



HM Revenue
& Customs

January 2021

Spirit Drinks Verification Scheme and Technical Guidance:

Somerset Cider Brandy

WITHDRAWN

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On request this document can be produced in Welsh and alternate formats including large print, audio and Braille formats

1. Summary

1.1 The purpose of this notice

This notice outlines how HMRC will verify compliance with the Technical File for Somerset Cider Brandy and recover its associated verification costs.

This notice will help you find out:

- if you need to apply for verification of the processes you use to make Somerset Cider Brandy;
- when and how to apply for verification;
- what fees you need to pay for your verification;
- what will happen during a visit, if one is applicable.

1.2 Who should read this notice

Any person or business carrying out any of the production processes set out below for Somerset Cider Brandy should read this notice:

Growing apples (orchard)
Juice production
Fermentation
Distilling
Maturation
Blending
Labelling

1.3 Contact for further advice

You should contact HMRC's Spirit Drinks Verification Unit (SDVU) by email: enquiries.sds@hmrc.gsi.gov.uk

The SDVU will be able to help with any queries which relate specifically to your application, for example, the proposed date for a verification visit, the payment of verification fees or changes to your business details.

You should also use this email address to notify us of any changes to your details (section 7) and for any other queries relating to Somerset Cider Brandy verification.

Electronic communication is preferred to minimise costs, which are rechargeable to the industry, and to ease administration of the verification scheme.

1.4 What's changed (January 2021)

This Notice has been updated following the end of the Transition Period, reflecting the United Kingdom's exit from the European Union. Legal references have been updated as required. Verification in Great Britain will be in accordance with the EU regulations retained by the EU (Withdrawal) Act 2018 and made operable with

secondary legislation made under it.

2. Somerset Cider Brandy verification: General

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2.1 Geographical Indication

Registered Geographical Indications (GI) are a type of intellectual property, which identify products (in this case Somerset Cider Brandy) as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic is essentially attributable to its geographical origin.

Somerset Cider Brandy is a registered GI under Regulation (EU) No 2009/787. The Regulation requires that products comply with the specifications of their Technical File (Annex B) that was originally submitted in accordance with Regulation (EC) 110/2008.

2.2 The scope of the verification schemes

2.3 Relevant Legislation

The main legislation in respect of Geographical Indication is:

European:

Regulation (EC) No 110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks. The provisions on geographical indications in this regulation were revoked and replaced in June 2019. For Great Britain this regulation will become retained EU law via the EU (Withdrawal) Act 2018, with operability amendments being made via secondary legislation.

Regulation (EU) 2019/787 on the definition, description, presentation, labelling and protection of geographical indications for spirit drinks. The provisions on geographical indications for this regulation became applicable from 8 June 2019. For Great Britain, this regulation will become retained EU law via the EU (Withdrawal) Act 2018, with operability amendments being made via secondary legislation.

UK:

The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 makes operability amendments to Regulation (EC) 110/2008 and 2019/787, which will become retained EU law in GB via the EU (Withdrawal) Act 2018.

The Spirit Drinks Regulations 2008 - These regulations provide for the enforcement of Regulation (EC) No 110/2008. Under Regulation 5, HMRC are the designated authority responsible for verifying spirit drinks with a protected Geographical Indication, and in ensuring products comply with the specifications in the Technical File. Enforcement authorities (food authorities and port health authorities) are designated under Regulation 6.

The Spirit Drinks (Costs of Verification) Regulations 2013 - These regulations provide the legal basis for HMRC's verification schemes and enable HMRC to charge in order to recover its verification costs.

2.4 The Technical File

The Technical File is a document which sets out the specifications with which a GI spirit drink must comply. Details of the minimum requirements to be included in a Technical File are in Article 17 of Regulation (EC) No 110/2008.

The Technical File for Somerset Cider can be found in Annex B of this Notice.

2.5 HMRC's role

HMRC's role is to verify that UK spirit drinks with a protected GI are compliant with the specifications in the product's Technical File, and to publish details of production facilities, verified processes, and verified brands. HMRC introduced schemes to verify the Scotch whisky GI in January 2014, and Irish spirit drink GIs (Irish whiskey, Irish poteen and Irish cream) in 2015.

Following the UK's withdrawal from the European Union, in January 2020, and the end of the subsequent Transition Period, in December 2020, HMRC will continue to verify Somerset Cider Brandy producers in accordance with the requirements of retained EU legislation, specifically Regulation 2019/787.

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HMRC will verify Somerset Cider Brandy by conducting verification visits to production facilities, checking that processes are compliant with the Technical File.

HMRC will publish details of production facilities and verified brands with assured processes on GOV.UK

HMRC will only access those records relating to tax and duty assurance already held by HMRC that are required to support our GI verification activity, as described in Annex A, which outline the verification checks to be undertaken.

Our role does not extend to enforcement. The designated enforcement authorities are "food authorities" and "port health authorities". Where appropriate and permitted, HMRC will pass relevant information on to these authorities for their action.

3. Applying for Verification

3.1 Who should apply for verification

You should apply for verification if you are a person or business carrying out any of the production processes for Somerset Cider Brandy set out in paragraph 1.2.

