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REGIONAL SECRETARIAT OF ENVIRONMENT AND NATURAL
RESOURCES

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**REGIONAL SECRETARIAT OF ENVIRONMENT
AND NATURAL RESOURCES**

Ordinance no. 38/2015

of 13th February

APPROVES THE RULES CONCERNING THE DESIGNATION, DENOMINATION, PRESENTATION AND LABELING OF
WINE WITH THE DESIGNATION OF ORIGIN «MADEIRA»

Considering the Commission Regulation (EC) No 607/2009 of 14th July establishing the rules for the application of the Council Regulation (EC) No 479/2008 concerning the protected designations of origin and protected geographical indications, traditional terms, labeling and presentation of certain viticulture products;

Considering that the above mentioned Regulation sets that Member States may introduce additional provisions concerning the labeling and presentation for wines with a protected designation of origin or a protected geographical indication produced in their respective territories;

Considering that, in the context of the national wine sector, the specific character of wine with the designation of origin (DO) 'Madeira' as liqueur wine produced in the Demarcated Region of Madeira (DRM) requires its traditional designations to be defined and set in regional regulation, together with a set of administrative procedures and specific rules of use and characterization;

Considering the labeling - designation, presentation and protection - is disseminated through a variety of regional regulations, and it therefore becomes necessary to take account of the numerous verified legislative changes, the experience of the certifying body and the adaptation needs of the sector to the market requirements;

Considering that it is extremely important to maintain the identity of an accumulated tradition, which requires to establish an effective individualization of the wine with DO "Madeira" before consumers in a context of competition;

This Ordinance is designed to discipline the areas not covered by the Community or national regulations, or in which the Member States or the competent certification bodies enjoy regulatory freedom, avoiding the repetition and outdated derived from the legislative dynamics, particularly in the Community.

Therefore, under Article 4 of Regional Legislative Decree No 2/2006/M of 9th January, the provisions of Article 22, No. 9 of Regional Legislative Decree No 1- A/2015/M of 9th January, as well as the provisions of paragraph d) of No 1 of Article 227 of the Constitution and paragraph d) of Article 69 of the Political-Administrative Statute of the Autonomous Region of Madeira, approved by Law No 13/91 of 5th June, as amended by Laws No 130/99 of 21st August and 12/2000 of 21st June, it is referred by the Regional Government of Madeira, through the Regional Secretary for the Environment and Natural Resources, the following:

Article 1

Object

This Ordinance establishes the arrangements applicable to the protection of the designation of origin (DO) 'Madeira', which governs its labeling as well as its traditional complementary terms.

Article 2

Definitions

For the purposes of the provisions in this Ordinance, the following definitions shall apply:

- a) labeling - all descriptions and other terms, signs, illustrations, trademarks or other descriptive material which characterize the product, and which appear in the same container, including the closure device, ring or

collar or in labels attached to the container;

b) packaging – the protective wrappers, namely cartons and boxes used for the carriage of one or more containers and/or for their presentation, bearing in mind the sale to the final consumer;

c) label – it is the part of the labeling consisting of indications arranged in the same visual field which identifies and individualizes the product on the market and enables it to be identified by the consumer;

d) secondary label - This is the part of the labeling consisting of compulsory and optional indications, which may be arranged in another visual field;

e) visual field - This is the part of the container, excluding the base, which can be seen without it being necessary to turn or spin the container.

Article 3

Indication of vine varieties

1. The indication of the vine varieties shall be reserved for wines with DO «Madeira» produced from recommended vine varieties.

2 - The labeling of the wine with DO «Madeira» with indication of the vine variety can only show the name of one single variety among the recommended varieties.

Article 4

Indication of age

1 - The wine with DO «Madeira», regarding its age, comprises the following types of wine:

- a) 5 years;
- b) 10 years;
- c) 15 years;
- d) 20 years;
- e) 30 years;
- f) 40 years;
- g) 50 years;
- h) More than 50 years;

2 - The wine with DO «Madeira» with an indication of age must contain one of the terms mentioned on the preceding paragraph and/or one of the traditional terms referring to age pursuant to no. 2 of Article 7 of this Ordinance, provided that the organoleptic characteristics of the wines, evaluated by the IVBAM IP-RAM's Tasting Panel, are in compliance with the typical quality standards of the age in question.

Article 5

Mandatory labeling indications

1 - The presentation of the following indications is mandatory in the labeling of wine with DO «Madeira»:

a) the DO «Vinho da Madeira», «Madeira», «Madère», «Vin de Madère», «Madera», «Madeira Wein», «Madeira Wine», «Vino di Madera» and «Madeira Wijn»; or other translations approved by the Madeira Wine, Embroidery and Handicrafts Institute, IP-RAM (IVBAM, IP-RAM);

b) the trade mark;

c) in the case of wine with DO «Madeira» indicating the vintage year, a traditional term in accordance with No.1 of Article 7 of this Ordinance, except in the case of wine entitled to the use of the term *Frasqueira* or *Garrafeira*;

d) for wine with DO «Madeira» with an indication of age, a term as referred to in No. 1 of Article 4 or a traditional term under the provisions of no.2 of Article 7 of this Ordinance;

e) The reference to the degree of sweetness is mandatory, with the exception of the labeling of wines with the names Sercial, Verdelho, Boal, Malvasia-Cândida, Malvasia-Cândida-Roxa and Malvasia, under

- numbers 1, 2 and paragraph e) of No. 3 of Article 4 of the Ordinance establishing the arrangements applicable to the production and commercialization of liqueur wine and wine vinegar with DO «Madeira»;
- f) the indication of the bottler;
 - g) the nominal volume;
 - h) the actual alcoholic strength by volume;
 - i) the indication Vinho de Portugal, Produto de Portugal, Produced in Portugal or another equivalent and its translations;
 - j) The indication of the bottling year preceded by "bottled in" or equivalent, in wines with an indication of the vintage year;
 - k) The indication of the vintage year in Frasqueira / Garrafeira, Colheita and Solera wines;
 - l) the batch number, preceded by the capital letter L, easily visible, clearly legible and indelible, « pursuant to national, community or local legislation;
 - m) other indications required by national, Community or local legislation of the destination country.

