Notice
May 2018

Spirit Drinks Verification Scheme - technical guidance

Scotch Whisky verification
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Undertaking
1. Summary

1.1 The purpose of this Notice

This Notice will help you find out:

• if you need to apply for verification of the processes you use to make Scotch Whisky
• 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
• if you need to provide an undertaking to HMRC because you either receive Scotch Whisky in bulk outside Scotland which you blend, bottle and label or label only yourself, or which you receive for onward bottling by someone else

The glossary of terms at the end of this notice will help you understand some of the terms and abbreviations used.

1.2 What is in this Notice?

Scotch Whisky, like some other spirit drinks, is registered as a Geographical Indication (GI) under Regulation (EC) No.110/2008. The Regulation requires that before a GI spirit drink is placed on the market, it must be verified as compliant with the Technical File for the product. The Regulation also requires that the cost of verification be borne by producers of the GI spirit drink.

This notice outlines how HMRC will verify compliance with the Technical File for the Scotch Whisky GI and recover its associated verification costs.

1.3 What’s new (May 2018)

This Notice has been updated following amendments to the Scotch Whisky Technical File in May 2018. New paragraphs have been added to cover the introduction of labelling as a verifiable production process (see section 3.3) and also to clarify the position around the movement of Scotch Whisky to food producers who use Scotch Whisky as an ingredient in items that aren’t alcoholic beverages (see section 8.3).

Other Technical File changes see:
• the removal of the two-litre bottle size limit for Single Malt Scotch Whisky moving from Scotland (see page 65), and
• changes to the definition of Blended Malt Scotch Whisky (see page 56 for the amended definition)

The updated Technical File (annex A), verification scheme (annex B) and undertaking are included in this update.

Previous sections on initial transitional arrangements have been removed as they are now out of date.

1.4 Who should read this Notice?

This notice should be read by any person or business who is involved in any of the five Scotch Whisky production processes (i.e. fermentation, distillation, maturation, blending, bottling and labelling/labelling only), who receives Scotch Whisky in bulk or who markets, or intends to market, their product as Scotch Whisky.

1.5 What other notices should I read?

Verification of the Scotch Whisky GI is not a tax measure. There are no other notices to which you will need to refer which directly affect this process.

1.6 Who can I contact for further advice?

You should contact HMRC’s Spirit Drinks Verification Unit (SDVU) by email at enquiries.sdvs@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 and for queries relating to Scotch Whisky verification.

Electronic communication is preferred to minimise costs, which are rechargeable to the industry, and to ease administration on the verification scheme. The SDVU has a number of other email addresses to be used for specific purposes. It is important that you use these email addresses for their intended purpose to ensure that HMRC deal with your communication without undue delay.

For all general enquiries and notification of changes: enquiries.sdvs@hmrc.gsi.gov.uk

For orders and general enquiries regarding certificates of age and origin: certificates.sdvs@hmrc.gsi.gov.uk
2. Scotch Whisky (Geographical Indication) Verification: General

2.1 What is a Geographical Indication?

Registered Geographical Indications are a type of intellectual property, which identify products (in this case Scotch Whisky) 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.

2.1.2 What is HMRC’s role?

Scotch Whisky is registered as a Geographical Indication (GI) under Regulation (EC) No 110/2008. That Regulation requires that Scotch Whisky complies with the specifications of the Technical File submitted to the EU Commission on 29 August 2013. A copy of the Technical File is at Annex A.

In the UK, the Department for Environment, Food and Rural Affairs (Defra) has policy responsibility for GIs. Their legislation - the Spirit Drinks Regulations 2008 (SDR) - provides for the enforcement of Regulation (EC) No 110/2008 in the UK and designates HMRC as the verification authority for UK spirit drinks registered as GIs.

The Scotch Whisky Regulations 2009 (SWR) define Scotch Whisky and set out labelling rules. The relevant provisions of the SWR are incorporated in the Technical File.

HMRC’s role is to verify if products are compliant with the specifications in the Scotch Whisky Technical File (throughout this Notice, this may be referred to as ‘the Technical File’) and to publish details of production facilities, verified processes, bulk importers and verified brands.

HMRC will verify Scotch Whisky produced in Scotland by conducting verification visits to production facilities, checking that processes are compliant with the Technical File.

Some Scotch Whisky production processes (namely blending, bottling and labelling) may take place outside Scotland. If the production facility that performs the above processes is located outside Scotland they will be required to submit a declaration by completing and submitting an ‘undertaking’.

Under UK law, Scotch Whisky moved in bulk (excluding Single Malt Scotch Whisky) may only be removed outside Scotland in bulk to a recipient who
has provided HMRC with an "undertaking". A bulk importer will also make a
declaration by completing and submitting an "undertaking". For full details of
the undertaking, see section 8 and the form at the end of Notice.

HMRC will carry out checks to ensure the undertakings are being complied
with.

HMRC will publish details of production facilities, verified brands with assured
processes and bulk importers that have provided the required undertakings.

HMRC will only access those records relating to tax and duty assurance
already held by HMRC that are required to support our Scotch Whisky
verification activity, as described in Annex B, which outlines 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.

2.1.3 What is the scope of the Scotch Whisky verification scheme?

Regulation (EC) 110/2008 is intended to "safeguard the reputation which
Community spirit drinks have achieved in the Community and on the world
market" and to have due regard to the World Trade Organisation Agreement
on Trade-related Aspects of International Property ("the TRIPS Agreement").
The Regulation therefore lays down a verification procedure for the
compliance of EU geographical indications which is in accordance with the
TRIPS Agreement.

All Scotch Whisky which is produced within the European Union (EU) must
therefore be verified, as must any Scotch Whisky blended and/or bottled and
labelled outside the EU.

2.2 What legislation do I need to be aware of?

The main pieces of legislation in respect of Scotch Whisky production and
Geographical Indication are:

European

- Regulation (EC) No 110/2008 on the definition, description, presentation,
  labelling and the protection of geographical indications of spirit drinks

UK

- The Spirit Drinks Regulations 2008
• The Scotch Whisky Regulations 2009

• The Spirit Drinks (Costs of Verification) Regulations 2013

2.2.1 What is the Scotch Whisky Technical File?

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

2.2.2 Where can I find a copy of the Scotch Whisky Technical File?

The Scotch Whisky Technical File is set out at Annex A of this Notice. It is also published online at:


and a summary is published in the Official Journal of the European Union.

3. Applying for Verification

3.1 Why do I need to apply for verification?

Scotch Whisky is recognised under Regulation (EC) No 110/2008 as a product with a protected Geographical Indication (GI). Other provisions extend that recognition to countries outside the EU.

In order to maintain the benefits that GI protection provides, producers must be able to show that they comply with the specification for their GI. HMRC, a body independent of the industry, have been designated as the verification authority for Scotch Whisky.

3.2 Do I need to apply to HMRC for verification?

Yes, if you are a person or business that:

• carries out any of the Scotch Whisky production processes (fermentation, distillation, maturation, blending, bottling and labelling, labelling only) in Scotland
• carries out blending, bottling and labelling or labelling only of Scotch Whisky outside Scotland, including the rest of the UK or abroad
• is a ‘bulk importer’
If you are only a brand owner, whose brands are blended and/or bottled and labelled for you by someone else, you do not need to apply to HMRC for verification. The blender/bottler of your brands 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.

3.3 New process for May 2018 – Labelling

Prior to May 2018, labelling was only verified if it was also performed by the bottler of the Scotch Whisky. However, following changes to the Technical File, labelling is now on its own a verifiable process.

Verified labellers may receive bottled Scotch Whisky without its retail label (in so called ‘naked’ bottles), provided:

- The ‘naked’ bottle has a strip label affixed to the bottle (or printed directly onto the bottle), clearly stating the category of Scotch Whisky
- The strip label must remain attached to the bottle until the ‘final’ retail label is applied which shows the category name
- The bottler and the labeller run effective stock systems to ensure there is a clear audit trail for the whisky in the ‘naked’ bottles.

N.B. Single Malt Scotch Whisky may not be moved from Scotland to another country except in a bottle made or inert material that is labelled for retail sale. Single Malt Scotch Whisky may not be bottled, or re-bottled, outside Scotland

3.4 Transitional arrangements for labellers (new)

A production facility that carries out labelling only and that was operating on or before 8 May 2018 will be treated as having verified production process until 8 November 2018, provided that:

- HMRC has received an application to verify the processes at that production facility by 8 November 2018, and
- The production facility is and continues to be operated in accordance with the technical file after 8 May 2018, and
- The contrary is not established following our initial verification visit.

A ‘labelling only’ facility which comes into operation after 8 May 2018 will only be treated as having verified processes after they have been verified by HMRC. However, if the labelling facility is found to be compliant, HMRC may back date the verification to the date the application was received.

New labelling facilities coming into operation on or after 8 May 2018 should therefore apply for verification before commencing operations.

3.5 How will production processes be verified?
If your production process takes place in Scotland, then HMRC will carry out verification checks at your production premises.

If you are based outside Scotland, then you must notify your details to us and provide an undertaking, as described in paragraph 8 and set out in full at the end of this Notice.

3.6 How do I apply for verification?

All producers and bulk importers are required to apply for verification to HMRC electronically, using the form available through its website.

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.

3.7 When do I need to apply for verification?

It is your responsibility as a Scotch Whisky producer or Bulk Importer to notify HMRC that you require verification as soon as you become aware that you need to.

If you are a blender, bottler and labeller only outside Scotland or a bulk importer, please refer to section 8. You will have to complete the undertaking on the HMRC web site using the web form – a copy is shown at the end of this Notice.

3.8 What are the penalties for failing to apply for verification?

There are no penalties imposed by us if you fail to apply, but you (or your customers) may become liable to enforcement action if you produce or market Scotch Whisky which has not been verified either in your own name or on their behalf.

3.9 Do I have to renew my application?

No, once your have applied for verification your details, as amended, will be used to manage the verification scheme.

