuania</b>	Lithuanian Drug, Tobacco and Alcohol Control Department	Grazina Belian
<b>Luxembourg</b>	Ministère de la Santé	Serge Krippler
<b>Malta</b>	Agenzija Sedqa	Manuel Mangani
<b>Netherlands</b>	National Food and Consumer Product Safety Authority (NVWA)	Marian Gacsbaranyi
<b>Norway</b>	Ministry of Health and Care Services	Rønholt Hege Haneborg
<b>Poland</b>	The State Agency for the Prevention of Alcohol-Related Problems (PARPA)	Kama Dąbrowska
<b>Portugal</b>	Department on Monitoring and Information	Fernanda Feijão
<b>Romania</b>	Romanian Gendarmerie	Cezar Toma
<b>Slovakia</b>	Active Europe	Patrik Sulik
<b>Slovenia</b>	Institute for Research and Development Utrip (UTRIP)	Matej Kosir
<b>Spain</b>	Generalitat de Catalunya (Gencat)	Joan Colom Farran
<b>Sweden</b>	The Swedish National Institute of Public Health (FHI)	Carina Amréus
<b>Switzerland</b>	Swiss Alcohol Board (SAB)	Miriam Sahlfeld
<b>UK</b>	Alcohol Concern	Mark Leyshon

## ATTACHMENT 2: National exceptions and explanations of age limits

### \* **Austria:**

Legal age limits differ per region.

- The data in Table 1 represents the age limits for the capital region Vienna, which does not distinct between fermented and distilled alcohol and regulates consumption and dissemination of alcohol only in public places.
- Six out of nine regions discriminate age limits on basis of fermented (sixteen years) and distilled alcoholic beverages (eighteen years). Three out of nine regions have the same age limit for all alcoholic beverages (sixteen years).
- Three out of nine regions regulate dissemination (sale or non-commercial dissemination) of alcohol only in public spaces, six out of nine regions regulate dissemination of alcohol in public and private spaces.
- Five out of nine regions regulate consumption of alcohol only in public places, four out of nine regions regulate consumption in public and in private places.

### \* **Belgium:**

It is forbidden to sell, offer or serve alcoholic beverages to youngsters under the age of sixteen. Alcoholic beverages are drinks with an alcohol volume of more than 0,5%. Alcoholic beverages containing more than 1,2% distilled alcohol or beverages with an alcohol volume of more than 22% (including non-distilled alcoholic beverages) cannot be sold, offered or served to youngsters under the age of eighteen.

### \* **Croatia:**

Consumption in public is regulated (forbidden) in some local areas (cities) under the age of eighteen, but not at the national level. The exceptions are sports events across the country.

### \* **Denmark:**

In Denmark a differentiation is only made for off-premise sales. Beverages containing alcohol with a volume of 16,4% or less can only be sold to youngsters of sixteen years and older. Beverages containing alcohol with a volume of 16,5% or more can only be sold to youngsters of eighteen years and older. Beverages that contain alcohol with a volume of less than 1,2% can be sold to everyone off-premise, just like alcoholic beverages of 2,8% or less can be sold to anyone on-premise.

### \* **Estonia:**

Alcoholic beverages in public places is permitted in places where retail trade in alcoholic beverages is carried out for consumption on the premises (if the alcoholic beverages are obtained in the said place of sale) and it is permitted in the cases prescribed in the legislation issued by local government councils. In other cases it is prohibited to consume alcohol even if a person is older than eighteen years.

### \* **Finland:**

Technically an alcoholic beverage is any beverage from 2,8% alcohol and higher. But it's forbidden to sell or serve beverages containing between 1,2 and



2,8 % alcohol to persons under eighteen. Also to possess these beverages the person has to be eighteen years of age or older.

\* **Germany:**

- The law for the protection of the youth makes no differences according to the exact description of alcohol by volume. Instead the drinks are categorised. Low alcoholic drinks (LA) are: beer, wine, sparkling wine, mixed drinks with wine or beer and high alcoholic drinks (HA) are: mixed drinks with spirits and spirits.
- Consumption of LA by fourteen and fifteen year olds is only accepted in attendance of the parents.

\* **Latvia:**

Regulation regarding consumption in public places is prohibited in a few local municipalities, but it is not prohibited at the national level.

