Department for Environment, Food and Rural Affairs

TECHNICAL FILE FOR SCOTCH WHISKY

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(Frequently referred to as "Scotch").

Category of the spirit drink:
"Whisky" as defined in Category 2 of Annex II of Regulation (EC) No 110/2008.

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Description of Scotch Whisky

Physical, chemical and/or organoleptic characteristics

Appearance

Scotch Whisky is a transparent liquid ranging in colour from pale yellow to deep amber. The product may exhibit a haze on storage at low temperatures, such as below 0ºC, but such a haze may also be apparent in some Scotch Whiskies after mixing with water and/or ice.

Material allowed for colouring

The colour of Scotch Whisky derives primarily from the maturation cask. Colour may be adjusted by the addition of plain caramel colouring (E150a), but the resultant colour should not exceed the natural range that can be derived from maturation casks.

Water

Only water as defined in section (6) of Annex I to Regulation (EC) No 110/2008 can be used to adjust the alcoholic strength.

Adjustments to alcoholic strength prior to maturation, and prior to bottling, are by the addition of potable water, which may be purified, for example by distillation, demineralisation, or reverse osmosis. The alcoholic strength of "cask strength" Scotch Whisky must not be adjusted after maturation.

Aroma and flavour

The aroma and flavour derive from the distillation of a fermented substrate, made from malted barley with or without other cereals, followed by maturation in oak casks. The characteristics of single whiskies are dependant inter alia on the specific distillery processes used and the subsequent maturation. Grain Scotch Whiskies are typically lighter in aroma and flavour than Malt Scotch Whiskies. Blended Scotch Whiskies derive their characteristics from the interaction of their single whisky components, which have been chosen to complement each other.

There is a wide range of aromas and flavours in individual Scotch Whiskies, for example, from the light, grainy slightly pungent characteristics of relatively young Grain Scotch Whisky to the rich, fruity and smooth characteristics of a well-matured Malt Scotch Whisky. Some Malt Scotch Whiskies, which have been made using malted barley that was dried over a peat fire, may exhibit distinctive "peaty" aromas.

Specific characteristics of Scotch Whisky compared to other whiskies

The common element of all whiskies is the distillation from cereals in such a way as to retain the aroma and flavour derived from the raw materials with the development of further complexity during years of maturation in wooden casks. However, whiskies produced in different countries have different characteristics.

Although there are only around 100 Scotch Whisky distilleries in Scotland, there are thousands of different brands of Scotch Whisky each with its own character. Many of these are a result of blending Single Malt and Grain Scotch Whiskies. All of these brands share the distinctive qualities of Scotch Whisky, which set them apart from whiskies distilled in other countries. The three factors which distinguish Scotch Whisky from other whisky are:

(a) the differences in the production process, including differences reflected in the legal definitions;
(b) the geography, geology and climate of Scotland; and
(c) the skills and knowhow of the distiller and the blender.

(a) The production process, including the differences reflected in the legal definitions

There are a number of differences between the production method required by the definition in The Scotch Whisky Regulations 2009 and other stipulated production methods for whisky set out in the laws of other countries, including Regulation (EC) No 110/2008. In particular:

1. The Scotch Whisky definition prohibits the use of added enzymes and requires the use of malted barley. The reliance on malted barley enzymes in the production of Scotch Whisky means that the initial fermentation substrate can be quite different to that of whisky produced with the use of added enzymes. The composition of the substrate, particularly in relation to the sugars, has an effect on the type of yeast which can be used and thus the congeners which are produced. While Scotch Whisky is distilled from malted barley and other cereals, mainly wheat or maize, other whiskies may use different cereals or different proportions of cereals. For example, rye has traditionally been used in Canadian whiskies and in some American whiskies.

2. The Scotch Whisky definition requires the mandatory use of oak casks, whereas, for example, Regulation (EC) No 110/2008 requires only the use of wooden casks.

3. All processes for Scotch Whisky from mashing of the cereals, conversion into a fermentable substrate, fermentation and distillation must take place at the same distillery, and all maturation of Scotch Whisky must take place in Scotland.

These requirements, when combined with the particular geology and climate of Scotland, create differences between Scotch Whisky and other whiskies.

Other differences

There are traditional distinctions between the way Scotch Whisky is produced compared to other whiskies. Different types and shapes of stills are used, which

affect the organoleptic characteristics of the spirit. For example, most North American whiskies are distilled using a column still process, whereas Scotch Whisky is distilled using both column and pot stills. Also, while malt Scotch Whisky is usually distilled twice, Irish pot still whiskeys are usually distilled three times. Tennessee and Bourbon whiskeys from America are sometimes referred to as "sour mash" indicating that the mash has been acidified to take account of local water conditions. Furthermore, Tennessee whiskey is leached through sugar maple charcoal before it is matured. Whereas Bourbon and Tennessee whiskeys from America must by law be matured in charred new oak casks, which gives them a strong sweet vanilla character, Scotch Whisky is usually matured in oak casks which have previously been used for other spirits or wines, so that the flavour of the wood does not overpower the whisky. In other countries the new spirit is frequently filled into cask for maturation at a different strength to that used for Scottish newly distilled spirit.

(b) For the effect of the **geography, geology and climate of Scotland** on the character and quality of Scotch Whisky see "The links with geographical origin and environment" below.

(c) For the effect of **the skills and knowhow of the distiller and blender**, see "The links with geographical origin and environment" below.

Geographical area concerned

Scotch Whisky is whisky distilled and matured in Scotland. Scotland is located in the northern region of the United Kingdom, which is off the North Western coastline of continental Europe. Scotland is bordered by England in the South, the Sea of the Hebrides, the Atlantic Ocean and the North Sea. Mainland Scotland lies roughly between 55 degrees N and 60 degrees N, and between 1.7 degrees W and 6 degrees W The Shetland Islands, the most northerly part of Scotland are about 61 degrees N, and the islands of The Outer Hebrides are approximately 7 degrees West.