Once you have applied for verification, production processes in Scotland will continue to be verified as part of the two year cycle of verification visits and you will be charged for the verification services you receive, until such time as you tell us that you want to withdraw from the verification scheme.

If you are a blender, bottler and labeller outside Scotland, you will continue to be listed on HMRC’s database as having assured processes provided you comply with the undertaking. This will require you to inform HMRC of any additions or alterations to the brands you bottle, and their labels.
If you are a bulk importer, you will continue to be listed on HMRC’s database, provided you comply with the undertaking. The undertaking must be renewed every two years and you will be charged for the verification service you receive.

If you do not need your application for verification to continue you should notify us so HMRC can update our own records and the published details, as necessary.

**3.10 Do I have to apply for verification for each of my production facilities?**

Yes. If you are a Scotch Whisky producer with production facilities in Scotland, then you must apply for verification of each facility where a production process is carried out.

If you are a blender, bottler and labeller or labeller only of Scotch Whisky outside Scotland (including the rest of the UK and abroad) you must notify us of all premises where these operations are carried out. You will also need to complete an undertaking covering all your premises.

If you receive bulk Scotch Whisky from a Scotch Whisky producer which you subsequently pass on to another producer and do not carry out any processes yourself on that bulk (i.e. you are a ‘bulk importer’), you must notify us of your details and complete an undertaking (please see section 8).

**3.11 Will I receive a registration certificate?**

No. However, without verification you will not legally be able to produce or market Scotch Whisky.

You should be aware that:
• applying for Scotch Whisky verification, or
• having details of your production facility's assured processes or verified brands published on our website

is not an endorsement by HMRC of your business, nor is it an indication of your tax compliance.

**3.12 How will the information I provide be used?**

The information will be used by us to issue invoices and make contact to arrange and undertake verification visits, where applicable, and to publish details of verified producers and brands.

**3.13 What happens if I do not apply for verification?**

There are no financial penalties for failing to apply for verification.
If you do not apply for verification your production processes will not be assured and any Scotch Whisky products produced through your processes will not be verified.

It is illegal for you, or your customers, to produce or market Scotch Whisky that has not been verified by us. If you do, you (or your customers) may become liable to enforcement action.

Our 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.

3.14 What are my obligations once I apply for Scotch Whisky verification?

Without verification you will not legally be able to produce or market Scotch Whisky.

Your obligations under the Scotch Whisky verification scheme are essentially to comply with the relevant legislation, assist in demonstrating this, so 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 (link to HMRC charter) explains what you can expect from us and what we expect from you.

4. Reporting Changes

4.1 What if any of my business details change after I have applied for verification?

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

4.2 How do I tell you about changes?

Email enquiries.sdvs@hmrc.gsi.gov.uk setting out the changes.

4.3 What changes do I need to tell you about?

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

- 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 operate a Scotch Whisky production process, or detailing any other reason.

5. Withdrawing, Cancelling or Transferring an Application for Verification

5.1 How do I withdraw my application for verification?

You must inform the Spirit Drinks Verification Unit by email at enquiries.sdvs@hmrc.gsi.gov.uk that you wish to withdraw your application for verification, confirming the date and either:

• that you will no longer operate a Scotch Whisky production process or operate as bulk importer after that date

• detailing the reasons why you no longer require your application for verification after that date

Having confirmed that withdrawal of your application for verification is appropriate HMRC will update our own records and published details as necessary.

Once you have withdrawn from the verification scheme you will no longer be able to produce Scotch Whisky legally. Any Scotch Whisky you process on behalf of your customers after that date will also be affected. Scotch Whisky verified before you withdrew from the scheme may still be placed on the market.

If you withdraw from the verification scheme, any brands you have produced that were verified prior to withdrawal will be shown 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 band.

Supplies of the brand verified prior to withdrawal remain verified Scotch Whisky.

Any production facilities associated with the withdrawn application will be removed from the list of verified producers at the end of the verification cycle.

5.2 If I cancel or withdraw my application for verification, should I notify anybody else?
Because the status of your production process can impact on the status of the products which you process for your customers, you should inform them of any changes which may affect them.

5.3 Will you inform anybody that I have cancelled or withdrawn my application for verification?

If your details have been recorded within our records of production facilities with assured processes, the change in status will be reflected in those details as they are published.

5.4 Can you withdraw or refuse my application for verification?

No. If you are a person or business involved in any of the five Scotch Whisky production processes (fermentation, distillation, maturation, blending, bottling and labelling), your application for verification will be accepted unless it is returned for correction, until you inform us that you wish to withdraw it.

Your application for verification will remain 'live' until HMRC confirm that withdrawal of your application for verification is appropriate. HMRC will then update records and published details as necessary.

If your 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 Scotch Whisky legally.

5.5 If my application for verification is withdrawn part way through a year, will I get a refund of the fees I paid?

No, you will not receive a refund. Fees are charged to recover costs in undertaking verification visits.

5.6 What happens if my production facilities are transferred 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.

The newly acquired production facilities would retain their verified status - assuming they had already been verified - 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.
6. Verification fees

6.1 The Charging Regime

6.1.1 Do I have to pay a fee?

Yes. Regulation (EC) No 110/2008 requires that the costs of verification be borne by the operators subject to those controls.

So, if you are a Scotch Whisky producer in Scotland or a blender, bottler and labeller or labeller only of Scotch Whisky outside Scotland or a bulk importer of Scotch Whisky who forwards it on for subsequent blending, bottling or labelling elsewhere, you will have to pay a verification fee.

6.1.2 What is the payment scheme?

Scotch Whisky production facilities in Scotland are required to pay a published standard verification fee, in advance of any verification visit made.

Blenders, bottlers and labellers and labellers outside Scotland, or bulk importers of Scotch Whisky are also required to pay a verification fee, in advance of any verification work carried out on their undertaking. This fee is smaller than the one charged to production facilities in Scotland, as there is no physical verification undertaken by HMRC.

6.2 Calculation of Verification fees

6.2.1 How has HMRC calculated their 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).

The annual costs incurred by us will be divided by the number of processes to be verified each financial year to calculate a standard fee which will be charged for each production process that is required to be verified, in each of the production facilities. The fee will therefore be affected by the number of producers who apply for processes to be verified.

6.2.2 Why has HMRC adopted 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. For
example, the checks conducted at a large grain distillery and a small malt distillery will, be the same, as are the overheads of maintaining verification (for example IT systems, people costs, etc.).

6.2.3 How often will HMRC review their fee?

Fees charged for UK processes will be reviewed annually to ensure that charges match the verification scheme costs to HMRC but only adjusted 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.

6.2.4 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.

6.2.5 How much is the verification fee?

Until further notice, the verification fee for each production process verified in Scotland will be £1,630, so:

- a production facility undertaking fermentation and distillation processes will incur a fee of 2 x £1,630 = £3,260
- the same production facility, also with on-site maturation facilities will incur a fee of 3 x £1,630 = £4,890
- a production facility responsible for blending, bottling and labelling the final product will incur a fee of 2 x £1,630 = £3,260

Production process verification visits in Scotland will be undertaken every two years, so these fees will be payable every two years, before each verification visit takes place.

Until further notice, the verification fee for blenders, bottlers and labellers and labellers only outside Scotland will be £520 per premises per production process carried on outside Scotland, so:

- a production facility outside Scotland undertaking bottling and labelling only will incur a fee of £520
- the same production facility also carrying out blending will incur a further fee of £520

Until further notice, bulk importers will also incur a fee of £520 per premises.
To enable HMRC to maintain its database of production, facilities outside Scotland, blenders, bottlers and labellers and bulk importers outside Scotland are required to keep HMRC informed of any changes to their details (address, premises, etc) and brands/labels. The fees payable by blenders, bottlers and labellers, and bulk importers will therefore also be payable every two years to reflect these ongoing administrative costs.

6.2.6 Is the verification fee liable to VAT?

No, the verification fee is outside the scope of VAT.

6.3 Payment and Collection of Verification fees

6.3.1 How will I know how much to pay?

The fees are set out in 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 assurance of your processes or submit an undertaking, HMRC will issue invoices to you for the amounts you will need to pay for verification of your processes using the information provided on your application for verification.

6.3.2 When will I receive my invoice?

HMRC will issue you with an invoice before your verification visit is due or before HMRC carry out work on verifying any undertaking provided, matching our available staff to the two year programme of verification work.

For premises in Scotland, this means 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.

After that, fees will be invoiced approximately every two years, in time for you to make payment facilitating your subsequent verification visit, due every two years.

If a return visit is required to production facilities in Scotland, for example, due to non-compliant production processes, you will be invoiced again for an additional fee of £500.
For premises outside Scotland, you will be re-invoiced approximately 2 years after your initial invoice.

6.3.3. When must I pay my invoice?

You must pay your fee before arrangements for your verification visit are confirmed.

Payment of invoices should be made promptly according to the terms on your invoice, as these will have been issued to you to manage a cost effective verification programme. If you fail to do so, our costs will increase, which must be passed on to the industry.

6.3.4 How must I pay my invoice?

Payments must be made according to the terms on your invoice. Fees will be collected by electronic payment channels only, such as Faster Payment, BACS or CHAPS.

6.3.5 What happens after I pay my invoice?

If your production facilities are based in Scotland, after your fee has been received, HMRC will contact you to make arrangements to conduct assurance checks as part of your verification visit and, once satisfied, include your production facility in the list of facilities with assured processes.

If you are a blender / bottler and labeller outside Scotland and you have provided an undertaking, or you are a bulk importer of Scotch Whisky for onward blending and bottling and labelling, HMRC will verify the undertaking provided.

6.3.6 What happens if I do not pay my invoice?

You will receive one reminder that your invoice is unpaid.

If your payment is not received:

- you will not receive your verification visit or have your undertaking verified
- 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 Scotch Whisky products that you process 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
noncompliant status of your production facility
• HMRC may inform the designated enforcement authority

6.3.7 Will fees be refundable if I cease to operate within the Scotch
Whisky industry part way through a year?

No. Fees are not refundable. They are charged to recover costs in
undertaking verification visits and carrying out other verification work.