If you are a brand owner, and someone else produces and/or bottles and labels your brand, you do not need to apply to HMRC for verification. The blender/bottler is responsible for applying for verification and notifying HMRC of your brands. You will not be able to market any brands which have not been notified.

3.2 How to apply for verification

Producers of Somerset Cider Brandy for sale in the UK must apply for verification to HMRC electronically, using the form available on gov.uk:

<https://www.gov.uk/guidance/spirit-drinks-with-a-protected-geographical-indication>

If your initial application for verification is not fully completed it may delay your acceptance into the verification scheme and subsequent verification visits. In turn this may affect your ability to produce or market Somerset Cider Brandy legally.

Verification is an ongoing program, with visits every 2 years (see section 5.7). As a result, your initial application remains 'live' for as long as you wish to remain within the verification scheme.

In very limited circumstances, HMRC may accept a paper application instead of an electronic one. These include if the directors/company officers are practicing members of a religious society or order whose beliefs are incompatible with the use of electronic methods of communication.

You should apply for verification of each premises that carries out the production of Somerset Cider Brandy

We will inform you of the outcome of your verification by letter, but we do not issue any form of registration "certificate".

We will use the information in your application to issue invoices and make contact to arrange and undertake verification visits, and to publish details of verified producers and brands.

3.3 Deadline for application

Existing producers of Somerset Cider Brandy must submit their application for verification before 31 January 2018.

All producers commencing business on and after 31 May 2018 must apply for verification before they start production. New producers should apply for verification as soon as possible, well in advance of commencing operations

3.4 Renewal of application

Once you have applied for verification your application will remain 'live' throughout the period that you wish to remain in the verification scheme. There is no need to re-apply, only to inform us of any changes (see section 7). We will use the details provided to manage the verification scheme.

We will charge verification fees (see section 4) for the verification services you receive, until such time as you tell us that you want to withdraw from the verification scheme.

If you no longer require verification to continue, you should notify us so we can update our records and the published details, as necessary.

3.5 Failure to apply for verification

If you do not apply for verification, any Somerset Cider Brandy produced through your processes will be unverified.

It is illegal for you, or your customers, to produce or market unverified Somerset Cider Brandy, and if you do, you (or your customers) may become liable to enforcement action.

HMRC's role does not extend to enforcement. The designated enforcement authorities in the UK are "food authorities" and "port health authorities". Where appropriate and permitted HMRC will pass information on to these authorities for their action.

There are no financial penalties for failing to apply for verification.

3.6 Obligations of applicants for verification

Your obligations under the Somerset Cider Brandy verification scheme are to comply with the relevant legislation, and to assist in demonstrating this in order that HMRC can publish your details on our website as a production facility with assured processes. This will also assist in the publication of verified brand details.

More broadly, [Your Charter](#) explains what you can expect from us and what we expect from you.

4. Verification fees

4.1 The Charging Regime

4.1.1 Fees

The Spirit Drinks (Costs of Verification) Regulations 2013 requires that the costs of verification be borne by the operators subject to those controls.

So, if you are a Somerset Cider Brandy producer you will have to pay a verification fee.

4.1.2 The verification fee

Producers of Somerset Cider Brandy are required to pay a standard verification fee, in advance of any verification visit made.

The fee for a business carrying out all the production processes for Somerset Cider Brandy set out in paragraph 1.2 is **£902**.

The fee for a business that does not carry out all the production processes (e.g. it carries out bottling only or bottling and maturation) is **£451**.

A separate fee is required for each premise where a production process takes place.

4.2 Calculation of Verification fees

4.2.1 How we have calculated the verification fee

HMRC are required to manage the verification scheme with the intention of recovering only the costs incurred in its administration, on a financial year basis. These include salary and overhead costs of staff carrying out verification work, travel expenses, the costs of administering the verification scheme and the cost of computer systems developed to support the verification scheme (depreciated over a ten year period).

4.2.2 Using a standard charge

A standard charge reflects the costs incurred by HMRC, which will be the same or similar regardless of the size of the operation or location.

4.2.3 Review of the fee

We will review fees annually to ensure that charges match the verification scheme costs to HMRC. We will adjust fees (where necessary) every two years to reflect anticipated costs and account for deficits or surpluses, to provide equity during the two year rolling programme of verification visits.

4.2.4 What will happen if the fee structure or amount changes

HMRC will publish revised fees in updates to this public notice and on the HMRC website.

HMRC will consult the industry if substantial changes are required to the fee structure.

4.2.5 Liability to VAT

The verification fee is outside the scope of VAT.

4.3 Payment and Collection of Verification fees

4.3.1 How much to pay

The fees are set out in section 4.1.2 of this notice. You can also check how much the fee is on the HMRC internet site, by contacting our VAT & Excise helpline on 0300 200 3700 or emailing the Spirit Drinks Verification Unit at: enquiries.sdvs@hmrc.gsi.gov.uk

After you have applied for verification of your processes, HMRC will issue invoices to you for the amounts you will need to pay using the information provided on your application for verification.

4.3.2 Invoice for verification fee

HMRC will issue you with an invoice before your verification visit is due, matching our available staff to the two year programme of verification work.