Within the Scotch Whisky Geographical Indication are the following protected locality and regional geographical indications.

The protected localities are:

(a) "Campbeltown", comprising the South Kintyre ward of the Argyll and Bute Council as that ward is constituted in the Argyll and Bute (Electoral Arrangements) Order 2006(a); and
(b) "Islay", comprising the Isle of Islay in Argyll.

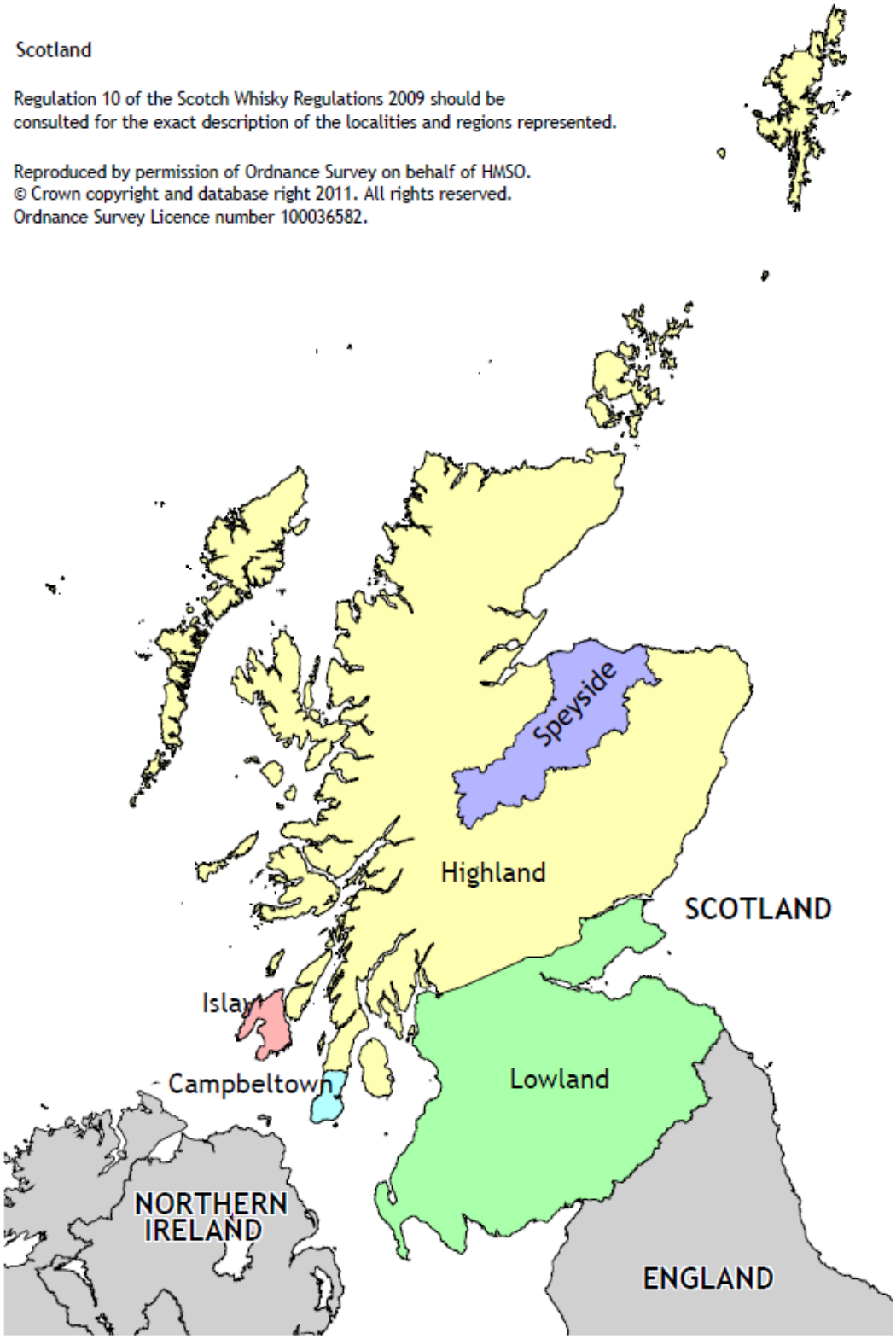
The protected regions are:

(a) "Highland", comprising that part of Scotland that is north of the line dividing the Highland region from the Lowland region;
(b) "Lowland", comprising that part of Scotland that is south of the line dividing the Highland region from the Lowland region; and
(c) "Speyside", comprising

    (i) the wards of Buckie, Elgin City North, Elgin City South, Fochabers Lhanbryde, Forres, Heldon and Laich, Keith and Cullen and Speyside Glenlivet of the Moray Council as those wards are constituted in the Moray (Electoral Arrangements) Order 2006(b); and

    (ii) the Badenoch and Strathspey ward of the Highland Council as that ward is constituted in the Highland (Electoral Arrangements) Order 2006(c).

Map of Scotland



Method of production for Scotch Whisky

The basic production method is set out in the definition of Scotch Whisky in Regulation 3(1) of the Scotch Whisky Regulations 2009 as follows:

Definition of "Scotch Whisky"

"Scotch Whisky" means a whisky produced in Scotland

(a) that has been distilled at a distillery in Scotland from water and malted barley (to which only whole grains of other cereals may be added) all of which have been;
  (i) processed at that distillery into a mash;
  (ii) converted at that distillery into a fermentable substrate only by endogenous enzyme systems; and
  (iii) fermented at that distillery only by the addition of yeast;

(b) that has been distilled at an alcoholic strength by volume of less than 94.8 per cent so that the distillate has an aroma and taste derived from the raw materials used in, and the method of, its production;

(c) that has been matured only in oak casks of a capacity not exceeding 700 litres;

(d) that has been matured only in Scotland;

(e) that has been matured for a period of not less than three years;

(f) that has been matured only in an excise warehouse or a permitted place;

(g) that retains the colour, aroma and taste derived from the raw materials used in, and the method of, its production and maturation;

(h) to which no substance has been added, or to which no substance has been added except;
  (i) water;
  (ii) plain caramel colouring; or
  (iii) water and plain caramel colouring

(i) that has a minimum alcoholic strength by volume of 40%.

