

Denatured and Udenatured Alcohol Products

(Incorporating information previously in Notice No.1887 - Procedures relating to: (a) Receipt and use of denatured and udenatured alcohol products without payment of Alcohol Products Tax and (b) The denaturing of alcohol products)

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1 Introduction

1.1 This Manual

This manual provides information and guidance on;

- the receipt and use of denatured and undenatured alcohol products without the payment of Alcohol Products Tax (APT),
- the applicable authorisation, control and compliance procedures, previously contained in the Alcohol Products Tax Manual, and
- the denaturing of alcohol products.

It replaces **Notice No.1887 - Procedures relating to: (a) Receipt and use of denatured and undenatured alcohol products without payment of Alcohol Products Tax and (b) The denaturing of alcohol products**, withdrawn upon publication of this manual.

1.2 Associated Tax and Duty Manuals

The manuals listed in this paragraph contain instructions relating to the authorisation, control and administration of traders who may receive, store, manufacture, dispatch or deliver for consumption, products subject to alcohol tax. This manual should be read in conjunction with any or all of the following, as appropriate:

- [Authorisation of Warehousekeepers and Approval of Tax Warehouses:](#)
Provides operational guidelines on the authorisation of persons as warehousekeepers and the approval of premises as tax warehouses.[Administration and Control of Tax Warehouses Manual: Part 1 General Warehousing Provisions:](#)
Contains guidance on the administration and control of authorised warehousekeepers and approved tax warehouses.
- [Administration and Control of Tax Warehouses Manual: Part 2 – Breweries, Microbreweries and Cider Manufacturers:](#) Provides operational guidelines on the administration and control of Breweries, Microbreweries and Cider Manufacturers, which are types of approved manufacturing tax warehouses where production, processing and holding of beer or cider on which Alcohol Products Tax (APT) has not been paid, takes place.
- [Administration and Control of Tax Warehouses Manual: Part 3 – Distilleries:](#)
Provides operational guidelines on the administration and control of distilleries, which are a type of approved manufacturing tax warehouse where

production, processing and holding of spirits, on which Alcohol Products Tax (APT) has not been paid, takes place.

- [Movement of Excisable Products](#): Contains operational guidance on the following:
 - The movement of excisable products under duty suspension to and from other European Union Member States,
 - The movement of excisable products under duty suspension within the State,
 - The movement of duty-paid excisable products to and from other European Union Member States,
 - The approval of persons (other than authorised warehousekeepers) for specific functions relating to the movement of excisable products to and from other European Union Member States.
- [Alcohol Products Tax and Reliefs Manual](#):
Provides information and guidance on Alcohol Products Tax (APT) and reliefs. Detailed information regarding denatured and undenatured alcohol products previously contained in that manual is included in this manual.

1.3 Legislation

1.3.1 EU Law

EU legislation related to alcohol products is contained in [Council Directive 92/83/EEC](#) of 19 October 1992 (as amended) on the harmonization of the structures of excise duties on alcohol and alcoholic beverages with general arrangements for Excise Duty included in [Council Directive \(EU\) 2020/262](#) of 19 December 2019.

Mutual recognition of procedures for the complete denaturing of alcohol employed by each Member State is provided for in [Commission Regulation \(EC\) No. 3199/93](#) of 22 November 1993 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty.

1.3.2 National Law

Excise legislation on alcohol products is contained in [Chapter 1 of Part 2, Finance Act 2003](#) (as amended) and the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

[Section 77 of the Finance Act 2003](#) (as amended by [section 43 of the Finance Act 2004](#), [section 75 of the Finance Act 2012](#) and [section 43 of the Finance Act 2021](#)) and Parts 7 and 8 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004), provide for the receipt of alcohol products without payment of Alcohol Products Tax

(APT) for tax-relieved use. For reference purposes only, Revenue maintains a non-statutory consolidated version of the Finance Act 2003, [available on revenue.ie](#).

Unless otherwise stated, any word or expression used in this manual has the same meaning as it has in Chapter 1 of Part 2 of the Finance Act 2003 and the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

The reliefs provided for in the legislation may be provided by remission or repayment. However, in practice the reliefs are usually applied by remission.

1.3.3 Definitions

The following definitions are provided by way of explanation of key terms contained in this manual -

“denature” means to mix an alcohol product with any substance so as to render the mixture unfit for human consumption;

“undenatured alcohol products” are alcohol products which have not been denatured and are relieved from APT under [section 77 of the Finance Act 2003](#) (as amended);

“denatured spirits” are spirits denatured in accordance with Regulation 33 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004);

“member state” includes Northern Ireland except where specifically excluded.

1.4 Undenatured Alcohol Products

Paragraphs (a), (e), (f), (g), (h), (i) and (j) of [section 77 of the Finance Act 2003](#) (as amended), provide relief from Alcohol Products Tax on undenatured alcohol products used for specified purposes. These reliefs are subject to such conditions as the Revenue Commissioners may prescribe or otherwise impose. Part 8 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004), provides for the delivery, receipt and use of tax-relieved undenatured alcohol products.

The alcohol products concerned are beer, wine, other fermented beverages, spirits, and intermediate beverages, as defined in [section 73 of the Finance Act 2003](#) (as amended). Please note that authorisation to receive undenatured alcohol for use in products that are not intended for human consumption, or in an oral hygiene product, will only be granted where it can be shown that denatured alcohol cannot be used instead.

Any person who stores undenatured alcohol products in a premises:

- for distribution to authorised receivers (i.e. persons authorised to receive alcohol products for use for a tax relieved purpose), or
- for denaturing,

must be approved as an authorised warehousekeeper and have the premises approved as a tax warehouse, under [section 109 of the Finance Act 2001](#), (as amended).

1.4.1 Cooking Wine, Cooking Port and Cooking Brandy

Cooking wine, cooking port and cooking brandy are wine, port or brandy to which a small amount of salt or pepper has been added during production. These products fall within the definition of “ethyl alcohol” for excise purposes. These products are relieved from Alcohol Products Tax under Section 77 of the Finance Act 2003 (as amended). Relief may be granted where it is shown to the satisfaction of Revenue that the product is intended for use or has been used in the production of:

- (i) flavours for the preparation either of foodstuffs or of beverages not exceeding 1.2% vol (Section 77(a)(iii)), or
- (ii) foodstuffs, whether such alcohol product is used either as a filling in such foodstuff or otherwise, either directly or as a constituent of semi-finished products for use in the production of such foodstuff, and where the alcohol contained in such foodstuffs does not exceed 8.5 litres of alcohol per 100 kilogrammes of the product when used in the production of chocolates, and 5 litres of alcohol per 100 kilogrammes of the product when used in the production of other foodstuffs. (Section 77(a)(v)).

1.4.1.1 Movement Controls - Cooking Wine, Cooking Port and Cooking Brandy

In general, cooking wine, cooking port and cooking brandy manufactured in Ireland for dispatch to other Member States or consigned to Ireland from other Member States should travel under cover of accompanying documents as required under [Chapter 2A of Part 2 of the Finance Act 2001](#), as amended by [section 47 of the Finance Act 2021](#) to take account of [Council Directive \(EU\) 2020/262](#) on the general arrangements for excise duty, and the [Control of Excisable Products Regulations 2024](#) (S.I. No 36 of 2024), except, where, in the Member State of manufacture, these products are treated as exempt from duty and have been released for consumption in that Member State or are treated as foodstuffs under CN Code 2103 9090 89.

