

ACT Nr. 242/2000, Sb. from 20.6.2000

on organic farming and on the amendment of the Act No. 368/1992 of the Col., On the administrative fees, as last amended.

The Parliament decided on the following Act of the Czech Republic:

PART FIRST

ORGANIC FARMING

CHAPTER I GENERAL PROVISIONS

§ 1

Subject of amendment

This Act establishes the conditions of management in organic farming and the conditions for production of organic foodstuffs. In addition, it regulates the system of certification for origin of organic products and organic foodstuffs and their labelling as well as the performance of control and supervision of the compliance with this law.

§ 2

The provisions of this law on organic farmer will be used, in the appropriate way, on organic beekeeper as well.

§ 3

Definition of terms

For the purpose of this law:

- a) organic farming means a special kind of farm management that takes care of the environment and its individual parts by establishing the limitations and prohibitions for use of matters and procedures that have an adverse effect on the environment, pollute or contaminate the environment or increase the risks of contamination of food chain and that increasingly takes care of the external manifestations and behaviour and welfare of reared farm animals¹⁾ in accordance with the requirements of the appropriate special legal regulation,²⁾
- b) organic farm means a closed management unit including the farm lands, farm buildings, operation installations and possibly also farm animals¹⁾ listed in § 4, Par. 2, serving to organic farming,
- c) organic product means a raw material of crop or animal origin obtained from organic farming and intended, on the basis of certification according to § 22, for production of organic foodstuffs,
- d) organic foodstuff³⁾ means a foodstuff produced under the conditions listed in this Act and complying with the requirements for quality and food safety established by the appropriate special legal regulations⁴⁾ and that was certified as organic foodstuff (§22),

¹⁾ § 3, Par. 1, Letter d) of the Act No. 166/1999 of the Col., On veterinary care and the amendment of some related acts (The Veterinary Act).

²⁾ Act No. 246/1992 of the Col., On protection against cruelty to animals, as last amended.

³⁾ § 2, Letter a) of Act No. 110/1997 of the Col., On foodstuff and tobacco products and on the amendment and supplementing of some related acts.

- e) organic operator means a person who carries out farming on organic farm⁵⁾ and is registered in accordance with this Act,
- f) organic beekeeper means a person who is not organic operator, keeps bees under the conditions of organic farming and is registered in accordance with this Act,
- g) producer of organic foodstuff is a person who produces organic foodstuffs for the purpose of their release into circulation,
- h) transition period means a period during that the conversion of conventional farming is being changed into organic farming,
- i) the shortest period of farm animal rearing⁶⁾ is a period during that farm animal¹⁾ listed in § 4, Par. 2, is reared in accordance with the conditions listed in this Act in order that its products can be labelled as organic products,
- j) release into circulation means an offer for sale, sale or other forms of offer for consumption, storing, packing, transportation for the needs of sale and imports for the purpose of sale,
- k) dose of medicinal products⁷⁾ or veterinary preparations⁸⁾ mean the amount of medicinal products beginning the start of treatment till a complete elimination of disease.

§ 4

(1) Organic farmer must not, simultaneously with the production of organic products, produce the same raw materials of crop or animal origin by the means of another farm production. A simultaneous production is prohibited on the organic farm. This provision does not relate to organic beekeeper.

(2) In organic farming, it is possible to rear only such kinds of farm animals¹⁾ that are established by the appropriate implementing legal regulation.

(3) Organic farmer must not produce, on the land parcels newly introduced in the conversion period (§ 7, Par. 4), the same crops as on the land parcels of the organic farm, with exception of grasslands and current perennial cultures.

⁴⁾ For example, the Act No. 110/1997 of the Col., as amended by the Act No. 119/2000 of the Col., Decree No. 294/1997 of the Col., On microbiological requirements on foodstuffs, means of their inspection and evaluation, as amended by the Decree No. 91/1999 of the Col., Decree No. 298/1997 of the Col. that establishes the chemical requirements on food safety of individual kinds of foodstuffs and foodstuff raw materials, conditions of their use, their labelling on packing, requirements on pureness and identity of additives and food supplements, and microbiological requirements on food supplements and additives, as last amended.

⁵⁾ § 2 of the Commercial Code.

⁶⁾ § 3, Par. 1, Letter b) of the Act No. 166/199 of the Col.

⁷⁾ § 2, Par. 1 of the Act No. 79/1997 of the Col., On the medicinal products and amendments and supplements of some related acts.