You may receive an invoice at any time during the initial two year visiting programme. However, you will not necessarily receive a verification visit closely following the payment of your verification fee.

Future invoices for fees will follow approximately every two years, in time for you to make payment facilitating your subsequent verification visit. If a return visit is required to a production facility for example, due to non-compliant production processes, we will invoice you for an additional fee of £500.

4.3.3. Payment of invoice

You must pay your fee before your verification visit.

You should arrange payment of invoices promptly, according to the terms on your invoice which have been issued to you to manage a cost effective verification scheme. If you fail to do so, our costs will increase, which must be passed on to the industry.

4.3.4 How to pay your invoice

You must make payment according to the terms on your invoice. We will only collect fees by electronic payment channels, such as Faster Payment, BACS or CHAPS.

4.3.5 Failure to pay your invoice

You will receive one reminder that your invoice is unpaid.

If we do not receive your payment:

- you will not receive your verification visit
- you will be deemed non-compliant with Article 22(1) of Regulation (EC) No 110/2008 from the date which HMRC will notify to you

- details of your verified production facilities will be amended, removed, or not included, on the list of production facilities with assured processes published on our website to reflect the non-compliant status of your production facility
- any Somerset Cider Brandy that you produce after the date which HMRC notify to you will not be verified. Details will be amended, removed, or not included, on the list of verified brands published on our website to reflect the status of products/brands affected by the non-compliant status of your production facility

4.3.6 Refunds for ceased production

Fees are not refundable. They are charged to recover costs in undertaking verification visits and carrying out other verification work.

5. Verification visits

5.1 How HMRC will verify Somerset Cider Brandy

HMRC will verify Somerset Cider Brandy by carrying out verification visits to production facilities, checking that processes are correctly set up to create products that comply with the Technical File and recording compliant processes as 'assured'.

5.2 How HMRC assure production processes to verify Somerset Cider Brandy

HMRC will assure all identified Somerset Cider Brandy production processes using the checks outlined in Annex A in order to verify products as compliant with the specifications detailed in the Somerset Cider Brandy Technical File. For example:

- checking purchase invoices, and delivery records, for ingredients and casks
- physical examination of equipment
- checking procedures, as written, observed and through interview

Where this involves documentary checks, for example purchase records of ingredients and casks, these must be available at the premises when and where the verification visit takes place unless arrangements have been made for them to be inspected at a different time and place with the person carrying out your verification visit.

A brand can only be verified where all processes involved have been assured.

5.3 How HMRC will deal with documents/invoices not kept at the production facility

In certain circumstances we make arrangements for inspection of documents/invoices at a different time and place than the production facility. Your verification officer will discuss this when arranging your verification visit, but it is also your responsibility to bring this to their attention.

5.4 Confirmation that production facilities have been assured

Subject to the transitional arrangements set out in section 6, there will be two groups of production processes in the industry, namely processes that are checked and assured as compliant with the Technical File, and non-compliant processes because they:

- failed to secure assurance,
- have not been checked and assured
- did not apply for verification

HMRC will publish details of production facilities with assured processes on gov.uk. Production facilities which have not had their processes assured, for whatever reason, will not have their details published.

The published details of production facilities with assured processes will be available to the public. This will allow producers to check whether other production facilities in the industry have had their processes assured, so they may ensure that they are receiving Somerset Cider Brandy from, and despatching to premises with assured processes in order to maintain the integrity of their product and its verified status.

5.5 Publication of brand details

HMRC recognise that independent bottler/labellers supply many customers with own label products and that this information is commercially sensitive to the extent that neither the bottler/labeller nor their customer would want their relationship details to be available to competitors.

Whilst the details of bottlers/labellers will be collected from verified bottlers, HMRC will not identify which bottler bottles which brands, only that the brand is verified, and who the brand owner (proprietor) is. See section 9 for further details.

5.6 Updating details

We will update our website automatically overnight so details of production facilities with approved processes and verified brands published on our website will, generally, not be more than 24 hours 'out of date'.

5.7 Frequency of assurance

Unless there is a need to carry out verification on a more frequent basis, or we have agreed a longer period, we will verify producers every two years.

5.8 Sale of Somerset Cider Brandy produced before the introduction of the verification scheme

HMRC recognise that there will be a transitional period where some unverified Somerset Cider Brandy brands will be on the market.

Somerset Cider Brandy which was produced in accordance with existing legislation before the date of your initial verification visit will, subject to the transitional arrangements in section 9 of this notice, be treated as having been produced through a verified process, so deemed compliant with the Technical File. As such, this Somerset Cider Brandy may be marketed legally.

Any such Somerset Cider Brandy that has not been placed on the market may be subject to verification of any production processes carried out once initial verification visits start.

5.9 Other matters during verification visits

Whilst it may be possible to deal with relatively simple tax or duty questions during your verification visit, you should not expect your verification officer to deal with such queries. Your verification visit is not part of HMRC's general 'revenue management'. We are charging you for your verification visit and so it is important to HMRC, and you, that the different roles kept separate.