\* **Lithuania:**

Alcoholic beverages are beverages whose alcohol by volume exceeds 1,2 %. In respect of beer it has to exceed 0,5 % to be regarded an alcoholic beverage.

\* **Luxembourg:**

Alcoholic beverages are beverages whose alcohol by volume exceeds 1,2 %.

\* **Slovakia:**

Any beverage that contains 0,75% alcohol or more is classified as an alcoholic beverage. Possessing alcohol in public and private areas is not included in the Alcohol law of Slovakia, but in a section under the Children's Law, that states that in Slovakia no amount of alcohol in possession of children is allowed.

\* **Slovenia:**

In accordance with the Law on Reduction of Alcohol Consumption (ZOPA), an alcoholic drink is any drink that contains more than a 1,2% alcohol by volume.

\* **Switzerland:**

The law states that alcoholic beverages obtained exclusively by fermentation are the following: 1) Products defined as a wine, cider, diluted cider, beer, fruit wine or wine made from berries whose alcohol content does not exceed 15% of the volume without adding distilled beverages; 2) Natural wines made from fresh grapes whose alcohol content does not exceed 18% volume without adding distilled beverages. It is prohibited to sell fermented beverages to those aged less than sixteen years old and it is also prohibited to sell distilled beverages to those less than eighteen years old. However, the cantons can introduce stricter age limits. The canton of Tessin for example embraces an overall age limit of 18 for all alcoholic beverages.

\* **UK:**

- A person aged sixteen or seventeen is permitted to drink wine, beer or cider (but not other alcohol) with a meal in a restaurant, hotel or part of a pub set apart for eating meals. A condition is that it has to be purchased by an adult and that the minor is accompanied by an adult.
- Any child aged five or over can drink alcohol at home or on other private premises, but it is not permitted to give alcohol to a child under five except under supervision in an emergency.

## **ATTACHMENT 3: The process of an age limit inspection in the Netherlands**

The Dutch Food and Consumer Product Safety Authority (NVWA) was responsible for the enforcement of the legal age limits for selling alcohol up to the first of January 2013. The NVWA had a specialised age limit team working in the whole country. The team consisted of inspectors and young assistant inspectors called weekend-poolers (see case study report). Inspections were primarily executed in hotspots (places where alcohol is sold or served and where many young customers come). You can think of bars, supermarkets, disco's, liquor stores and youth events.

The inspection of age limits consisted of three steps:

### **Explorative research**

In this research the selection of the hotspots takes place. Information is collected from the: Municipality, police, youngsters, youth work, other inspection authorities, internet, local media, etc.

### **Pre- inspection**

In this pre-inspection an (assistant) inspector visits the premise and makes an observation. There will be no contact between the inspector and the owner of the premise. Based on the observation the team determines if the premise is a hotspot and at which times and days the inspection can be carried out.

### **Inspection with enforcement purposes**

In this inspection the assistant inspector enters the premise to collect information about the circumstances at that moment. If alcohol is sold to minors the assistant inspector asks the minors for their ID. After the inspection the senior inspector gives feedback to the owner.

The inspection can also be conducted in uniform. In this case the goal of the inspection is more preventive.

When finally a violation of the law is established, a penalty report is written. The height of the fines vary between 1360 - 5440 euro, depending on the size of the enterprise and if it was a first offence or not. The fine is imposed to the owner of the premise.

Since 1-1-2013 the municipalities are responsible for the enforcement of the age limits. The municipalities can also withdraw the license or stop the alcohol selling in shops for some weeks.

## **ATTACHMENT 4: Regional method for mystery shopping from Voralberg (Austria)**

### **(5.1) Client**

Test purchases are commissioned by the federal state government Vorarlberg (departments Ia and IVa), the "Child and Youth Advocate" and local administrative authorities

### **(5.2) Responsibilities**

- the authorization to carry out test purchases has to be obtained by the Children and Youth Advocate by relevant authorities
- processing, documentation and evaluation is conducted by the Foundation Maria Ebene (specialist treatment facility, closely related to the regional "regional institute for addiction prevention")

### **(5.3) Organisation**

- Sample selection (shops, bars,...)
- Immediate feedback is given to the tested companies after the test purchase
- Young people may only participate in test purchases, if the parents have been informed and a written informed consent is available
- A non-disclosure agreement is signed by all parties