2 - The mandatory indications referred to on the preceding paragraph as well as the indication of the vine variety in accordance with Article 3 of this Ordinance shall:

- a) be grouped in the same visual field of the bottle, with the exception of the indications provided for in points (j) and (l) and other indications mentioned on paragraph m of no. 1 of this Article, when this is not required by the respective legislation;
- b) have characters clearly, legibly, indelibly and sufficiently large to stand out against the background on which they are printed on and that can be clearly distinguishable from all other written indications and designs.

3 - Without prejudice to the provisions of the preceding number, the indication of the designation of origin referred to in paragraph a) of No. 1 of this article must be entered with characters larger than the other indications, except for the indications concerning the name of the vine variety, the nominal volume and the actual alcoholic strength by volume, as well as the trade mark, indication of age or vintage year, degree of sweetness and traditional terms.

Article 6 Optional labeling indications

1 - In the labeling of wine with DO «Madeira», any of the following indications may appear:

- a) Reference to the Demarcated Region of Madeira;
- b) one or more traditional terms referred to in No. 3 of Article 7 of this Ordinance;
- c) Unfiltered, for wines with an indication of the vintage year and with an indication of age under the terms to be defined by IVBAM, IP-RAM;
- d) an indication of the bottling year on wines without an indication of the vintage year which shall be written in characters smaller than the mandatory indications and traditional terms;
- e) other indications permitted under national, Community or local regulations of the country of destination.

2 - The indications present on the labeling, in particular the optional indications provided in the previous number cannot be erroneous or misleading or deceive the consumer, nor shall they give rise to any conflict with the mandatory indications.

Article 7 Traditional Terms

1 - In the case of wine with DO «Madeira» with an indication of the vintage year, only one of the following traditional terms shall be indicated:

- a) Frasqueira or Garrafeira - a term reserved for wine with an indication of the vintage year and indication

of the recommended variety, produced by the “canteiro” process and subjected to a continuous aging of at least 20 years in casks, which exhibits exceptional quality organoleptic characteristics, which should indicate the bottling year and shall consist of a specific current account before and after the bottling;

b) Colheita - a term reserved for wine with an indication of the vintage year, which had been continuously aged in casks for at least 5 years and shows prominent organoleptic characteristics. The IVBAM, IP-RAM must be informed of the beginning of the aging process, with a minimum notice of 5 working days, as well as its ending, have indicated the bottling year and have a specific current account;

c) Solera - a term reserved for wine produced by the canteiro process which exhibits prominent organoleptic characteristics and whose base wine of a single vintage and a single recommended variety is subjected to a continuous aging of at least 5 years in casks, which constitutes the basis of a batch. After this period, an amount of each of the casks not exceeding 10%, which is replaced by an equal quantity of another new wine of the same variety, may be withdrawn annually, up to a maximum of 10 additions, after which the existing wine submitted to this process can be bottled as Solera. Each of the additions and each of the bottlings must be communicated to IVBAM, IP-RAM at least 5 working days in advance. This term shall be accompanied by an indication of the vintage year of the base wine and the indication of the vine variety, the bottling year and the specific current account before and after bottling.

2 - The labeling of wine with DO «Madeira» with an indication of age must contain one of the terms concerning age according to No.1 of Article 4 of this Ordinance and one of the following traditional terms:

a) Reserva, Velho, Reserve, Old or Vieux, for wine with 5 years old;

b) Reserva Velha, Reserva Especial, Muito Velho, Old Reserve, Special Reserve or Very Old, for wine with 10 years old;

c) Reserva Extra or Extra Reserve, for wine with 15 years old.

3 - Depending on the production process, color, structure and other characteristics of the product, one or more of the following designations may also be used for the labeling of wine with DO «Madeira»:

a) Canteiro - Wine alcoholized during or shortly after the fermentation, being submitted to a stage in casks for a minimum period of 2 years, having a specific current account and which cannot be subjected to the “estufagem” production process nor be bottled with less of 3 years, as of 1st January of the year following the vintage;

b) Rainwater - Wine which has a color between pale and gold with a Baumé level between 1,0 ° and 2,5° and that may also be associated with an indication of a maximum age of 10 years or equivalent;

c) Seleccionado, Selected, Choice or Finest - Wine with outstanding quality for the age in question;

d) Fino or Fine - Quality wine with perfect balance in the freshness of the acids and set of aromas evolved with aging in casks.

4 - Without prejudice to no. 1 of this Article, the terms referred to in the preceding paragraphs may be used at the same time provided that there is no divergence between them and their inclusion in the labeling is not liable to create confusion or mislead the consumer.

Article 8

Transitional provisions

With the entry into force of this Ordinance, the already existing labeling which diverge from the provisions set out therein may only be used for a maximum period of two years, except those which have been affixed to wines proven to be bottled before the date of entry into force of this Ordinance.