<u>Definitions of the five permitted categories of Scotch Whisky</u>

"Single Malt Scotch Whisky" is a Scotch Whisky that has been distilled in one or more batches
  (a) at a single distillery,

(b) from water and malted barley without the addition of any other cereals; and
(c) in pot stills.

"Single Grain Scotch Whisky" is a Scotch Whisky that has been distilled at a single distillery and is not a Single Malt Scotch Whisky or a Blended Scotch Whisky.

"Blended Malt Scotch Whisky" is a blend of two or more Single Malt Scotch Whiskies distilled at more than one distillery.

"Blended Grain Scotch Whisky" is a blend of two or more Single Grain Scotch Whiskies distilled at more than one distillery.

"Blended Scotch Whisky" is a blend of one or more Single Malt Scotch Whiskies with one or more Single Grain Scotch Whiskies.

Malt Scotch Whisky

Malt Scotch Whisky is made from three natural raw materials, namely malted barley, water and yeast. The first stage of production is the malting of the barley. Historically and traditionally, the barley was steeped in tanks of water for two to three days before being spread out over the floors of the malting house to germinate. To stop germination, the malted barley was dried in a kiln, identifiable by the distinctive pagoda-shaped chimneys, which are typical of many Malt Scotch Whisky distilleries. This process is still used in some distilleries, although others now obtain malted barley from dedicated malting companies which are able to produce traditional malted barley on a larger scale.

The malted barley is then ground to a rough-hewn grist and mixed with hot water in a vessel known as a 'mash tun'. This process converts the starch in the barley into a sugary liquid known as 'wort'. The wort is separated from the mash and transferred to a fermenting vat, or 'washback', where yeast is added and the fermentation process converts the sugary wort into alcohol, similar in aroma and taste to unhopped beer. This is known as the 'wash'.

The wash is then distilled in distinctive copper pot stills, where distillation separates the alcohol and other congeners from the wash. Malt Scotch Whisky is usually distilled twice , the first distillation taking place in a larger 'wash still', and the second in a slightly smaller 'low-wines' or spirit still.

The distiller raises the temperature within the wash still and gradually the fermented liquid is heated until the alcohol in the wash vaporises. The vapours rise up the neck and pass over the head of the still, before being guided through condensers where they revert to liquid ('low-wines').

This liquid is collected in a receiver before being passed into the second 'low-wines' or spirit still where the process is repeated. The distiller exercises much more control

in the second distillation as only the heart, or “middle-cut”, of the spirit flow will be collected for maturation.
The first runnings from the still (‘foreshots’) and the final part (‘feints’) are returned for redistillation with the next batch of low-wines. The middle-cut is collected by the distiller only when he is satisfied that it has reached the required quality.

Grain Scotch Whisky

Grain Scotch Whisky also has to be made with malted barley, but the mash may, and usually does, also include other cereals. The most commonly used other cereals are wheat and maize. Unmalted cereals are mixed with hot water and heated to liquefy the cereal starch to make it easier to be broken down to fermentable sugars. It is then cooled to about 65ºC and mixed with malted barley, which is usually ground. In some cases, ‘green’ (unkilned) malted barley is used. The enzymes of the malted barley convert the starch to more fermentable sugars. Solids-free wort may be separated from the mash, but most distillers do not separate the solids prior to fermentation. The wort is cooled to about 15 º - 23ºC and yeast added to perform the fermentation stage, which takes between two to three days. The yeast produces ethyl alcohol and a range of other volatile compounds. The fermented wort, known as “wash”, is then distilled to extract the alcohol and other volatiles from the wash. Distillation is usually in continuous column stills and must be at less than 94.8% alc vol. The traditional design of column stills is the Coffey or patent still.

Grain Scotch Whisky can also be made by the continuous distillation of wort made with malted barley alone, or by distilling in a pot still a wash of a mash of malted barley and other cereals.

Maturation

Before being filled into a variety of casks for maturation, the malt or grain ‘new make spirit’ is normally diluted with water to a strength somewhere between 60% and 70% abv.

The quality of the casks is important because the new spirit will gain character and colour from the wood in which it matures. Most casks will previously have been used to mature other alcoholic beverages: some, for example, will have contained Sherry, and some will have contained American Bourbon Whiskey. Casks must be empty of their previous contents prior to being filled with Scotch Whisky or with spirit destined to become Scotch Whisky. The type of cask used for maturation will have been determined by the Chief Blender who is seeking a particular character for the final whisky.

Maturation affects the spirit in three different ways; it removes some of the harsher attributes of the spirit; it adds some additional attributes from the wood; and it changes the chemical composition of the spirit. During maturation the distillate gradually takes on colour and becomes more mellow and smooth.

Only after the minimum three years' maturation does the new spirit became Scotch Whisky. In practice, many Scotch Whiskies are matured for much longer – from five to twelve, or eighteen years and sometimes longer. During this process the air penetrates through the porous oak of the casks and contributes to the character of the whisky.

A proportion of the spirit (on average 2%) in each cask evaporates each year.