1.4.2 Flavours for the preparation either of Foodstuffs or Beverages not exceeding 1.2%

Flavours for the preparation either of foodstuffs or of beverages not exceeding 1.2% vol are relieved from Alcohol Products Tax under [section 77 of the Finance Act 2003](#) (as amended).

In the case of reliefs from APT on alcohol products used or intended to be used in the production of flavours for the preparation either of foodstuffs or beverages, which do

not exceed 1.2% vol, the officer may need to consider the product in the context of the judgement given in the Y GmbH CJEU case ([C-668/20](#)). The effect of the judgement is that the exemption in Article 27(1)(e) should apply to flavours for the preparation of foodstuffs and beverages with an ABV not exceeding 1.2%, and not only to flavours falling under the CN codes listed in the CED Guideline 458, that is CN 1302 19 30, CN 2106 90 20 and CN 3302.

The officer should also consider the judgement given in the Quadrant Amroq CJEU case ([C-332/21](#)). This judgement ruled that both ethyl alcohol which is used for the production of flavourings which are in turn used for the preparation of non-alcoholic beverages with an ABV not exceeding 1.2 % and ethyl alcohol which has already been used for the production of such flavourings are covered by the exemption.

Member States are required to treat ethyl alcohol that has been released for consumption in another Member State (in which it is exempt from Excise Duty on the grounds that it has been used for the production of flavours intended for the preparation of non-alcoholic beverages with an alcoholic strength not exceeding 1.2% volume), in an identical manner when that alcohol is subsequently marketed within their own territories, provided that the first Member State has correctly applied the exemption and there is no evidence of evasion, avoidance or abuse.

1.5 Denatured Alcohol Products

Under paragraphs (b), (c), and (d) of [section 77 of the Finance Act 2003](#) (as amended), the Revenue Commissioners may, subject to such conditions as they may prescribe or otherwise impose, grant relief from Alcohol Products Tax on alcohol products which are shown to their satisfaction:

- to be intended for denaturing in accordance with their requirements, or to have been so denatured,
- to have been used as part of the manufacturing process of any product not for human consumption, where the alcohol has been denatured in accordance with the requirements of any Member State applicable to that use, and such denatured alcohol—
 - has been incorporated into the product concerned, or
 - is used for maintenance and cleaning of the manufacturing equipment used for the manufacturing process concerned

to have been completely denatured in accordance with the requirements of another Member State, where it has been released for consumption, where such requirements have been notified to the European Commission and accepted in accordance with paragraphs 3 and 4 of Article 27 of [Council Directive 92/83/EEC](#) of 19 October 1992 (as amended).

Part 7 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004) (see [Appendix 2](#)) provides:

- specific processes for the denaturing of spirits,
- that alcohol products other than spirits may be denatured in accordance with such process as the Commissioners may approve in any particular case, and
- for the delivery, receipt and use of the tax-relieved denatured alcohol products.

2 Trader: Approval and Security

Persons concerned with the storage, receipt and use of tax-relieved alcohol products, both denatured and undenatured spirits, must be approved by Revenue. The form of the approval will depend on the type of spirit and the nature of the person's business.

2.1 Authorised Warehousekeepers

Any person who stores undenatured alcohol products in a premises,

- for distribution to authorised receivers (i.e. persons authorised to receive alcohol products for use for a tax relieved purpose),
- for denaturing,

must be approved as an authorised warehousekeeper and have the premises approved as a tax warehouse, under [section 109 of the Finance Act 2001](#) (as amended), (see [Authorisation of Warehousekeepers and Approval of Tax Warehouses Manual](#)).

Any person who imports undenatured alcohol and/or tax relieved alcohol products for certain manufacturing or scientific research purposes, and where the finished product is not liable to Alcohol Products Tax, must be approved as an authorised receiver under Regulation 40 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

The following criteria should be considered in deciding whether such trader also needs to be authorised as a type of facilitation warehousekeeper and the premises approved as a facilitation tax warehouse under [section 109 of the Finance Act 2001](#) (as amended).

- Quantity of alcohol received,
- Nature of business,
- Compliance record of trader,
- Movement of residue product containing alcohol.

Because of the scale of the duty at risk, and potential loss to the exchequer, it is recommended that any trader who receives bulk undenatured alcohol exceeding 5,000 litres per annum is authorised.

This facilitation tax warehouse authorisation will be subject to restricted conditions. Sample conditions are set out in [Appendix 6](#).

Security must be provided under bond by all authorised warehousekeepers who;

- denature alcohol in their tax warehouse,

- supply denatured or undenatured alcohol to authorised receivers and authorised distributors, or
- use undenatured alcohol for manufacturing or scientific purposes,

to cover the safe custody, proper disposal and removal of alcohol from their tax warehouse to the premises of the authorised receivers or authorised distributors. The tax warehouse composite bond held by authorised warehousekeepers may be amended to cater for this business category. More information on bonds is contained in [paragraph 2.5](#).

2.2 Authorised Distributors of Denatured Alcohol

An “Authorised Distributor” means a person approved under Regulation 35 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004) to receive denatured spirits for wholesale sale or distribution.

Authorised distributors who hold and supply denatured alcohol products, must provide security under an appropriate guarantee provided by a financial institution (Bond) to cover the safe custody, proper disposal and removal of the products from their premises to the premises of other authorised distributors or authorised receivers.

2.3 Authorised Receivers

Persons who receive denatured or undenatured alcohol products relieved from tax for any purpose under [section 77 of the Finance Act 2003](#) (as amended), must be approved as an “Authorised Receiver” under Regulation 35 (denatured spirits) or Regulation 40 (undenatured spirits) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

Bond security, as required by the conditions of the authorisation, must be provided by authorised receivers of alcohol products to cover the safe custody and proper use of the products received and used in their premises.

Any trader who is authorised as a warehousekeeper with a premises approved as a facilitation type warehouse, and who receives tax relieved alcohol under [section 77 of the Finance Act 2003](#) (as amended), should also be approved as an authorised receiver.

Any person who is approved as an Authorised Receiver, and who intends to import tax relieved undenatured alcohol products directly from other Member States for use in manufacturing or scientific research purposes, and who does not meet the criteria for warehousekeeper authorisation, as per [paragraph 2.1](#) must be approved as a Registered Consignee, and must comply with EDE (Excise Duty Entry) and EMCS

(Excise Movement and Control System) requirements. See section 5 [Movement of Excisable Products Manual](#).

2.4 Licensed Retailers

A licensed retailer is a person licensed to retail mineralised methylated spirits under [section 27 of the Revenue Act 1889](#) (as amended). No other authorisation is required and the procedures set out in [paragraph 2.3](#) of this manual do not apply to such retailers.

2.5 Bond/Financial Security

2.5.1 General Requirements

A bond or other security by an approved guarantee society or financial institution must be provided by authorised warehousekeepers and authorised distributors to cover the storage and removal of the alcohol to the user's premises.

Authorised receivers, where required, must provide a bond for the safe custody and proper use of the alcohol.

2.5.2 Calculation of Bond Penalties

(a) Udenatured Alcohol: Bond penalties for the use of tax-relieved udenatured alcohol are to be based on the total potential alcohol products tax due on the maximum quantity of alcohol on hand at any given time, rounded up to the nearest thousand Euro with a minimum bond penalty of €10,000 and a maximum bond penalty of €2 million, subject to risk rating and satisfactory track record of compliance of the applicant.