Article 9

Subsidiary law

In all cases not specifically provided for in this Ordinance, the legal and regulatory rules governing the production

and trade of wine with DO «Madeira» and the Community rules on the designation, designation, presentation and protection of wines products of the wine sector shall apply in a subsidiary manner

Article 10
Entry into force

This Ordinance shall enter into force on the day following its publication

Regional Secretariat for Environment and Natural Resources, on 12th January 2015.

THE REGIONAL SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES, Manuel António Rodrigues
Correia

Ordinance no. 39/2015

of 13th February

STATUTE OF THE DESIGNATION OF ORIGIN (DO) «MADEIRA»

The introduction of the vineyard in Madeira and the wine trade in this region go back to the time of its discovery in the 15th century. The tradition and the importance that vine and wine accumulated over five centuries in the history and economy of the Autonomous Region of Madeira made this one of the oldest Demarcated Regions of Portugal. The creation of the Demarcated Region of Madeira was then made part of the process of regulating the production and trade of wine with the designation of origin (DO) «Madeira» or «Madeira Wine», which for more than 500 years has been the ex-libris of the Land that baptized it, spreading the name of this Island all over the World.

The production and trade of Madeira wine is essentially governed by the Regulation annexed to the Regional Regulatory Decree No 20/85/M of 21st October - which, by virtue of its entry into force of Regional Legislative Decree No 1-A/2015/M, of 9th January and the subsequent publication of the respective regulations, of which this Ordinance is an integral part, will be gradually repealed – existing, however, a set of individual rules from different legal and regulatory diplomas, some of which are prior to the present legal-constitutional regime.

It is therefore urgent and imperative not only to bring together in a single document all the rules concerning the production and trade of wine with DO «Madeira», but also to update the legal regime in that area and to make it in compliance with the principles and rules resulting from the establishment of the common organization of the agricultural markets as well as to regulate the production of vinegar made from liqueur wine with DO «Madeira».

The first step in this direction was taken by Decree No 212/2004 of 23rd August, which established the new institutional organization of the national wine sector and regulated the recognition, protection, control, certification and use of their respective designations of origin and geographical indications, provided that their application to the Autonomous Regions of the Azores and Madeira would be made with the necessary adaptations through regulations specific to the Regional Government bodies.

This adaptation operated by the Regional Legislative Decree No 2/2006/M, of 9th January, it is recognized, in the context of the new judicial and legal framework of the national wine sector, through the Ordinance recognizing the DO «Madeira» and «Madeirense»', as well as the GI «Terras Madeirenses», the DO «Madeira» may be used for the generous wine to be included in the category of liqueur wine and wine vinegar produced in the Demarcated Region of Madeira under the conditions laid down in this Statute.

Now, it is the time to create this new statute, establishing a set of rules regulating the entire area of production and trade of wine with DO "Madeira" and wine vinegar, which conforms to the current legal system of the national and Community wine sector.

Therefore, under Article 4 of Regional Legislative Decree No 2/2006/M of 9th January, No. 2 of Article 17 of

Regional Legislative Decree, No 1-A/2015/M of 9th January, as well as the provisions of paragraph d) of no.1 of Article 227 of the Constitution and paragraph d) of Article 69 of the Political-Administrative Statute of the Autonomous Region of Madeira, approved by Law no. 13/91, of 5th June, as amended by Laws no. 130/99 of 21st August and 12/2000 of 21st June, refers by the Regional Government of Madeira, through the Regional Secretary for the Environment and Natural Resources, the following:

Part I
General provisions

Article 1
Object

This Regulation establishes the arrangements applicable to the production and trade of liqueur wine and wine vinegar with the designation of origin DO «Madeira»

Article 2
Delimitation of the production region

The geographical area of the DO «Madeira» corresponds to that referred to in Article 6 of the Ordinance which recognizes the DO «Madeira» and «Madeirense» as well as the GI «Terras Madeirenses»

Article 3
Vine Varieties

- 1- The recommended and authorized vine varieties to be used for the production of wine eligible for the DO «Madeira» shall be as set out in the Single Annex to this Ordinance, of which it forms an integral part.
- 2- In addition to the vine varieties included in the Single Annex to this Ordinance and as a result of ongoing studies and research, other vine varieties recommended and/or authorized for use in the production of wine eligible for the DO «Madeira» may be considered by Ordinance of the member of the regional government with responsibility for the wine sector.

Part II
Wine with DO «Madeira»

Article 4
Degrees of sweetness

- 1 - The wine with DO «Madeira», taking into account the correspondent degrees of sweetness, comprises the following types of wine:
 - a) Dry - wine with a Baumé level less than to 1,5 °;
 - b) Medium dry - wine with a Baumé level between 1 ° and 2,5 ° inclusive;
 - c) Medium sweet - wine with a Baumé level between 2,5° and 3,5°, inclusive;
 - d) Sweet - wine with a Baumé level above 3,5 °
- 2 - Wine with DO «Madeira» with a Baumé level not exceeding 0,5 ° may also be designated as extra dry.
- 3 - The wine with the DO «Madeira» with an indication of one of the vine varieties Sercial, Verdelho, Boal, Malvasia-Cândida, Malvasia-Cândida-Roxa, Malvasia or Terrantez may only be associated with the following types:
 - a) Dry or extra dry for Sercial variety;
 - b) Medium Dry for the Verdelho variety;
 - c) Medium sweet for the Boal variety;
 - d) Sweet for the Malvasia-Candida, Malvasia-Cândida-Roxa and Malvasia varieties;
 - e) Medium Dry or Medium sweet for the Terrantez variety.