### **(5.4) Conditions/general framework**

- The age of the young people lies well below the legal limit
- young people look their age
- young people buy a particular package of goods
- 14-year-old buy 1-2 bottles of vodka (legal age: 18y)
- any questions on their age have to be answered truthfully
- ID cards have to be shown on demand
- No test purchases are performed when the salespersons/staff is under stress (for example, many people cue at the counter)

### **(5.5) Training of accompanying adult expert**

- ensure that documentation and log sheet are filled out properly
- check the age and appearance of the young people
- take a picture the test purchaser (with date) in front of the premise
- receive receipt and purchased alcohol by the minor test purchaser
- inform the tested shop owner and staff after the test purchase on the result of the test (the person selling the alcohol has to sign the log sheet)
- give information to the shop owner and staff

### **(5.6) Protocol for test sales**

Standardized protocol with information on (partial list):

- Place and date of the test purchase
- Name of the test purchaser and accompanying adult expert
- premise

- list of demanded products
- was alcohol sold or not, with or without ID control
- are clearly visible signs with information on youth protection laws available
- Name of the sales person
- Remarks
- Signature companion
- Signature test purchasers
- Signature sales person

**(5.7) Public Relations**

- The child and youth advocate is responsible for the coordination of public relations activities. If results are published, all names of companies and sales staff have to be made anonymous.
- All involved parties agree to maintain confidentiality.

**(5.8) Documentation and evaluation**

Results and feedback are handled by the “Stiftung Maria Ebene” strictly confidential. In test purchases in cooperation with the police forces additional documentation is also undertaken by the relevant officers and authorities.

## **ATTACHMENT 5: Country overviews for legislation, enforcement and research**

Country	Legal age limits for alcohol	On-premise		Off-premise		Public				Private				Differentiation <sup>1</sup>		Establishing the age of a customer	Obligation (type of doc)	Ref. Age legal	Ref. Age voluntary	Other legal requirem.
		Sales		Sales		Consumption		Possession		Consumption		Possession								
		LA	HA	LA	HA	LA	HA	LA	HA	LA	HA	LA	HA	LA	HA					
<b>Austria<sup>2</sup></b>		16	16	16	16	16	16	16	16							YES (official)			YES	
<b>Belgium</b>		16	18	16	18									Ferm.	Dist.	YES (any)			NO	
<b>Bulgaria</b>		18	18	18	18											-			YES	
<b>Croatia</b>		18	18	18	18											YES (official)			NO	
<b>Cyprus</b>		17	17	17	17	17	17	17	17							NO			NO	
<b>Czech Rep.</b>		18	18	18	18											NO			YES	
<b>Denmark</b>		18	18	16	18									<16,5%	≥16,5%	NO			YES	
<b>Estonia</b>		18	18	18	18	18	18	18	18	18	18	18				NO			NO	
<b>Finland</b>		18	18	18	20	18	20	18	20	18	20	18	20	<22,1%	≥22,1%	YES (official)		25 <sup>5</sup> /30 <sup>6</sup>	YES	
<b>France</b>		18	18	18	18											NO			YES	
<b>Germany</b>		16	18	16	18	16 <sup>3</sup>	18							Cat.	Cat.	YES (official)	25		NO	
<b>Greece</b>		18	18	18	18	18	18	18	18							YES (official)			NO	
<b>Hungary</b>		18	18	18	18	18	18	18	18							YES (official)			NO	
<b>Ireland</b>		-														-			-	
<b>Italy</b>		18	18	18	18											YES (official)			YES	
<b>Latvia</b>		18	18	18	18											YES (any)			NO	
<b>Lithuania</b>		18	18	18	18	18	18	18	18	18	18	18				YES (any)			NO	
<b>Luxembourg</b>		16	16	16	16											NO			YES	
<b>Malta</b>		17	17	17	17	17	17	17	17							NO			NO	
<b>Netherlands</b>		16	18	16	18	16	16	16	16					<15,0%	≥15,0%	YES (official)		20/25/30 <sup>7</sup>	YES	
<b>Norway</b>		18	20	18	20									<22,0%	≥22,0%	YES (official)			YES	
<b>Poland</b>		18	18	18	18											YES (any)			NO	
<b>Portugal</b>		16	16	16	16	16	16									YES (official)			NO	
<b>Romania</b>		18	18	18	18	18	18									NO			YES	
<b>Slovakia</b>		18	18	18	18	18	18	18	18	18	18	18				YES (official)			YES	
<b>Slovenia</b>		18	18	18	18											YES (official)			NO	
<b>Spain</b>		18	18	18	18											YES (official)			YES	
<b>Sweden</b>		18	18	18	20	18	20	18	20	18	20	18	20	<3,50%	≥3,50%	YES (official)		25-30 <sup>5</sup> /25 <sup>6</sup>	YES	
<b>Switzerland</b>		16	18	16	18									Ferm.	Dist.	NO			YES	
<b>UK</b>		18 <sup>4</sup>	18	18	18	18	18	18	18	5	5	5	5			NO		21/25 <sup>6</sup>	YES	