Additionally, the knowledge, skills and experience needed to undertake your verification visit are different from those of an officer of HMRC assuring compliance of your tax and duty accounting. Consequently, your verification officer may not be able to answer any tax or duty questions during your verification visit.

6. Transitional arrangements

Any Somerset Cider Brandy production facility already in operation on 26 May 2008, or which commences production before 6 November 2017, will be treated as verified until 31 May 2018 provided that:

- HMRC has received a properly completed application for verification for each such production facility by 31 January 2018,
- The appropriate verification fee has been paid
- HMRC is satisfied that production will be carried out in accordance with the Technical File after 31 May 2018 and
- The contrary is not established following an initial verification visit by HMRC.

Any new Somerset Cider brandy production facilities coming in to operation after 31 May 2018 should apply for verification before commencing operations.

7. Reporting Changes

7.1 How and who to notify changes

You need to inform us if any of your notified details change, or are incorrect, as soon as you become aware of the inaccuracy.

Email enquiries.sds@hmrc.gsi.gov.uk setting out the details.

7.2 The types of change to notify to us

The types of changes that you need to tell us about include:

- changes of address, trading name, contact details
- change of legal entity
- any changes to premises details
- notification that you wish to withdraw your application for verification because you no longer produce Somerset Cider Brandy.

8. Withdrawing, Cancelling or Transferring an Application for Verification

8.1 How to withdraw from the verification scheme

Verification is an ongoing program, with visits every 2 years (see section 5.7). As a result, your initial application remains 'live' for as long as you wish to remain within the verification scheme.

If you wish to withdraw from the verification scheme, and as such to withdraw your application, you must inform the Spirit Drinks Verification Unit by emailing enquiries.sdvs@hmrc.gsi.gov.uk. You must confirm the date of the withdrawal and setting out the reasons why you no longer require verification after that date.

Having confirmed that withdrawal is appropriate, HMRC will update our own records and publish details as necessary.

Once you have withdrawn, you will no longer be able to produce Somerset Cider Brandy legally. Withdrawal will also affect any Somerset Cider Brandy you process on behalf of your customers after that date. You may still place any Somerset Cider Brandy verified before you withdrew from the scheme on the market.

If you withdraw from the verification scheme, any verified brands you have produced prior to withdrawal will remain as verified. At the end of the verification cycle, the brand will remain on HMRC's list of verified brands, but with an end date to show from when it is no longer a verified brand.

Any supplies of the brand verified prior to withdrawal will remain as verified Somerset Cider Brandy.

We will remove any production facilities associated with the withdrawn application from the list of verified producers at the end of the verification cycle.

8.2 Who else to notify if you withdraw from the verification scheme

The status of your production process can impact on the status of the products which you process for your customers, and so you should inform them of any changes which may affect them.

8.3 Withdrawal part way through a year

You will not receive a refund if you withdraw from the verification scheme part way through a year. We charge fees to recover costs in undertaking verification visits.

8.4 Transfer of production facilities to another producer/operator

Where the new owner is already part of the verification scheme, HMRC will update that person's/businesses' records to show the acquisition of the production facilities, after first contacting them to confirm the details of the acquisition.

If we have verified them already, the newly acquired production facilities would retain their verified status for the rest of the current verification cycle.

Where the new owner has not already applied for verification, they must do so within 6 months of acquiring the new production facilities, or the processes will lose their assured status.

9. Brands

9.1 The details HMRC will need to publish Somerset Cider Brandy brands on our their website

We will publish the following on gov.uk once a brand has been confirmed as 'verified':

Brand owner/Proprietor	Brand Name
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When appropriate, details will also show a date after which specific brands are no longer verified, for example because of non-compliance of any production processes used to create them. Brands produced before the date on which verification lapsed may continue to be sold until stocks are exhausted.

9.2 Who should supply brand information to HMRC

HMRC will publish brand details using the information provided to us by verified bottlers.

Brand owners should check that the correct brand information has been passed to HMRC by the bottler, particularly the spelling of brand names, as HMRC will publish the details provided to us.

When requested to do so by the SDVU, verified bottlers are to supply the following details

Brand Name	Brand Owner/Proprietor
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Please note that HMRC will only publish details of the brand owner and the brand name, not the bottler. The details of the bottler are for internal use only.

9.3 How to submit brand names to HMRC

You must provide the information about Somerset Cider Brandy brand names by the web form available on the [HMRC web site](#). This helps to minimise any errors which might otherwise arise from re-keying information and allow us to verify that the brands notified have been created through an end-to-end audit trail of verified production processes.

9.4 The definition of a brand name

HMRC only require the 'umbrella' description of a brand, but will publish the description provided to us by brand owners. Therefore, any brand names provided will be published as preferred by the brand owner via the bottler and labeller. Brand owners should consider the users of the verified brands list (for example, consumers, importers and overseas authorities) when making the decision on the brand names to submit. If, at any point, amendments are required to brand details these can be made upon request.

9.5 The circumstances where HMRC will single out an expression registered under an 'umbrella' brand name

The only time a specific brand, normally included as verified under a generic 'umbrella' brand name, would (intentionally) be separately identified on HMRC's published details of verified brands would be where it ceases to be verified but other versions of the same brand are not affected.