7. Verification visits

7.1 When will verification visits start?

HMRC will start verification visits in the UK and verification of undertakings
once the Spirit Drinks (Cost of Verification) Regulations 2013 have force of
law.

The Spirit Drinks (Cost of Verification) Regulations 2013 set out the
circumstances in which HMRC are able to charge Scotch Whisky producers
for verification visits/verification work.

The first two year cycle of verification visits will be completed by January
2016, by which date HMRC will:

• publish a full list of production facilities with assured production processes
• publish a full list of verified brands
• publish a list of verified bulk importers and premises
• start the next two year cycle of verification visits

7.2 How will HMRC verify Scotch Whisky?

HMRC will verify Scotch Whisky produced in Scotland 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'.

HMRC will verify Scotch Whisky processed or received outside Scotland by
verifying compliance with mandatory undertakings.

7.3 What production processes will HMRC examine to verify Scotch
Whisky?

The five key production processes defined in SWR which HMRC will check
for compliance are:
1. Fermentation
2. Distillation
3. Maturation
4. Blending
5. Bottling and Labelling (see 7.4)
   a. Labelling (see 7.4)

HMRC can only verify a brand if all processes involved have been assured, including any non-UK blending and bottling/labelling facilities.

7.4 Bottling and labelling

Following changes to the Technical File in May 2018, labelling is now a verifiable process in its own right (see section 3.3). However, where a business carries out bottling and labelling together, this remains treated as 1 process to maintain the maximum processes a business needs verified at 5. Labellers only must apply for verification of this a single process.

7.5 Why are there five processes when some must take place at the same place, under the same management processes and controls?

HMRC recognise that some Scotch Whisky processes take place at the same production facility, e.g. fermentation and distillation, however, they are recognised as separate processes, each with their own risks and practices. Some production facilities will be responsible for all five identified Scotch Whisky production processes at the same location under the same management regime. To treat them as a single process would not be appropriate.

Each identified process requires time to verify. HMRC’s calculations indicate that costs ancillary to the salary and capital costs of a verification visit are a small proportion of the global costs and that it was fairest to calculate rechargeable costs by reference to the five identified production processes.

7.6 Some particular risks are not clearly detailed in either the Technical File or HMRC’s verification checks. How will HMRC know what is compliant and what is not?

HMRC recognise that at each stage of production there is scope for a wide range of, what may be considered, non-compliant activities to take place, for example:

- the use of harsh filtration techniques which remove colour, aroma or taste derived from the raw materials
• the use of confectioner’s (rather than plain) caramel for colouring purposes
• accidental contamination or deliberate adulteration
• the use of processing aids which are not approved
• failure to meet the required minimum alcoholic strength

These are technical issues to which it may not be appropriate for HMRC to react without reference to Defra, as Scotch Whisky GI policy holders. HMRC will refer any specific technical concerns that HMRC become aware of to Defra.

HMRC will respond to advice from them following consideration of whether those technical concerns are adequately reflected in the technical file and/or our table of verification checks, outlined at Annex A. If amendments to the technical file are required HMRC will assure compliance with any revised specifications as they are published or, if appropriate, amend our table of verification checks to ensure that it provides the clarity required of the verification scheme.

7.7 Will verification checks be conducted in a manner proportionate to the aim to be achieved and with regard to existing revenue practice?

HMRC will apply the general principle that verification visits should, in line with existing revenue practice, be risk based and proportionate.

7.8 How will HMRC assure production processes in Scotland?

HMRC will assure all identified Scotch Whisky production processes in Scotland using the checks outlined at Annex B in order to verify products as compliant with the specification detailed in the Scotch Whisky Technical File. For example:

• checking HMRC records to ensure all appropriate approvals are held
• 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 etc. 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.

7.9 Many of my documents/invoices are not kept at my production facility, how will HMRC deal with this?
Any documents required for inspection as part of your verification visit, for example purchase records of ingredients and casks should normally 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.

Your verification officer will discuss this when arranging your verification visit, but it is also your responsibility to bring this to their attention.

7.10 How will HMRC assure products/assets which are purchased centrally?

HMRC recognise that it may not always be possible to link directly purchases to an individual production facility, for example casks purchased in bulk by companies and shipped to distilleries as required from a central location.

HMRC will apply risk based principles to the control of cask purchases when reviewing cask (and similar) purchase documentation and physical examination of equipment, recognising that for businesses with central purchasing the documentary checks may be undertaken at a different location to the actual production facility.

7.11 How will HMRC assure products which are delivered from a location that is not owned by the producer?

To assure that all five Scotch Whisky production processes have occurred at compliant facilities will be challenging. For example, HMRC recognise that producers purchasing casks of mature Scotch Whisky lying at an 'external' warehouse may have no knowledge of where those casks have been prior to purchase. However, HMRC will apply risk based principles when assuring production processes at all Scotch Whisky production facilities. One of those checks is that Scotch Whisky is despatched to a production facility with assured processes, so any 'external' maturation warehouse will be subject to verification in the same way as any other production facility.

Where products are held outside of the Scotch Whisky production supply chain, they must be delivered to a registered Excise Warehouse, subject to either, or both, fiscal and verification controls. Receipt directly from such a controlled facility is accepted by HMRC as evidence that they are unlikely to have been tampered with whilst stored at that facility.

If casks of mature Scotch Whisky/maturing spirit are bought and delivered from a distillery, HMRC will be able to confirm whether or not their processes have been verified. If they are bought from a distillery but delivered from an 'external' warehouse HMRC will be able to confirm whether the maturation
warehouse processes have been verified. This information will eventually be published on our website.

Producers are expected to ensure that their products are delivered to a production facility with assured processes and subsequent producers that products received are sourced from assured production processes. This, supported by the verification scheme, should ensure their product remains compliant with the Scotch Whisky Technical File. Failing to do so may mean that the product sold is not verified, can not be sold legally, and may be subject to enforcement action.

7.12 How will HMRC assure production processes outside Scotland?

Scotch Whisky operators outside Scotland must provide an undertaking as described at paragraph 8 and set out at the end of this Notice.

HMRC will carry out the relevant checks in Annex B to ensure that Scotch Whisky is not supplied in bulk to a bulk importer, blender, bottler and labeller or labeller only outside Scotland who has not given the required undertaking.

HMRC will also carry out the relevant checks in Annex B to verify compliance with the undertaking.

7.13 How will duty paid bottlers be verified for example who decant bottled stock into smaller containers, and who may use their own labels?

Bottling and labelling of Scotch Whisky is a production process identified in SWR and requires verification. This is the case whether Scotch Whisky is being bottled for the first time, or being re-bottled and/or re-labelled (for example, in distillery visitor centres).

Subject to any current or future legal restrictions which may compromise verification, if a business decants bottled stock into smaller bottles and/or uses their own labels, they will be required to apply for verification and demonstrate compliance of their processes with the specifications in the Scotch Whisky Technical File in the same way as any other Scotch Whisky producer/processor. If their processes are not assured the final bottled/labelled product can not be verified and can not be marketed legally.

7.14 How will I know whether production facilities have been assured?

There will be two groups of production processes in the industry, namely processes that are checked and assured as compliant with the Technical File, or non-compliant processes because they:
HMRC will publish details of production facilities with assured processes on the HMRC website. 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 Scotch Whisky from, and despatching Scotch Whisky to, an assured process in order to maintain the integrity of their product and its verified status.

7.15 Will the information published by HMRC compromise commercial arrangements with independent bottlers?

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. In the case of own brand Scotch whiskies it is anticipated that the brand owner will be the proprietor identified on the published details.

7.16 How often will HMRC update the details published on their website?

Our website will be updated 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’.

HMRC intend to publish the list of verified Scotch Whisky producers and processes in Scotland and verified Scotch Whisky brands in January 2016 i.e. at the end of the first verification cycle.

HMRC intend to publish details of blenders/bottlers and labellers outside Scotland in January 2015 i.e. at the end of the transitional period applicable to such operators.
HMRC intend to publish details of bulk importers who have provided HMRC with an undertaking in January 2015 i.e. at the end of the transitional period applicable to bulk importers.

7.17 How frequently will HMRC assure the compliance of the industry?

Each identified production process must receive a verification visit every two years to assure their continued compliance with the Technical File.

7.18 Why are verification visits every two years when Scotch Whisky has to mature for at least three years?

It is illegal to produce in Scotland any whisky or whisky distillate which does not conform to the definitions in the Scotch Whisky Regulations 2009. In order to ensure compliance with these requirements, HMRC need to check that the processes used to produce whisky and whisky distillate conform to the requirements of the Technical File before the spirit becomes 3 years old. HMRC also consider this frequency of assurance is required to maintain the credibility of the Scotch Whisky Geographical Indication.

7.19 How rigidly will HMRC apply the 'two year' rule?

HMRC recognise that the geography and climate in Scotland may mean that some visits are delayed for reasons beyond our control or yours. In addition HMRC have a responsibility to ensure the verification scheme is run as cost effectively as possible so may bring forward visits for economic or practical reasons.

Your production facility's processes will remain verified, and recorded as such in the details published on our website, until those published details are required to be changed. Provided a verification visit is undertaken within 30 days, before or after, the anniversary of your previous verification visit the 'due date' for your next verification visit will not be affected.

7.20 Will I still be able to sell the Scotch Whisky I produced before the introduction of the verification scheme?

HMRC recognise that there may be a period where some Scotch Whisky brands on the market have not been verified through verification visits. For Scotch Whisky this may be considerable, depending on the period of maturation.

Scotch Whisky which was produced in accordance with existing legislation (i.e. distilled or sent or received for maturation, blending or bottling/labelling, or otherwise sold) before the date of your initial verification visit will be treated as having been produced through a verified process, so deemed
compliant with the Technical File. As such that spirit/Scotch Whisky may be marketed legally.

Such spirit/Scotch Whisky as has not been placed on the market may be subject to verification of any production processes carried out once initial verification visits start.