*'-' No data available*

<sup>1</sup> *When a country has more than one age limit for different alcoholic beverages, a differentiation has been made for Low Alcoholic beverages (LA) and High Alcoholic beverages (HA).*

<sup>2</sup> *Represents the age limit of the capital region. Age limit may vary in other regions.*

<sup>3</sup> *Consumption of Low Alcoholic beverages (LA) by fourteen and fifteen year olds is permitted in attendance of the parents.*

<sup>4</sup> *A person aged sixteen or seventeen is permitted to drink wine, beer or cider (but not other alcohol) with a meal in a restaurant, hotel or part of a pub set apart for eating meals. A condition is that it has to be purchased by an adult and that the minor is accompanied by an adult.*

<sup>5</sup> *Self-regulatory measures by State monopoly*

<sup>6</sup> *Retailers have adopted voluntary reference ages for checking the age of a customer*

<sup>7</sup> *Self-regulatory measures by shops using the AgeViewer system*

Country	Public Authorities in charge of enforcement	Enforcement level	Enforcement officers	Mystery shoppers within enforcement strategies	Legal basis	Sanction that can be imposed
<b>Austria</b>	- Police - Local administrative authorities - Trade agencies	National/local Local Regional	General General General		Regional level	- Fines - Educational measures for owner/staff
<b>Belgium</b>	Federal Public Health Service	National	General			
<b>Bulgaria</b>	- Health inspection - Police	National Regional	-			
<b>Croatia</b>	State Inspectorate	National/local	General		-	-
<b>Cyprus</b>	Police	National	General			
<b>Czech Rep.</b>	- Police - Municipal police	National/regional Local	General General			
<b>Denmark</b>	Police	Local	General			
<b>Estonia</b>	- Police and Border Guard Board - Municipality/City government	National/local Local	General Specific/general			
<b>Finland</b>	- Police - Reg. State Admin. Agencies	National/local Regional/local	General Specific			
<b>France</b>	- Police - Public Force	National National/local	General General			
<b>Germany</b>	- Police - Public Affairs Office	Local Local	General General		YES	Financial fines
<b>Greece</b>	Police	National	General			
<b>Hungary</b>	- Police - Authority for Consumer Protection	National National	General General			
<b>Ireland</b>	-	-	-			
<b>Italy</b>	Police	National	General			
<b>Latvia</b>	Police	National/local				
<b>Lithuania</b>	- Drug, Tobacco & Alcohol Control Department - Police	National National	Specific General			
<b>Luxembourg</b>	Police	National	General/specific			
<b>Malta</b>	Police	National	General			
<b>Netherlands</b>	- Municipalities - Police	Local National	General/specific General			
<b>Norway</b>	- Police - Municipalities	National Local	General General/specific			
<b>Poland</b>	Police	National/local	General			
<b>Portugal</b>	Authority for Food and Economic Security (ASAE)	National	General			
<b>Romania</b>	- Gendarmerie - Police - National Authority for Consumer Protection - Municipalities	National National/local National Local	General General General General			
<b>Slovakia</b>	Police	National	General			
<b>Slovenia</b>	- Health Inspectorate - Market Inspectorate - Police	National National Local/Regional	General General General		-	Financial fines
<b>Spain</b>	Police	National/Local	General			
<b>Sweden</b>	- Police - Municipalities	Local Local	General Specific			
<b>Switzerland</b>	Cantonal/Mun. Public Authorities <sup>1</sup>	Regional	General/specific <sup>1</sup>	Cantonal level	- Financial fines - Revoke license	
<b>UK</b>	- Police - Trading Standards Office	Local Local	General General	YES	Financial fines	



‘–’ No data available

<sup>1</sup> The cantonal public authorities are in charge. There are 26 cantons and each canton has its own specific organisation within which the enforcement of the Swiss Federal Law on Alcohol is done (e.g. the police).