A bond need not however be required when the APT on the annual amount of tax-relieved alcohol is less than €10,000, and where the authorising officer is satisfied that the risk is insignificant.

(b) Denatured Spirits: Bond penalties for the proper use of tax-relieved denatured spirits should take into account the degree of denaturing and the possibility of recovery of potable product.

Regarding spirits denatured in accordance with Regulation 33(1) (a), (b) or (c) of the Alcohol Products Tax Regulations 2004, and for quantities of 2,000 litres and upwards (based on average holding stock or the total stored at any one time), a bond in a penalty of €5 - €7 per litre, taking into account the perceived degree of Revenue risk, rounded up to the nearest €1,000, and subject to a **minimum bond penalty of €10,000** and a maximum bond penalty of €20,000, would normally be appropriate.

In the case of spirits denatured in accordance with Regulation 33 (1) (f) a higher bond penalty should be considered depending on the degree of denaturing, the maximum holding stock and the revenue record of the trader, subject to a **minimum bond penalty of €10,000** and a maximum bond penalty of €100,000 in normal circumstances.

Unless a particular risk is apparent, a bond is not required for annual quantities of denatured spirits less than 2,000 litres.

Further information on risk is available in paragraph 3.14 of the [Administration and Control of Tax Warehouses Manual: Part 1 General Warehousing Provisions](#).

2.5.3 Existing Bonds

The opportunity should be taken to review existing bonds.

2.6 Applications for Authorisation to Receive or Distribute Tax-relieved Alcohol Products (Denatured and Undenatured)

[Form No. APT 1](#) must be completed by each applicant seeking an authorisation to;

- receive any alcohol product (denatured or undenatured) for use for a tax-relieved purpose, or
- receive denatured spirits for wholesale or for distribution.

Officers are to insist that the applicant completes all boxes relevant to the application before processing the application. The form may be obtained from the Revenue branch that the applicant is assigned to and is to be returned there when completed, together with any other relevant documentation. The [form](#) is also published on the Revenue website. An additional sheet may be used in cases where there is insufficient space in any box in the form, and for the inclusion of any additional information relevant to the application.

2.7 Issue of Authorisations

Persons receiving or distributing tax-relieved alcohol products must be approved as an authorised receiver or distributor by Revenue under Regulations 35 or 40 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004), to receive alcohol products granted relief from tax under the appropriate provisions of [section 77 of the Finance Act 2003](#) (as amended).

Authorisations are to be in the form of a letter with attached conditions. It is for each division to decide whether authorisations are issued centrally or by individual branches. Each authorisation should:

- be numbered in an annual series with each division maintaining its own annual register,

- specify the annual quantity, description and strength of the alcohol product being relieved from tax under the authorisation,
- specify that the relief is allowed under a specific subsection of [section 77 of the Finance Act 2003](#) (as amended) subject to conditions set out in a schedule attached,
- specify the purpose approved for tax-relieved use,
- where a bond is required, the amount of such bond and, if appropriate, that a cover note from an approved guarantee provider will be acceptable as provisional security pending execution of the bond,
- include an additional copy to be signed by a responsible official of the company and returned as a record of acceptance of the conditions.

A schedule of conditions that are deemed necessary for audit and control purposes in each case are to be attached to the authorisation. The conditions may vary depending on:

- the annual quantity of tax-relieved alcohol authorised,
- whether the alcohol is denatured or undenatured (see [paragraph 2.3](#)),
- the alcohol product,
- strength of the alcohol, and
- annual potential alcohol products tax at risk.

A list of standard conditions based on the current conditions for the receipt and use of tax-relieved alcohol is given in [Appendix 5](#) for guidance in issuing approvals. All of these conditions may not apply in every case. Conditions may be altered as required. Additional conditions specific to a particular application are to be included if necessary.

It is recommended that Assistant Principal Officers advise staff on the conditions necessary in any case, including the level of the bond.

A supply of APT2 requisition forms is to be issued with each authorisation. The number of forms should in normal circumstances be sufficient to enable the authorised user to obtain supplies of tax-relieved alcohol for a year. A record is to be kept of the quantity and serial numbers of all APT2 forms issued to each authorised receiver.

2.8 Record of Authorisations issued

A record is to be maintained in each division of all authorisations issued under [section 77 of the Finance Act 2003](#) (as amended) for the receipt and use of tax-relieved alcohol. It is recommended that this record be kept in electronic form to facilitate the

provision of data on an on-going basis for statistics, management information and risk analysis purposes. The record is to contain the following data:

- authorisation number and date,
- name and address of person authorised to receive tax-relieved alcohol,
- description and strength of alcohol product,
- annual allocation authorised in litres,
- the subsection of [section 77 of the Finance Act 2003](#) (as amended) under which the authorisation was granted,
- the purpose for which the alcohol will be used,
- quantity (quoting the serial numbers) of APT 2 requisition forms issued to authorised person,
- amount of bond.

This record is necessary to support statistical reporting of this relief.

2.9 Compliance with Requirements

2.9.1 Authorised Distributors of Denatured Alcohol Products

Regulation 37(2) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004) requires that an authorised distributor of denatured spirits shall, in respect of all denatured spirits received by such distributor, comply with the requirements set down for authorised receivers under paragraphs (a) and (b) of Regulation 37 (1), and shall also ensure that:

- (a) in respect of denatured spirits consigned by such distributor, any copy 3 of the form referred to in regulation 36, endorsed and returned by the consignee under paragraph (1)(b), is retained,
- (b) an account is kept of all denatured spirits received, and distributed, and
- (c) at the end of each year, or as the officer may allow or require, a return is furnished to such officer showing the opening and closing balances in the account kept under paragraph (2)(b) and all denatured spirits received and distributed during such period.

2.9.2 Authorised Receivers of Denatured Alcohol Products

Regulation 37(1) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004) requires that an authorised receiver of denatured spirits shall, in respect of all such spirits ensure that:

- (a) no quantity in excess of that allowed by the authorisation is requisitioned, and, where it becomes apparent that the trader will exceed the authorised quantity, the trader should be contacted drawing their attention to this fact and requesting that an updated application be submitted,
- (b) copy 2 and copy 3 of Form No. APT 2 are endorsed with particulars of the denatured spirits received, copy 2 is retained, and copy 3 is returned to the consignor,
- (c) such spirits are used for no purpose other than that for which authorisation has been granted,
- (d) in the case of any spirits recovered in the course of usage of denatured spirits, such spirits are denatured again in an approved manner and returned to stock,
- (e) an account is kept of all such spirits received and used, and of any spirits recovered in the course of such usage, and
- (f) at the end of each year, or as the officer may allow or require, a return is furnished to such officer showing the opening and closing balances in the

account under subparagraph (e), and all denatured spirits received and used during such period.

2.9.3 Authorised Receivers of Udenatured Alcohol Products

Regulation 42 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004) requires that an authorised receiver shall, in respect of all tax-relieved alcohol products, ensure that:

- (a) no quantity in excess of that allowed by the authorisation is requisitioned, and, where it becomes apparent that the trader will exceed the authorised quantity, the trader should be contacted reminding them of this fact and requesting that an updated application be submitted,
- (b) access is confined to persons responsible for the storage security and use of the product,
- (c) such products are used solely for the purpose for which authorisation has been granted,
- (d) all copies 2 and 3 of Form No. APT 2 are endorsed with particulars of the product received, copy 2 is retained, and copy 3 is returned to the consignor,
- (e) an account is kept of all such products received and used, and of any product recovered in the course of such usage,
- (f) all such products recovered are either returned to stock or disposed of in a manner approved by the proper officer, and

at the end of each year, or such other period as the officer may allow or require, a return is furnished to such officer, showing the opening and closing balances in the account under paragraph (e) and all such products received and used during such period.