**7.21 During my verification visit, what do I do if I have a question about my tax or duty compliance?**

Whilst it may be possible to deal with relatively simple questions during your verification visit, you should not expect your verification officer to deal with such queries. Your verification visit is not linked with HMRC's 'revenue management'. You are being charged for your verification visit and so it is important to HMRC, and you, that the different roles are dealt with separately.

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. Your verification officer may not be equipped to deal with your specific question during your verification visit. They may, however, take details of your enquiry and refer it to an appropriate person or team, as soon as practical, for a full response.

If your business has an identified Customer Relationship Manager (CRM) you should discuss your revenue concerns with them. If you do not have a CRM you should contact HMRC through the relevant helpline of contact centre. Details for which can be found on the HMRC website, [Contact Us](#) webpage.

**8. Undertakings**

**8.1 What is an undertaking?**

The undertaking is a form you must submit to HMRC if you have registered for the Spirit Drinks Verification Scheme and you are involved in:

- bulk movement of Scotch Whisky outside Scotland
- you blend, bottle and label or label only Scotch Whisky outside of Scotland

**8.2 What is the purpose of the undertaking for blenders, bottlers and labellers and labellers only based outside Scotland and other recipients of bulk Scotch Whisky?**
The Technical File provides that Single Grain Scotch Whisky, Blended Malt Scotch Whisky, Blended Grain Scotch Whisky or Blended Scotch Whisky may not be moved from Scotland in bulk other than to an importer, bottler or blender who has given HMRC the undertakings prescribed in the verification scheme (with the exception for movements to food producers detailed in 9.2 below).

The undertakings are:

- to comply with the requirement of any Technical File for Scotch Whisky submitted to the European Commission by the United Kingdom in accordance with Regulation (EC) No 110/2008 or any successor Regulation relating to the definition, description, presentation, labelling and verification of Scotch Whisky
- to keep a sample for two years of each bulk consignment of Scotch Whisky received
- to notify HMRC of the brand names to be used when selling the final product as Scotch Whisky
- to ensure that any drink they produce other than Scotch Whisky which contains Scotch Whisky as an ingredient is not labelled or sold in any way which would create a likelihood of confusion as to whether it is Scotch Whisky
- to provide HMRC with a sample of the labels of any Scotch Whisky bottled
- to keep records for 6 years of the supply and disposal of each bulk consignment received and to supply such details on request to HMRC or any enforcement authority
- to only supply the Scotch Whisky they have received to another blender, bottler or bulk importer whose details have been published by HMRC, unless the Scotch Whisky is in a bottle (made of any inert material) that is labelled for retail sale

Once you have completed the undertaking, please ensure you also forward in electronic format the required evidence to show your compliance with the undertaking, namely:

- a list of the retail brand names for the Scotch Whisky you bottle
- if you use Scotch Whisky as an ingredient in any other drink, the name of that drink
- a sample of the labels you apply to the Scotch Whisky you bottle
- a schedule of the bulk Scotch Whisky you have received and forwarded on during the last 2 years, showing the information set out at paragraphs (6) and (7) of the undertaking (see copy at end of this Notice). Whilst it is recognised that transfers on to bottlers/other bulk importers made prior to 10 July 2014 are unlikely to have been made
to verified bottlers/importers, the required details should still be provided.

If you are a ‘bulk importer’ (please see definition in Glossary), you only need to supply the schedule referred to in the fourth bullet point above.

The email address for sending this information is: enquiries.sdvs@hmrc.gsi.gov.uk

These undertaking form is set out at the end of this Notice.

8.3 Exemption from undertaking for food producers

If a business wishes to receive Scotch Whisky for use in the manufacture of foodstuffs which are not alcoholic beverages, they are not required to apply for verification, nor complete an undertaking to HMRC. Please note that this does not apply to Single Malt Scotch Whisky, which may not be moved from Scotland in bulk.

If you are a verified Scotch Whisky producer supplying bulk product for the manufacture of foodstuffs which are not alcoholic beverages, as part of your own verification responsibilities, we will look for evidence that you have taken all necessary steps to ensure that the Scotch will not be put to a use outside of the manufacture of foodstuffs. If you become aware that the whisky you have provided is being misused, you should cease supply immediately and notify the SDVU at enquiries.sdvs@hmrc.gsi.gov.uk.

If, as part of our verification checks, it appears that suitable assurance has not been sought as to the intended use of bulk Scotch you are providing, your verified status could be at risk.

9. Brands

9.1 What details will HMRC need about Scotch Whisky brands to publish on their website?

The information required, which will be published on our website once a brand has been confirmed as ‘verified’ will be:

<table>
<thead>
<tr>
<th>Brand owner/Proprietor</th>
<th>Brand Name</th>
</tr>
</thead>
</table>

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. Product produced before the date on which verification lapsed may continue to be sold until stocks are exhausted.
9.2 Who is responsible for passing this information to HMRC?

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

Unless it has already been notified to us, where a brand is labelled by a labeller, rather than a bottler who also carries out the labelling, the labeller should provide us with the details of the brand.

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:

<table>
<thead>
<tr>
<th>Brand Name</th>
<th>Brand Owner/Proprietor</th>
</tr>
</thead>
</table>

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 will HMRC collect Scotch Whisky brand names?

The information about Scotch Whisky brand names must be provided by web form, available on the HMRC web site. This is intended 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 What is 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 Are there any 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 Will HMRC remove details of ‘short lived’ brands, for example anniversary bottling, from published details?

It will not be appropriate to show an expiry date for verified brands. The verified status of brands is solely dependant on whether the processes used to create them were, or remain, compliant. Some special brands are potentially ‘collectors’ items’ and may be traded well beyond any intended expiry date.

However, where a brand is sold to another producer or production ceases, the brand owner/proprietor may apply to us to have a brand removed from the list of verified brands attributable to him.

HMRC will list all verified brands on its web site. Where HMRC are notified that a brand is no longer produced, the list will show a ‘cessation date’ against the brand. This does not mean that the brand is not genuine Scotch Whisky or has not been verified, simply that it is no longer produced.

9.7 How will HMRC assure that brands originate from compliant processes?

Using information obtained during verification visits, HMRC will trace the movement of Scotch Whisky back through the supply chain, ensuring that, at each movement, Scotch Whisky 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 Scotch Whisky is received from a production facility with assured processes
- where the final product is intended to be described as Scotch Whisky, it is despatched to a production facility with assured processes

9.8 How will HMRC manage circumstances where a single brand is bottled/labelled by more than one bottler/labeller?

HMRC recognise that ‘own brand’ products may be produced using more than one bottler/labeller producer, and that one bottler/labeller is unlikely to be aware of another production facility bottling/labelling the same branded product.
Where a single brand is produced through more than one bottler/labeller all production processes will be required to be verified as compliant with the Scotch Whisky Technical File in order to retain the brand's verified status and inclusion on the published list. All bottlers would be required to notify us of the brands they bottle together with the relevant proprietor details.

HMRC recognise that this means that some compliant product, tainted by the non-compliant status of a parallel process, may not be recorded as verified in published details but this is considered necessary and proportionate as HMRC would be unable to verify individual branded products with any certainty where the failure of any part of the production processes compromises the verified status of an individual brand.

9.9 How will I know whether brands have been verified?

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.

9.10 What is the status of the published details of verified brands?

HMRC’s published details of verified brands are intended to provide a public record of verified brands. Prima facie any brand which is not recorded as verified should be considered indicative that it has not been verified and may not be legally marketed.

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 What is HMRC’s role in the enforcement of compliance with the Scotch Whisky Technical File?

HMRC’s role is to detect non-compliance with the Technical File. This is a separate role to our revenue responsibilities. Where non-compliance is detected 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”, as defined in the Scotch Whisky Regulations 2009. HMRC have no designated enforcement role.
10.2 How will Non-Compliance be detected?

Non-compliance of production processes will be detected and potentially noncompliant (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 Scotch Whisky or as spirit which is destined to become Scotch Whisky. 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 How long will you allow me to make my processes compliant?

The period of time agreed to effect changes will vary depending on the nature of the changes required. This will, normally, be proposed by the SDVU and agreed with you.

10.5 What happens if I do not make my 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 spirit/Scotch Whisky 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 What happens if HMRC need to revisit my production facility to assure compliance of my production process?

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

10.7 In what circumstances will HMRC 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 are shown below.

In the case of production facilities:

- where there is no application for verification,
- where a production facility has never operated an assured process

In the case of brands:

- 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.

In the case of bulk importers:

- where there is no application for verification
- where a bulk importer has not submitted an undertaking

10.8 What happens in the event that an unverified brand is identified?

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 established under the Scotch Whisky Regulations 2009 or Regulation (EC) No 110/2008.

Within the UK, the enforcement authorities are identified in the Scotch Whisky Regulations 2009 as “food authorities” or “port health authorities”.

Within Europe, enforcement is addressed by Article 24(2) of Regulation (EC) No 110/2008, which requires that “Member States...communicate to each other the information necessary for the application of this Regulation”.

If HMRC are aware that there is a risk of an unverified brand being produced or marketed in the EU, 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 will be prima facie evidence of non-compliance and could give rise to civil enforcement in the UK or elsewhere by the Scotch Whisky Association or other persons listed in the Scotch Whisky Regulations 2009.

Non-compliance could also result in breaches of local laws in non-EU countries where Scotch Whisky is defined or protected as a GI, certification mark or otherwise and where compliance with UK requirements is therefore mandatory.

10.9 What will happen to the actual product if 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
noncompliant. This would apply to all brands which are affected by a noncompliant production process.

Non-compliant products sold, delivered from the production facility or subject to a subsequent production process will not be verified as Scotch Whisky. It cannot legally be sold as Scotch Whisky and, under the terms of regulation 5(2) of the Scotch Whisky Regulations 2009, it may not be saleable as whisky. HMRC will inform the designated enforcement authority of the relevant facts if this is considered a potential risk.