9.6 How HMRC will assure that brands originate from compliant processes

Using information obtained during verification visits, HMRC will trace the movement of Somerset Cider Brandy back through the supply chain, ensuring that, at each movement, Somerset Cider Brandy is moved between production facilities operating assured processes. For this reason it is advisable for operators to check published details, as they become available, to ensure that:

- any product described as Somerset Cider Brandy is received from a production facility with assured processes
- where the final product is intended to be described as Somerset Cider Brandy, it is despatched to a production facility with assured processes

9.7 Publication of verified brands

HMRC will publish details of verified brands on our website so that customers (consumers, importers and overseas authorities) are able to check their verification status. Brands not appearing on the website will either not have been verified or may not have been notified to HMRC.

If you believe that a verified brand has been omitted from the published details in error you should contact the Spirit Drinks Verification Unit by email at enquiries.sdvs@hmrc.gsi.gov.uk to raise your concern in order that the circumstances

can be investigated and, if necessary, corrective action taken, for example; to remedy any human error or IT failures.

10. Non- Compliance

10.1 HMRC's role in the enforcement of compliance with the Somerset Cider Brandy Technical File

HMRC's role is to detect non-compliance with the Technical File. This is a separate role to our revenue responsibilities. If we detect non-compliance, and remedial action is not taken, HMRC will pass the relevant information to the designated enforcement authorities for such action as may be appropriate. The designated authorities are "food authorities" and "port health authorities". HMRC have no designated enforcement role.

10.2 Detecting non-compliance

Non-compliance of production processes will be detected and potentially non-compliant (unverified) brands identified either during verification visits, by notifications from other producers and, in some cases, through information provided by members of the public.

10.3 What happens in the event of a non-compliant process

Where a process is found to be non-compliant with the verification requirements, or if HMRC are otherwise unable to assure a production process, the SDVU will discuss with you how you can make your processes compliant.

HMRC will agree a reasonable 'period of correction' for you to take remedial action. Should corrective action not be taken during this agreed period, HMRC will amend, remove from, or not include, your details on the published record of production facilities with assured processes and may inform the relevant enforcement authority. If a production process loses its assured status, spirits produced thereafter will not be verified and cannot be sold as Somerset Cider Brandy or as spirit which is destined to become Somerset Cider Brandy. You should ensure your customers are aware of that fact, so that they can make alternative supply arrangements.

HMRC will also inform the brand owner/proprietor of the changed status of production process that may impact on their products.

Where necessary, HMRC will then reflect the changed status of those brands which are affected, whether yours or your customers, in the published details of verified brands.

10.4 Time allowed to make processes compliant

The period of time agreed to effect changes will vary depending on the nature of the changes required. The SDVU will normally propose a time period, and agree with you.

10.5 Failure to make processes compliant

Failure to evidence a compliant process after this agreed period will result in your production facility details being amended, removed from, or not included, on the published details of production facilities with assured processes.

Any Somerset Cider Brandy delivered from that production facility's process on or after the date verification lapsed will be non-compliant. HMRC may also inform the designated enforcement authorities.

If your production processes are found to be non-compliant, it will also mean that individual brands processed through them, after that date, can no longer be verified and will result in the changed status of those brands being reflected in the published details of verified brands. HMRC may also inform the brand owner/proprietor/producer of the changed status of their brand.

10.6 Return or repeat visits

If a return or repeat visit is necessary to confirm compliance of your production processes with the Somerset Cider Brandy Technical File, you will be charged an additional fee of £500 to cover HMRC's costs.

10.7 The circumstances in which HMRC will not publish details of production facilities and brands

Generally, HMRC will publish details of all production facilities where they have, or have had, at least one assured production process. Similarly, HMRC will publish details of all brands that are, or have been, verified at some time. If a production facility fails to maintain assurance of its production processes, or a brand fails to maintain its verified status, the effective date of that change of status will be reflected in the details published on our website, rather than details being removed or not published.

The circumstances when we will not publish details of production facilities or brands include:

- where there is no application for verification,
- where a production facility has never operated an assured process
- where a brand has not been notified to us
- where a brand has never been verified

Where a production facility is not published as having assured processes, this will compromise all brands using processes at that production facility.

10.8 Identification of unverified brands

If a brand is, or becomes, unverified, HMRC will reflect the changed status of that brand in the published details of verified brands. HMRC may also inform the brand

owner/proprietor/producer of the changed status of their brand and the designated enforcement authorities.

HMRC will only report concerns or evidence of non-compliance to the relevant enforcement authorities through legal gateways or Regulation (EC) No 110/2008. Within the UK, the enforcement authorities are “food authorities” or “port health authorities”.

If HMRC are aware that there is a risk of an unverified brand being produced or marketed, HMRC will inform the relevant enforcement authority. The absence of a brand or production facility from HMRC’s published details of verified brands/assured processes can be accepted as evidence of non-compliance until otherwise proven. Non-compliance could also result in breaches of local laws in other countries where Somerset Cider Brandy is defined or protected as a GI

10.9 Impact on product where the process is no longer verified

If a process ceases to be verified, any product delivered from that production facility on or after the date that verification status is removed will be non-compliant. This would apply to all brands which are affected by a non-compliant production process.