Some companies choose to "finish" their Scotch Whiskies, particularly their Single Malt Scotch Whiskies, to provide additional complexity to the spirit. This is carried out by further maturation in a different cask. An example of 'finishing' is where a Single Malt Scotch Whisky, which has been matured for 12 years in barrels previously used for maturing Bourbon Whiskey, would acquire a different character if "finished" for an additional period of time in a cask which has previously held Sherry or Port wines. The decision as to whether to "finish" a Scotch Whisky or not depends on the character of the spirit the company's blender wants to achieve

Categories of Scotch Whisky

The product of individual distilleries is frequently blended together and used for the production of '**Blended Scotch Whisky**', '**Blended Malt Scotch Whisky**' or '**Blended Grain Scotch Whisky**'. However, if the product of an individual Malt Scotch Whisky distillery or Grain Scotch Whisky distillery is not blended with another Scotch Whisky, it must be marketed as a '**Single Malt Scotch Whisky**' or a '**Single Grain Scotch Whisky**', as the case may be. Single Malt Scotch Whiskies in particular are well-known amongst connoisseurs of Scotch Whisky as being highly individual, each having a recognisable flavour and aroma dependant on the distillery in which it was distilled and the region of Scotland in which that distillery is located.

The greatest proportion of Scotch Whisky is consumed as Blended Scotch Whisky. The highly skilled task of creating a marriage of individual Single Malt and Single Grain Scotch Whiskies to make a Blended Scotch Whisky is the responsibility of the Chief Blender of each company.

Blending

The skill of blending is to choose individual whiskies which complement each other and produce a complex subtle blend. Each blender has his or her own 'recipe' which is a carefully guarded secret. The 'recipe' is constantly monitored, as every cask of Scotch Whisky is different and therefore the blender cannot simply use the same quantity of specified whiskies for each batch of a blend.

A Blended Scotch Whisky may be a combination of fifty or more Single Malt and Grain Scotch Whiskies of varying ages. The blend is assembled by 'nosing' the individual whiskies, i.e. by aroma. The blender needs to identify which whiskies will combine successfully with others and will monitor the progress of maturation of the whiskies intended for his blend.

Pre-bottling processes

All Scotch Whisky is filtered prior to bottling to remove any particles of wood which have accumulated in the spirit during the maturation process. It is also common, but not always the case, that Scotch Whisky will be chilled filtered prior to bottling. The purpose of chill filtration is to remove what is referred to as ‘haze floc’. When subjected to low temperatures, certain of the long chain esters in Scotch Whisky may come out of solution and form a haze or sediment in the bottle. Because most consumers expect Scotch Whisky to be clear and ‘bright’, many Scotch Whiskies are filtered at a particular temperature to remove haze floc, and to ensure that the final product remains clear even when subjected to changes of temperature. The filtration used must be only for the purpose of, and go no further than, preventing haze floc. It must not be used in order to remove colour, flavour or aroma, which is prohibited by the definition of Scotch Whisky.

Again, if so desired and prior to bottling, the blender may use the only additive which is permitted for Scotch Whisky, namely plain caramel colouring (E150a). Scotch Whisky acquires its colour through its maturation in oak casks. However, each cask of Scotch Whisky will have a different colour. As part of the blending process the blender will seek to produce a final blend which is as close in colour to the previous batches of his brand which he has produced over the years. However, to produce exactly the same required colour, it may be necessary to use very small quantities of plain caramel colouring to adjust the colour. The use of plain caramel colouring to adjust colour has been traditional since the 19th Century. Plain caramel (E150a) is a colouring, and is not for flavouring or a sweetening.

With the exception of Single Malt Scotch Whisky, which may not be exported in bulk, Scotch Whisky is sometimes shipped abroad in inert bulk containers for bottling in other countries.

Single Malt Scotch Whiskies are sometimes blended together (without any Grain Scotch Whisky) to create Blended Malt Scotch Whisky. Again, the blender aims to blend together Single Malt Scotch Whiskies from different distilleries which complement each other to produce a complex Blended Malt Scotch Whisky. A similar process is occasionally followed to produce Blended Grain Scotch Whiskies which are blends of Single Grain Scotch Whiskies from different distilleries.

By law, when a bottle of Scotch Whisky bears an age statement on the label, that age is the age of the youngest whisky in the blend. In other words all the whisky in the bottle must be at least the age claimed; it is not the average age. It is not permissible to refer on the label to the age of any constituent whisky other than the youngest. In other words, if a Scotch Whisky contains 12 year old whiskies and 60 year old whiskies, it may only be sold as “12 years old”, and no reference may be made on the labels, or in promotion, to the age(s) of the older whiskies in the bottle.

The links with geographical origin and environment.

The geographical area from which Scotch Whisky originates is described above in the section 'Geographical area concerned'. As required by Article 15(1) of Regulation (EC) No 110/2008, the Scotch Whisky geographical indication identifies the drink as originating in a certain area where the quality, reputation or other characteristics of Scotch Whisky are essentially attributable to its geographical origin. The following factors demonstrate the link between Scotch Whisky and the geographical area.

Natural factors in the geographical area

1. **The geology and geography of Scotland** – Scotland comprises the northern one-third of the island of Great Britain and includes over 790 islands and archipelagos. It is divided into Highland and Lowland areas by the Highland Boundary Fault. The Highlands and Islands to the north and west of the fault make up about 60% of the land mass. Scotland has a varied but unique geology resulting from major seismic activity many years ago. Pure water, which is one of the principal natural raw materials in the manufacture of Scotch Whisky, varies according to the local rocks and countryside through which it flows on its way to each distillery.

2. **The climate of Scotland** – The climate of Scotland also has a significant effect on the character of Scotch Whisky. The prevailing wind is from the south west bringing warm moist air from the Atlantic. Although quite far north, Scotland has a cool, mild climate. The Highlands and Western Islands are one of the wettest areas in Europe with annual rainfall of up to 4577mm. The East is drier and suitable for the growth of barley and wheat. The cool, humid climate provides plentiful supplies of good quality water.