10.10 Who do I inform if I have concerns about unverified Scotch Whisky?

If you wish to provide information or notify your concerns about non-compliant products being sold within the EU, rather than directing that information to HMRC to pass on to the delegated enforcement authority, you may prefer to contact the Scotch Whisky Association (SWA), which has a right of civil enforcement under the Scotch Whisky Regulations 2009. The SWA has a wealth of experience internationally in protecting the quality and reputation of Scotch Whisky, not least through negotiation and litigation. Their contact details are:

The Scotch Whisky Association,
Quartermile Two
2 Lister Square,
Edinburgh,
EH3 9GL

Tel: 0131 222 9200
Email: info@swa.org.uk

Alternatively, you may prefer to 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. Certificates of Age and Origin and Certificates of Verification

11.1 What are Certificates of Age and Origin?

Certificates of Age and Origin attest to the authenticity of UK produced spirits. They are issued by HMRC to support exporters and producers of UK

40
manufactured spirits and facilitate entry of their product into overseas markets.

The majority of certificates are issued in respect of Scotch Whisky exports. The certificates are considered an essential part of the industry's efforts to protect Scotch Whisky in overseas markets from counterfeiting.

11.2 Who can currently apply for Certificates of Age and Origin?

HMRC issue Certificates of Age and Origin to UK applicants who are able to provide a satisfactory audit trail of the origin of the product. This is restricted to distillers/brand owners and manufacturers and holders of goods in duty suspense.

HMRC may also issue Certificates of Age and Origin to overseas applicants for spirits previously consigned which are being sent on to a further overseas destination (for example from UK to France to Taiwan), providing the applicant provides a certificate of non-manipulation and also holds satisfactory documentary evidence of the spirits' origin.

11.3 Which certificates of Age and Origin are used for Scotch Whisky?

The following certificates are currently in use for Scotch Whisky - the table below also shows the destination for which they are used.

<table>
<thead>
<tr>
<th>Certificate Code</th>
<th>Destination</th>
</tr>
</thead>
<tbody>
<tr>
<td>C&amp;E 94 (USA)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 94D (Japan)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 94H (Singapore)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 94J (Taiwan)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 94 K(Romania)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 94L (Philippines)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 96 (General Use)</td>
<td></td>
</tr>
<tr>
<td>C&amp;E 96A (Canada)</td>
<td></td>
</tr>
</tbody>
</table>

Postage is payable in addition to the charge for the certificates. All charges are subject to periodic review.

11.4 Is there a charge for Certificates of Age and Origin and how do I apply for them?

Yes, there is a charge for Certificates. Please contact HMRC’s Spirit Drinks Verification Unit by email at the following address for details of the current costs and when you wish to order certificates.

certificates.sdvs@hmrc.gsi.gov.uk
11.5 Will I need to keep records about the Certificates of Age and origin I apply for and use?

Yes, you will need to keep a record of the numbers of Certificates you receive and sufficient detail to provide an audit trail of the consignment each is used with.

11.6 Are there any restrictions on the use of Certificates of Age and Origin?

Certificates must only be used by the person to whom they are issued.

If a Certificate is used to support the bulk export of Scotch Whisky it must only be used to confirm that the bulk product has been assured to be Scotch Whisky, not to imply that the final product has been verified.

11.7 Will Certificates of Age and Origin for Scotch Whisky change because of the Scotch Whisky GI verification scheme?

Yes. At present, there are eight different Certificates of Age and Origin which can be used for Scotch Whisky, used for different circumstances or export markets. It is planned to replace these with a single Certificate of Verification as soon as this is practical, but this is unlikely to happen before 2015 at the earliest.

11.8 Why are you planning to change Certificates of Age and Origin?

Replacing the eight different Certificates of Age and Origin with a single Certificate of Verification will be simpler for us to administer and more cost effective for the industry.

11.9 Will Certificates of Verification have a different use than Certificates of Age and Origin?

No, Certificates of Verification will be issued and used for the same reason that HMRC issue Certificates of Age and Origin.

11.10 Who will be able to request Certificates of Verification?

Although HMRC have yet to finalise the arrangements for Certificates of Verification, it is likely that they will only be available to producers or production facilities, in respect of products that have been produced through assured processes (whether in or outside the EU).
12. Where can I 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
## 13. 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.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Producer</td>
<td>The owner of a production facility carrying out at least one stage of the production of Scotch Whisky.</td>
</tr>
<tr>
<td>Operator</td>
<td>A person responsible for the operation of a production facility. This can be a distillery manager, for example.</td>
</tr>
<tr>
<td>Facility or production facility</td>
<td>A facility operating one or more production processes required to create Scotch Whisky.</td>
</tr>
<tr>
<td>Process or production process</td>
<td>One of five processes required to create Scotch Whisky: fermentation, distillation, maturation, blending, and labelling of final product (bottling).</td>
</tr>
<tr>
<td>Brand</td>
<td>The label name on a bottled product excluding ages, descriptors and regions.</td>
</tr>
<tr>
<td>Brand Owner</td>
<td>The owner of a Scotch Whisky Brand that is placed on the market for retail sale.</td>
</tr>
<tr>
<td>Retail Sale</td>
<td>As per Regulation 7 (5) of the Scotch Whisky Regulations:</td>
</tr>
<tr>
<td></td>
<td>&quot;&quot;&quot;retail sale&quot;&quot; means any sale except a sale for use or reuse in the course of a trade or business&quot;.</td>
</tr>
<tr>
<td>Technical File</td>
<td>A document that specifies the requirements of Scotch Whisky. This includes requirements for production, description, presentation and labelling of Scotch Whisky.</td>
</tr>
<tr>
<td>Fermentation</td>
<td>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 (including mashing of cereals).</td>
</tr>
<tr>
<td>Distillation</td>
<td>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.</td>
</tr>
<tr>
<td>Maturation</td>
<td>The process of aging spirit to create Scotch Whisky. This includes all processes from when newly distilled spirit is obtained up to but not including the point when casks are to be emptied for blending or vatting. This includes the filling of casks and tracking of ages.</td>
</tr>
<tr>
<td>Blending</td>
<td>The process of combining two or more single whiskies to create a new whisky in one of three categories: blended malt, blended grain or blended, or the vatting of casks of single malt. This includes all processes from the disgorging of casks to the vatting/blending of the contents.</td>
</tr>
<tr>
<td>Bottling and Labelling</td>
<td>The processes of (i) emptying containers of blended/vatted Scotch Whiskies, and disgorging single casks for the purpose of bottling single cask Scotch Whiskies, dilution to bottling strength, bottling the diluted contents and labelling for presentation, and (ii) any re-bottling and re-labelling of previously bottled Scotch Whisky. Labelling means all descriptions and other references, signs, designs or trade marks 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.</td>
</tr>
<tr>
<td>Bulk Scotch Whisky</td>
<td>Scotch Whisky that has still to be put into its retail container.</td>
</tr>
</tbody>
</table>
Bulk importer: A consignee outside Scotland who receives bulk Scotch Whisky but does not blend and/or bottle and label that product as Scotch Whisky.

They may, for example, supply the bulk Scotch Whisky, unaltered, to their customer or use the bulk Scotch Whisky in a product which will not be marketed as Scotch Whisky.

Please note: If you are already a blender, bottler and labeller, there is no requirement to also register as a Bulk Importer in order to receive Scotch Whisky in bulk. You may do this under your existing registration, but you must notify us if you cease to bottle Scotch Whisky.

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>abv</td>
<td>alcohol by volume</td>
</tr>
<tr>
<td>Defra</td>
<td>Department for the Environment, Food and Rural Affairs</td>
</tr>
<tr>
<td>EC</td>
<td>European Commission</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>GI</td>
<td>Geographical Indication(s)</td>
</tr>
<tr>
<td>HMRC</td>
<td>Her Majesty’s Revenue and Customs</td>
</tr>
<tr>
<td>SDR</td>
<td>Spirit Drinks Regulations 2008</td>
</tr>
<tr>
<td>SDVU</td>
<td>Spirit Drinks Verification Unit</td>
</tr>
<tr>
<td>SWA</td>
<td>Scotch Whisky Association</td>
</tr>
<tr>
<td>SWR</td>
<td>Scotch Whisky Regulations 2009</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
</tr>
</tbody>
</table>

Your rights and obligations


Do you have any comments or suggestions?

If you have any comments or suggestions to make about this notice, please contact the SDVU 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 www.hmrc.gov.uk and under quick links select Complaints.

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TECHNICAL FILE FOR SCOTCH WHISKY

Date of receipt (DD/MM/YYYY):
[to be completed by the Commission]

Number of pages (including this page): 26

Language used for submission of application: English

File number:
[to be completed by the Commission]

Geographical indication to be registered: ‘Scotch Whisky’
(Frequently referred to as “Scotch”).

Category of the spirit drink:
# Contents

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- Physical, chemical and/or organoleptic characteristics .......................... 50
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  - Grain Scotch Whisky ................................................................................. 57
- Maturation ................................................................................................... 57
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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 0°C, 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 whiskies 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 whiskies 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

Scotland

Regulation 10 of the Scotch Whisky Regulations 2009 should be consulted for the exact description of the localities and regions represented.

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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%.

Definitions of the five permitted categories of Scotch Whisky

“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” means a blend of two or more Single Malt Scotch Whiskies distilled at more than one distillery, or a blend of single malt whisky distillates produced in accordance with the requirements of paragraph (1)(a) and (b) and to which paragraph (1)(c) to (i) will subsequently apply.

“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 65°C 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 °C - 23°C 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 become 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 33°C.

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.

Organoëptic 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. Where any expressions in The Spirit Drinks Regulations are also used in this Technical File, they have the same meaning.

**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. Where any expressions in The Scotch Whisky Regulations are also used in this Technical File, they have the same meaning.

**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 that is 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, labeller 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, or

(c) to a manufacturer of foodstuffs which are not alcoholic beverages.

4. For the purposes of this technical file a person is regarded as having moved Scotch Whisky 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).