⁸⁾ § 3, Par. 1, Letter r) of the Act No. 166/1999 of the Col.

CHAPTER II ORGANIC FARMING

Part 1

Common provisions for crop and livestock production

Section 1 Registration of organic farming

§ 5

Introductory provisions

(1) The person who is going to carry out farming⁵⁾ on organic farm in accordance with this Act (bellow only “applicant”) is obliged to submit his application for registration of organic farming on organic farm in accordance with this Act (bellow only “registration”).

(2) The application for registration can be submitted for:

- a) crop production,
- b) crop production as well as for livestock production⁶⁾, or
- c) livestock production⁶⁾ if, in relations to organic farm, the decision on registration for crop production has already become legally valid.
- d) for beekeeping.

(3) The application for registration has to be submitted also by a person who is going to be considered organic beekeeper. The provisions on applicant will be used in the appropriate way.

§ 6

Application for registration

(1) The application for registration is submitted by the applicant to the Ministry of Agriculture (bellow only „Ministry“).

(2) The application has to contain the following information:

- a) The information on applicant:
 - 1. For a physical entity – his name, address of permanent residence, personal identity number or date of birth if the identity number is not issued, for a legal entity – its commercial name, address and identification number.
 - 2. A valid document in the officially certified copy authorising the applicant for carrying out a business.
- b) the information on the farm buildings and operation installations that the applicant will use for organic farming according to the records of the Land Register,⁹⁾ and
- c) the labelling of land parcels and clearly labelled maps of land parcels on those the applicant will carry out organic farming, according to the records of the Land Register⁹⁾, and a document on the ownership of land parcels, a lease contract or any other legal reason for farming¹⁰⁾ on the land parcels.

⁹⁾ The Act No. 344/1992 of the Col., On the Land Register of the Czech Republic (The Land Register Law), as last amended.

¹⁰⁾ For example, the Civil Code, § 8, Par. 10 and 11 of the Act No. 284/1991 of the Col., On the land amendments and the Land Register offices, as last amended.

(3) In case of the application for registration for crop production /§ 5, Par. 2, Letter a)/, the application contains, besides the information according to the Paragraph 2, also a suggested way of organic farming at least during the period of three subsequent years in the following extent:

- a) sowing order, kinds of crops, especially sowing of the crops intended for incorporation in the soil and serving for amelioration of soil (bellow only “green manure”),
- b) kinds doses and doses per year of all fertilisers, manure, soil conditioners,¹¹⁾
- c) the way and performed methods of plant protection and use of preparations¹²⁾ according to the appropriate obligatory registration, and
- d) the way of ensuring protection of organic farming against the adverse effects of farm activity (§ 10).

(4) In case of the application for registration for rearing⁶⁾ of farm animals /§ 5, Par. 2, Letter c)/, the application contains, besides the information according to the Paragraph 2, also a suggested way of organic farming, at least for a period of three subsequent years, in the following extent:

- a) the animal species, breeds,¹³⁾ individual list and numbers of heads of animals for individual species and age categories of farm animals, number of large cattle units per 1 ha of the farm land¹⁴⁾,
- b) a technology of farm animal rearing,⁶⁾ turnover of herd, the means of reproduction and livestock rearing, location of storing areas for farmyard manure, liquid manure and slurry, including the capacity and the period of possible storing and the means of their handling, and
- c) feedingstuff preservation and storing,¹⁵⁾ balance of feedingstuff, supplementing matters, used feedingstuff and premixes¹⁵⁾ including the own sources in percent, purchased feedingstuff in percent out of the total volume.

(5) In case of the application for registration for cultivation of plants and rearing⁶⁾ of farm animals /§ 5, Par. 2, Letter b)/, the application contains, besides the information according to the Paragraph 2, also the information according to the Paragraphs 3 and 4.

(6) If the applicant applies for registration of several organic farms, he/she presents in the application the general information listed in the Paragraphs 2, 3 or 4 for each organic farms separately.

(7) The applicant is obliged to provide the Ministry or a person listed in § 29 with a cooperation for the purpose of verifying the facts listed in the application.

(8) A submission of application is subject of the administrative fee according to the appropriate special legal regulation.¹⁶⁾

(9) The Ministry, for carrying out the professional actions and for obtaining information for making decision on the registration, can authorise a legal person listed in § 29.