2.10 Requisition, Delivery and Receipt Procedures (Denatured and Udenatured)

2.10.1 Requisition Form

Form No. APT 2 is to be used by traders for the requisition, delivery and receipt of tax-relieved alcohol products, both denatured and udenatured. The form is individually numbered, consists of three carbonised copies, and has three functions:

- to requisition tax-relieved alcohol products from authorised warehousekeepers, or authorised distributors (denatured products),
- to accompany the alcohol products from consignor to consignee, and
- as a certificate of receipt.

A supply of the forms will be issued to receivers and distributors when they are authorised. Subsequently, they may be obtained from the Revenue branch that the tax-payer is assigned to.

2.10.2 Authorised Receivers and Authorised Distributors: Requisition Procedures

The requirements for authorised receivers and authorised distributors in relation to the receipt of tax-relieved alcohol products are contained in Regulation 37 (denatured product) and Regulation 42 (undenatured product) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

The authorised receiver or authorised distributor is to complete Part 1 of the requisition form APT 2 and present it, together with a copy of the authorisation, to the authorised warehousekeeper or authorised distributor from whom the alcohol is purchased.

The authorised warehousekeeper or authorised distributor who supplies the alcohol product will send Copy 2 and Copy 3 of the requisition form, duly completed, with the alcohol product.

On receipt of the alcohol product, the authorised receiver or authorised distributor is to complete Part 3 of the form, retain Copy 2 for their records and send Copy 3 to the authorised warehousekeeper or authorised distributor from whom the alcohol product was purchased.

2.10.3 Authorised Warehousekeepers and Authorised Distributors: Delivery Procedures

The requirements for authorised warehousekeepers and authorised distributors, in relation to the delivery of tax-relieved alcohol, are contained in Regulation 36 (denatured product) and Regulation 41 (undenatured product) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

Before supplying any tax-relieved alcohol product, the authorised warehousekeeper or authorised distributor must ensure that:

- the applicant has completed Part 1 of the requisition form APT 2,
- in the case of authorised receivers and authorised distributors;
- the applicant is authorised to receive the alcohol product,
- a photocopy of the relevant authorisation has been attached,
- the movement of the alcohol product is secured by bond, and
- quantities in excess of 800 litres of mineralised methylated spirits are not delivered at any one time to licensed retailers of methylated spirits.

The authorised warehousekeeper or authorised distributor is then to complete Part 2 of the form, retain Copy 1 and ensure that Copies 2 & 3 accompany the alcohol product from the tax warehouse, or authorised distributor premises, to the premises of the consignee.

On receipt of Copy 3, endorsed with a certificate of receipt from the consignee, the consigning authorised warehousekeeper or authorised distributor is to file both Copy 1 and Copy 3. Those copies must be produced on request for Revenue administration or audit purposes. The onus is on the consigning warehousekeeper or authorised distributor to ensure that Copy 3 is returned to them.

Failure to obtain a proper certificate of receipt (on Copy 3) for the consigned alcohol products may result in a charge of alcohol products tax against the warehousekeeper or authorised distributor.

The APT2 will **not** be required to cover the duty-suspended movement of tax relieved alcohol products from the supplying tax warehouse to a tax warehouse authorised to receive tax relieved alcohol products for end use manufacturing. The dispatching warehousekeeper should ensure that the movement is secured by bond and they should generate a C & E 1116 / 1116A to cover the movement.

There is, however, no requirement for licensed retailers of methylated spirits to send a certificate of receipt to the consignor for receipts of mineralised methylated spirits – see paragraph 2.10.4 below.

2.10.4 Licensed Retailers of Mineralised Methylated Spirits: Requisition Procedures

Licensed retailers of mineralised methylated spirits must complete Part 1 of the requisition form APT 2 and present it to the authorised warehousekeeper or authorised distributor from whom the spirits are being purchased. The forms may be obtained from the Revenue branch that a licensed retailer's is assigned to.

In accordance with the provisions of Regulation 38 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004), a person licensed as a retailer of methylated spirits may only receive mineralised methylated spirits packaged for retail sale to the public and:

- must not hold a quantity greater than 800 litres,
- must, in respect of all methylated spirits received, retain Copy 2 of the requisition form and maintain a record, and
- must not retail to any one person at any one time, a quantity greater than 20 litres.

Licensed retailers of methylated spirits are not required to complete Part 3 of the requisition form on receipt of the spirits or to return Copy 3 to the consignor.

3 Loss or Unauthorised Use of Tax-relieved Alcohol Products

Persons in receipt of tax-relieved alcohol products are liable to pay alcohol products tax on any alcohol which is:

- used for a purpose other than that for which relief has been allowed under [section 77 of the Finance Act 2003](#) (as amended), or
- lost, except where such loss is deemed not to have been a release for consumption, under section 98A(4) of the Finance Act 2001 (as amended), inserted by [section 93 \(1\) \(c\) of the Finance Act 2010](#).

4 Denaturing Alcohol Products

4.1 Denaturing of Spirits

Every person carrying on the business of denaturing spirits must be approved as an authorised warehousekeeper for that purpose in accordance with section 109(2) of the Finance Act 2001 (as amended), inserted by [section 69 \(1\) \(b\) of the Finance Act 2008](#).

Any premises where the denaturing of spirits takes place must be approved as a tax warehouse (see [Authorisation of Warehousekeepers and Approval of Tax Warehouses Manual](#)).

The processes for denaturing spirits are set out in Regulation 33(1) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004). The use of the denaturing processes referred to in Regulation 33(1) (a), (b), or (c) may be allowed subject to the sending of random samples for analysis to the State Laboratory of the denaturant and the finished denatured product.

Any person who intends to use an alternative process of denaturing under Regulation 33(1)(f) must complete form APT 1 and include the formula for the proposed alternative process together with an explanation as to why any of the processes specified in the Regulation are unsuitable and submit it to the Revenue branch they are assigned to. The application, a report on the application, and a sample of the denaturant, are to be sent to the State Laboratory by the branch for observations on the suitability of the proposed denaturant.

4.2 Denaturing of Alcohol Products Other Than Spirits

The denaturing of alcohol products other than spirits is provided for in Regulation 32(1)(b) of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004).

Applicants are to complete form APT 1 giving full details of the alcohol product together with the proposed method of denaturing and submit it to the Revenue branch they are assigned to. The application, a report on the application, and a sample of the denaturant, are to be sent to the State Laboratory by the branch for observations on the suitability of the proposed denaturant. On receipt of a recommendation from the State Laboratory, the file is to be forwarded for decision at Assistant Principal Officer level, as to whether the denaturant is to be approved and on any conditions, including bond security if required, for such approval.

5 Distribution of Denatured Alcohol Products

Under Regulation 35 of the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004) every person, other than an authorised warehousekeeper, distributing denatured alcohol products must be approved as an authorised distributor.

6 Denatured Alcohol and Products containing Denatured Alcohol

6.1 Products Containing Denatured Alcohol

Where a product not fit for human consumption contains alcohol and it is shown that the alcohol has been denatured in accordance with the requirements of another Member State, the Commissioners will not charge APT on such product. A certificate from the fiscal authority of the Member State concerned must be produced on request in any particular case.