Effect of Previous Legislation

Combinations of Scotch Whisky distillates and/or immature Scotch Whisky and/or Scotch Whisky from different distilleries blended or mixed prior to the coming into effect of this Technical File which do not fall into any of the five permitted categories of Scotch Whisky because of the stage of manufacture at which the blending or mixing took place, may continue to be matured and sold as Scotch Whisky provided that:

1. they are described as

   - Blended Malt Scotch Whisky (in the case of a combination which was distilled at each distillery in accordance with the definition of Single Malt Scotch Whisky)

   - Blended Grain Scotch Whisky (in the case of a combination which was distilled at each distillery in accordance with the definition of Single Grain Scotch Whisky)

   - Blended Scotch Whisky (in the case of a combination, part of which was distilled at one distillery in accordance with the definition of Single Malt Scotch Whisky and part of which was distilled at another distillery in accordance with the definition of Single Grain Scotch Whisky).

and

2. they are sold under these descriptions or used as a constituent of a Blended Scotch Whisky.
Applicant

Department for the Environment, Food and Rural Affairs
2nd Floor, Seacole Block
2 Marsham Street
London
SW1P 4DF
UNITED KINGDOM
Tel: +44 (0)208 225 6405
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 adjectively 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; or
   (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.
<table>
<thead>
<tr>
<th>Place Name</th>
<th>Distillery Name</th>
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<tbody>
<tr>
<td>Aberfeldy</td>
<td>Glen Ord</td>
</tr>
<tr>
<td>Aberlour</td>
<td>Glenrothes</td>
</tr>
<tr>
<td>Abhainn Dearg (also known as Red River)</td>
<td>Glen Scotia</td>
</tr>
<tr>
<td>Ailsa Bay</td>
<td>Glen Spey</td>
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<td>Isle of Jura</td>
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<td>Kininvie</td>
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<td>Knockando</td>
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<td>Macallan</td>
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<td>Royal Lochnagar</td>
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<td>Dalshinnie</td>
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<tr>
<td>Deanston</td>
<td>Speyburn</td>
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<tr>
<td>Dufftown (also known as Dufftown-Glenlivet)</td>
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<td>Edradour</td>
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<td>Glen Elgin</td>
<td>Tamnavulin</td>
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<td>Glenfarclas</td>
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<td>Glenfiddich</td>
<td>The Glenlivet</td>
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<td>Glen Garioch</td>
<td>Tobermory</td>
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<td>Glen Glassaugh</td>
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<td>Glenroyne</td>
<td>Tomintoul</td>
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<td>Glen Grant</td>
<td>Tormore</td>
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<td>Glen Keith</td>
<td>Tullibardine</td>
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<td>Glenkinchlie</td>
<td>Wolfburn</td>
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<td>Glenlossie</td>
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<td>Glenmorangie</td>
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<td>Glen Moray (also known as Glen Moray-)</td>
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<tr>
<td>Glenlivet</td>
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</table>
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.
# Annex B - Scotch Whisky GI Verification Scheme

## 1. Distillery - Fermentation and Distillation

<table>
<thead>
<tr>
<th>Serial</th>
<th>Requirement</th>
<th>Check</th>
<th>Comments</th>
<th>Pass</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Distillers and distilleries</strong>&lt;br&gt;(i) All distillers and distilleries must be licensed by HMRC to distil alcohol.&lt;br&gt;(ii) All Scotch Whisky distilleries must be located in Scotland.&lt;br&gt;(iii) All distilleries must have an approval of plant and process from HMRC.&lt;br&gt;(iv) Each distillery must submit a quarterly distillery return (W21).</td>
<td>(i) Check the HMRC list of licensed distillers to ensure compliance and validity and compliance with any conditions – both distiller and particular premises need to be checked.&lt;br&gt;(ii) Check address.&lt;br&gt;(iii) Check HMRC records for correct approval of plant and process.&lt;br&gt;(iv) Check HMRC records for regular submissions of W21. Check for abnormal fluctuations in yield which may indicate extra materials are added to the process or spirit being removed from the process.</td>
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<td>2</td>
<td><strong>Cereals</strong>&lt;br&gt;(i) Single Malt – only malted barley is used.&lt;br&gt;(ii) Single Grain – malted barley to which unmalted barley and other whole grains of cereals can be added.</td>
<td>(i) If a malt distillery malts its own barley then check records to ensure no other cereals are received (and then added) to this. If distillery does not malt its own barley then check delivery records to ensure only malted barley is used.&lt;br&gt;(ii) For grain distilleries, check delivery records to ensure that some malted barley is received (or barley malted in distillery). Check mash ingredients to ensure some malted barley is included in each batch and that only whole grains of other cereals are used. Check that no pseudo cereals are used (e.g. buckwheat and quinoa).</td>
<td>Note: Pseudo cereals are cereals obtained from broadleaf plants that can be ground into flour and used as cereals. True cereals (such as wheat, maize, barley) are grasses.</td>
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<tr>
<td>3.</td>
<td><strong>Mashing</strong></td>
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|   | Mashing must take place at the distillery. | (i) Check that the cereals are processed into a mash at the distillery.  
(ii) Check mash bill to ensure that no additional enzymes or fermentable material are added.  
(iii) Check purchase records to ensure that premashed product is not purchased. (Processors should be informed of the need to make purchase records available when booking their verification visit.) |
| 4. | **Fermentation**  |
|   | Fermentation must take place at the distillery and only by the addition of yeast. | (i) Check that a wash-back vessel exists at the distillery and is in use.  
(ii) Check the process and distillery specifications to ensure that fermentation is by yeast only and no enzymes or other fermentable material are added. Grain distilleries may recycle spent wash (known as “back-set”).  
(iii) Check that only approved processing aids (e.g. anti-foams, water treatments for ph balance etc) are used and no flavourings are added. |
| 5. | **Distillation**  |
|   | (i) Single Malt – only distilled in copper pot stills from 100% malt mash.  
(ii) Single Grain – typically distilled in column stills.  
(iii) Distillation must be at an alcoholic strength by volume (abv) of less than 94.8%. | (i) Check the type of still being used. Spirits distilled in a pot still from anything other than 100% malt mash may only be used in grain whisky.  
(ii) Check the type of still being used. Spirits distilled in a column still (even if it is from 100% malt mash) can only be used in grain whisky.  
(iii) Check distillery records to confirm distillation strength and visually check procedures.  
(iv) Check all alcohol intended for filling as Scotch Whisky has been distilled.  
(v) Check that only approved processing aids (i.e. anti-foams, or sacrificial copper for column stills) are used. |
| 6. | **Filling and maturation**  |
|   | Filling of distilled spirit into casks may take place at the distillery or the spirit may be despatched by tanker to a maturation site and filled into cask there | Where filling and/or maturation takes place at the distillery, the relevant checks specified under “Maturation” should be carried out. |
| **7.** | **Innovative practices**  
Only HMRC approved operations should take place in distillery. | Check to see if there are any departures from normal industry practice and seek advice from policy team, if necessary. |
2. Maturation (including filling locations)

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<tr>
<th>Serial</th>
<th>Requirement</th>
<th>Check</th>
<th>Comments</th>
<th>Pass</th>
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</thead>
</table>
| 1.     | Warehouse   | (i) The maturation warehouse must be registered with HMRC as a distiller’s warehouse or a ‘permitted place’. | (i) Check HMRC records for compliance. A permitted place is any place to which spirits are moved for:  
- re-warehousing to another excise warehouse  
- temporary purposes and periods as allowed by HMRC  
- scientific research and testing  
- other premises where goods of the same class or description may be kept, under Customs and Excise Acts  
- other premises permitted by HMRC. | (ii) Check address.  
(iii) Check what controls are in place to monitor inward shipments/receipts. | |
| 1.     | Inward Shipments/Bulk Movements Received | Note details of all bulk movements of Scotch Whisky received - name and address of consignor, UK, EU or 3rd Country. NB. It is unlikely that a maturation warehouse in Scotland will receive bulk Scotch Whisky from anywhere else than Scotland. Should this be detected, the policy team should be consulted. Confirm the consignor’s processes have been verified (or that the consignor has applied for verification). If not write to advise them of their potential obligations under 110/2008/EC. Note audit trail of supply chain for verification of brands. | | |
| 3. | **Casks**  
(i) Scotch Whisky must be matured in oak casks.  
(ii) The capacity of each cask must not exceed 700 litres at any time during maturation. | (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 decharring) are allowed.  
(ii) Check a sample of casks to identify their size. Check operator’s purchase records to identify sizes of casks.  
(iii) Seek confirmation from operator that casks have not been rendered inert by glazing, plastic liners etc. (Processors should be informed of the need to make purchase records available when booking their verification visit.) |

| 4. | **Filling**  
(i) Casks must be filled only with distilled spirit that will mature into Scotch Whisky. No additives are allowed at this stage. | (i) Check procedures to ensure that casks are thoroughly drained of any previous contents before being filled. Check that there is an appropriate procedure in place for emptying casks.  
(ii) Check procedures to ensure that no substance is added to the inside of the cask before being filled e.g. paxarette, boisé, sugar, caramel, oak chips, wooden structures (whether oak or not). |