Non-compliant products sold, delivered from the production facility or subject to a subsequent production process will not be verified as Somerset Cider Brandy. They cannot legally be sold as Somerset Cider Brandy.

10.10 Notification of concerns about unverified Somerset Cider Brandy

You should contact the local “food authority” or “port health authority” (the designated enforcement authorities) directly. These may be identified through the Food Standards Agency website at: <http://www.food.gov.uk/>

11. Where to find out more information

If, after reading this notice, you have any queries, or would like further advice, you can contact the SDVU by email: enquiries.sdvs@hmrc.gsi.gov.uk

12. Glossary and Definitions

This notice uses terms that can have different meanings depending on context. For clarity, the abbreviations and terms below should always be associated with the accompanying definitions.

Term

Definition

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Producer	The owner of a production facility carrying out at least one process in the production of Somerset Cider Brandy.
Operator	A person responsible for the operation of a production facility. This can be a distillery manager, for example.
Facility or production facility	A facility operating one or more production processes required to create Somerset Cider Brandy.
Process or production process	One of the processes required to create Somerset Cider Brandy
Brand	The label name on a bottled product excluding ages, descriptors and regions.
Brand Owner	The owner of a Somerset Cider Brandy brand that is placed on the market for retail sale.
Technical File	A document that specifies the requirements of Somerset Cider Brandy. This includes requirements for production, description, presentation and labelling of Somerset Cider Brandy.
Fermentation	The process of converting sugars into alcohol with the addition of yeast. This includes all stages of production up to but not including the distillation process.
Distillation	The process of acquiring spirit drinks using a fermented mixture. This includes all stages after fermentation up to the point where newly distilled spirit is obtained.
Maturation	The process of aging spirit.
Blending	The process of combining two or more Somerset Cider Brandy products to create a new product.
Bottling and Labelling	The processes of (i) emptying containers of Somerset Cider Brandy for the purpose of bottling, dilution to bottling strength, bottling the diluted contents and labelling for presentation, and (ii) any re-bottling and re-labelling of previously bottled Somerset Cider Brandy. Labelling means all descriptions and other references, signs, designs or trademarks which distinguish a drink and which appear on the same container. This includes its sealing device or the tag attached to the container and the sheathing covering the neck of the bottle.

Your rights and obligations

Your Charter explains what you can expect from us and what HMRC can expect from you. For more information, go to:

http://intranet.active.hmrci/about_hmrc/downloads/HMRC_Charter.pdf.

Comments or suggestions

If you have any comments or suggestions to make about this notice, please contact the SDVJ at the following email address.

enquiries.sdvs@hmrc.gsi.gov.uk

Or contact HMRC's Alcohol Policy team either by email at

mailbox.alcoholpolicy@hmrc.gsi.gov.uk

or by post at:

HMRC,
Alcohol Policy Team,
3W Ralli Quays,
3 Stanley Street,
Salford,
M60 9LA,
United Kingdom

Putting things right

If you are not satisfied with our service, please let the person dealing with your affairs know what is wrong. HMRC will work as quickly as possible to put things right and settle your complaint. If you are still unhappy, ask for your complaint to be referred to the Complaints Manager.

For more information about our complaints procedures go to <http://www.hmrc.gov.uk> and under quick links select Complaints.

How HMRC use your information

HM Revenue & Customs is a Data Controller under the Data Protection Act 1998. HMRC hold information for the purposes specified in our notification to the Information Commissioner, including the assessment and collection of tax and duties, the payment of benefits and the prevention and detection of crime, and may use this information for any of them.

WITHDRAWN

Annex A: Somerset Cider Brandy GI – Scheme of Revenue Verification Checks

1. Production of cider

Serial	Check	Details
1.	<p>(a) Orchard – if producer grows their own apples</p> <p>(i) Apples must be grown in the English county of Somerset.</p> <p>(ii) Apples must be grown without the use of nitrogen fertiliser at any stage of the growing cycle.</p> <p>(iii) The orchard must not yield more than 25 tonnes (25,000kg) of apples per hectare (10,000m²).</p> <p>(iv) Apples must be of the traditional cider varieties grown in the region.</p> <p>(b) Orchard – if producer purchases apples</p> <p>(v) Purchased apples used to produce cider or to complement producers own harvest of apples must also comply with checks (i) to (iv) as above.</p>	<p>(a) Orchard – if producer grows their own apples</p> <p>(i) Check location of orchard. It must be totally encompassed in the English county of Somerset.</p> <p>(ii) Check purchase records and apple growing practices to see if nitrogen fertiliser is introduced at any stage.</p> <p>(iii) Check harvest records.</p> <p>(iv) Check list of varieties grown are 'genuine cider apples', as used by the industry and are <u>not</u>, for example, of the Russet, Cox or Gala varieties.</p> <p>(b) Orchard – if producer purchases apples</p> <p>(v) Check purchases records. Producer must obtain sufficient documentary evidence from the orchard owner to satisfy above checks.</p>
2.	<p>Cider</p> <p>(i) At least 20 varieties of Somerset apples must be pressed to create apple juice.</p> <p>(ii) No other ingredient must be added to this juice, including water.</p> <p>(iii) Cider is produced by fermenting the juice by the addition of yeast.</p>	<p>(i) Check that the operator has controls in place to ensure at least 20 varieties of Somerset apples are used. Check the operators recipe.</p> <p>(ii) Check recipe and process to ensure no other ingredient is added.</p> <p>(iii) Check the process and specifications to ensure that fermentation is by yeast only and</p>

		no enzymes or other fermentable material are added.
	(iv) No sugars may be added to increase the alcohol content (chaptalisation).	(iv) Check process.