The Commissioners may also grant relief from APT on products not fit for human consumption which contain alcohol where such alcohol has been denatured by an alternative process. This relief is subject to the Commissioners being satisfied, on the basis of chemical analysis, that the denaturing is effective.

6.2 Completely Denatured Spirits

Spirits are completely denatured by various processes in the Member States. These processes are notified to the European Commission and are set down in the Annex to [Commission Regulation \(EC\) No. 3199/93](#) of 22 November 1993 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty. This regulation is reproduced in [Appendix 4](#).

The electronic simplified administrative document (e-SAD) provided for in [Commission Delegated Regulation \(EU\) 2022/1636](#), establishing the structure and content of the documents exchanged in the context of movement of excise goods, must be used to accompany commercial intra-EU movements of completely denatured alcohol.

6.3 Completely Denatured Alcohol and Common Euro Denaturant

Alcohol is completely denatured by the addition of a specific formulation that makes it unfit for human consumption.

The specific formulation to completely denature alcohol was introduced for all EU Member States by the European Union in 2017.

This formulation referred to as **“the common denaturing procedure” or “euro denaturant”**. The formulation to completely denature alcohol is: 1 Litre Methyl Ethyl Ketone, 1 Litre Isopropyl Alcohol and 1 Gram Denatonium Benzoate per hectolitre of absolute alcohol (See [Appendix 4](#)).

Member States are required to use “the common denaturing procedure” (euro denaturant).

However, two Member States (Sweden and Croatia) are authorised to use increased concentrations of “the common denaturing procedure” (euro denaturant).

Two other Member States (Czech Republic and Greece) are also authorised to use their existing national denaturing procedure.

Alcohol products which have been denatured in accordance with a method recognised under Article 27(1)(a) of [EU Directive 92/83](#) on the harmonization of the structures of excise duties on alcohol and alcoholic beverages, are exempt from tax throughout the European Union.

7 Movement of Products containing Alcohol between Member States of the European Union

The holding and movement procedures of [Council Directive \(EU\) 2020/262](#) of 19 December 2019 laying down the general arrangements for excise duty (recast), do not apply where alcohol is incorporated in a product other than an alcohol product, and such product is not liable to APT.

8 Compliance

8.1 Responsibilities of Officers

In consultation with their Assistant Principal Officer, officers have responsibility for approving and authorising any person concerned with the delivery, receipt and use of tax relieved alcohol products, denatured or undenatured.

8.2 Initial visits

Prior to the granting of approval to receive tax relieved alcohol, officers should make an initial visit to the trader's premises in order to establish the nature of the business, that the quantities requested are in keeping with the proposed business activity, and any other inherent risks. The officer should also be satisfied that the applicant can provide adequate security, storage, records and accounts for the type of authorisation sought.

8.3 Case Management

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

8.4 Official Records Relating to Trader

In addition to the requirements of [paragraph 2.8](#), officers must maintain records for each authorisation granted, including:

- Application request,
- Trader correspondence,
- Copy letter of authorisation,
- Bond details kept in a secure designated location,
- Record of visit to premises and details of checks and enquiries carried out,
- Other relevant documentation.

8.5 Supervisory Visits

The monitoring and control of traders, and the level of compliance intervention required, should be made based on the level of risk and in consultation with local management. It is recommended that traders receive at least one visit per year.

In the course of visits to traders, officers should take samples for testing where required and check that:

- Conditions attaching to the relief granted have not been breached,
- No diversion of product has taken place,
- The quantity of product used is commensurate with business,
- The product is stored securely and the stock of unused alcohol on hands at any time does not exceed quantities agreed,
- Denaturing of product is in accordance with the Regulations,
- Stock records are maintained for product received and used, and
- Inspect the traders balanced stock account and carry out spot physical stock checks if required.

8.6 Accounts and Returns

All traders, as part of their conditions of authorisation must maintain records that incorporate a clear audit trail and must make periodic returns showing the opening and closing balances of the stock held, and all tax relieved alcohol received and used during the period. The level of activity and the risk involved will determine the frequency of returns. The officer should ensure that this return is lodged in a timely manner and conduct the necessary checks.

8.7 Suspicion of Fraud

Where officers suspect that serious misuse of tax relieved alcohol has occurred, they should consult with local management and where necessary refer the matter to Investigations Prosecutions & Frontier Management Division (IPFMD), see paragraph 2.8 of the [Administration and Control of Tax Warehouses Manual: Part 1 General Warehousing Provisions](#)

8.8 Revocations

[Sections 109](#) and 109IA inserted by [section 32, Finance Act 2016](#), of the Finance Act 2001, provide for the revocation of an authorisation of a tax warehouse and the registration of a registered consignee respectively.

See instructions in paragraph 3.16 of the [Authorisation of Warehousekeepers and Approval of Tax Warehouses Manual](#) on the revocation of authorisations as a tax warehousekeeper, which apply, mutatis mutandis, to the revocation of the registration of a registered consignee.

Revocations should be included in the SEED registration by inserting an end date and should be recorded.

Appeals may be made, in accordance with [section 146 of the Finance Act 2001](#) (as amended), against a refusal or revocation to register a person as a tax warehouse or a registered consignee.

Staff instructions regarding appeals are contained in Revenue's [Tax and Duty Appeals Manual](#).

Information for tax payers on the appeals process is contained in [Excise Appeals](#) on www.revenue.ie.

8.9 Offences and Penalties

The offences and penalties for contravention of, or failure to comply with, the provisions of [Chapter 1 of Part 2 of the Finance Act 2003](#) as amended, or the [Alcohol Products Tax Regulations 2004](#) (S.I. No. 379 of 2004)., are provided for in [section 79](#) of the Act.

Appendix 1 - Section 77 Finance Act 2003

(For Reference only, non-statutory consolidation of amendments under section 43, Finance Act 2004, section 75, Finance Act 2012 and section 42, Finance Act 2021)

77.—Without prejudice to any other relief from excise duty which may apply, and subject to such conditions as the Commissioners may prescribe or otherwise impose, a relief from alcohol products tax shall be granted on any alcohol products which are shown to the satisfaction of the Commissioners—

- (a) to be intended for use or to have been used in the production of—
 - (i) any beverage, other than beer, not exceeding 1.2% vol,
 - (ii) vinegar,
 - (iii) flavours for the preparation either of foodstuffs or of beverages not exceeding 1.2% vol,
 - (iv) medicinal products,
 - (v) foodstuffs, whether such alcohol product is used—
 - (I) either as a filling in such foodstuff or otherwise,
 - (II) either directly or as a constituent of semi-finished products for use in the production of such foodstuff,

and where the alcohol contained in such foodstuffs does not exceed 8.5 litres of alcohol per 100 kilogrammes of the product when used in the production of chocolates and 5 litres of alcohol per 100 kilogrammes of the product when used in the production of other foodstuffs, or
 - (vi) beer concentrate,
- (aa) to be delivered for shipment for use as stores on board a ship or aircraft on a journey from a place in the State to a place outside the State,
- (b) to be intended to be denatured in accordance with their requirements, or to have been so denatured,
- (c) to have been used as part of the manufacturing process of any product not fit for human consumption, where the alcohol has been denatured in accordance with the requirements of any Member State applicable to that use, and such denatured alcohol —

- (i) has been incorporated into the product concerned, or
- (ii) is used for maintenance and cleaning of the manufacturing equipment used for the manufacturing process concerned,
- (d) to have been completely denatured in accordance with the requirements of another Member State, where it has been released for consumption, where such requirements have been notified to the European Commission and accepted in accordance with paragraphs 3 and 4 of Article 27 of the Directive,
- (e) to be intended for use or to have been used for experimental, quality control, scientific or research purposes,
- (f) in the case of wine, beer, or other fermented beverage the alcoholic content of which is entirely of fermented origin, to have been produced solely by a private individual in a private premises for consumption by the producer or by the family or guests of such producer, and not to have been produced or supplied for consideration,
- (g) to be intended for use or to have been used for medical purposes in hospitals and pharmacies,
- (h) to be intended for use or to have been used in an industrial process provided that the final product does not contain alcohol,
- (i) to be intended for use or to have been used in the manufacture of a component which is not subject to alcohol products tax, or
- (j) to be intended for use or to have been used in the manufacture of an oral hygiene product.