3. **Water** – The wet climate of Scotland ensures that the country has an abundance of clean, fresh water. Scotch Whisky distilleries have always been built where there is a good reliable source of water of a particular quality, and distilleries frequently own the source of their water to ensure a continuous supply and that it remains pure and uncontaminated. Water is one of the three natural raw materials of Scotch Whisky.

4. **Peat** – Used historically as a fuel both for firing stills and for drying barley during the malting process, peat is in plentiful supply in Scotland. Peat still plays an important role in the production of Scotch Whisky and its flavour.

5. **Factors influencing the fermentation** – In the cool climate of Scotland the fermentation can be started at low temperatures and allowed to heat up naturally to a maximum of about 33ºC.

6. **Influence of climate on maturation** – Scotland has a maritime climate heavily influenced by the Gulf Stream. During maturation the spirit permeates the oak cask, and alcohol and water can evaporate. In warmer, dryer climates more water evaporates than alcohol leading to an increase in alcoholic strength in the cask. This affects the various interactions which are occurring. In the cool, moist climate of Scotland, there is less of an overall rate of evaporation loss but proportionately more alcohol evaporates resulting in a reduction of the alcoholic strength.

Human and process factors in the geographical area

Skills and processes developed in Scotland and handed down over the centuries also have a significant effect on the quality and character of Scotch Whisky:

1. **Raw materials** – Scotch Whisky is made with malted barley, with or without other cereals, yeast and water. In Scotland, in some cases, the malted barley is dried over a peat fire. In Scotland the cereals are made into a mash with hot water and the cereal starch is broken down by the amylase enzymes of the malted barley. In the Scottish process, no added enzymes are allowed.

2. **The stills** – The whole process for the production of Scotch Whisky has been refined over the years to optimise quality and to produce a particular character. Each malt whisky distillery has its own unique copper stills. It is scientifically established that the different shapes of the stills lead to differences in the flavour of the Scotch Whiskies produced.

3. **The distiller** – The distiller is responsible for ensuring that only the best quality spirit is filled into cask for maturation to become Scotch Whisky. Ethanol and other volatile substances are separated from the fermented wort by distillation, during which some of the volatile substances can interact to form new congeners. There is little rectification during the pot distillation used in the malt whisky process. Some rectification occurs in column distillation, but the permitted maximum distillation strength ensures that the grain whisky distillate has a flavour and aroma derived from the raw materials and is not neutral.

4. **The cooper** – The type and quality of casks used to mature Scotch Whisky has a very significant effect on the quality and character of the final product. Although the great majority of the casks used to mature Scotch Whisky have previously been used for other spirits and wines, casks require to be reconditioned and repaired, reassembled, ‘toasted’ with heat, ‘decharred’ and ‘charred’. This involves skills in working with the wood and heat to produce a good quality cask, which will also not leak.

5. **The blender** – There are over 100 Scotch Whisky distilleries and many companies trade whiskies with each other to increase the variety of whiskies available to them for blending. Skilled blenders are the developers of brand recipes and custodians of their on-going maintenance in terms of quality and consistency. A Blended Scotch Whisky may contain over 50 different single whiskies, and these may have been matured in a range of sizes of casks, made of different types of oak and of different maturation potential. The blender’s skill and know-how allows all of the different variables to be combined to result in a product which has a quality that is greater than the sum of each component. The blender will combine hundreds of casks of different whiskies of different ages from different distilleries to produce exactly the same quality and style of blend for every batch of his or her brand. As every cask of Scotch Whisky is different, this involves considerable skill relying largely on sense of smell to assess the quality and characteristics of each cask.

How the reputation is linked to the geographical area

1. **Historical origins** – Scotch Whisky has been produced in Scotland for more than 500 years and has been exported from Scotland for around 200 years. The term "whisky" derives originally from the words in the Gaelic language "Uisge Beatha" or "Usquebaugh". Gaelic is the traditional language spoken in the Highlands of Scotland and Ireland. The Gaelic description first evolved into "Uiskie" and then "Whisky". A Royal Commission was set up in 1908 in the United Kingdom to decide what restrictions should apply as to how Scotch Whisky was made. It issued its report in 1909. The Immature Spirits (Restriction) Act, 1915 required ageing of Scotch Whisky in barrels for at least 2 years, which was extended to 3 years in 1916. Subsequently, Scotch Whisky was defined by statute in UK law in 1933, and it has been defined in UK legislation since that date.

2. **Worldwide sales** – Around 1 billion bottles of Scotch Whisky were exported from the UK to nearly 200 countries in 2011, to the value of over £4.23 billion. Sales to the European Union (excluding the UK) in 2011 were valued at approximately £1.45 billion.

3. **International recognition**

(a) Under Regulation (EC) No 110/2008, and previously Regulation (EEC) No 1576/89, Scotch Whisky has been recognised as a geographical indication in the EU since 1989. Prior to 1989 Scotch Whisky was protected by the laws of a number of individual EU Member States. For example, it has been protected as an appellation of origin in France since 1975 under a bilateral agreement between France and the United Kingdom.

(b) Outside the EU numerous other countries have defined Scotch Whisky in their legislation as whisky produced solely in Scotland. For example, the US legal definition of Scotch Whisky is:

"whisky which is a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of the United Kingdom regulating the manufacture of Scotch Whisky for consumption in the United Kingdom".

(c) Scotch Whisky is also registered as a geographical indication in a number of countries including, for example, Canada, China, India, Malaysia, Panama, Thailand, Turkey, the Turkish Republic of Northern Cyprus, Vietnam, Macao, Peru, and the Dominican Republic.

(d) Even in countries where there is no statutory definition of Scotch Whisky, it has been protected under the national laws of passing off or unfair competition. The Scotch Whisky Association has taken extensive legal action worldwide for more than 50 years to ensure that the description "Scotch Whisky" is only used for whisky produced in Scotland in accordance with the laws of the United Kingdom.