Country	Test purchasing research	Organisations involved in TPR	Regular*/ Ad hoc	Strategy	Compliance rates and coverage	Off-premise	On-premise	General	Events	National coverage	Methods for TPR	Age test purchaser	Test purchaser		
<b>Austria</b>		- Reg. inst.for addiction prevention - Others <sup>2</sup>	Ad hoc Ad hoc	Local			58,4%	62,1%		22,1%		NO		13-17	Minor
<b>Belgium</b>		Flem. Ass. for Alcohol and other Drug Problems	Ad Hoc											15/16	Minor
<b>Bulgaria</b>															
<b>Croatia</b>															
<b>Cyprus</b>															
<b>Czech Rep.</b>															
<b>Denmark</b>															
<b>Estonia</b>		National Institute for Health Development	Ad hoc				35,4%	13,9%	23,6%			YES		18/19	Legal age
<b>Finland</b>		National Institute for Health and Welfare	Regular	Local			49/92% <sup>3</sup>					NO		18/20	Legal age
<b>France</b>															
<b>Germany</b>		Municipalities	Ad hoc	Local					65,1%					17/18	Minor <sup>6</sup>
<b>Greece</b>															
<b>Hungary</b>		Authority for Consumer Protection	Ad hoc				60%					YES		16/17	Minor
<b>Ireland</b>		-													
<b>Italy</b>															
<b>Latvia</b>															
<b>Lithuania</b>															
<b>Luxembourg</b>															
<b>Malta</b>															
<b>Netherlands</b>		- STAP/University of Twente - Municipalities - Supermarkets - Others <sup>2</sup>	Regular Ad hoc Ad hoc Ad hoc	Local			30%	11%	28%			YES		15	Minor
<b>Norway</b>		- Juvente - Wine monopoly - Sirus	Ad hoc Ad hoc Ad hoc				77/86% <sup>3</sup>					NO/YES <sup>3</sup>		13-17/ 18-25	Minor/ Legal age
<b>Poland</b>		Municipalities	Ad hoc	Local					23%			YES		18+	Legal age
<b>Portugal</b>		Consumers organisation	Ad hoc						44%			YES		12-15	Minor
<b>Romania</b>		Municipality of Pitesti/ STAP/UT (NL)	Ad hoc	Local			0%	0%	0%			NO		17	Minor
<b>Slovakia</b>		Youth organisation	Ad hoc	Local			8%					NO		15-17	Minor
<b>Slovenia</b>	University of Ljubljana	Ad hoc					8,30%		NO		<18	Minor			
<b>Spain</b>	Consumers organisation	Ad hoc					19/33% <sup>4</sup>		YES		15-17	Minor			
<b>Sweden</b>	- STAD - IOGT-NTO	Regular Ad hoc	Local		93%	76%			YES/NO		18	Legal age			
<b>Switzerland</b>	- Municipalities - Cantons - Blue cross - Supermarkets	Ad hoc Regular Ad hoc Ad hoc	Local/national		74,3%	73,3%	69,6%	49,7%	YES		14-17	Minor			
<b>UK</b>	Supermarkets	Ad hoc	Local/national		0% <sup>5</sup>	22% <sup>5</sup>			YES <sup>5</sup>		13-17	Minor			

<sup>1</sup> Regular research means more than 2 studies within the last 5 years.

<sup>2</sup> Other organisations that are also mentioned in different countries to be involved in test purchasing research are local/national media and commercial research organisations.

<sup>3</sup> First number is the compliance in supermarkets. Second number is the compliance in state monopoly's (data collected by the monopoly itself).

<sup>4</sup> Compliance for liquor.

<sup>5</sup> Data collected by retail organisation for different age groups (only data for 17 years old used in this table).

<sup>6</sup> Data only for state of Rheinland-Pfalz where test purchasers can be 17 years old, but only under certain conditions (consent letter of parents, voluntariness, training, care of local authorities).





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