Appendix 2 - Part 7, Alcohol Products Tax Regulations 2004

DENATURED ALCOHOL PRODUCTS

General.

32. (1) In order to qualify for relief from tax under section 77(b), (c) or (d) of the Act of 2003 -
- (a) spirits shall be denatured in accordance with Regulation 33,
 - (b) alcohol products other than spirits shall be denatured in accordance with such process as the Commissioners may approve, and subject to such conditions as they may require, in any particular case.

Processes for denaturing of spirits.

33. (1) (a) Mineralised methylated spirits are to be produced by mixing 90 parts by volume of spirits with 9.5 parts by volume of wood naphtha and 0.5 parts by volume of crude pyridine. To every 450 litres of this mixture there shall be added 700 milligrammes of methyl violet dye, and 0.375% (of the final volume of the mixture) petroleum oil. Ten parts methyl alcohol may be substituted for the wood naphtha and crude pyridine.
- (b) Industrial methylated spirits are to be produced by mixing 95.75 parts by volume of spirits with 4.25 parts by volume of either wood naphtha or methyl alcohol.
- (c) Spirits for use in industrial processes may also be denatured by mixing -
- (i) 99.5 parts by volume of spirits with 0.5 parts by volume of diethyl phthalate,
 - (ii) 98 parts by volume of spirits with two parts by volume of n-propanol, or
 - (iii) 999 parts by volume of spirits with one part by volume of tertiary butyl alcohol. To every millilitre of this mixture 10 microgrammes of Bitrex must be added.

- (d) Where it is shown to their satisfaction that spirits denatured by a process approved by another Member State have been used in the production of a product not fit for human consumption, and such product is imported into the State, the Commissioners shall approve such process.
 - (e) Where it is shown to their satisfaction that spirits have been completely denatured by a process approved by another Member State, and where such process has been notified to the European Commission and accepted in accordance with paragraphs 3 and 4 of Article 27 of the Directive, the Commissioners shall approve such process.
 - (f) In the case of products not fit for human consumption, the Commissioners may in any particular case approve a process other than those described at paragraphs (1)(a), (1)(b), (1)(c), (1)(d) or (1)(e) for the denaturing of the spirits used in such production.
- (2) Mineralised methylated spirits fully denatured in accordance with Article 27(1)(a) of Directive 92/83/EEC may be sold to licensed retailers.
 - (3) Spirits denatured in accordance with paragraph (1)(b), (1)(c) or (1)(d) may only be delivered for specific uses to authorised receivers.
 - (4) Except where the Commissioners may otherwise allow, the strength of spirits used in the production of denatured spirits must be at least 85% vol.

Deliveries.

- 34. (1) The Commissioners may, in any particular case, set limits for the quantities in which denatured spirit or spirits intended for denaturing may be delivered.
- (2) An authorised warehousekeeper or authorised distributor may deliver denatured spirits only to authorised distributors, authorised receivers and, in the case of mineralised methylated spirits, to persons licensed to retail such spirits.

Authorisation of receivers and distributors of denatured spirits.

- 35. (1) A person shall only be approved as an authorised receiver or an authorised distributor of denatured spirits where such person -
 - (a) provides such security as the Commissioners may require in any particular case, and
 - (b) can retain such spirits at a secure premises or place.

- (2) Every application for approval as an authorised receiver or as an authorised distributor of denatured spirits must be made to the proper officer in such form and manner as the Commissioners may require, and must contain -
 - (a) a full description of the type of such spirits and the annual quantity required,
 - (b) the purposes for which the spirits are to be used, and
 - (c) such information as the Commissioners may from time to time require.

Delivery procedure and documentation.

36. (1) An authorised warehousekeeper or authorised distributor may only deliver -
 - (a) denatured spirits to an authorised distributor or authorised receiver upon receipt of an approved requisition form consisting of three copies, referred to in this Regulation as “copy 1”, “copy 2” and “copy 3”, duly completed and signed by such distributor or receiver and accompanied by a copy of the authorisation of such distributor or receiver, or
 - (b) mineralised methylated spirits to persons licensed to retail such spirits, in quantities not greater than 800 litres, and on receipt of an approved requisition form, duly completed and signed by such retailer.
- (2) Before the products are consigned the authorised warehousekeeper or authorised distributor must complete and sign the appropriate section of the requisition form, retain copy 1 and send copies 2 and 3 with the consignment to the consignee.
- (3) This Regulation does not apply where the product is delivered from a tax warehouse for use in another part of the premises in which such warehouse is located and where the consignor is also the authorised receiver.

Authorised receivers and distributors - requirements.

37. (1) An authorised receiver of denatured spirits shall, in respect of all such spirits ensure that -
 - (a) no quantity in excess of that allowed by the authorisation is requisitioned,
 - (b) copy 2 and copy 3 of the requisition form referred to in Regulation 36 are endorsed with particulars of the denatured spirits received, copy 2 is retained, and copy 3 is returned to the consignor,

- (c) such spirits are used for no purpose other than that for which authorisation has been granted,
 - (d) in the case of any spirits recovered in the course of usage of denatured spirits, such spirits are denatured again in an approved manner and returned to stock,
 - (e) an account is kept of all such spirits received and used, and of any spirits recovered in the course of such usage, and
 - (f) at the end of each year, or as the proper officer may allow or require, a return is furnished to such officer showing the opening and closing balances in the account under subparagraph (e), and all denatured spirits received and used during such period.
- (2) An authorised distributor of denatured spirits shall, in respect of all denatured spirits received by such distributor, comply with the requirements set down for authorised receivers under paragraph (1)(a) and (1)(b), and shall also ensure that -
- (a) in respect of denatured spirits consigned by such distributor, any copy 3 of the form referred to in Regulation 36, endorsed and returned by the consignee under paragraph (1)(b), is retained,
 - (b) an account is kept of all denatured spirits received, and distributed, and
 - (c) at the end of each year, or as the proper officer may allow or require, a return is furnished to such officer showing the opening and closing balances in the account kept under paragraph (2)(b) and all denatured spirits received and distributed during such period.

Licensed retailers.

38. A person licensed as a retailer of methylated spirits under section 27 of the Revenue Act 1889 may only receive mineralised methylated spirits packaged for retail to the public and -
- (a) shall not hold a quantity greater than 800 litres,
 - (b) shall, in respect of all such spirits received, retain copy 2 of the form referred to in Regulation 36 and maintain a record,
 - (c) shall not retail to any one person at any one time a quantity greater than 20 litres.

