

Ordinance Nr. 68/85 of June 21, which approved the special regulation for the manufacture, storage, beneficiation and marketing of Rum, is currently inadequate in view of the new legal-judicial context of the spirit drinks sector as well as of the economic reality of this sector in the Autonomous Region of Madeira.

It is therefore essential to adapt the rules and requirements of the production and marketing of "Rum da Madeira" to said legal-judicial framework and, at the same time, create conditions, from a normative point of view, to increase the attractiveness of this sector of activity, boosting the quality and genuineness of "Rum da Madeira" and awaken the interest of consumers, increasingly informed and demanding, for this regional product.

"Rum da Madeira" is a spirit drink bearing a geographical indication recorded in annex III of said (EC) Regulation Nr. 110/2008 which, as such, benefits from a series of protections and awards that are important to safeguard.

For each geographical indication, registered on February 20, 2008 in said annex III, the Member States shall submit to the Commission a factsheet which shall contain the physical, chemical and organoleptic characteristics of the product, as well as the definition of its geographical area and description of its production method.

It is therefore imperative to approve a new regulatory framework that confirms the protected geographical indication of 'Rum da Madeira' and regulates the production and trade of this product in accordance with the Community legislation in force.

Economic operators in the production and marketing sector of "Rum da Madeira" which are registered in the Institute of Wine, Embroidery and Handicrafts of Madeira, I. P. have been heard.

Thus:

The Legislative Assembly of Madeira decrees, under the provisions of sub-paragraph a) of nr. 1 of article 227 and nr. 1 of article 232 of the Constitution of the Portuguese Republic, as well as sub-paragraphs g) and bb) of article 40 and nr. 1 of article 41 of the Political-Administrative Statute of the Autonomous Region of Madeira, approved by Law Nr. 13/91, of June 5, with the wording and numbering introduced by Law Nr. 130/99, of August 21, and by Law Nr. 12/2000, of June 21, the following:

#### Article 1

##### **Scope**

This diploma confirms, defines and characterizes "Rum da Madeira" and lays down the rules concerning its production and marketing.

#### Article 2

##### **Definition**

For the purposes of this diploma, 'Rum da Madeira' or 'Rum Agrícola da Madeira' (*Madeira Agricultural Rum*) means the spirit drink produced in the geographical area referred to in article 4 of this diploma, solely through the alcoholic fermentation and distillation of the sugarcane juice originated from this region.

#### Article 3

##### **Geographic Indication**

1 — The Protected Geographical Indication ("PGI") of 'Rum da Madeira' is confirmed and can only be used for the identification of the rum produced in the geographical area defined in the following article, satisfying the requirements set out in this diploma and other legislation and applicable regulations.

## **AUTONOMOUS REGION OF MADEIRA**

Legislative Assembly

**Regional Legislative Decree Nr. 18/2021/M**

**Confirms the protected geographical indication of 'Rum da Madeira' and regulates its production and trade**

The (EC) Regulation nr. 110/2008, of the European Parliament and of the Council, of January 15, laid down the rules governing the definition, designation, presentation and labelling of spirit drinks, as well as those relating to the protection of the geographical indications of certain spirit drinks, having repealed (EEC) Regulation Nr. 1576/89, of the Council, of May 29.

The aforementioned Regulation clarified the rules governing the definition, designation, presentation and labelling of spirit drinks, as well as those relating to the protection of the geographical indications of certain spirit drinks, while taking into account the original production methods.

2 — It is forbidden to use names, brands, terms, expressions or symbols, which, due to graphic or phonetic similitude with PGI «Rum da Madeira», are likely to mislead the consumer, even if preceded by the terms 'type', 'of the sort', 'in the style of' or other analogies, or even if accompanied by the indication of their true place of origin.

3 — The prohibition set out in the preceding paragraph shall also apply to all products when their use seeks, without good cause, to take undue advantage of the distinctive character or prestige enjoyed by the PGI to which this diploma applies, or may harm it.