(10) If the application is not complete or contains a clearly incorrect information, the

¹¹⁾ § 2 of the Act No. 156/1998, On fertilisers, soil conditioners, aid plant preparations and substrates and on agri-chemical testing of farm lands (the Act on Fertilisers).

¹²⁾ § 17 and 34 of the Act No. 147/1996 of the Col., On phytosanitary care and on the changes of some related acts.

¹³⁾ § 2, Letter i) of the Act No. ... /2000 of the Col., On plant and animal breeding and registration of farm animals and on the change of some related acts (the Breeding Act).

¹⁴⁾ § 2, Letter b), § 3, Par. 1, Letter a) of the Government Regulation No. 20/1992 of the Col. that establishes the means of calculation for the level of compensation for the live and dead inventories and for the supplies.

¹⁵⁾ § 2 of the Act No. 91/1996 of the Col., On feedingstuff.

¹⁶⁾ Act No. 368/1992 of the Col., On the administrative fees, as last amended.

Ministry will call the applicant for removing the defects of application within 60 days. If the applicant does not remove the defects within this period, the proceeding will be terminated.

(11) If it does not concern the case when, according to § 36, the period of conversion is fully included in favour of the applicant, then, if the application for registration is complying with all established requirements, the period of conversion starts beginning the day of delivery of the application for registration to the Ministry.

(12) A detailed arrangement of requirements for application and its attachments is listed in the appropriate implementing legal regulation.

§ 7

Conversion period

(1) The purpose of the conversion period is a transition of conventional farming into organic farming by the means listed in the application for registration, and ensuring elimination of influence of adverse effects of the previous farm activities on the farm land, countryside and environment.

(2) The length of conversion period is 2 years for arable land, meadows and pastures, 1 year for pastures and exercising areas for non-ruminants and 3 years for the current perennial cultures; for the purpose of this Act, perennial culture means vineyards, orchards and hop gardens.

(3) If, during the period of conversion, the area of land parcels is decreased in case of any change in the ownership of land parcels, in the lease contract for the land parcels or in any legal reason for farming,¹⁰⁾ under those the applicant submitted his application for registration, the applicant is obliged, within a reasonable period of time, to submit a written notice on such fact to the Ministry. The Ministry will make, within 30 days, an appropriate change in the list of persons included in the conversion period.

(4) If, during the period of conversion, the area of land parcels is extended in case of change in the ownership of land parcels, in the lease contract on the land parcels or in any other legal reason for farming¹⁰⁾, the applicant is obliged to submit to the Ministry the application for registration with regard to these new land parcels. For the application requirements as well as for the proceeding on it, there is valid the Provision of § 6 likewise with the fact that organic farmer has to provide the changes concerning his legal relationships to the appropriate land parcels.

(5) In case that, during the conversion period, there is made a change in the person who is going to carry out organic farming, the person who is still going to carry out organic farming on the appropriate land parcels is obliged, within a reasonable period of time, to give a written notice on such fact to the Ministry attaching the documents concerning their legal relationships to such land parcels. The Ministry will make an appropriate change in the list of persons included in the conversion period.

(6) In the period of conversion, the applicant has the same obligations as organic farmer, if this Act does not stipulate otherwise.

(8) The Ministry maintains a list of persons included in the period of conversion and a list of organic farmers including the information in accordance with § 6, Par. 2, Letter a), Point 1 with the information on the acreage of land parcels, and it publishes it in the Journal of the Ministry of Agriculture.

Decision on registration

(1) The Ministry will issue to the applicant, within 30 days beginning the end of conversion period (§ 7), a decision on the registration for cultivation of plants or for cultivation of plants as well as for rearing⁶⁾ of farm animals, if

- a) the applicant, in the period of conversion, fulfilled all requirements established by the Act and the appropriate implementing legal regulation and he did not derogate, by a significant way, from the plan of management that he had included in the application if this Act does not stipulate otherwise, and
- b) the applicant does not have any non-fulfilled requirement that was imposed to him by a legitimate administrative decision, issued on the basis of infringement of the appropriate special legal regulations¹⁷⁾ regulating the conservation of the environment components and that occurred in relation to farming on the farm land parcels or rearing⁶⁾ of farm animals.¹⁾

(2) If the application for registration submitted for rearing of farm animals in accordance with § 5, Paragraph 2, Letter c) complies with the established requirements, the Ministry will make a decision on it within 30 days beginning the date of its delivery.