Specific characteristics of the spirit drink attributable to the geographical area

Composition of the Scotch Whisky distillate

1. **Water** – Whether it is 'peaty' water which seeps through Scottish moors, 'soft' water which has flowed over granite rocks, or 'hard' water that has flowed through sandstone, the nature of the water used for mashing and fermentation plays an important part in the character and quality of the Scotch Whisky distillate.

2. **Endogenous enzymes** – The Scottish requirement to use only the endogenous barley enzymes results in a more complex substrate, which in turn requires specialised yeast strains to carry out the fermentation.

3. **Fermentation** – The fermentation pattern referred to above, which is made possible by the Scottish climate, affects the character of the final distillate.

4. **Composition of the distillate** – Numerous other geographical factors influence the composition of the distillate, including the levels of congeners produced during fermentation; the still design, the rate of distillation, copper contact and the fractions collected. These are all determined by practices which have evolved in the geographical area over time. The distiller uses his or her know-how to control the entire distilling process to obtain the desired characteristics in the distillate.

Organoleptic characteristics of Scotch Whisky

1. **Maturity** –The cool and damp Scottish climate provides ideal conditions during maturation to produce a very different spirit than would be produced by maturation in different climatic conditions. For that reason it is required that all maturation of Scotch Whisky must take place in Scotland i.e. it cannot be matured for any period of time in another country.

2. **Peat aroma** – Peat, a natural fuel consisting of turf cut from the moors of Scotland, is used to varying degrees to fire kilns in the malted barley drying process, along with more modern fuels. Smoke from the fire drifts upwards through a wire mesh floor to dry out the barley, and imparts a distinctive aroma, known as 'peat reek'. These peaty aromas pass through the process into the distilled product and contribute to the character of the final spirit. Commercial malting companies also supply distilleries with "peated" barley malt. The distiller decides the degree of "peatiness" he wishes in his Malt Scotch Whisky, ranging from none to heavily peated.

3. **Blenders' art** – Blenders strive to maintain the consistency of their Scotch Whisky brands. The blender of each company will train a successor and in this way the skill is handed down from one generation to another, ensuring the typical Scotch Whisky taste is replicated generation after generation. Whereas the distilling of Scotch Whisky is a science which has been developed over the years, the blending of Scotch Whisky is an art.

Summary

Therefore, throughout the Scotch Whisky process, there are numerous factors which influence the final character of Scotch Whisky. Each company has its own skills and expertise which supplement the natural factors, such as climate and water. It is the combination of human and natural factors which contribute to the reputation, character and quality of Scotch Whisky.

European Union or national / regional provisions

Community provisions

The production and presentation of whisky in the EU is governed by Regulation (EC) No 110/2008.

National provisions

The Spirit Drinks Regulations 2008

These Regulations are a law of the United Kingdom and inter alia make provision for enforcement of Regulation (EC) No 110/2008 and designate the Commissioners for Her Majesty's Revenue and Customs (HMRC) as the verification authority for the purpose of Article 22 of Regulation (EC) No 110/2008. The current version of these Regulations, and any amendments, can be found at www.legislation.gov.uk.

The Scotch Whisky Regulations 2009

These Regulations are a law of the United Kingdom and impose additional national requirements in relation to Scotch Whisky in addition to the requirements that apply to Scotch Whisky by virtue of Regulation (EC) No 110/2008. The current version of these Regulations, and any amendments, can be found at www.legislation.gov.uk.

Controls on production

Verification of compliance with the provisions of this technical file will be carried out by HMRC, as provided for in Regulation 5(1) of the Spirit Drinks Regulations 2008. Detailed records are kept of every stage in the production process, from delivery of the cereals, to the filling of spirit into each oak cask, and tracing the history of each cask during the maturation process until it is bottled for sale to the public or exported. Processes, casks and records may be inspected or audited for both verification and enforcement purposes. On request, HMRC may issue certificates of verification for Scotch Whisky.

Movement from Scotland to another country

1. The following categories of Scotch Whisky must not be moved from Scotland in a wooden cask or other wooden holder:
    a) Single Grain Scotch Whisky
    b) Blended Malt Scotch Whisky
    c) Blended Grain Scotch Whisky
    d) Blended Scotch Whisky

2. Single Malt Scotch Whisky may not be moved from Scotland to another country except in a bottle made of any inert material holding 2 litres or less and labelled for retail sale. Single Malt Scotch Whisky may not be bottled, or re-bottled, outside Scotland.

3. Single Grain Scotch Whisky, Blended Malt Scotch Whisky, Blended Grain Scotch Whisky or Blended Scotch Whisky may not be moved from Scotland other than—

   (a) in a bottle (made of any inert material) that is labelled for retail sale, or

   (b) to an importer, bottler or blender who has given such undertakings to HMRC as are prescribed by HMRC in a verification scheme, as revised or replaced from time to time.

4. For the purposes of this technical file a person is regarded as having moved Scotch Whisky from Scotland to another country if they:

   a) physically move the whisky from Scotland to another country; or

   b) arrange (whether directly or through a third party) for another person to physically move the whisky from Scotland to another country.

5. "Retail sale" means any sale except a sale for use or resale in the course of a trade or business.

Registration of Geographical Indications/Appellations of Origin/Collective Marks/Certification Marks

The geographical indication "Scotch Whisky", the category names for Scotch Whisky and the locality and regional geographical indications may be protected in third countries by registration as Geographical Indications /Appellations of Origin / Collective Marks / Certification Marks, as the case may be.

The Scotch Whisky Association

The Scotch Whisky Association is recognised by the UK Government as the trade association representing over 90% of the Scotch Whisky production, and is specifically granted the right in Regulation 40 of The Scotch Whisky Regulations 2009 to apply for court orders to stop the sale of non-complying products to enforce provisions of those Regulations.