| 5. | **Ageing**  
(i) Scotch Whisky needs to be matured for at least three years.  
(ii) It can be marketed with different maturities (ages). | (i) Check the maturer’s record keeping process to understand how they log the ageing of a cask.  
(ii) Check that the maturer has a fit-and-proper system of tracking ages of casks.  
(iii) Check that the maturer has adequate measures to ensure the ageing process is not interrupted: - 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, but re-racking should normally take place immediately in order to ensure proper control of maturation periods; and - topping up of casks with younger spirit is not allowed – “marrying in cask” is allowed to continue. |
<table>
<thead>
<tr>
<th>6.</th>
<th><strong>Bulk Movements/Exports</strong></th>
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<tbody>
<tr>
<td>(i)</td>
<td>Business or individuals may only move, or export Scotch Whisky outside Scotland in inert containers. All processes up to the point of export (fermentation, distillation and maturation) must be assured by HMRC using the above checks.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Single Malt Scotch Whisky may not be exported in bulk or moved from Scotland except in bottles which are labelled for retail sale.</td>
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<tr>
<td>(iii)</td>
<td>Other categories of bulk Scotch Whisky may not be exported or moved from Scotland other than: in a bottle labelled for retail sale, or to an importer, bottler, labeller or blender who has given an Undertaking, or</td>
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<tr>
<td>(iv)</td>
<td>to a manufacturer of foodstuffs which are not alcoholic beverages</td>
</tr>
<tr>
<td>(i)</td>
<td>Check that all production up to the point of export has been carried out by assured processes.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Check to see that no Single Malt is moved out of Scotland in containers which are not labelled for retail sale.</td>
</tr>
<tr>
<td>(iii)</td>
<td>Check to see that other categories of Scotch Whisky are only exported in bulk to consignees who have provided HMRC with the required undertaking. If they haven't, write to advise them of their potential obligations. Note audit trail of supply chain for verification of brands.</td>
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<tr>
<td>(iv)</td>
<td>Check for evidence that necessary steps have been taken by the supplier to confirm that the Scotch will not be put to use outside the manufacture of foodstuffs.</td>
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<th>7.</th>
<th><strong>Innovative practices</strong></th>
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<tbody>
<tr>
<td>Only HMRC approved operations should take place in warehouse</td>
<td>Check to see if there are any departures from normal industry practice and seek advice from policy team, if necessary.</td>
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### 3. Blending
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<th>Requirement</th>
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</table>
| 1.     | **Inward consignments**  
The blending facility must be able to demonstrate that spirit being processed at facility have been sourced from a maturation facility with assured processes. | (i) Check what controls are in place to monitor inward consignments. Note details of all bulk movements of Scotch Whisky received - name and address of consignor, UK, EU or 3rd Country. Confirm their processes have been verified (or application for verification received). If not, write to advise them of their potential obligations under 110/2008/EC. Note audit trail of supply chain for verification of brands. | | |
| 2.     | **(a) Blending in Scotland – duty not paid**  
(i) If Scotch Whisky is to be held or received at the blending location in an oak cask, the blending location must be an excise warehouse or permitted place. | (i) Check HMRC records for compliance. A permitted place is any place to which spirits are moved for: - re-warehousing to another excise warehouse  
- temporary purposes and periods as allowed by HMRC  
- scientific research and testing  
- other premises where goods of the same class or description may be kept, under Customs and Excise Acts  
- other premises permitted by HMRC. | | |
|        | **(b) Blending in Scotland – duty paid**  
(ii) If blending location is not an exercise warehouse or permitted place, then Scotch Whisky may only be held or received in inert containers. | (ii) Check that there is no Scotch Whisky in any wooden cask. If so, it can no longer be described as Scotch Whisky as it is being matured outside an excise warehouse or permitted place. | | |
### Blending outside Scotland

Anyone who blends bulk Scotch Whisky outside Scotland after 10 January 2015 must have provided the required undertaking.

The relevant paragraphs of the undertaking to check are:

(i) Para [3] Notification to HMRC of the brand names used when selling the final product as Scotch Whisky
(ii) Para [5] Notification to HMRC of the labels used when selling the final product as Scotch Whisky
(iii) Para [7] Provision of a schedule of the receipt and disposal of bulk Scotch Whisky they have received in the last 2 years
(iv) Para [9] Bulk Scotch Whisky only to have been provided to persons who have given an undertaking and are on HMRC’s list of notified processors and bulk importers

- Confirm blender has provided details of brand names and labels used for final product (if not, issue reminder and monitor receipt).
- Ensure labels comply with Serials 5 and 6 of part 4 of the verification scheme ("Bottling and Labelling")
- Confirm blender has provided schedule of the receipt and disposal covering the last 2 years (if not, issue reminder and monitor receipt)
- Examine schedule to confirm that person providing the bulk for blending and the receipt of the bulk after blending are on HMRC’s list of notified operators and bulk importers (if not, write to remind them and their blender of their obligations)

### Additions

Nothing should be added during blending other than water and plain caramel colouring.

(i) Check the operators purchase records to ensure that the type of colouring is only plain caramel colouring E150A. Burnt sugar cannot be used for colouring purposes.
Check procedures to ensure that no flavourings or other substances are added. Yeast cannot be added at blending stage. (Processors should be informed of the need to make purchase records available when booking their verification visit.)
### Types of blends
There are five different categories of Scotch Whisky.

1. **Single Malt Scotch** – must not be blended with any whisky other than Single Malt from the same distillery (this operation cannot take place outside Scotland, as it would require Single Malt to be exported in bulk).
2. **Single Grain Scotch** – must not be blended with any whisky other than Single Grain from the same distillery.
3. **Blended Scotch** – is a blend of one or more Single Malt with one or more Single Grain Scotch Whiskies.
4. **Blended Malt Scotch** – is a blend of two or more Single Malt Scotch Whiskies (this operation can only take place outside Scotland if a Blended Malt is being blended with another Blended Malt), or a blend of single malt whisky distillates.
5. **Blended Grain Scotch** – is a blend of two or more Single Grain Scotch Whiskies.

(i) Check and assure that the blender's record keeping and tracking of Scotch Whisky allows them to blend different whiskies that are consistent with the five definitions.
(ii) Ensure that the blender has adequate control mechanisms to keep such blends separate so as not to interfere with each other.
(iii) Does blender only blend own whiskies or do they buy in whiskies from other distilleries to blend? If so, check purchases of other whiskies match those used in blend recipes.
(Processor should be informed of the need to make purchase records available when booking their verification visit.)

### Age of blends
Within each category blenders can blend different ages of Scotch Whisky. The age of the blend is that of the youngest of each constituent whisky.

(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.
(ii) Check the declared ages of purchased and own whiskies to ensure they match what is entered in the production records.
(iv) If the age of the blend is not stated, the minimum age is 3 years. (Processors should be informed of the need to make purchase records available when booking their verification visit.)
<table>
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<tr>
<th></th>
<th><strong>Strength</strong></th>
<th><strong>Bulk Movements/Exports</strong></th>
<th><strong>Innovative practices</strong></th>
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<tr>
<td>7.</td>
<td>The alcohol strength by volume is at least 40%.</td>
<td>(i) Ensure that the operator has a process of checking the alcohol strength during the blending stage to assure that the addition of water and/or plain caramel colouring does not dilute the blend to below 40% abv.</td>
<td>(i) Business or individuals may only move, or export Scotch Whisky outside Scotland in inert containers. All processes up to the point of export (fermentation, distillation and maturation) must be assured by HMRC using the above checks. (ii) Single Malt Scotch Whisky may not be exported or moved from Scotland except in bottles which are labelled for retail sale. (iii) Other categories of bulk Scotch Whisky may not be exported or moved from Scotland other than in a bottle labelled for retail sale, or to an importer, bottler, labeler or blender who has given an Undertaking, or to a manufacturer of foodstuffs which are not alcoholic beverages (iv) Check that all production up to the point of export has been carried out by assured processes. (ii) Check to see that no Single Malt is moved out of Scotland in containers which are not labelled for retail sale. (iii) Check to see that other categories of Scotch Whisky are only exported in bulk to consignees who have provided HMRC with the required undertaking. If they haven’t, write to advise them of their potential obligations. Note audit trail of supply chain for verification of brands. (iv) Check for evidence that necessary steps have been taken by the supplier to confirm that the Scotch will not be put to use outside the manufacture of foodstuffs.</td>
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<tr>
<td>8.</td>
<td>(i) Check to see if there are any departures from normal industry practice and seek advice from policy team, if necessary.</td>
<td>Only HMRC approved operations should take place in an excise warehouse.</td>
<td>Check to see if there are any departures from normal industry practice and seek advice from policy team, if necessary.</td>
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### 4. Bottling and Labelling of final product

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<th>Serial</th>
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<th>Comments</th>
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</table>
| 1.     | Inward consignments | (i) The bottling/labelling facility must be able to demonstrate that Scotch Whisky being processed at the facility has been sourced from a maturation facility with verified processes. | (i) Check what controls are in place to monitor inward consignments.  
Note details of all bulk movements of Scotch Whisky received - name and address of consignor, UK, EU or 3rd Country. NB. It is highly unlikely that a bottler in Scotland or the rest of the UK will receive bulk Scotch Whisky from outside the UK. Bulk shipments received in wooden casks from other countries are prohibited as maturation will have taken place outside Scotland. Bulk shipments received in inert containers from countries outside Scotland may only come from operators/facilities covered by the arrangements for blenders, bottlers and labellers and bulk importers outside Scotland. Confirm their processes have been verified (or application for verification received). If not write to advise them of their potential obligations under 110/2008/EC. Note audit trail of supply chain for verification of brands. |
| 2.     | (a) Bottling in Scotland – duty not paid  
(i) If Scotch Whisky is to be held or received at the bottling location in an oak cask, the bottling location must be an excise warehouse or permitted place. | (i) Check HMRC records for compliance. A permitted place is any place to which spirits are moved for:  
- re-warehousing to another excise warehouse  
- temporary purposes and periods as allowed by HMRC  
- scientific research and testing  
- other premises where goods of the same class or description may be kept, under Customs and Excise Acts  
- other premises permitted by HMRC. | |
|        | (b) Bottling in Scotland – duty paid  
(ii) If bottling location is not an excise warehouse or permitted place then Scotch whisky may | (ii) Check that there is no Scotch Whisky in any wooden cask. If so, it can no longer be described as Scotch whisky as it is being matured outside an excise warehouse or permitted place. | |
only be held or received in inert containers.

