

Department of Agriculture, Food and the Marine

Trader Notice FIDD 01/2019 (01st May 2019)

To: All Irish Cream Liqueur producers and brand owners

Subject: Verification of Irish Cream

1. Introduction

Irish Cream is a protected European Geographical Indication (GI) under Regulation (EC) No 110/2008 (<http://eur-lex.europa.eu>). Producers who produce and market their Irish Cream product under the Irish Cream GI must, after the **Thursday 23rd May 2019**, ensure that the production processes used for the product are verified by the Department of Agriculture, Food and the Marine as meeting the requirements of the Technical File for Irish Cream.

The Department of Agriculture, Food and the Marine is responsible for the GI verification of Irish Cream. This notice provides information on the verification scheme for Irish Cream and should be read by any trader involved in the production and marketing of Irish Cream.

2. Background

A Geographical Indication (GI) identifies a spirit drink which originates in the territory of a country or region and which has a given quality, reputation or other characteristic that is attributable essentially to its geographical origin. Spirits placed on the market under a spirit drink GI must be verified as complying with the relevant technical file.

There are three Irish spirit drink GIs provided for under the EU regulation – Irish Cream, Irish Poteen/Irish Poitín (Irish Poteen) and Irish Whiskey/Uisce Beatha Eireannach/Irish Whisky (Irish Whiskey). To attain GI status, a spirit drink must be produced in accordance with the technical specifications for the GI in question. The specifications for the Irish spirit drink GIs are set down in technical files prepared by the Department of Agriculture, Food and the Marine in Ireland and registered with the European Commission, as submitted by the Department, following consultation with our UK counterparts as GI protection is on an all-island basis. The Irish Cream Technical File was submitted on 20th February 2015 and a copy is available on the Department's website [here](#).

As the competent authority for the Irish spirit drink GIs, Department of Agriculture, Food and the Marine is responsible for providing advice and guidance on any matter relating to the interpretation of the relevant technical file (the Revenue Commissioners are responsible for the GI verification of Irish Whiskey and Irish Poteen in Ireland).

The Food Safety Authority of Ireland (FSAI) is responsible for action against non-compliant spirit drinks and such action will be taken by the Health Service Executive (HSE) under Service Contract with the FSAI. Further information is available at <https://www.fsai.ie - Spirit Drinks>. In the case of a

spirit drink produced in Northern Ireland, verification of the product is carried out by Her Majesty's Revenue and Customs (HMRC).

Further information is available on the Department of Agriculture, Food and the Marine (DAFM) website – <http://www.agriculture.gov.ie/gi/geographicalindications-protectedspiritnames/>

3. Verification of Irish Cream

The Department of Agriculture, Food and the Marine verification of Irish Cream is intended to provide assurance that the production process meets the standards and specifications in the Technical File for Irish Cream. The Department of Agriculture, Food and the Marine obtains assurance that a product satisfied the requirements for the Irish Cream GI by checking the systems and procedures used at the relevant production facility for each production stage. The scheme of the Department of Agriculture, Food and the Marine verification checks for Irish Cream is set out in the appendix to this notice.

The following stages of Irish Cream production have been identified under the Technical File for Irish Cream and each production method and blending, bottling and labelling stage must be verified.

- Method 1 - Single-stage production
- Method 2 - Two-stage production
- Bottling & Labelling

It is the responsibility of traders engaged in any of the above stages of Irish Cream production to demonstrate to the Department of Agriculture, Food and the Marine that the processes and systems used at each production facility comply with the Technical File for Irish Cream if they plan to market the product as Irish Cream after **Thursday 23rd May 2019**.

A person shall not market a product under the Irish Cream GI unless the product in question has been produced in a facility verified by the Department of Agriculture, Food and the Marine including a facility specialising in bottling and labelling spirit products.

4. Application Process

4.1 Applications for Verification

Traders who produce a spirit cream to be marketed as Irish Cream must apply to the Department of Agriculture, Food and the Marine for verification. A product cannot be labelled or marketed as Irish Cream unless the processes and systems used at all stages in its production are verified.

A separate application must be made in respect of each individual production facility where any of the different stages of the production processes are carried out.

4.2 The Application Process

All applicants must complete and submit an application form to the Department of Agriculture, Food and the Marine. Applicants should also submit a full description of the production process and materials to be used in the production of Irish Cream, including drawings, etc, together with a

description of the records and control procedures to be used to ensure adherence at the production facility to the requirements for the Irish Cream GI.

4.2.1 Application for verification from existing Production facilities

Production facilities in Ireland that were verified by the Department before January 31st 2019 and which intend to continue production in 2019 must reapply for verification.

4.2.2 Application for verification from New Production facilities

Production facilities in Ireland which plan to begin production of Irish Cream on or after **Thursday 23rd May 2019** must be verified by the Department of Agriculture, Food and the Marine prior to commencing such production. Verification of new facilities will include an inspection visit by Department of Agriculture, Food and the Marine officials to the production plant prior to the commencement of production. Producers who are bringing new production facilities into operation should apply to the Department of Agriculture, Food and the Marine as early as possible and well in advance of commencing operations.

4.2.3 Electronic Application

Completed applications from existing or new producers should be submitted in electronic format to spiritdrinks@agriculture.gov.ie no later than **5.00pm on Thursday 23rd May 2019**.

4.3 Applications for Bottling and Labelling in Ireland

Applications for verification of bottling and labelling in Ireland should include representative samples of labels in hard copy and/or in electronic form for all brands. Copies of these labels will be forwarded to the Food Safety Authority of Ireland (FSAI) by the Department of Agriculture, Food and the Marine. Where new labels are introduced between verification visits, copies should be retained for inspection by officers at the next verification visit

Traders who bottle, or label Irish Cream outside Ireland should contact the Department of Agriculture, Food and the Marine (spiritdrinks@agriculture.gov.ie) on arrangements for the verification of these products.

