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ACT

of July 20th, 2011,

amending the Act No. 321/2004 Coll.,

Act on Viticulture and Winegrowing and on Amendment of Certain Related Acts (Act on Viticulture and Winegrowing), as subsequently amended,

and Act No. 452/2001 Coll., on the Protection of Designations of Origin and Geographical Indications and on the Amendment of the Act on Consumer Protection, as subsequently amended

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SECOND PART

Amendment of the Act on the Protection of Designations of Origin and Geographical Indications

Art. III

The Act No. 452/2001 Coll., on the Protection of Designations of Origin and Geographical Indications, and on the Amendment of the Act on Consumer Protection, in the wording of the Act No. 131/2003 Coll., Act No. 501/2004 Coll., Act No. 221/2006 Coll. and Act No. 375/2007 Coll., is amended as follows:

1. In Section 1 paragraph (2) including footnote No.1 reads as follows:

“(2) Furthermore, the Act, based on the directly applicable European Union Regulations regulating protection of designations of origin and geographical indications¹⁾, regulates

¹⁾ Council Regulation (EC) No. 510/2006 of March 20th, 2006, on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

European Parliament and Council Regulation (EC) No. 110/2008 of January 15th, 2008, on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89.

Council Regulation (EC) No. 491/2009 of May 25th, 2009 amending Regulation (EC) No. 1234/2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

Commission Regulation (EC) No. 607/2009 of July 14th, 2009, laying down certain detailed rules for the implementation of Council Regulation (EC) No. 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labeling and presentation of certain wine sector products.”

- a) powers of administrative bodies regarding activities executed by the Member State based on the directly applicable European Union regulation,
- b) domestic procedure of submission of an application for registration of designation of origin and geographical indication having the origin in the Czech Republic, or, as the case may be, in the geographical area partially belonging to the territory of the Czech Republic (hereinafter referred to as the “cross-border geographical area”) in the extent stipulated by the directly applicable European Union regulation,
- c) domestic procedure in the case of change of specifications in the extent stipulated by the directly applicable European Union regulation,
- d) domestic procedure in the case of change of registration of designation of origin of wines to geographical indication of wines in the extent stipulated by the directly applicable European Union regulation,
- e) domestic procedure of submission of filing an application on cancellation of the registration of the designation of origin or geographical indication in the extent stipulated by the directly applicable European Union regulation.

2. Footnote No.1a is cancelled, including the references to the footnote.

3. In Section 10 (1) the wording “or the State Veterinary Administration.3)” are replaced by wording “, the State Veterinary Administration or Central Institute for Supervising and Testing in Agriculture 3)”

Footnote No.3 read as follows:

“3) Act No. 146/2002 Coll., on State Agriculture and Food Inspection Authority and amendments of certain related Acts, as subsequently amended.

Act No. 166/1999 Coll., on veterinary care and on amendment of certain related Acts (Veterinary Act), as subsequently amended.

Act No. 147/2002 Coll., on Central Institute for Supervising and Testing in Agriculture and on Amendment of Certain Related Acts (Act on the Central Institute for Supervising and Testing in Agriculture), as subsequently amended.“.

4. In the title of the Chapter VII, Section 18, Section 19 (1) and (2), Section 20, Section 21 (1) and (7), Section 22a (2), (5), and (6) and in Section 22b (2) and (7) the term “Community” is replaced by the term “European Union”.

5. In Section 19 (1) the wording “agricultural product or food produced or elaborated or prepared on the territory in the Czech Republic and such designation is used in connection with agricultural product or food in the Czech Republic” are replaced by the wording “products having the origin in the Czech Republic, or, as the case may be, in the cross-border geographical area, and such designation is used in the Czech Republic in connection with such product.”.

6. In Section 19(3) the second sentence is cancelled.

7. In Section 19 paragraph (5) is cancelled.

Actual paragraph (6) shall be marked as paragraph (5).

8. In Section 19 (5) the wording “European Community” are replaced by the wording “European Union”.

9. In Section 21 (1) the wording “Registry of protected designations of origin and protected geographical indications kept by the Commission 1a)” is replaced by the wording “registry kept by the European Commission (hereinafter referred to as the “Commission”)”.

10. In Section 21 paragraph (5) reads as follows:

“(5) In the case the objections regard the specification of the product, e.g. in connection with the relation between product and geographical neighborhood in which the products originates the Office asks the inspection body to issue enforceable award for the purpose of hand over of the application for Community registration.”

11. In Section 22 the paragraphs (1) and (3) are cancelled and, at the same time, the marking of paragraph (2) is cancelled.

12. In Section 22, Section 22a (8) a in Section 22b (8) the third sentence is replaced by the sentence “An appeal can be filed against this decision.”.

13. In Section 22a paragraph (1) reads as follows:

“(1) The application on amendment of the product specification with the origin in the Czech Republic, or, as the case may be, in the cross-border territory, shall be filed with the Office.“.

14. In Section 22a (2) and in Section 22b (2) the wording “Registry of protected designations of origin and protected geographical indications kept by the Commission 1a)” is replaced by the wording “registry kept by the Commission”.

15. In Section 22a (4) and in Section 22b (4) the term “domestic” is cancelled.

16. In Section 22a the paragraphs (7) and (9) are cancelled.

The actual paragraph (8) is to be marked as paragraph (7).

17. In Section 22b paragraph (1) reads as follows:

“(1) The application for cancellation of the registration of the product designation with the origin in the Czech Republic, or, as the case may be, in the cross-border territory, shall be filed with the Office.“.

18. In Section 22b paragraph (5) reads as follows:

“(5) If the steps pursuant to paragraph (4) do not result in elimination of discrepancy and the reason for the cancellation of the Community registration results from the product specification, e.g. from relation between product and geographical neighborhood in which the products originates, the Office asks the inspection body to issue enforceable award on the compliance with the conditions provided for by the directly enforceable European Union regulation.”

19. Section 22c including the title and footnote No. 8 reads as follows:

“Section 22c

Objections against the application for Community registration, its cancellation, or amendment of the designation specification from another State

If the objections against the application for Community registration, against the application for its cancellation, or against the application for amendment of designation specification come from another State and are to be used in the proceedings by the Commission through the

Body, they are to be submitted to the Office within one month before the end of the time limit⁸⁾ established by the directly applicable European Union regulation

Art. 7 (1) of the Council Regulation (EC) No. 510/2006 of March 20th, 2006, on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

Art. 118h of the Council Regulation (EC) No. 491/2009 of May 25th, 2009 amending Regulation (EC) No 1234/2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation).

Art. 17 (7) of the Council Regulation (EC) No. 110/2008 of January 15th, 2008, on the definition, description, presentation, labeling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89.“

PART THREE

Entry into force

Art. IV

This Act becomes valid and effective the first calendar day after its publication except of the provision of Art. I point 76, which becomes valid and effective as to January 1st, 2012.

Němcová b.h.

Klaus b.h.

Nečas b.h.

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