4 - In the case of wine with DO «Madeira» with the right to use the term Frasqueira or Garrafeira, the relation between the vine varieties and the degree of sweetness referred to in the preceding paragraph may be modified according to the positive opinion issued by the Tasting Panel of the Madeira Wine, Embroidery and Handicrafts Institute, IP-RAM (IVBAM, IP-RAM) and after express authorization of the Board of Directors of this Institute.

5 - The wine with the DO «Madeira» obtained from the other recommended or authorized vine varieties may have any of the terms referred to in paragraph 1 or 2 of this Article regarding the degree of sweetness.

Article 5 Yield per hectare

1 - The maximum yield of must per hectare in the Demarcated Region of Madeira (DRM) of vineyards intended to wine production with DO «Madeira» is 150 hl.

2 - According to the particular climatic conditions and the qualities of the musts, the IVBAM, IP-RAM can make annual adjustments of the yield per hectare.

Article 6 Maximum volatile acidity

The maximum volatile acid content of wine with DO «Madeira» shall be:

- a) 20 meq/l for wines aged less than or equal to 10 years;
- b) 25 meq/l for wines aged over 10 years and less than 20 years;
- c) 30 meq/l for wines of 20 years or more.

Article 7 Vinification process

1 - The musts to be used for the production of wine with DO «Madeira» shall have a minimum natural alcoholic strength by volume of 9% vol.

2. Without prejudice to the provisions of the Community legislation, the yield of must in liters resulting from the separation of the grape marc shall not exceed 85% by weight, and the remaining must may not be used for the production of wine with DO «Madeira», nor of any other wine with DO or Geographical Indication (GI).

3. The yield in liters of filtered wine resulting from the separation of wine lees may not exceed 95% of the volume of must.

4 - The production of wine with DO «Madeira» must follow the traditional methods of vinification and comply with the legally authorized oenological practices and processes.

5 - The preparation of wine with DO «Madeira», considering the different types of wine marketed, can only be made by adding, during and after fermentation, neutral alcohol of vinous origin with a minimum alcoholic strength by volume of 96% vol.

6. The use of concentrated must, or rectified concentrated must, during or after fermentation, may be used for the production of wine with DO «Madeira», provided that the increase in the total alcoholic strength by volume of the wine does not exceed 8% vol.

7 - The concentrated must referred to in the previous paragraph must come from the Demarcated Region of Madeira and from recommended grape varieties and / or authorized for the production of wine with DO «Madeira».

Article 8

Total and acquired alcoholic strength by volume

1 - Wine with DO «Madeira» must have a total alcoholic strength by volume of not less than 17,5% vol. and an acquired alcoholic strength by volume of not less than 17% vol. and not more than 22% vol..

2 - Exceptionally, with the authorization of the IVBAM, IP-RAM, the commercialization of wine with DO «Madeira» with a minimum acquired alcoholic strength of 15,5% vol may be granted

Article 9

Production processes

1 - The production processes inherent to the production of wine with DO «Madeira» are the Canteiro and the Estufagem.

2. The wine with DO «Madeira» produced through the “canteiro” process is the wine produced from recommended and authorized vine varieties, made alcoholic during or shortly after fermentation in accordance with the provisions of no. 5 of Article 11 of this Ordinance, submitted to a stage in wood for a minimum period of 2 years.

3 - Wine with DO «Madeira» produced through the “estufagem” process is the wine made from recommended and authorized grape varieties which, after made alcoholic in accordance with the provisions of no.5 of Article 11 of this Ordinance, is stored in containers, fitted with maximum thermometers placed at a temperature not exceeding 50 ° C for a period of no less than 3 months.

4 - The beginning of the “canteiro” process and “estufagem” must be communicated to the IVBAM, IP-RAM at least 5 working days in advance, who may take samples that will be analyzed at the Institute's Laboratory and seal the respective containers, while verifying, concerning the “estufas”, the compliance of its temperature to the provisions of the previous number.

5 - The end of the “canteiro process” and “estufagem” shall also be communicated to the IVBAM, IP-RAM, which can collect samples that will be analyzed in the Laboratory of this Institute.

Article 10

Wines indicating the vintage year and/ or indication of variety

1 - The grapes or musts intended for the production of wine with DO «Madeira», indicating the vintage year and/or indication of vine variety, must be individualized and the respective wine obtained.

2 - The wine referred to in the previous number must be as clearly identified in the Production Statement of the respective vintage or in the verification request of the vintage, to be delivered on the IVBAM, IP-RAM pursuant to the legislation in force.

Article 11

Current Accounts

1 - All wine with DO «Madeira» produced under the terms of this Ordinance shall be the subject to current accounts, broken down by wine type and class, according to the IVBAM, IP-RAM.

2 – The wine with DO «Madeira» obtained from at least 85% of one of the recommended grape varieties listed in the single Annex to this Ordinance is associated with the class of wine designated by the letter A and the remaining wine with DO «Madeira» is associated with the class of wines designated by letter B.

3- In the classes A and B mentioned in the previous number, there are 6 types or states of production, designated from 1 to 6, accordingly:

- a) state 1 for filtered wine;
- b) state 2 for alcoholized wine and for wine in “canteiro”, previously alcoholized;
- c) state 3 for wine in “estufagem”, previously alcoholized;
- d) state 4 for wine after being submitted to the “estufagem” process for at least 3 months;
- e) state 5 for wine after being submitted to the “canteiro” process until completing 3 years in accordance with No.3 of Article 13 of this Ordinance, or to the wine after the “estufagem” process, where it must remain until 31st October of the second year following that of the respective vintage;
- f) status 6 for wine ready to be bottled and commercialized.

4 - For the purposes of the paragraph a) of the preceding number, the term "filtered wine" means the product obtained exclusively through total or partial alcoholic fermentation of fresh grapes and in which the lees have already been separated.

