

[Unofficial translation]

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GOVERNMENT REGULATION

of 26 September 2012

establishing a form to document the origin of certain types of ethyl alcohol, distillate and certain types of spirit drinks

In order to implement Act No 61/1997 on ethyl alcohol and amending Act No 455/1991 on licensed trade (the Trade Licensing Act), as amended, and Act of the Czech National Council No 587/1992 on excise duty, as amended (the Alcohol Act), as amended by Act No 129/1999, Act No 22/2000, Act No 354/2003, Act No 186/2004, Act No 75/2006, Act No 37/2008, Act No 281/2009, Act No 95/2011, Act No 375/2011 and Act No 18/2012, and in order to implement Act No 110/1997 on foodstuffs and tobacco products and amending certain laws, as amended by Act No 166/1999, Act No 306/2000, Act No 119/2000, Act No 146/2002, Act No 274/2003, Act No 94/2004, Act No 316/2004, Act No 558/2004, Act No 392/2005, Act No 444/2005, Act No 229/2006, Act No 29/2007, Act No 120/2008, Act No 227/2009, Act No 281/2009 and Act No 375/2011, the Government orders the following:

Section 1

Subject-matter

(1) Further to directly applicable legislation of the European Union,¹ this Regulation establishes a form to document the origin² of food-grade ethyl alcohol, distillate and spirit drinks with an ethanol content of at least 20% by volume.

(2) This Regulation shall apply to

- a) ethyl alcohol of agricultural origin pursuant to Regulation (EC) No 110/2008 of the European Parliament and of the Council, as amended,
- b) distillate of agricultural origin pursuant to Regulation (EC) No 110/2008 of the European Parliament and of the Council, as amended,
- c) spirit drinks pursuant to Regulation (EC) No 110/2008 of the European Parliament and of the Council, as amended, with an ethanol content of at least 20% by volume.

(3) This Regulation shall not apply to spirit drinks with an ethanol content of at least 20% by volume produced before 1 January 2012. The date of production of a spirit drink with an ethanol content of at least 20% by volume shall be proven by the relevant food business operator.

¹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as amended.

Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, as amended.

² Section 13(2) of Act No 61/1997 on ethyl alcohol and amending Act No 455/1991 on licensed trade (the Trade Licensing Act), as amended, and Act of the Czech National Council No 587/1992 on excise duty, as amended (the Alcohol Act), as amended.

Section 11(2)(c) of Act No 110/1997 on foodstuffs and tobacco products and amending certain related laws, as amended.

Section 2
Document of origin form

The form to document the origin of food-grade ethyl alcohol, distillate or spirit drinks with an ethanol content of at least 20% by volume is attached as an Annex to this Regulation.

Section 3
Treatment of a document of origin

(1) A food business operator who has produced ethyl alcohol or distillate in the Czech Republic shall issue a certificate of origin therefor in accordance with Part 1a of the Annex to this Regulation, which shall include a test report from an accredited laboratory established in a Member State of the European Union or a State Party to the European Economic Area (hereinafter referred to as an “accredited laboratory”). The above food business operator shall deliver, to each customer who is a food business operator, a copy of the certificate in paper form bearing the stamp and signature of the responsible person, or electronically with an advanced electronic signature.³

(2) A food business operator who has imported ethyl alcohol or distillate produced outside the Czech Republic shall issue a certificate of origin therefor in accordance with Part 1b of the Annex to this Regulation, which shall include a test report from an accredited laboratory. The above food business operator shall deliver, to each customer who is a food business operator, a copy of the certificate in paper form bearing the stamp and signature of the responsible person, or electronically with an advanced electronic signature.³

(3) A food business operator who has imported a spirit drink produced outside the Czech Republic shall issue a certificate of origin therefor in accordance with Part 1c of the Annex to this Regulation. The above food business operator shall deliver, to each customer who is a food business operator, a copy of the certificate in paper form bearing the stamp and signature of the responsible person, or electronically with an advanced electronic signature.³

(4) A food business operator who has produced a spirit drink in the Czech Republic shall issue a certificate of origin therefor in accordance with Part 2 of the Annex to this Regulation, which shall include a copy of the certificate under Part 1a or 1b of the Annex to this Regulation, including a copy of a test report from an accredited laboratory, or under Part 3a of the Annex to this Regulation. The above food business operator shall deliver, to each customer who is a food business operator, a copy of the certificate in paper form bearing the stamp and signature of the responsible person, or electronically with an advanced electronic signature.³

(5) A food business operator who has delivered ethyl alcohol or distillate to another food business operator shall issue a certificate of origin therefor in accordance with Part 3a of the Annex to this Regulation, which shall include a copy of the certificate under Part 1a or 1b, including a copy of a test report from an accredited laboratory, or under Part 3a of the Annex to this Regulation. The above food business operator shall deliver, to each customer who is a food business operator, a copy of the certificate in paper form bearing the stamp and signature of the responsible person, or electronically with an advanced electronic signature.³ This shall not apply to a food business operator who has delivered ethyl alcohol or distillate to another food business operator by means of the procedure under paragraph (1) or (2).

³ Act No 227/2000 on electronic signatures and amending certain other laws (the Electronic Signature Act), as amended.

(6) A food business operator who has delivered a spirit drink to another food business operator shall issue a certificate of origin therefor in accordance with Part 3b of the Annex to this Regulation, which shall include a copy of the certificate under Part 1a or 1b, including a copy of a test report from an accredited laboratory, or under Part 3a of the Annex to this Regulation, and under Part 2 or Part 3b of the annex to this Regulation, or a copy of the certificate under Part 1c or Part 3b of the Annex to this Regulation. The above food business operator shall deliver, to each customer who is a food business operator, a copy of the certificate in paper form bearing the stamp and signature of the responsible person, or electronically with an advanced electronic signature.³ This shall not apply to a food business operator who has delivered a spirit drink to another food business operator by means of the procedure under paragraph (3) or (4).