Appendix 3 - Part 8, Alcohol Products Tax Regulations 2004

DELIVERY OF TAX RELIEVED UNDENATURED ALCOHOL PRODUCTS

General.

39. (1) The Regulations in this Part do not apply to denatured alcohol products.
- (2) An authorised warehousekeeper may only deliver tax-relieved alcohol products to authorised receivers.

Authorisation of receivers.

40. (1) A person shall only be approved as an authorised receiver where such person -
- (a) provides such security as the Commissioners may require in any particular case, and
 - (b) can retain the tax-relieved product at a secure premises or place.
- (2) Every application for approval as an authorised receiver shall be made to the proper officer in such form and manner as the Commissioners may require, and shall contain -
- (a) a full description of the type of alcohol product including the % vol, and the annual quantity required,
 - (b) the purpose for which the alcohol products are to be used and the specific basis for relief under section 77 of the Act of 2003,
 - (c) in the case of tax-relieved alcohol products for use in a production process under Section 77(a) of the Act of 2003, details of the production process including formulae and the alcohol content, if any, of the finished product,
 - (d) evidence that the alcohol products to be received can be held and used at a secure premises or place, and
 - (e) such information as the Commissioners may from time to time require.

Delivery procedure and documentation.

41. (1) An authorised warehousekeeper may only deliver tax-relieved alcohol products on receipt of an approved requisition form, consisting of 3 copies referred to in this Regulation as “copy 1”, “copy 2” and “copy 3” duly completed and signed by the authorised receiver and accompanied by a copy of the authorisation of such receiver.
- (2) Before the products are consigned the authorised warehousekeeper shall complete and sign the appropriate section of the requisition form, retain copy 1 and send copies 2 and 3 with the consignment to the consignee.
- (3) This Regulation does not apply where the product is delivered from a tax warehouse for use in another part of the premises in which such warehouse is located and where the consignor is also the authorised receiver.

Authorised receiver - requirements.

42. An authorised receiver shall, in respect of all tax-relieved alcohol products, ensure that -
- (a) no quantity in excess of that allowed by the authorisation is requisitioned,
 - (b) access is confined to persons responsible for their security and use,
 - (c) such products are used solely for the purpose for which authorisation has been granted,
 - (d) all copies 2 and 3 of the requisition form referred to in Regulation 41 are endorsed with particulars of the product received, copy 2 is retained, and copy 3 is returned to the consignor,
 - (e) an account is kept of all such products received and used, and of any product recovered in the course of such usage,
 - (f) all such products recovered are either returned to stock or disposed of in a manner approved by the proper officer, and
 - (g) at the end of each year, or such other period as the proper officer may allow or require, a return is furnished to such officer, showing the opening and closing balances in the account under paragraph (e) and all such products received and used during such period.

Appendix 4 - Commission Regulation (EC) No 3199/93

COMMISSION REGULATION (EC) No 3199/93
of 22 November 1993

(as amended by Commission Regulations (EC) No. 2546/95 of 30 October 1995, (EC) No. 2559/98 of 27 November 1998, (EC) No. 2205/2004 of 21 December 2004, (EC) No. 1309/2005 of 10 August 2005, (EC) No. 2023/05 of 12 December 2005, (EC) No. 67/2008 of 25 January 2008, (EC) No. 849/2008 of 28 August 2008, (EU) No. 767/2011 of 2 August 2011, (EU) No. 162/2013 of 21 February 2013, (EU) No. 2016/1867 of 20 October 2016, (EU) No. 2017/1112 of 22 June 2017, (EU) No. 2017/2236 of 5 December 2017 and (EU) No. 2018/1880 of 30 November 2018)

**on the mutual recognition of procedures for the complete denaturing
of alcohol for the purposes of exemption from excise duty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages¹, and in particular Article 27 (4) thereof,

Having regard to Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding movement and monitoring of such products², as amended by Directive 92/108/EEC³, and in particular Article 24 thereof,

Having regard to the opinion of the Committee on Excise Duties,

Whereas pursuant to Article 27(1)(a) of Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that such requirements have been duly notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article;

¹ OJ No L 316, 31.10.1992, p. 21.

² OJ No L 76, 23.3.1992, p. 1.

³ OJ No L 390, 31.12.1992, p. 124.

Whereas objections have been received to the requirements notified;

Whereas, therefore, in accordance with the requirements of paragraph 4 of the said Article a decision is to be taken in accordance with the procedure laid down in Article 24 of Directive 92/12/EEC,

HAS ADOPTED THIS REGULATION:

Article 1

The denaturants which are employed in each Member State for the purposes of completely denaturing alcohol in accordance with Article 27 (1)(a) of Directive 92/83/EEC are as described in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX

List of products with their Chemical Abstracts Service (CAS) registry number authorised for the complete denaturing of alcohol.

Acetone	CAS: 67-64-1
Denatonium benzoate	CAS: 3734-33-6
Ethanol	CAS: 64-17-5
Ethyl tert-butyl ether	CAS: 637-92-3
Fluorescein	CAS: 2321-07-5
Gasoline (including unleaded gasoline)	CAS: 86290-81-5
Isopropyl alcohol	CAS: 67-63-0
Kerosene	CAS: 8008-20-6
Lamp oil	CAS: 64742-47-8 and 64742-48-9

Methanol	CAS: 67-56-1
Methyl ethyl ketone (2-butanone)	CAS: 78-93-3
Methyl isobutyl ketone	CAS: 108-10-1
Methylene blue (52015)	CAS: 61-73-4
Solvent naphtha	CAS: 92062-36-7
Spirits of turpentine	CAS: 8006-64-2
Technical petrol	CAS: 92045-57-3

The term “absolute ethanol” in this Annex has the same meaning as the term “absolute alcohol” used by the International Union of Pure and Applied Chemistry.

In all Member States, any dye may be added to the denatured alcohol to give it a characteristic colour, making it immediately identifiable.

I. The common denaturing procedure for completely denatured alcohol employed in Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia and Finland:

Per hectolitre of absolute ethanol:

- 1,0 litre isopropyl alcohol,
- 1,0 litre methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

II. An increased concentration of the common denaturing procedure for completely denatured alcohol, employed in the following Member States:

The United Kingdom.

Per hectolitre of absolute ethanol:

- 3,0 litres isopropyl alcohol,
- 3,0 litres methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

Croatia

Per hectolitre of absolute ethanol:

A minimum of:

- 1,0 litre isopropyl alcohol,
- 1,0 litre methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

Sweden

Per hectolitre of absolute ethanol:

- 1,0 litre isopropyl alcohol,
- 2,0 litres methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

III. Additional denaturing procedures for completely denatured alcohol employed in certain Member States:

Czech Republic

Per hectolitre of absolute ethanol:

- 0,4 litre solvent naphtha,
- 0,2 litre kerosene,
- 0,1 litre technical petrol.

Greece

Only low quality alcohol (heads and tails from distillation), with an alcoholic strength of at least 93 % volume and not exceeding 96 % volume can be denatured.

Per hectolitre of hydrated alcohol of 93 % volume, the following substances are added:

- 2,0 litres methanol,
- 1,0 litre spirit of turpentine,
- 0,50 litre lamp oil,
- 0,40 gram methylene blue.

At a temperature of 20 °C, the end product will reach, in its unaltered state, 93 % volume.

Finland – authorised until 31.12.2018

Per hectolitre of absolute ethanol any of the following formulations:

1. 2,0 litres methyl ethyl ketone,
3,0 litres methyl isobutyl ketone.