Brand owners, whose brands are bottled and/or labelled on their behalf at another facility, need not apply for verification. The bottler of the Irish Cream is responsible for ensuring adherence to the GI standard and should apply to the Department of Agriculture, Food and the Marine to have their facility in Ireland verified.

5. Department Verification

5.1 Records and Systems

Producers must be able to demonstrate compliance with the Technical File for Irish Cream. Production processes, systems and procedures must be designed to ensure adherence to the technical specifications and requirements for Irish Cream. The relevant supporting data systems and records at each production stage must be adequate to satisfy the Department of Agriculture, Food and the Marine verification checks in order to provide assurance of adherence to the GI standard and they must be readily accessible to Department officials for the purpose of verification. In addition, the systems and records must enable traceability of the products produced at the facility.

Compliance with the Technical File must be verifiable by the Department of Agriculture, Food and the Marine throughout the entire chain of production, including cases where a later stage of production is moved to another facility. Traders who transfer Irish Cream for the final stages of production at another facility must ensure the relevant systems and records provide full product traceability in all such cases. Records must be retained for a period of 7 years from the date of production.

5.2 Verification Visit

In order to confirm that the production processes are compliant with the requirements of the Technical File for Irish Cream, the Department of Agriculture, Food and the Marine will visit the facility and carry out a series of verification checks at each production stage. The checks that will be carried out are set out in the document “Verification Checks for Irish Cream” in the Appendix to this notice. Verification visits will be carried out annually at the outset.

The Department of Agriculture, Food and the Marine will notify the trader in advance of the verification visit.

When the Department of Agriculture, Food and the Marine is satisfied that the production processes comply with the requirements of the Technical File for Irish Cream the trader may continue to produce and market the product as Irish Cream, or to commence such production, as the case may be.

5.3 Evidence of Verification

The Department of Agriculture, Food and the Marine will maintain a list of verified Irish Cream production facilities and Irish Cream Brands on its website.

If the Irish Cream is moved from one verified facility to another verified facility in Ireland for bottling and labelling, the Department of Agriculture, Food and the Marine will accept that the product received for bottling is Irish Cream, provided the Department of Agriculture, Food and the Marine can verify that the product was sourced from a facility verified for Irish Cream GI purposes.

6. Withdrawal of Verification

The Department of Agriculture, Food and the Marine may refuse or withdraw verification where

- i) the person fails to pay the relevant verification fee,
- ii) the person does not produce, bottle or label in compliance with the specifications for the Irish Cream GI, or
- iii) otherwise fails to satisfy the checks carried out by the Department of Agriculture, Food and the Marine in accordance with the scheme of checks at the appendix to this notice.

Where verification is refused or withdrawn, the Department of Agriculture, Food and the Marine will notify the person in writing and outline the reasons for the decision. The person will have 14 days from the date of the notification to make representations to the Department of Agriculture, Food and the Marine in relation to the decision. The Department of Agriculture, Food and the Marine will consider the representations and then confirm or modify the original decision.

Where verification has been refused or withdrawn, producers will be required to remedy the problem concerned and re-apply for verification to the Department of Agriculture, Food and the Marine. The application will be successful if the producer concerned can demonstrate that their production processes and systems satisfy the GI requirements and can be verified accordingly.

7. Non – Compliance and Enforcement

The Department of Agriculture, Food and the Marine holds responsibility for taking necessary follow-up action (enforcement or otherwise) with applicants who fail to meet the standards for verification.

8. Verification Fees

Regulation (EC) No 110/2008 provides that the costs of the compliance checks are borne by the producer. Accordingly, the following fees per production process apply for the Department of Agriculture, Food and the Marine verification of compliance with the Irish Cream Technical File at each production stage. Verification fees can only be paid by Electronic Fund Transfer and details of how to make these payments are outlined below.

Process	Fee
Method 1 Single-stage production	€511
Method 2 Two-stage production	€511
Bottling & Labelling	€511

Where all production stages take place at the one facility, the total verification fee for that facility will be €1,022.00

Protected Spirits Section
Food Industry Development Division (FIDD)
Department of Agriculture, Food and the Marine
spiritdrinks@agriculture.gov.ie



Payment of fees for 2019 Verification of Irish Cream and Irish Cream Liqueur producers to the Department of Agriculture, Food and the Marine by Electronic Fund Transfer

The Department can accept payment by Electric Fund Transfer (EFT) in accordance with the following protocol only.

1. All payments must be made in Euro.
2. Each EFT payment made must quote your name or your Department of Agriculture, Food and the Marine nine digit customer number (this is provided on the remittance advice appended to your 2018 approval letter).

This enables the Department to distinguish your payment in our account. Be sure that your bank can accommodate this reference.

3. Following payment, please submit the personalised remittance advice which accompanied your 2018 approval letter by email to eftpayments@agriculture.gov.ie

Note: The Department cannot accept any responsibility for payments made into this account that cannot be identified due to lack of information.

Should you have any problems please contact: The Cash Office at **00 353 49 4368254**

The Department's EFT Bank Details

Company Name: Department of Agriculture, Food and the Marine
Company Address: Farnham Street, Cavan, Co Cavan, Ireland
Bank Details: Bank of Ireland, Main Street, Cavan.
Account Name: Department of Agriculture, Food and the Marine EFT Accounts Receivable
Account Number: 17183210
Bank Sort Code: 90-32-93
IBAN NO: IE21 BOFI 903293 17183210
BIC NO: BOFIIIE2D