Section 4

Common provisions

This Regulation has been notified in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended.

Section 5

Transitional provisions

The origin of food-grade ethyl alcohol, distillate and spirit drinks with an ethanol content of at least 20% by volume which have been put into circulation before the date of entry into effect of this Regulation shall be documented in the manner laid down in this Regulation within 60 days of the date of entry into effect of this Regulation.

Section 6

Effect

This Regulation shall enter into effect on the date of publication hereof.

Prime Minister:

Nečas, m.p.

Minister for Agriculture:

Bendl, m.p.

Annex to Government Regulation No 317/2012

Form to document the origin of food-grade ethyl alcohol, distillate or spirit drinks with an ethanol content of at least 20% by volume

1a. Food business operator's declaration of ethyl alcohol or distillate produced in the Czech Republic

Producer (first name and surname if a natural person, business name if a legal person)		Reg. No, if assigned:	
Place of business (if a natural person):			
Municipality:	Street, number:	Postcode:	Tel.:
Registered office (if a legal person):			
Municipality:	Street, number:	Postcode:	Tel.:
Type of ethyl alcohol/type of distillate:	Quantity of 100% ethanol (litres):	Batch number/Date of production/supply:	
Test report from an ISO 17025 accredited laboratory established in the EU or EEA, annexed to the declaration – in the form of an official translation into Czech			
Ethanol content (% vol.):	Methanol content (mg/l, relative to 100% by volume of ethanol):	2-propanol [isopropyl alcohol] content (mg/l, relative to 100% by volume of ethanol):	
Report identification number:	Laboratory identification and address:	Date of issue:	
Producer's responsible person:			
First name and surname:	E-mail:	Tel.:	
Date:	Stamp:	Signature:	

1b. Food business operator's declaration of ethyl alcohol or distillate produced outside the Czech Republic

Food business operator (first name and surname if a natural person, business name if a legal person)		Reg. No, if assigned:	
Place of business (if a natural person):			
Municipality:	Street, number:	Postcode:	Tel.:
Registered office (if a legal person):			
Municipality:	Street, number:	Postcode:	Tel.:
Type of ethyl alcohol/category of distillate:	Quantity of 100% ethanol (litres):	Batch number/Date of production/supply:	
Country of origin of ethyl alcohol, distillate:	Supplier:		
Test report from an ISO 17025 accredited laboratory established in the EU or EEA, annexed to the declaration – in the form of an officially certified translation into Czech			
Ethanol content (% vol.):	Methanol content (mg/l, relative to 100% by volume of ethanol):	2-propanol [isopropyl alcohol] content (mg/l, relative to 100% by volume of ethanol):	
Report identification number:	Laboratory identification and address:	Date of issue:	
Food business operator's responsible person:			
First name and surname:	E-mail:	Tel.:	
Date:	Stamp:	Signature:	

1c. Food business operator's declaration of a spirit drink marketed in the Czech Republic which has been produced outside the Czech Republic

Food business operator (first name and surname if a natural person, business name if a legal person)		Reg. No, if assigned:	
Place of business (if a natural person):			
Municipality:	Street, number:	Postcode:	Tel.:
Registered office (if a legal person):			
Municipality:	Street, number:	Postcode:	Tel.:
Trade name of spirit drink:		Category of spirit drink:	Batch number/date of production:
Size of immediate packaging, including % content of alcohol:	Quantity of immediate packaging (pcs):	Quantity of 100% ethanol (litres):	
Country of origin of spirit drink:	Supplier:		
Food business operator's responsible person:			
First name and surname:	E-mail:	Tel.:	
Date:	Stamp:	Signature:	

2. Food business operator's declaration of a spirit drink produced in the Czech Republic

Producer (first name and surname if a natural person, business name if a legal person)		Reg. No, if assigned:	
Place of business (if a natural person):			
Municipality:	Street, number:	Postcode:	Tel.:
Registered office (if a legal person):			
Municipality:	Street, number:	Postcode:	Tel.:
Trade name of spirit drink:	Category of spirit drink:	Batch number/date of production:	
Size of immediate packaging, including % content of alcohol:	Quantity of immediate packaging (pcs):	Quantity of 100% ethanol (litres):	
Producer's responsible person:			
First name and surname:		E-mail:	Tel.:
Date:		Stamp:	Signature:

3a. Food business operator's declaration of ethyl alcohol or distillate delivered to another food business operator

Food business operator (first name and surname if a natural person, business name if a legal person)		Reg. No, if assigned:	
Place of business (if a natural person):			
Municipality:	Street, number:	Postcode:	Tel.:
Registered office (if a legal person):			
Municipality:	Street, number:	Postcode:	Tel.:
Type of ethyl alcohol/category of distillate:	Quantity of 100% ethanol (litres):	Batch number/Date of production/supply:	of
Food business operator's responsible person:			
First name and surname:	E-mail:	Tel.:	
Date:	Stamp:	Signature:	

3b. Food business operator's declaration of a spirit drink delivered to another food business operator

Food business operator (first name and surname if a natural person, business name if a legal person)		Reg. No. , if assigned:	
Place of business (if a natural person):			
Municipality:	Street, number:	Postcode:	Tel.:
Registered office (if a legal person):			
Municipality:	Street, number:	Postcode:	Tel.:
Trade name of spirit drink:	Category of spirit drink:	Batch number/date of production:	
Size of immediate packaging, including % content of alcohol:	Quantity of immediate packaging (pcs):	Quantity of 100% ethanol (litres):	
Food business operator's responsible person:			
First name and surname:	E-mail:	Tel.:	
Date:	Stamp:	Signature:	