2. 2,0 litres acetone,
3,0 litres methyl isobutyl ketone.

Appendix 5 – Standard Conditions applicable to persons who receive tax-relieved alcohol.

(all of these conditions will not apply in any one case)

Standard Conditions under which Revenue authorise.

Receiver or Distributor (delete as appropriate)	
Name of Authorised Person/Company	
Address	
Address of premises in which the alcohol will be stored and used	
VAT No.	
Description of alcohol product authorised	
Relevant subsection of Section 77 of the Finance Act 2003	
Purpose for which alcohol product is used	

1. The alcohol may be used in the place specified and may not be removed for use in any other place or be used for any other purpose other than that authorised.
2. Only alcohol of the type and strength authorised may be received tax-relieved under this authorisation. Customs duty, where chargeable, must be paid on alcohol imported from third countries.
3. Form APT 2, completed as required, and accompanied by a copy of the authorisation, is to be presented to the authorised warehousekeeper, or authorised distributor (denatured products only) from whom the alcohol is obtained.
4. That you comply fully with the provisions of Regulation 37(1) of the Alcohol Products Tax Regulations 2004 in relation to the denatured alcohol which is the subject of this authorisation.

5. That you comply fully with the provisions of Regulation 42(1) of the Alcohol Products Tax Regulations 2004 in relation to the undenatured alcohol which is the subject of this authorisation.
6. No denaturant may be removed from any alcohol product without the consent in writing of the Commissioners.
7. Alcohol used in the production of chocolates must not exceed 8.5 litres of alcohol per 100 kilogrammes in the final product.
8. Alcohol used in the production of foodstuffs other than chocolates must not exceed 5 litres of alcohol per 100 kilogrammes in the final product.
9. In the case of imports from other EU Member States, the number and date of authorisation must be entered in Box 21 of the Excise Duty Entry (EDE), and a copy of the authorisation should be made available if required.
10. In the case of imports from third countries, the number and date of authorisation must be entered on the Single Administrative Documents (SAD), and a copy of the authorisation is to be attached to all hard copies of the (SAD).
11. The alcohol must be removed under an appropriate bond from the tax warehouse, the premises of authorised distributor (denatured products only), or import station.
12. Immediate notice of receipt of the alcohol must be given to the proper Revenue officer **(insert address of Revenue Office, contact phone number and email address)**.
13. The stock of alcohol must be kept under secure conditions and the control of a responsible official of the company.
14. The stock of unused alcohol on hands at any one time shall not exceed **(quantity)**.
15. An account is to be kept of all tax-relieved alcohol received and used under this authorisation, the supplier of the alcohol should also be shown on the account. This account is to be balanced **(state period, that is once a quarter)** and the book stock on hands is to be compared with the physical stock of alcohol on hands. This account must be made available at all reasonable times for inspection by Revenue.
16. At the end of **(state period, for example each year)** a return is to be furnished showing the opening and closing balances of the account kept under condition 13 above and all tax-relieved alcohol received and used during the period.

17. The Revenue officer be allowed to take samples for official purposes of the tax-relieved alcohol or products containing such alcohol when required.
18. Alcohol Products Tax must be paid immediately on any deficiency in the alcohol stock, which cannot be accounted for to the satisfaction of Revenue.
19. A bond in a penalty of **(state amount)** must be entered into for the proper use of the alcohol.
20. The Commissioners reserve the right to change the terms of the authorisation, or any of the conditions attaching thereto.
21. Any contravention of these conditions, or of any further conditions specified in the letter of authorisation may result in withdrawal of the authorisation and/or legal proceedings under section 79 Finance Act 2003.

We hereby accept the conditions as outlined at 1 to **(insert last condition number)** above.

Signature: _____

Designation: Managing Director or Company Secretary / Owner if sole
Trader / Responsible Manager on behalf of other entities*

Delete, as appropriate*

Date: _____

Appendix 6 - Standard Conditions which apply to Receiver / Warehousekeeper of Denaturised Alcohol

Warehousekeeper Details	
Name	
Address	
Address of Warehouse Premises	
VAT No.	
Receiver Authorisation Number / Date (issued under separate letter)	
Relevant Sub Section of Section 77 of the Finance Act 2003	
Description of Alcohol Products authorised.	
Purpose for which alcohol product is used	

1. That **(Name of Warehousekeeper)** (hereinafter referred to as the Warehousekeeper) complies with, and continues to comply with, all relevant provisions of the law and with the general conditions, directions and requirements set down by the Revenue Commissioners.
2. That bond in a penalty of, or such greater penalty as may be determined from time to time by Revenue, is entered into and maintained by the Warehousekeeper. This bond should provide, inter alia, security for the duty on the goods removed to, deposited in or removed from the Warehouse under duty suspension arrangements.
3. That **(Name of Warehousekeeper)** is authorised as a Receiver in accordance with Regulation 40 of the Alcohol Products Regulations 2004, to receive tax relieved alcohol products for use in a production process under the appropriate sub - section of Section 77 of the Finance Act 2003.
4. The alcohol **(description)** may be stored only in the place approved, and used in accordance with the production process as set out in the application, and may

- not be removed for use in any other place without the approval of the Revenue officer.
5. The alcohol, which has been used in the production of shall not thereafter be purified or recovered in any manner.
 6. That waste product containing alcohol shall only be moved or disposed of with the approval of the Revenue officer.
 7. That **(Warehousekeeper)** has EMCS (Excise Movement and Control System) facility.
 8. That **(Warehousekeeper)** register with ROS, and apply for administrators digital certificate see [EMCS ROS User Guide](#).
 9. That **(Warehousekeeper)** apply for digital sub certificate (**sub user digital cert**) of administrators certificate, with permissions for EMCS see [EMCS ROS User Guide](#).
 10. That (Warehousekeeper) receipt all e-ADs (**electronic-Administrative Documents**) post arrival of duty-suspended product in the Tax Warehouse see [EMCS Trader Guide \(Warehousekeeper\)](#) and matching SEED number will be clearly shown on all e-AD's (electronic-Administrative Documents).
 11. That **(Warehousekeeper)** dispatch all duty-suspended movements of Excisable products to other EU Member States under cover of an e-AD (**electronic-Administrative Document**) see [EMCS Trader Guide \(Warehousekeeper\)](#) and matching SEED number will be clearly shown on all e-AD's (**electronic-Administrative Documents**) if applicable.
 12. That **(Warehousekeeper)** provides suitable accommodation for those Revenue officers' visiting warehouse.
 13. The Revenue officer may take samples for official purposes when required.
 14. That any additions or changes to the type of alcohol product received, or the purposes for which it is used be notified in advance to the Revenue officer for authorisation/approval.
 15. At the end of (**month or quarter**) a stock return is to be furnished to the Revenue officer showing the opening and closing balances of the alcohol stock in relation to quantities received and used.
 16. A record to be kept of the alcohol received and used in the manufacturing process and made available to the Revenue officer when required.
 17. Warehouse Records are to be retained for a period of 6 years and are to be made available to Revenue officers for inspection on request.

18. That this approval will be terminated upon any change in effective ownership and/or effective control of the Warehouse.
19. That, in the event that the authorised Warehousekeeper intends to cease acting as such, he/she provides written notification to the Revenue Commissioners at least three months before the date for ceasing of business.
20. That the Revenue Commissioners reserve the right to withdraw this approval, vary or add to any of these conditions.

Date of Issue: _____