The Scotch Whisky Association is established to protect Scotch Whisky worldwide, including the registration of Scotch Whisky as a Geographical Indication/collective mark/certification mark/appellation of origin in third countries. The Scotch Whisky Association takes legal action to stop any spirits being sold as Scotch Whisky which do not comply with the requirements of The Scotch Whisky Regulations 2009. In order to check compliance, each year the Scotch Whisky Association collects samples of product claiming to be Scotch Whisky from around the world for chemical analysis to check that the contents are indeed genuine Scotch Whisky and to check any age claim. Authenticity analysis is carried out by the Scotch Whisky Research Institute (SWRI), a specialist laboratory established by the Scotch Whisky industry for research and authenticity analysis. The SWRI is accredited by the United Kingdom Accreditation Service (UKAS), and is therefore a recognised laboratory under the International Laboratory Accreditation Cooperation (ILAC).

Applicant

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Supplement to the geographical indication

Specific labelling rules:

Compulsory sales descriptions

1. The category into which a Scotch Whisky falls must be stated on:

    (a) the front of a container of Scotch Whisky; and
    (b) any individual packaging used for the transportation of the container, or used for display purposes during the marketing of the whisky, unless, in both cases, the front of the container is clearly visible through that packaging.

2. The categories are—
    (a) Single Malt Scotch Whisky;
    (b) Single Grain Scotch Whisky;
    (c) Blended Malt Scotch Whisky;
    (d) Blended Grain Scotch Whisky; and
    (e) Blended Scotch Whisky.

3. The name of the category must be:
    (a) printed in a conspicuous place in such a way as to be easily visible and legible to the naked eye and indelible so that it is clear that it is the sales description of the whisky;
    (b) printed in a way that gives equal prominence to each word making up the name of the category; and
    (c) as prominent as any other description of the whisky on the container or packaging, except for:
        (i) any separate use of the description “Scotch Whisky”;
        (ii) any statement relating to the year in which the whisky was distilled, the year in which it was bottled, the period for which it was matured or the age of the whisky and
        (iii) any descriptive word or words forming part of the brand name.

4. The name of the category must not be:
    (a) overlaid or interrupted by other written or pictorial matter; or
    (b) used in conjunction with any other words.

5. But paragraph 4 (b) does not prevent the name of a Scottish locality or region from being appended to the name of the category of the whisky to indicate where the Scotch Whisky was distilled if:
    (a) it appears immediately before the name of the category;
    (b) the whisky was distilled in the named locality or region; and
    (c) the use of that name does not otherwise contravene the rules on locality and regional geographical indications below.

6. A person must not label, package or sell any Scotch Whisky in a way that does not comply with paragraph (1), (3) or (4).

7. A person must not label, package, sell, advertise or promote any Scotch Whisky as falling within a category if it does not fall into that category.

Names of distilleries and distillers.

1. The name of a distillery mentioned in ANNEX 1 below must not be used as a brand name, or as part of a brand name of a Scotch Whisky, or be used in a similar fashion in terms of its positioning or prominence, unless the whisky has been wholly distilled at that distillery.

2. Any name adopted for a Scotch Whisky distillery after this Technical File has been lodged with the Commission, including the name of a new or re-opened Scotch Whisky distillery, must not be used by the proprietor of that distillery as a brand name, or as part of a brand name, for a Scotch Whisky, or be used in a similar fashion in terms of its position or prominence, unless the Scotch Whisky has been wholly distilled at that distillery.

3. But paragraph (2) does not apply in the circumstances specified in ANNEX 2 below.

4. Scotch Whisky must not be labelled, packaged, advertised or promoted in any other way that, having regard to the presentation of the product as a whole, creates a likelihood that the public may think that it has been distilled at any distillery or place other than the distillery or place at which it was actually distilled.

5. Single Malt Scotch Whisky and Single Grain Scotch Whisky must not be labelled, packaged, advertised or promoted in any way that, having regard to the presentation of the product as a whole, creates a likelihood that the public may think that the whisky was distilled by any person other than the person who distilled it, or the owner or operator of the distillery at which it was distilled, whether by an indication that that person is the distiller, the owner or operator of the distillery, or otherwise.

6. A person must not label, package, advertise or promote any Scotch Whisky in a way that contravenes the requirements of paragraph (1), (2), (4) or (5), or sell any Scotch Whisky that has been labelled or packaged in that way.

Locality and regional geographical indications

1. A whisky or whisky-based drink must not be labelled, packaged, advertised or promoted in a way that includes the name of a protected locality or a protected region unless:
   (a) in the case of whisky, the whisky is Scotch Whisky that has been distilled in that locality or region; or
   (b) in the case of a whisky-based drink, the only whisky in the drink is Scotch Whisky that has been distilled in that locality or region.

2. But paragraph (1) does not apply in the circumstances specified in ANNEX 3 below.

3. A whisky or whisky-based drink must not be labelled, packaged, advertised or promoted in a way that includes any reference to a name that is similar to the name of a protected locality or protected region if, having regard to the presentation of the product as a whole, the reference may create a likelihood of confusion on the part of the public as to where the whisky or whisky-based drink was distilled.

6. A person must not label, package, advertise or promote any whisky or whisky-based drink in a way that contravenes paragraph (1) or (3), or sell any whisky or whisky-based drink that has been labelled or packaged in that way.

7. The protected localities and regions are defined in the section on 'Geographical area concerned'.

Use of the words 'pure' and 'malt' and derivations

A person must not label, package, sell, advertise or promote any Scotch Whisky in a way that includes—

(a) the phrase 'pure malt' or any derivation of that phrase; or

(b) the words 'pure' and 'malt', or any derivation of those words in a way that, although the words are separated from each other (whether by text or otherwise), the word 'pure' (or any derivation of it) is used adjectivally in connection with the word 'malt' (or any derivation of it).