2. Distillery

Serial	Check	Details
1.	Distillers and distilleries (i) All Somerset Cider Brandy distilleries must be located in Somerset.	(i) Check address of distillery.
2.	Distillation (i) Somerset Cider Brandy must be distilled before ageing. (ii) Distillation must be either by a pot still or a continuous column still. (iii) Distillation must be at a minimum strength of 65% and at a maximum strength of 72% alcohol by volume (abv). (iv) Stills must not produce more than 100 hectolitres of product in 24 hours.	(i) Check all alcohol intended for filling as Somerset Cider Brandy has been distilled or will be distilled prior to filling. (ii) Check that a still exists and that it is either a pot still or column still. Distillation by other methods such as vacuum and freeze are not allowed. (iii) Check distillery records to confirm distillation strength and visually check procedures. (iv) Check size of still, capacity and throughput for compliance. Check processes to ensure production is below 100 hectolitres per 24 hours.

3. Maturation (including filling locations)

Serial	Check	Details
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	<p>Warehouse</p> <p>(i) Maturation may only take place in Somerset, England.</p> <p>1. (ii) Maturer must be able to demonstrate that product to be matured as Somerset Cider Brandy complies with the technical file up to this stage.</p>	<p>(i) Check address complies.</p> <p>(ii) Check processes exist and records kept to ensure inward deliveries are received from operators with assured processes.</p>
	<p>Casks</p> <p>(i) Somerset Cider Brandy must be matured in oak casks.</p> <p>2.</p> <p>(ii) The capacity of each cask must not exceed 700 litres at any time during maturation.</p>	<p>(i) Check operator's purchase records to ensure that casks are made of oak. All repairs to casks must be made with oak. Steel bungs are allowed. Traditional cooperage practices (such as charring and de-charring) are allowed.</p> <p>(ii) Check a sample of casks to identify their size. Check operator's purchase records to identify sizes of casks.</p>
	<p>Filling</p> <p>(i) Casks must be filled only with distilled spirit that will mature into Somerset Cider Brandy.</p> <p>(ii) No additives are allowed at this stage.</p> <p>3.</p>	<p>(i) Check casks have been thoroughly drained of any previous contents before being filled. Check that there is an appropriate procedure in place for emptying casks.</p> <p>(ii) Check that no substance is added to the inside of the cask eg paxarette, boisé, sugar, caramel, oak chips, wooden structures (whether oak or not).</p> <p>Note - It is recognised that some casks may previously have been used to age sherry, port, cognac, wine or Pomona and this has some bearing on the future taste of the product. This is <u>conditioning is acceptable industry practice</u> and is allowed to continue.</p>

4.	<p>Ageing</p> <p>(i) Somerset Cider Brandy needs to be matured for at least three years.</p>	<p>(i) Check the maturer's record keeping process to understand how they log the ageing of a cask. Check that the maturer has adequate measures to ensure the ageing process is not interrupted:</p> <ul style="list-style-type: none"> - leaks or evaporative losses do not cause any problems for the age of the spirit left in the cask; - the contents of a cask may be re-racked into another empty cask for further ageing; and - topping up of casks with younger spirit is not allowed – “marrying in cask” is allowed.
	<p>(ii) It can be marketed with different maturities (ages).</p>	<p>(ii) Check that the maturer has a fit-and-proper system of tracking ages of casks.</p>

4. Blending, bottling and labelling of final product

Serial	Check	Details
1.	<p>(a) In Somerset – duty not paid</p> <p>(i) If Somerset Cider Brandy is to be held or received at the blending or bottling location in an oak cask, the location must be an excise warehouse.</p> <p>(b) In Somerset – duty paid</p> <p>(ii) If blending or bottling location is not an excise warehouse, then Somerset Cider Brandy may only be held or received in inert containers.</p>	<p>(i) Check address of warehouse to see if it is a correctly approved warehouse.</p> <p>(ii) Check Somerset Cider Brandy is not held or received in any wooden containers. If so, it can no longer be described as Somerset Cider Brandy as it is being matured outside an excise warehouse or permitted place.</p>
2.	<p>Additions</p> <p>(i) Nothing should be added during blending or bottling other than distilled water.</p>	<p>(i) Check procedures to ensure that no flavourings or other substances are added. Yeast cannot be added</p>