(3) If the applicant submits the application for registration in accordance with § 7, Paragraph 4, the Ministry will issue its decision on the registration for cultivation of plants relating to these other land parcels within 30 days beginning the end of conversion period (§ 7) for these land parcels if the applicant fulfils the requirements established in the Paragraph 1, Letter a) and b).

(4) The decision on registration is being issued for an unlimited period of time and relates only to the information in accordance with § 6, Paragraphs 2, 3 or 4.

(5) The Ministry, within the period established in the Paragraph 1 or Paragraph 2, will refuse the application for registration if the applicant has not fulfilled the requirements established in the Paragraph 1.

(6) The Ministry will issue its decision on the cancellation of registration if:

- a) organic farmer requests so in written,
- b) it is found that organic farmer seriously or repeatedly infringed the requirements established by this Act,
- c) organic farmer has not submitted, within a reasonable period of time, the application for the change of decision for registration in accordance with § 9, Paragraph 1,
- d) there occurs such change of conditions that it is not possible any more to carry out farming in the organic way, or

¹⁷⁾ For example the Act No. 138/1973 of the Col., On waters (The Water Act), as last amended, the Act No. 114/1992 of the Col., On protection of nature and countryside, as last amended, the Act No. 334/1992 of the Col., On protection of farm land fund, as last amended, the Act No. 125/1997 of the Col., On waste materials, as last amended, the Act No. 147/1996 of the Col., the Act No. 246/1992 of the Col., as last amended, the Act No. 23/1962 of the Col., On hunting, as last amended, the Act No. 289/1995 of the Col., On forests and on the change and amendments of some acts (the Forest Act), as last amended, the Act No. 110/1997 of the Col., as amended by the Act No. 119/2000 of the Col., the Act No. 156/1998 of the Col., the Act No. 91/1996 of the Col., the Act No. 92/1996 of the Col., On varieties, seed and seedlings of cultivated plants, as last amended by the Act No. 357/1999 of the Col., the Act No. 132/1989 of the Col., On the protection of rights to the new varieties of plants and breeds of animals, as amended by the Act No. 93/1996 of the Col.

- e) there occurs an extinction of organic farmer or, in case of a physical entity, such person has died.

§ 9

Changes concerning the land parcels or persons on organic farms

(1) Organic farmer is obliged, in case of any change in the ownership of land parcels, the lease contract or in any other legal reasons or farming,¹⁰⁾ under those the decision on registration was issued, to submit, within a reasonable period of time, the application for the change of decision on registration.

(2) For the requirements of the application for the change of decision on registration as well as for the proceeding related to it, there is valid the provision of § 6 with the fact that organic farmer is obliged to provide changes concerning his/her legal relationships to the appropriate land parcels.

(3) The Ministry will change, on the basis of the application of organic farmer, in accordance with the Paragraph 1, its decision on the registration for organic farming on organic farm in case of the extension of the land parcels on those organic farmer will farm in the way of organic farming, within 30 days after elapsing of the conversion period for the land parcels newly included in the period of conversion or within 30 days after submitting the application if the decision on registration for cultivation of plants that relates to these land parcels has already entered into force.

(4) In case of transfer or transition of organic farm to any other legal or physical entity that carries out farming⁵⁾, this person is then obliged if such person is still going, on the given organic farm, to carry out organic farming, to submit, within a reasonable period of time, his/her application for the decision on registration. The Ministry will issue to the applicant its decision on registration within 30 days beginning the date of the application delivery. For the requirements of application as well as for the proceeding related to it, there is valid § 6 likewise.

Section 2

Limitation of adverse effects on organic farming

§ 10

(1) If the land parcels under organic farming are the neighbouring parcels to the land parcels that are not being farmed in the organic way, organic farmer has to adopt such measures that will diminish the risk of effects on the organically farmed parcels to the least possible extent and this will be done particularly through the hedges, separating grassland belts, windbreaks and routes.

(2) On organic farm, there is prohibited to cultivate or keep the genetically modified organisms.¹⁸⁾

(3) In organic farming, there is prohibited to use:

- a) genetically modified organisms and products¹⁸⁾ derived from them, with exception of medicinal products⁷⁾ and veterinary preparations,⁸⁾
- b) other materials and procedures for processing of organic products or organic foodstuffs than those established by the appropriate implementing legal regulation.