Maturation, age and distillation statements

1. Without prejudice to the obligation to comply with the directly applicable requirements of Article 12(3) of Regulation (EC) No 110/2008 (which requires, among other things, that any maturation period or age may only be specified in the description, presentation or labelling of a spirit drink where it refers to the youngest alcoholic component in the drink), a person must not label, package, sell, advertise or promote any Scotch Whisky in a way that includes a reference to its maturation period or age unless the maturation period or age is expressed in years.

2. A person must not label, package, sell, advertise or promote any Scotch Whisky in a way that includes a reference relating to when it was distilled unless:
   (a) the reference relates to a single calendar year;
   (b) all of the whisky in the drink was distilled in that year;
   (c) the presentation of the whisky also includes a reference to—
      (i) the year of bottling of the whisky;
      (ii) the maturation period of the whisky; or
      (iii) the age of the whisky; and
   (d) the reference to the year of bottling, the maturation period, or age of the whisky appears in the same field of vision as the reference to the year of distillation.

3. A person must not label, package, sell, advertise or promote any Scotch Whisky in a way that includes a reference to any number (however expressed) if the reference to that number may create a likelihood of confusion on the part of the public as to whether the number relates to the maturation period of the whisky, its age or when it was distilled.

Supplementary labelling in terms of Article 9.6 of Regulation (EC) No 110/2008.

The labelling, packaging, presentation and advertising of Scotch Whiskies may feature additional supplementary words or terms such as:

1. Additional regional or locality geographical indications including but not limited to, those defined in the Scotch Whisky Regulations 2009, or indications of source, provided they do not mislead consumers.

2. Laudatory or descriptive terms, provided they do not mislead consumers.

3. References to the production process or part(s) of it, including reference to the type of cask used for maturation or partial maturation ("finishing") of the Scotch Whisky.

4. The words "Uisgebeatha Albannach" or "Uisge Beatha Albannach" being the equivalent in the Scottish Gaelic language of the Geographical Indication "Scotch Whisky".

5. Transcriptions in the Scottish Gaelic language of any or all of the English language text on the labels or presentation of Scotch Whisky.

6. In exceptional cases, where the law of an importing country so requires, the name of the category of Scotch Whisky which is required by Regulation 8 of the Scotch Whisky Regulations 2009 to be stated on the front of a container of Scotch Whisky and on individual packaging used for transportation of the container or for display purposes, may be overlaid by fiscal stamps or other labels stipulated by the importing country.

7. Liqueurs made using 100% Scotch Whisky are traditionally referred to as Scotch Whisky Liqueurs.

ANNEX 1

Aberfeldy	Glen Ord
Aberlour	Glenrothes
Abhainn Dearg (also known as Red River)	Glen Scotia
Ailsa Bay	Glen Spey
Allt a' Bhainne	Glentauchers
Annandale	Glenturret
Ardbeg	Highland Park
Ardmore	Inchgower
Auchentoshan	Invergordon
Auchroisk	Isle of Arran
Aultmore	Isle of Jura
Balblair	Kilchoman
Balmenach	Kilkerran
Balvenie	Kininvie
Ben Nevis	Knockando
Benriach	Knockdhu
Benrinnes	Lagavulin
Benromach	Laphroaig
Bladnoch	Linkwood
Blair Atholl	Loch Ewe
Bowmore	Loch Lomond
Braeval	Longmorn
Bruichladdich	Macallan
Bunnahabhain	Macduff
Cameronbridge	Mannochmore
Caol Ila	Miltonduff
Caperdonich	Mortlach
Cardhu	North British
Clynelish	Oban
Cragganmore	Port Dundas
Craigellachie	Pulteney
Daftmill	Roseisle
Dailuaine	Royal Brackla
Dalmore	Royal Lochnagar
Dalwhinnie	Scapa
Deanston	Speyburn
Dufftown (also known as Dufftown-Glenlivet)	Speyside
Edradour	Springbank
Fettercairn	Starlaw
Girvan	Strathclyde
Glenallachie	Strathearn
Glenburgie	Strathisla
Glencadam	Strathmill
Glendronach	Talisker
Glendullan	Tamdhu
Glen Elgin	Tamnavulin
Glenfarclas	Teaninich
Glenfiddich	The Glenlivet
Glen Garioch	Tobermory
Glenglassaugh	Tomatin
Glengoyne	Tomintoul
Glen Grant	Tormore
Glen Keith	Tullibardine
Glenkinchie	Wolfburn
Glenlossie	
Glenmorangie	
Glen Moray (also known as Glen Moray-Glenlivet)	

ANNEX 2

1. Where a distillery has changed its name and the new name for the distillery is used as a brand name, or as part of a brand name (or is used in a similar fashion in terms of its position or prominence) for a Scotch Whisky distilled at that distillery before the new name had been adopted.

ANNEX 3

1. Where the name of a protected locality or a protected region forms part of a trade mark or company name registered before 1st September 2009 and the name of the protected locality or protected region is only included on the labelling or packaging of a Scotch Whisky, or a Scotch Whisky-based drink, as part of that trade mark or company name.

2. Where the name of a protected locality or a protected region is mentioned only as part of the address of the distiller, producer, bottler, brand owner or seller of the drink.

3. In relation to a Blended Malt Scotch Whisky, a Blended Grain Scotch Whisky or a Blended Scotch Whisky, where:

   (a) a protected locality or protected region is only mentioned by a reference to the individual whiskies that have been blended together to make the whisky; and
   (b) the individual whiskies that have been blended together to make the whisky were not distilled anywhere else but in the specified localities or regions.

4. Where a brand owner refers in the labelling, packaging or advertising of one of their brands of Scotch Whisky to another brand of Scotch Whisky owned by them and the reference to the other brand includes a reference to a protected locality or protected region in which that other brand is distilled.