



USA No. 2 (2019)

# Agreement

between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of certain distilled Spirits/Spirit Drinks

Washington 31 January 2019

[The Agreement is not in force]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
February 2019*



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**AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF  
AMERICA ON THE MUTUAL RECOGNITION OF CERTAIN  
DISTILLED SPIRITS/SPIRIT DRINKS**

The United Kingdom of Great Britain and Northern Ireland (“the UK”) and the United States of America (“the USA”) (hereinafter referred to as “the Parties”),

Have agreed as follows:

1. The USA agrees to continue to restrict, within its regulatory framework,<sup>1</sup> the use of the product designations:

- (a) "Scotch whisky", to distilled spirits/spirit drinks products of Scotland, produced in compliance with applicable UK laws and regulations; and
- (b) "Irish whiskey"<sup>2</sup>, to distilled spirits/spirit drinks products of the island of Ireland, produced in compliance with the laws and regulations applicable in the island of Ireland.

It is recognised that these products continue to be subject to all of the labelling requirements of the USA.

2. The UK agrees to continue to restrict, within its regulatory framework,<sup>3</sup> the use of the product designations:

- (a) "Tennessee whisky"<sup>4</sup>;  
and
- (b) "Bourbon whisky"<sup>5</sup> and "Bourbon" as a designation for Bourbon whisky,

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<sup>1</sup> The US regulatory framework for distilled spirits consists of 27 CFR part 5 or equivalent successor regulations.

<sup>2</sup> Also spelled as “Irish Whisky”.

<sup>3</sup> The UK regulatory framework for spirit drinks consists of:

- i. Regulations (EC) No 110/2008 and (EU) No 716/2013, as incorporated into UK law by the European Union (Withdrawal) Act 2018 and secondary legislation made pursuant to that Act, or equivalent successor regulations;
- ii. the Spirit Drinks Regulations 2008 (SI 2008/3206) or equivalent successor regulations; and
- iii. the Scotch Whisky Regulations 2009 (SI 2009/2890) or equivalent successor regulations.

<sup>4</sup> Also spelled as “Tennessee whiskey”.

<sup>5</sup> Also spelled as “Bourbon whiskey”.

to distilled spirits/spirit drinks products of the USA produced in compliance with the laws and regulations of the USA.

It is recognised that these whiskies continue to be subject to all of the labelling requirements of the UK.

3. The USA and the UK agree to meet at a mutually convenient time in the future to discuss the possibilities of extending restrictive recognition to additional distilled spirits/spirit drinks products that either Party may propose for such consideration. This willingness to meet and consider such requests is without prejudice to the rights and rulemaking processes of either Party.
4. The Parties agree to consult, upon request, regarding the operation of this Agreement.
5. This Agreement shall enter into force on the date of an exchange of written notifications between the Parties certifying that they have completed their respective internal requirements and procedures. In submitting a notification, the United Kingdom shall take account of its obligations arising in respect of any agreement between the European Union and the United Kingdom pursuant to Article 50 of the Treaty on European Union.
6. The Parties agree that all regulatory or administrative measures necessary to fulfil the obligations outlined in Paragraphs 1 and 2 above shall be implemented by the date this agreement enters into force in accordance with paragraph 5.
7. Either Party may terminate this Agreement by written notification to the other Party. This Agreement expires twelve months after the date of such notification.

Done at Washington on the Thirty-first day of January in the year 2019, in duplicate.

**For the United Kingdom of Great  
Britain and Northern Ireland:**

**KIM DARROCH**

**For the United States of  
America:**

**GREGORY F DOUD**

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