#### Article 4

### **Delimitation of the Region**

The geographical area of PGI «Rum da Madeira», according to the cartographic representation in annex I to this diploma, covers the islands of Madeira and Porto Santo.

#### Article 5

### **Sugar Cane**

The sugar cane used in the production of "Rum da Madeira" should be produced exclusively in the region established in article 4 and must have an average saccharimetric content of at least 15° Brix.

#### Article 6

### **Distillation**

The equipment and processes used in distillation must be the most suitable for obtaining a product that presents the traditional organoleptic characteristics specific to rum.

#### Article 7

### **Characteristics**

1 — The natural «Rum da Madeira» is characterized by the absence of colour or by having a slight yellowish tone.

2 — The aged "Rum da Madeira", in accordance with the provisions of article 14 of this diploma, is characterized by having a colour between yellowish and topaz.

3 — Without prejudice to the other applicable legislation and regulations in force on the matter, 'Rum da Madeira' shall present the characteristics set out in annex II of this diploma, as well as other requirements that may be defined in the Internal Rules of the Institute of Wine, Embroidery and Handicraft of Madeira, I. P. (IVBAM, I. P.)

#### Article 8

### **Current Accounts**

1 — All the "Rum da Madeira" produced under the terms of this diploma shall be the subject of general and specific current accounts, in accordance with the provisions of the internal procedures to be instituted by IVBAM, I. P., and shall be under the control of this body.

2 — During the working period, the distillers are obliged to maintain daily records of the movements of raw materials, intermediate products and finished products.

3 — Producers/bottlers of "Rum da Madeira" shall maintain a permanent and regular communication with IVBAM, I. P., in accordance with documents or forms to be established by this body, relating to entries and exits of raw materials or finished products.

#### Article 9

### **Facilities**

1 — The distillation, processing, ageing and other operations intended for the production of "Rum da Madeira", as well as bottling, must be carried out within the region defined in article 4 of this diploma, in facilities entered in IVBAM, I. P., and shall comply with the other requirements laid down in the law for this purpose.

2 — The facilities intended for fermentation, distillation and storage shall be duly separated from other places where other products are produced.

3 — All facilities must be kept in good hygiene and safety conditions.

4 — All containers necessary for the production, storage and ageing of "Rum da Madeira" shall have a distinct numbering and their capacities should be identified in clear, legible and indelible characters and have levels of graduated scales or other forms of measurement.

#### Article 10

### **Compulsory Indications**

1 — The labelling of "Rum da Madeira" must be previously approved by IVBAM, I. P., which attests to its compliance with the applicable legislation and regulation, in particular with regard to the use of a registered trade mark and mandatory indications.

2 — Without prejudice to the observance of other rules in force regarding labelling, PGI 'Rum da Madeira' or 'Rum Agrícola da Madeira' must be included in the labelling and may be supplemented with one or more traditional terms laid down in the following article.

#### Article 11

### **Traditional Terms**

In the labelling of "Rum da Madeira" and in addition to the mandatory indications laid down in this diploma and other applicable legislation and regulations, the following terms may be used:

a) 'Aguardente de Cana', 'aguardente de cana-de-açúcar' or 'aguardente de cana sacarina' — terms reserved for 'Rum da Madeira' produced in accordance with this diploma;

b) 'Velho', 'rum velho' or 'aguardente velha' — terms reserved for 'Rum da Madeira' that complies with the provisions of nr. 3 of article 7 of this diploma.

Article 12

**Rum with indication of the year of production**

- 1 — The year of production may appear on the labelling of "Rum da Madeira" provided that it has actually been produced in the year in question and on condition that it has been aged in oak wood hulls, shortly after production and until bottling, in accordance with the provisions of article 14 of this diploma.
- 2 — The rum with indication of the year of production shall also have highlighted organoleptic characteristics in accordance with the age in question, as defined in the internal rules of IVBAM, I. P.
- 3 — The year of bottling shall appear in the rum label with indication of the year of production.