5- For the purposes of paragraph b) and c) of number 3 of this Article, wine alcoholized means wine to which the wine alcohol has been added and which has an acquired alcoholic strength by volume of not less than 15,5% vol.

6- The economic agents shall communicate monthly to the IVBAM,IP-RAM, by the 15th of the following month, the movements of wine and other wine products, which involves any changes in their corresponding production and / or marketing process, performed in their facilities during this period, except for the communication regarding the month of July, which must be sent by the third working day of August.

7 - Bulk circulation between economic agents of wine with DO «Madeira» in preparation or already prepared may only be carried out by prior notification to the IVBAM, IP-RAM.

8 - The IVBAM, IP-RAM can carry out retails at the premises of the economic agents, whenever it deems necessary.

Article 12

Premises

The processing of grapes and other operations and treatments for the production of wine with DO «Madeira» shall be carried out in the DRM, in wineries or other facilities registered, approved and subject to the control of IVBAM, IP-RAM and in which they shall keep updated records under the terms to be defined by this Institute.

Article 13

Bottling and commercialization

1- In order to be bottled and commercialized, the wine with DO «Madeira» must have the appropriate quality and analytical characteristics applicable to liqueur wines or legally established for wines in general as well as the specific characteristics laid down for the wine with DO «Madeira».

2- The trading of wine with DO «Madeira», irrespective of its destination, as well as the supply of the relevant certificates, may only be carried out after its physical, chemical and organoleptic analysis by the IVBAM, IP-RAM, in which is proved that it satisfies the required characteristics and quality.

3 – The wine with DO «Madeira» produced using the “canteiro” process may be considered only in bottling conditions after at least 3 years, and this period may not start to be counted before 1st January of the year following the vintage.

4 - Wine with DO «Madeira» produced by the “estufagem” process may only be bottled and marketed as such after at least three months after the “estufagem” process, but not before the 31st October of the second year following the vintage.

5 - Without prejudice to the provisions of no. 7 of Article 11 of this Ordinance, the commercialization in bulk of wine with DO «Madeira» shall be prohibited.

6 - By way of derogation from the provisions of the preceding paragraph, in exceptional circumstances, the trading in bulk to the agri-food industry and other prestigious products may be authorized, under the terms provided in special regulations and, in the case of wine produced by the said process on no. 3 of Article 9 of this Ordinance, after at least 3 months after “estufagem”, but not before the 31st October of the year following the vintage.

7 - Bottling of wine with DO «Madeira», irrespective of its destination, may only be carried out in glass bottles duly corked with cork stoppers and with previously approved labeling, and must in any case comply with the rules in force about designation, denomination, presentation and labeling of wine products, and in particular wine with DO «Madeira».

8 - Without prejudice to the applicable legislation, the bottles must have 1,5 l, 1,0 l, 0,75 l, 0,5 l or 0,375 l of useful capacity, except in justified cases and with prior authorization of the IVBAM, IP-RAM, in which bottles with other useful capacities may be used.

9 - The bottling of miniatures or glass flasks, with threaded metal caps or with cork stoppers, of a net capacity of 0,2 liters or less may also be allowed.

10 - Exceptionally, and with the authorization of the IVBAM, IP-RAM, it is possible to allow the bottling of wine with DO “Madeira” in bottles of other materials or other forms of packaging as well as the use of other type of seals, providing that the operator ensures its compliance with the national and Community standards on the suitability of materials for contact with food.

11 - Is not allowed the retail sale of non-bottled wine with DO «Madeira».

Article 14

Obligations of wine producers with DO «Madeira»

1 - All economic agents registered in the IVBAM, IP-RAM as producer of wine with DO «Madeira» must comply with the following conditions:

- a) To maintain a permanent minimum stock of 1/4 of the average annual volume of trading of wine with DO «Madeira» in the last 3 wine years, with a minimum of 75,000 liters;
- b) To have facilities with sufficient storage capacity to contain the permanent minimum existence and the normal reserve calculated in accordance with the provisions of paragraph 2 of article 15 of this Ordinance, as well as equipment and other means compatible with the corresponding volumes;
- c) Fulfill all the rules applicable to the production and trading of wine with DO «Madeira».

2. By way of derogation from paragraph a) of the preceding number, for the new economic operators and until the end of the 3rd wine year as from its entry, the permanent minimum stock of wine with DO «Madeira» corresponding to 1/4 of the monthly average of the commercialization volume, accumulated from the following month after its registration, multiplied by 12 months, with a minimum of 75,000 liters that must be ensured soon after the end of the vintage, after its registration.

3-The commercialization of wine with DO «Madeira» shall not be permitted beyond the limit compatible with the subsistence of the permanent minimum stock, except for the provisions of Article 16 of this Ordinance.