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<th>3.</th>
<th><strong>Labellers only</strong></th>
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<tr>
<td></td>
<td>Labellers may receive ‘naked’ bottles of Scotch Whisky providing:</td>
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<td></td>
<td>(i) The ‘naked’ bottle has a strip label affixed to the bottle, clearly stating the category of Scotch Whisky and the strip label must remain attached to the bottle</td>
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<td>(ii) The bottler and the labeller run effective stock systems to ensure there is a clear audit trail for the whisky in the ‘naked’ bottles.</td>
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<td>N.B. Single Malt Scotch Whisky may not be moved from Scotland to another country except in a bottle labelled for retail sale.</td>
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<td>(iii) Check that details of all brands bottled are submitted to HMRC.</td>
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<td></td>
<td>(i) ensure that a strip label is attached by the bottler/supplier stating the category of Scotch Whisky.</td>
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<td>(ii) check that labeller’s stock system clearly identifies an audit trail for the naked bottles received.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>4.</th>
<th><strong>Bottling outside Scotland</strong></th>
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<tbody>
<tr>
<td></td>
<td>Anyone who bottles and labels bulk Scotch Whisky outside Scotland after 10 January 2015 must have provided the required undertaking.</td>
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<tr>
<td></td>
<td>The relevant paragraphs of the undertaking are</td>
</tr>
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<td></td>
<td>(i) Para [3] Notification to HMRC of the brand names used when selling the final product as Scotch Whisky</td>
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<tr>
<td></td>
<td>(ii) Para [4] Where Scotch Whisky is used as an ingredient in any</td>
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<td></td>
<td>(i) Confirm details of brand names have been provided. Check that labels are compliant with SWR.</td>
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<tr>
<td></td>
<td>(ii) Confirm that any relevant drink notified by bottler that is not Scotch Whisky is not misleadingly labelled as such.</td>
</tr>
<tr>
<td></td>
<td>(iii) Ensure labels comply with Serials 5 and 6 of part 4 of the verification scheme (“Bottling and Labelling”).</td>
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<td></td>
<td>(iv) &amp; (v) Check that the consignor of the bulk Scotch Whisky is on the list of HMRC’s notified processors or bulk importers. Check HMRC records of UK despatches to ensure that all bulk receipts actually received by the bottler have been listed during the 2 year period. Check that any bulk despatches by the bottler are only made to blenders, bottlers and labellers, labellers only and bulk importers</td>
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</table>
A drink other than Scotch Whisky, the drink is not to be labelled or sold in such a way as to create confusion that it is Scotch Whisky. (iii) Para [5] Provision of sample labels of any Scotch Whisky bottled. (iv) Paras [6] and [7] Provision of a schedule of the receipt and disposal of bulk Scotch Whisky received in the last 2 years. (v) Para [9] Agreement not to supply Scotch Whisky to any person other than a blender, bottler, labeller or bulk importer who has provided the required undertaking to HMRC, unless the Scotch Whisky is in a bottle (made of inert material) that is labelled for retail sale.

| 5. | **Additions**  
(i) Scotch Whisky can be transported in bulk to the place of bottling at high alcoholic strength. The bottler may only add water to dilute the product to bottling strength and plain caramel colouring (E150a) to adjust colour.  

| 6. | **Labelling – Requirements**  
(i) All Scotch Whisky must be labelled as belonging to one of five categories. (ii) The name of a distillery may be used if the whole whisky was distilled in a single distillery.  

(i) Check that the operator has reasonable control mechanisms to keep different blends of Scotch Whisky separate so as not to mix and incorrectly label a batch. Five categories are:  
- Single Malt Scotch Whisky  
- Single Grain Scotch Whisky  
- Blended Malt Scotch Whisky  
- Blended Grain Scotch Whisky  

(ii) Check what control mechanisms exist to ensure abv ≥ 40%.  

(i) Check the manufacturing process to ensure that no other additives are introduced. If water and/or plain caramel colouring is added, ensure alcoholic strength is not reduced below 40% vol. Natural water or tap water is permitted provided it meets EU standards.
<table>
<thead>
<tr>
<th><strong>Labelling – Design</strong></th>
<th><strong>Check the label template for the single and blended whiskies bottled by the operator for compliance.</strong></th>
</tr>
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<tbody>
<tr>
<td>(i) The category description must be displayed on any individual container and displayed as prominently as any other description.</td>
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<tr>
<td>(ii) The category description can be preceded by the name of a locality or region but not interfered with in any other way with overlays or underlays of other words or pictures.</td>
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<tr>
<td>(iii) The word ‘pure’ must not be used adjectivally in connection with the word ‘malt’.</td>
<td></td>
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<tr>
<td>(iv) The age of whisky can only be expressed in years.</td>
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<tr>
<td>(v) Date of distillation can only be stated if (a) it is in the form of a calendar year; (b) the whole whisky was distilled in that year; and (c) the year of bottling or the maturation period is stated in the same field of vision.</td>
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</table>

(iii) The name of a locality or region may be used if the whole whisky was distilled in the region or locality named or, in the case of a blend from more than one region or locality, all the regions or localities represented in the blend are identified. Names of defined localities are: Campbeltown and Islay. Names of defined regions are: Highland, Lowland and Speyside. Other locality or region names may be used provided they are accurate (e.g. Mull, Skye).

(i) Check that all constituent parts of a single whisky originate from a single distillery – can be verified from movement details. With effect from 23/11/2012 Single Malt Scotch Whisky may only be bottled in Scotland.

(iii) Check that all constituent parts of a whisky described as originating from a particular locality or region/localities or regions – can be verified from movement or blending records. (Speyside whiskies are a subset of Highland whiskies and may be described as Speyside or Highland).
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<tbody>
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<td>(vi)</td>
<td>Label must not contain reference to any other number that can be misinterpreted to mean the above.</td>
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<tr>
<td>8.</td>
<td><strong>Bottled product from verified processes</strong>&lt;br&gt;(i) The producer responsible for labelling of the final product must confirm it comes from a verified source.</td>
<td>(i) Check that the producer has adequate record keeping systems to ensure that the product being bottled has been verified up to that point.&lt;br&gt;(ii) Check that the producer has processes to notify HMRC when it identifies a brand is no longer compliant i.e. the previous production process is not assured.&lt;br&gt;(iii) Check that the producer retains sufficient records to allow the product to be traced back to the previous production process.</td>
</tr>
<tr>
<td>9.</td>
<td><strong>Innovative practices</strong>&lt;br&gt;Only HMRC approved operations should take place in an excise warehouse.</td>
<td>Check to see if there are any departures from normal industry practice and seek advice from policy team, if necessary.</td>
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</table>
## 5. Bulk importer

<table>
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<tr>
<th>Serial</th>
<th>Requirement</th>
<th>Check</th>
<th>Comments</th>
<th>Pass</th>
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</thead>
</table>
| 1.     | Provision of undertaking | (i) Confirm that bulk importer has provided the required undertaking and the schedule of receipts and disposals, as set out at paras [6 and 7] of the undertaking.  
(ii) Confirm that all consignors of the bulk Scotch Whisky to the bulk importer are on the list of HMRC’s assured producers or bulk importers.  
(iii) Check HMRC records of UK despatches to bulk importer to ensure that all bulk receipts actually received by the bulk importer have been listed during the 2 year period.  
(iv) Check that any bulk despatches by the bulk importer are only made to blenders, bottlers and labellers, labellers only and bulk importers on HMRC’s data base (send references to overseas authorities where necessary). | | |

Undertaking covering the Movement of Scotch Whisky from Scotland to another country

Complete this undertaking if you have registered for the Spirit Drinks Verification Scheme and (a) you are a bulk importer of Scotch Whisky, or (b) you blend, bottle and label or label only Scotch Whisky outside Scotland.

You must ensure the undertaking is completed accurately and includes all the information requested or your undertaking may be refused.

For further details about the Spirit Drinks Verification Scheme go to www.hmrc.gov.uk

Your Details

Please select at least one of the following options;

- I am a Scotch Whisky;
- Blender
- Bottler
- Labeller
- Bulk Importer

Please complete the following details:

- Full name: first name(s) followed by surname.
- Trading Name: (If different from above)

Please enter at least one contact number

- E-mail address
- Re-enter e-mail address
- Telephone Number (including STD)
- Mobile Number
- Fax Number

Write clearly in black ink and use capital letters.

Please e-mail this form to XXX

Please fax this form to XXX
Undertaking

(1) I/we [delete as appropriate] hereby undertake that any Scotch Whisky bottled by me/us will be bottled in accordance with such specifications relating to the definition, description, presentation, labelling and verification of Scotch Whisky as may apply from time to time, including any Technical File for Scotch Whisky submitted to the European Commission by the United Kingdom in accordance with Regulation (EC) No 110/2008 or any successor Regulation.

(2) I/we [delete as appropriate] hereby undertake to keep for a period of two years a sample of each bulk consignment of Scotch Whisky received by me/us.

(3) I/we [delete as appropriate] hereby undertake to notify Her Majesty’s Revenue and Customs (“HMRC”) of the brand names to be used when selling the final product as Scotch Whisky.

(4) I/we [delete as appropriate] hereby undertake to ensure that in the case of any drink other than Scotch Whisky bottled by me/us which contains Scotch Whisky as an ingredient, the product is not labelled or sold in such a way which creates a likelihood of confusion as to whether it is Scotch Whisky.

(5) I/we [delete as appropriate] hereby undertake to provide HMRC with samples of the labels of any Scotch Whisky bottled by me/us.

(6) I/we [delete as appropriate] hereby undertake to maintain for 6 years records of the supplier of each bulk consignment received by us.

(7) I/we [delete as appropriate] undertake to maintain for 6 years records of the disposal of each bulk consignment of Scotch Whisky received, showing:

(a) in the case of supplies to another verified blender/bottler/labeller/bulk importer, the amount supplied and the identity of the blender/bottler/labeller/bulk importer,
(b) in any other case, the date of bottling and the brand names under which the Scotch Whisky was bottled, and
(c) in the event that the bottling is carried out by a third party, the name of that third party.

(8) I/we [delete as appropriate] hereby undertake to provide HMRC on demand with copies of any of the records referred to above.

(9) I/we [delete as appropriate] hereby undertake not to supply Scotch Whisky received by me/us to any person other than another blender/bottler/labeller/bulk importer who is listed on the HMRC database as a producer whose production processes have been verified, unless the Scotch Whisky is in a bottle (made of inert material) that is labelled for retail sale.

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**Full name of signatory**

First name(s) followed by surname.

Signature

Date DD MM YYYY

This undertaking will lapse after two years from the above date and should then be renewed in order to maintain verified status.