Article 13

**Rum with indication of age**

- 1 — The indications '3 anos' (3 years), '6 anos' (6 years) or 'Reserva' (Reserve), '9 anos' (9 years), '12 anos' (12 years) or 'Reserva Antiga' (Old Reserve), '15 anos' (15 years) or "Reserva Especial", '18 anos' (18 years) or "Reserva Superior" and '21 anos' (21 years) or "Grande Reserva" and "25 anos" (25 years) or "Grande Reserva Premium" may appear on the labelling of 'Rum da Madeira', provided that its ageing is carried out in oak wood hulls for a minimum period corresponding to the age concerned, in accordance with nrs. 2 and 3 of article 14 of this diploma and provided that the age corresponds to that of the most recent rum.
- 2 — Rum with indication of age shall have organoleptic characteristics in accordance with the typical standards of quality of the age concerned, as defined in the internal rules of IVBAM, I. P.

Article 14

**Ageing**

- 1 — The ageing of 'Rum da Madeira' can only be carried out in oak wood hulls for a period not less than three years.
- 2 — Producers/bottlers must previously communicate to IVBAM, I. P. the date on which they intend to initiate the ageing of the "Rum da Madeira".
- 3 — The "Rum da Madeira" subject to ageing must appear in a specific current account, in accordance with the provisions of the internal procedures to be instituted by IVBAM, I. P.

Article 15

**Authorised practices**

- 1 — In accordance with applicable laws and regulations, in particular as regards technical requirements, 'Rum da Madeira' may:
  - a) Contain caramel, as a means of adapting the colour;
  - b) Be subject to the addition of water, provided that this addition does not alter the nature of the product.

Article 16

**Production, bottling and marketing**

- 1 — All natural or legal persons engaged in the production and marketing of "Rum da Madeira", excluding the distribution of bottled products, whether through wholesalers or retailers, are required to register with IVBAM, I. P.
- 2 — During production and whenever deemed necessary, IVBAM, I. P. may collect samples for quality control in order to verify that the product satisfies the legally established requirements.
- 3 — The marketing of "Rum da Madeira", regardless of its destination, may only be effected after undergoing an analytical and organoleptic examination by IVBAM, I. P., through which it is proved that the product satisfies the required characteristics and quality defined in the internal rules of IVBAM, I. P. and other applicable legislation and regulations.
- 4 — In order to carry out the checks referred to in paragraphs 2 and 3, the number of bottles necessary for the assessment of the product – which are representative of the batch to be constituted or in fact constituted -, shall be delivered to IVBAM, I. P.
- 5 — The bottling of "Rum de Madeira" shall be carried out in containers whose capacity complies with the provisions of the legislation in force regarding the nominal quantities applicable to pre-packaged products.
- 6 — The sale of "Rum da Madeira" in bulk is only permitted upon prior authorisation from IVBAM, I. P.

Article 17

**Violations**

- 1 — Violations of the provisions of this diploma shall be subject to the sanctions laid down in the legislation in force, in particular in Decree-Law nr. 28/84 of January 20, in its current wording.
- 2 — The jurisdiction and decision on the administrative offence proceedings is that of IVBAM, I. P.

Article 18

**Repeal**

Ordinance Nr. 68/85 of June 21 is hereby repealed.

Article 19

**Entry into force**

This diploma shall enter into force on the day following that of its publication.

Approved at the plenary session of the Legislative Assembly of the Autonomous Region of Madeira on June 30th, 2021.