Article 15
Obligations and intentions of purchase

1. The economic agents mentioned in number 1 of the previous article, must still have a normal reserve of wine with DO «Madeira» and to make until 15th November of the vintage year a certain volume of purchases of grapes, must or wine of the vintage of the year.
- 2 - The existence of wine with DO «Madeira» sufficient to cover the trading volume of 18 months, calculated by the average of the 36 months immediately preceding 31st July of the respective year, shall be considered normal reserve.
- 3 - By way of derogation from the preceding paragraph, for the new economic agents and until the end of the 3rd wine year after its entry into force, the normal reserve shall correspond to the existence of sufficient wine with DO «Madeira» to cover the volume of the trading of 18 months, calculated by the monthly average of the trading in the period between the beginning of the wine year of its inscription and the 31 of July of the year related to the obligation of purchase multiplied by 18 months.
4. The volume of the purchase obligation of each economic agent mentioned in number 1 of this Article shall be directly proportional to the volume of trading in the period from August 1st of the previous year up to July 31st of the respective year and can only exceed 75% of the volume traded when it is required to make up the normal reserve.
- 5 - The purchase obligation defined in the preceding paragraph shall be reduced by a discount of 1% to 5% of that quantity calculated by the ratio between the stocks of wine with DO «Madeira» plus the normal reserve and the average monthly sales of each economic agent during the triennium mentioned in number 2 of this Article.
- 6 - By way of derogation from the preceding paragraph, for the new economic agents and until the end of the 3rd wine year from the date of its register, the purchase obligation defined in paragraph 4 of this article is reduced by a discount of 1 % to 5% of that quantity, calculated on the basis of the ratio between the stocks of wine with DO «Madeira» in addition to the normal reserve and the average monthly trading of each economic agent in the period from the beginning of the wine year of its entry to 31st July of the year relating to the purchase obligation.
- 7 - The total volume of purchase obligations shall be fixed after the quantity of wine necessary for the constitution of the normal reserve has been determined, and the IVBAM, IP-RAM shall notify each of the economic agents, by 15th August of each year, of the corresponding purchase obligation.
- 8 - The economic agents must notify the IVBAM, IP-RAM until July 15 of each year, the quantities they intend to acquire at vintage time.

Article 16
Suspension of registration

- 1- The commercialization of the permanent minimum stock implies the suspension of the registration of the economic agents registered in the IVBAM, IP-RAM as "Producers of wine with DO «Madeira»".
- 2- During the suspension of the registration referred to in the preceding paragraph, the economic agent may only trade wine with DO «Madeira» to other economic agents in the sector.
- 3- During a maximum period of 12 months after the notification of the IVBAM, IP-RAM that the stocks of wine with DO «Madeira» are inferior to the permanent minimum stock, the suspension may be lifted given that it is proven through physical and documental evidence that the permanent minimum stock was recovered.
- 4- Once the period established in the previous paragraph has expired and if the suspension is not withdrawn, it becomes definitive and the entity enters into liquidation, in accordance with the provisions of the following article.

Article 17
Liquidation

1 - For the purposes of the provisions of this statute, liquidation means the closing down of the activity as "Producer of wine with DO «Madeira»".

2 - The obligation of the producer of wine with DO «Madeira» to maintain a permanent minimum stock, as well as the volume of purchase obligations for the constitution of the normal reserve, in the terms defined in this Ordinance, shall not apply to entities that are in a liquidation regime according to the rules defined by the IVBAM, IP-RAM.

3 - To the entities that enter in a liquidation regime, the IVBAM, IP-RAM must refuse the re-register with the consequent inhibition of the exercise of the activity of producer of wine with DO «Madeira» for a period of 3 years, starting from the term of liquidation, except when liquidation is caused by force majeure or for reasons not attributable to the economic agent.

Part III
Wine vinegar with DO «Madeira»

Article 18
Elaboration

1 - Vinegars that are produced within the Demarcated Region of Madeira may benefit from the DO «Madeira» provided that they are obtained from wines suitable for recognition as wines with DO «Madeira» and comply with current national and Community standards, as well as with the provisions that will be established on the matter in internal regulations of the IVBAM, IP-RAM.

2 - The DO «Madeira» awarded to wine vinegars may only be used to designate that product provided that it is associated with the expression 'Wine vinegar'.

Part IV
Final and transitional provisions

Article 19
Wine infringements

Failure to comply with the provisions of this Ordinance subjects the economic agents to the application of the legal regime in force for infringements correspondent to non-compliance with the legal discipline applicable to vineyards, production, trade, processing and transit of wines and other products and activities developed in this sector, as well as other applicable legislation.

Article 20
Transitional provisions

1 – The economic agents who had the status of “partidista” or “armazenista-partidista” in the light of the repealed diplomas with the publication of this Ordinance and who wish to exercise the activity of producer of wine with DO «Madeira», must observe the condition pursuant to the paragraph a) of No. 1 of Article 14 of this Ordinance until 31st July of the year following the 5th vintage after the entry into force of this ordinance.

2 - In duly reasoned cases, the IVBAM, IP-RAM may extend the period mentioned in the previous number.

3. Wines bearing the DO «Madeira» produced until the date of entry into force of this Ordinance and which do not comply with its provisions may be traded until stocks are sold out.

Article 21
Entry into force

This Ordinance shall enter into force on the day following its publication

Regional Secretariat for Environment and Natural Resources, on 12th January 2015.

THE REGIONAL SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES, Manuel António Rodrigues
Correia

Single Annex of Ordinance 39/2015, of 13th February
Vine Varieties Apt for the production of Wine with DO «Madeira»

Recommended Varieties

Code*	Name	Synonymous	Color
PRT52803	Bastardo	Graciosa	T
PRT52709	Folgasão	Terrantez ⁽¹⁾	B
PRT41605	Listrão		R
PRT50911	Malvasia-Cândida		B
PRT50810	Malvasia-Cândida-Roxa		R
PRT40604	Malvasia-de-São-Jorge	Malvasia ⁽¹⁾ , Malvazia ⁽¹⁾ .	B
PRT52512	Malvasia-Fina	Boal ⁽¹⁾ , Bual ⁽¹⁾	B
PRT40705	Moscatel-Graúdo	Moscatel-de-Setúbal ⁽²⁾ ...	B
PRT40505	Sercial	Esgana-cão	B
PRT54029	Tinta		T
PRT51202	Tinta-Negra	Molar, Saborinho	T
PRT50317	Verdelho		B
PRT51806	Verdelho-Tinto		T

* Ordinance No. 380/2012 of 22nd November and Notice No. 6051/2013 of 9th May.