		at blending stage. No colouring is permitted.
3.	<p>Age of blends</p> <p>(i) Blenders can blend different ages of Somerset Cider Brandy. The age of the blend is that of the youngest of each constituent ingredient.</p>	<p>(i) Check the production and record keeping process to ensure that ages of each ingredient of the blend are recorded and that only the youngest of those ages is used to describe the blend.</p> <p>Check the declared ages of purchased and own product to ensure they match what is entered in the production records.</p> <p>If the age of the blend is not stated, the minimum age is 3 years.</p>
4.	<p>Strength</p> <p>(i) The alcohol strength by volume is at least 40%.</p>	<p>(i) Ensure that the operator has a process of checking the alcohol strength during the blending stage to assure that the addition of water does not dilute the blend to below 40% abv.</p>
5.	<p>Labelling</p> <p>(i) The age of product can only be expressed in years and must comply with labelling requirements for spirit drinks.</p> <p>(ii) The Geographical Indication "Somerset Cider Brandy" must be accompanied by the sales denomination "cider spirit"</p>	<p>(i) Check the label template for compliance.</p> <p>(ii) Check "cider spirit" is shown on the label</p>

Annex B: Somerset Cider Brandy Technical File

Name and category of spirit drink including the geographical indication

Name: Somerset Cider Brandy.

Category of spirit drink: Cider Spirit (category 10 in Annex II to Regulation (EC) No. 110/2008).

Description of Somerset Cider Brandy: Produced from distilled cider.

Principal physical, chemical and/or organoleptic characteristics:

Product Specification: Minimum ABV: 40%vol

Appearance: Golden to deep honey yellow, clear.

Aroma: Hints of caramelised apples, with notes of rich dried fruit, honey and spice.

Flavour Profile: Caramelised apples, dried fruit, and vanilla note balanced acidity, silky mouth-feel and mellow alcohol.

Materials allowed for colouring: None

Volatile substances specification: Volatile substances must equal or exceed 200g per hectolitre of 100% vol. alcohol.

Water: None added, except for final reduction prior to bottling and then distilled water is used.

Maximum ABV ex still: 72% abv

Minimum ABV: 65% abv

Definition of the geographical area concerned:

The county of Somerset in England

The method for obtaining the spirit drink:

The cider for distillation is obtained by the fermentation of the fresh juice from the pressing of up to 100 recognised traditional varieties of apple grown within Somerset.

No additions are allowed to this juice and there is no chaptalization.

The fermentation is started by the addition of a yeast culture which results in a cider which is characteristic of the region. The cider brandy is obtained by the dual distillation of this cider and maturation in wood.

The process for producing cider brandy is shown in the attached chart.

Any authentic and unvarying local methods:

- Matured in oak barrels for a minimum of 3 years.
- Ageing time: 3 years minimum.
- Method of ageing: Oak barrels. This can be oak from Limousin and Allier forests of France and barrels of American white oak which may have previously held sherry, or port.

The traditional cider apple varieties used can be classified as sharp, bitter sharp, bitter sweet and sweet. The raw material cider must be made by pressing at least 20 varieties.

The varieties of cider apple used for distilling are grown without the addition of nitrogen fertilizer at any stage in the growing cycle. The yield must not be more than 25 tons (tonnes) per hectare.

Apple varieties for cider production have been grown in the region since before 1678, and of the 100 varieties, they include:

- Harry Masters Jersey
- Stoke Red
- Brown Snout
- Kingston Black
- Dabinett
- Harry Masters
- Yarlington Mill
- Stembridge Jersey, and
- Tremlett.

Barrel type: Oak

Barrel size(s): not exceeding 700 litre

Style of still(s): Column and Pot stills smaller than 100 Hectolitre throughput per 24 hours.

Details bearing out the link with the geographical environment or the geographical origin:

Cider brandy has been made in Somerset for approximately 300 years. A combination of the soil and climate in Somerset, together with the traditional apple varieties grown in most Somerset orchards for cider brandy production purposes, results in the production of a quality spirit drink recognized throughout the UK cider industry. It is these conditions that give Somerset Cider Brandy its unique characteristics.

Somerset Cider Brandy is produced in Somerset from traditional varieties of apples grown in Somerset.

The cider brandy is matured in barrels in bonded warehouses in Somerset.

Any requirements laid down by Community and/or national and/or regional provisions:

None except for the general provisions in point 10 of Annex II to Regulation (EC) No 110/2008 relating to cider spirit.

Applicant:

Applicant name: The Association of Somerset Cider Brandy Producers.

Address:

c/o The Somerset Cider Brandy Company Limited
Burrow Hill
Kingsbury Episcopi
Martock
Somerset
TA12 6BU
UNITED KINGDOM

Supplemental information:

History

Apples have been produced in Britain at least since the middle ages around 600-700 years ago. The first written records of Cider Brandy go back to 1678, with the term 'Cider Brandy' being cited in the publication 'Treatise of Cider' by J. Woolridge. The term 'Cider Brandy' has been in continuous use since 1678. All books on cider and apple production in England for the last three hundred years describe the apple distilling process.

The term 'Cider Brandy' has been defined in EC law (directly applicable in the UK) for the last 25 years. The term describes a distinct cask aged product produced in UK that is distilled from cider made by the fermentation of traditional cider apple varieties.