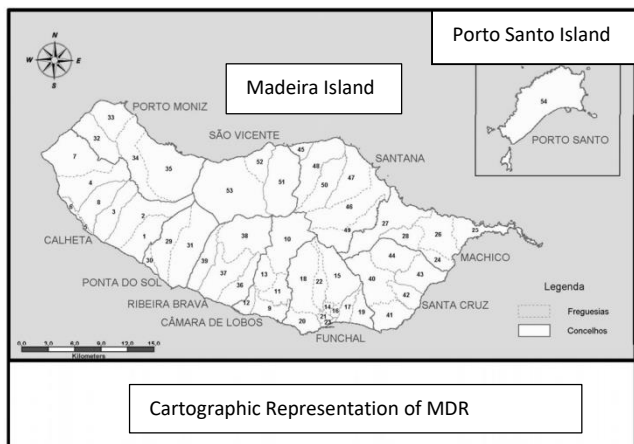
The President of the Legislative Assembly, in office, *José Manuel de Sousa Rodrigues*.

Signed on July 15th, 2021. To be publish.

The Representative of the Republic for the Autonomous Region of Madeira, *Irineu Cabral Barreto*.

ANNEX I

Cartographic representation of the geographic area of GI «Rum da Madeira»



County	Parish	Reference
São Vicente . . . . .	Boa Ventura . . . . .	51
	Ponta Delgada . . . . .	52
	São Vicente . . . . .	53
Porto Santo . . . . .	Porto Santo . . . . .	54

ANNEX II

Characteristics of «Rum da Madeira»

Organoleptic characteristics:

- Appearance — clear;
- Colour — from colourless to topaz;
- Aroma — *sui generis*;
- Flavour — *sui generis* and alcoholic.

Total Dry Extract (g/l):

- ≤ 5 (natural rum);
- ≤ 20 (aged rum/sweetened rum). (1)

(1) By exception, for aged "Rum da Madeira" that presents outstanding quality, a higher total dry extract content shall be accepted, in accordance with a positive opinion issued by the "Tasting Panel" and after express authorisation by IVBAM, IP-RAM.

County	Parish	Reference	
Calheta . . . . .	Arco da Calheta . . . . .	1	
	Calheta . . . . .	2	
	Estreito da Calheta . . . . .	3	
	Fajã da Ovelha . . . . .	4	
	Jardim do Mar . . . . .	5	
	Paul do Mar . . . . .	6	
	Ponta do Pargo . . . . .	7	
	Prazeres . . . . .	8	
	Câmara de Lobos . . . . .	Câmara de Lobos . . . . .	9
		Curral das Freiras . . . . .	10
		Estreito de Câmara de Lobos . . . . .	11
		Quinta Grande . . . . .	12
		Jardim da Serra . . . . .	13
Funchal . . . . .	Imaculado Coração de Maria . . . . .	14	
	Monte . . . . .	15	
	Santa Luzia . . . . .	16	
	Santa Maria Maior . . . . .	17	
	Santo António . . . . .	18	
	São Gonçalo . . . . .	19	
	São Martinho . . . . .	20	
	São Pedro . . . . .	21	
	São Roque . . . . .	22	
	Sé . . . . .	23	
Machico . . . . .	Água de Pena . . . . .	24	
	Canical . . . . .	25	
	Machico . . . . .	26	
	Porto da Cruz . . . . .	27	
	Santo António da Serra . . . . .	28	
Ponta do Sol . . . . .	Canhas . . . . .	29	
	Madalena do Mar . . . . .	30	
Porto Moniz . . . . .	Ponta do Sol . . . . .	31	
	Achadas da Cruz . . . . .	32	
	Porto Moniz . . . . .	33	
	Ribeira da Janela . . . . .	34	
	Seixal . . . . .	35	
Ribeira Brava . . . . .	Campanário . . . . .	36	
	Ribeira Brava . . . . .	37	
Santa Cruz . . . . .	Serra de Água . . . . .	38	
	Tabua . . . . .	39	
	Camacha . . . . .	40	
	Canico . . . . .	41	
	Gaula . . . . .	42	
Santana . . . . .	Santa Cruz . . . . .	43	
	Santo António da Serra . . . . .	44	
	Arco de São Jorge . . . . .	45	
	Faial . . . . .	46	
	Santana . . . . .	47	
	São Roque . . . . .	48	
	São Roque do Faial . . . . .	49	
Ilha . . . . .	50		