(1) Only on the labeling of wine with DO «Madeira».

(2) Only in the VLQPRD labeling of Setúbal.

Authorized Varieties

Code*	Name	Synonymous	Color
PRT50914	Caracol		B
PRT50201	Complexa		T
PRT41707	Deliciosa		T
PRT40809	Rio-Grande		B
PRT41509	Triunfo		T
PRT54031	Valveirinho		B

* Ordinance No. 380/2012 of 22nd November and Notice No. 6051/2013 of 9th May.

Ordinance no. 40/2015

of 13th February

RECOGNIZES THE DENOMINATIONS OF ORIGIN «MADEIRA» AND «MADEIRENSE» AND THE GEOGRAPHICAL INDICATION «TERRAS MADEIRENSES»

With the implementation of Decree- no. 212/2004 of 23rd August, a new institutional organization of the national wine sector was established and the recognition, protection, control, certification and use designations of origin and geographical indications of wine products were governed;

The Regional Legislative Decree No 2/2006/M, of 9th January, adapted the application of the provisions of the Decree- no. 212/2004, of 23rd August, to the Autonomous Region of Madeira, thus constituting the regulatory competence of the Regional Government regarding the recognition and extinction of designations of origin and geographical indications of regional wine products and definition of the respective rules of production and trade, as well as the role of Madeira Wine, Embroidery and Handicrafts Institute, IP-RAM (IVBAM, IP-RAM) of coordination, monitoring and regulation of the wine and wine sector in the Region;

In the context of this new legal and regulatory framework of the wine sector, it is necessary to adapt the specific situation of the Autonomous Region of Madeira, giving it a current, coherent and uniform apparel that takes into account not only the accumulated importance of the vine and wine in the history and economy of this Region, but also the development, innovation and quality that have been the mainstay in the preparation of a sustained future;

In this sense, the Regional Legislative Decree No. 1-A/2015/M of 9th January, which establishes the general provisions applicable to wine production in the Autonomous Region of Madeira, was recently published.

It is now a matter of priority to recognize the designations of origin «Madeira» and «Madeirense» and the geographical indication «Terras Madeirenses» as suitable to be used by certain categories of wine and wine products produced in the Demarcated Region of Madeira which comply with a set of rules own production and marketing.

Therefore, under Article 3 of Regional Legislative Decree No 2/2006/M of 9th January, the provisions of No.2 of Article 17 of Regional Legislative Decree No 1- A/2015/M of 9th January, as well as the provisions of paragraph c) of No, 1 of Article 227 of the Constitution and paragraph d) of Article of the Political-Administrative Statute of the Autonomous Region approved by Law No 13/91 of 5th June, as amended by Laws No 130/99 of 21st August and 12/2000 of 21st June 2000 it is restated by the Regional Government of Madeira, through the Regional Secretary for the Environment and Natural Resources, the following:

Article 1 Object

This Ordinance recognizes the designations of origin (DO) «Madeira» and «Madeirense» as well as the geographical indication (GI) «Terras Madeirenses».

Article 2 Recognized denominations

1. The designations of origin (DO) «Madeira», including the designations «Vinho da Madeira», «Madère», «Vin de Madère», «Madera», «Madeira Wein», «Madeira Wine», «Vino di Madera» and «Madeira Wijn», and their equivalents in other languages, and DO «Madeirense» as well as the geographical indication (GI) «Terras Madeirenses» shall be recognized, which may only be used in wine and wine products produced in the Demarcated Region of Madeira (DRM), which comply with the provisions of this Ordinance and other applicable legislation and regulations.
- 2 - The DO «Madeira» may be used only for the generous wine produced in DRM to be included in the category of liqueur wine which tradition has established under that name, and for wine vinegar, provided that they comply in any case with the conditions imposed by the respective statutes and other applicable legislation.
- 3 – The DO «Madeirense» and the GI «Terras Madeirenses» may be used only for white, red and rosé wines, to be included in the category of wine, sparkling wine, quality sparkling wine and also by wine spirit and wine vinegar,

provided that, in any case, they comply with the conditions imposed by the respective statute and other applicable legislation.

4 - The Madeira Wine, Embroidery and Handicrafts Institute, IP-RAM (IVBAM, IP-RAM), is responsible for controlling the production and trade, promotion, defense and certification of wines and products with the right to the DO and IG of the DRM.

Article 3 Protection of Denominations

1 - The DO «Madeira» and DO «Madeirense» and the GI «Terras Madeirenses» are collective heritage whose defense is vested in the IVBAM, IP-RAM.

2 - The recognition of the DO and GI object of this Ordinance confers legitimacy to the IVBAM, IP-RAM to prevent the illicit use of these designations.

Article 4 Imprescriptibility of Denominations

The DO «Madeira» and DO «Madeirense» and the GI «Terras Madeirenses» are imprescriptible and cannot be made generic.

Article 5 Scope of protection

1- In the wine production sector of the Autonomous Region of Madeira (RAM), the DO «Madeira» and DO «Madeirense» and the GI «Terras Madeirenses» may be used only in the products mentioned in Article 2 of this Ordinance which cumulatively comply with the applicable wine regulations, comply with the specific production and trade rules of those designations and have been certified by the IVBAM, IP-RAM.

2. It is forbidden the direct or indirect use of DO and GI in other wine products which do not comply with the requirements set out in number 1 of this Article, namely in the storage or packaging, on labels, stickers, documents or advertising, names, trademarks, terms, expressions or symbols which are likely to mislead the consumer by mistake for being graphically or phonetically similar, even if preceded by the terms "type", "gender", "style" or other, even if accompanied by an indication of their true place of origin.

3- It is forbidden the use, by any means, of names, marks, terms, expressions or symbols, or any false or fallacious indication or suggestion, which are likely to confuse the consumer as to the essential origin, nature or quality of the products, as well as of any sign that constitutes reproduction, imitation or evocation of the DO or GI of the Demarcated Region of Madeira.

4. The prohibition set out in paragraphs 2 and 3 of this Article shall also apply to non-wine products when their use is unjustifiably to take unfair advantage of the distinctive character or the prestige enjoyed by the DO «Madeira» and DO «Madeirense» and the GI «Terras Madeirenses» to which this Ordinance applies or could prejudice them.

5 - The reproduction of DO and GI in dictionaries, encyclopedias, similar reference works or in advertising is prohibited, when it can be deduced that they are generic designations.

6- The provisions in this article shall apply, with due adaptations, to the use of the traditional terms of DO «Madeira», DO «Madeirense» and the GI «Terras Madeirenses» contained in the respective regulations.

7 – The operators whose products meet all the requirements set forth in number 1 of this Article shall not be prevented from using the DO and GI referred to in this Ordinance, except as a consequence of decisions rendered in infringement.

8 - The mention or reference to the DO and GI covered by this Ordinance in the denomination of the sale, presentation or advertisement of a product containing wine entitled to the said DO or GI shall be prohibited, unless, cumulatively:

- a) the product does not contain another wine;
- b) the wine contained in the product grants particular characteristics to it;
- c) The producer has obtained authorization from the IVBAM, IP-RAM;
- d) the term or the reference to the DO or GI appears on the list of ingredients of the product and does not contribute to the dilution or weakening of its distinctive strength or to its use.

Article 6 Delimitation of the Region

The geographical area of the DO «Madeira» and DO «Madeirense» and the GI «Terras Madeirenses» according to the cartographic representation in the Single Annex to Regional Legislative Decree No 1-A/2015/M of January 9th, establishing the general provisions applicable to wine production in the Autonomous Region of Madeira, corresponds to the Demarcated Region of Madeira and as such encompasses the islands of Madeira and Porto Santo.

Article 7 Vine Varieties

The vine varieties to be used in the preparation of wines and wine products mentioned in this Ordinance shall be part, in pursuant to the provisions of Article 4 of Regional Legislative Decree No 2/2006/M of 9th January, of their own regulations to be approved by Ordinance of the member of the regional government with the guardianship of the wine sector.

Article 8 Cultural Practices

The cultural practices to be used in the vineyards that are destined to the production of wines with DO or IG are the ones considered adequate by the IVBAM, IP-RAM for each vineyard plot.

Article 9 Entity registration

Without prejudice to other applicable legal provisions, all entities engaged in the production or trading of wine and other wine products covered by this Ordinance, excluding the distribution of bottled products and retail sale, are obliged to register themselves, as well as their respective facilities, in an appropriate register, in the IVBAM, IP-RAM.

Article 10 Yield per hectare

The yield per hectare in the DRM of the vineyards destined to the production of wines susceptible of obtaining the DO or IG referred to in this Ordinance will, pursuant to the provisions of Article 4 of Regional Legislative Decree No 2/2006/M, of January 9th, of specific legislation to be approved by Ordinances of the member of the regional government with the guardianship of the wine sector.

Article 11 Oenological practices and processes

Without prejudice to other legislation in force, the preparation and conservation of musts, wines and wine products covered by this Ordinance must respect the specific oenological practices and processes authorized by the IVBAM, IP-RAM.

Article 12
Analytical and organoleptic characteristics

Without prejudice to other applicable laws and regulations, the wines and wine products covered by this Ordinance must:

- a) From an organoleptic standpoint, satisfy the appropriate requirements as to clarity, color, aroma and taste, as recognized by the IVBAM, IP-RAM Tasting panel;
- b) Regarding the other characteristics, the wines must comply with the regulations of the IVBAM, IP-RAM.

Article 13
Symbols and seals of guarantee

1 - Products entitled to the DO «Madeira», DO «Madeirense» and the GI «Terras Madeirenses» may only be traded by displaying on their receptacles the respective seal or capsule-seal, approved and issued by the IVBAM, IP-RAM with models published in the I Series of the Official Gazette of the Autonomous Region of Madeira, and dimensions to be established by the IVBAM, IP-RAM.

2 - The seals of guarantee are numbered sequentially, to allow an adequate control of use, and may contain, as well as seal caps, other control marks, to be defined by the IVBAM, IP-RAM.

3 - For wine entitled with the DO «Madeira», the guarantee seal shall be affixed to the bottleneck, passing under or over the cap, and, like the cap-seal, must be affixed in such a way that it is rendered useless when opening of the bottle.

Article 14
Rules of production and commercialization

The statutes containing the specific rules of production and trade for the DO «Madeira» and DO «Madeirense» and the GI «Terras Madeirenses» shall be part of, in accordance with Article 4 of Regional Legislative Decree No 2/2006/M, of 9th January specific legislation to be approved by Ordinance of the member of the regional government with the guardianship of the wine sector.

Article 15
Entry into force

This Ordinance shall enter into force on the day following its publication

Regional Secretariat for Environment and Natural Resources, on 12th January 2015.

THE REGIONAL SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES, Manuel António Rodrigues
Correia

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