¹⁸⁾ § 2, Letter d and e) of the Act No. ... /2000 of the Col., On handling genetically modified organisms and products and on the change of some related acts.

Part 2
Special provisions for cultivation of plants

§ 11

- (1) When farming on the farm land, organic farmer is obliged:
- a) for the orchards and vineyards, to provide a vegetation cover that can be discontinued for a lack of moisture, because of incorporating organic matter in the soil or because of a weed control; the vegetation cover can be combined with covering arable land by a mulch material,
 - b) to take care of the land in the careful way, with regard to improving physical properties of the soil, its fertility and anti-erosion activity,
 - c) to use only such fertilisers, soil conditioners, aid plant preparations and substrates approved for organic farming by the appropriate implementing regulation,
 - d) to use only such propagation material¹⁹⁾ established for organic farming by the appropriate implementing regulation,
 - e) to use only such substances, procedures or preparations for plant protection²⁰⁾ included for organic farming by the appropriate implementing regulation,
 - f) by altering of the land parcels, to contribute to reduction of the weed population density, pathogens and plant pests, and maintain the rules of crop rotation established by the appropriate legal regulation,
 - g) during the cultivation of plants, to maintain a balanced sowing plan, focused on maintaining and increasing the fertility of soil and content of organic substances in the soil, ensuring nutrients for growth of plants and reduction of the lose of nutrients.

(2) When farming on the farm land, organic farmer is obliged to submit every year a written notice to the inspection body (§ 22, Paragraph 1) on his/her plan of sowing with a layout for the individual land parcels.

(3) The more detailed requirements in the scope of the Paragraph 1 for the cultivation of plants under the conditions of organic farming are established by the appropriate implementing legal regulation.

§ 12

Use of fertilisers, farmyard manure, soil conditioners, aid plant preparations and substrates

(1) All farmyard manure,¹¹⁾ that is not originated from organic farm or from the conversion period has to be composted or fermented.

- (2) It is prohibited to use:
- a) farmyard manure that originates from the system of keeping poultry or rabbits in the cages or from the systems where the farm animals are continuously kept on the concrete strip floors,
 - b) sludge from the purification plants and waste waters with the exception of sludge and waste water from the own organic farm if they comply with the requirements of the special legal regulations.²¹⁾

¹⁹⁾ § 2, Letter g) of the Act No. 92/1996 of the Col.

²⁰⁾ § 2, Paragraph 7 and § 17 of the Act No. 147/1996 of the Col.

²¹⁾ The Act No. 156/1998 of the Col.

The Act No. 125/1997 of the Col., as last amended.

(3) The details on the use of fertilisers, farmyard manure, soil conditioners, aid plant preparations and substrates¹¹⁾ in organic farming are established by the appropriate implementing legal regulation.

§ 13

When operating organic farm, it is prohibited:

- a) to use, on the arable land and perennial grasslands, in the farmyard manure¹¹⁾, a higher average dose of nitrogen than 150 kg per 1 ha per a year, on the non-renewed meadows and pastures, a higher dose in the farmyard manure¹¹⁾ than 85 kg of nitrogen per a year,
- b) to burn straw, grass matters and matters from the maintenance of perennial cultures by a non-controlled flame,
- c) to use the chemical starters for composting.

Part 3

Special provisions for rearing of farm animals

§ 14

(1) Organic farmer is obliged:

- a) to rear only such species and breeds of farm animals adapted to local conditions and with regard to keeping their health, to use natural systems of rearing⁶⁾ and maintain the conditions of welfare and protection of animals against suffering, pain and health damage in accordance with the requirements of the appropriate legal regulation,²⁾
- b) to use only such feedingstuff, additives and premixes¹⁵⁾ established for organic farming by the appropriate implementing legal regulation,
- c) to ensure nutrition of ruminants preferably through the production of feedingstuff¹⁵⁾ from the multi-annual forage crops and perennial grasslands of the organic farm,
- d) to use medicinal preparations⁷⁾ and veterinary preparations⁸⁾ under the conditions established by the appropriate implementing legal regulation,
- e) to create the conditions of health protection, disease prevention and care of farm animals and their welfare in organic farming under the conditions established by the appropriate implementing legal regulation,
- f) to ensure for farm animals that the means of their rearing and life conditions correspond to their ethological and physiological needs in the way established by the appropriate implementing legal regulation,
- g) to ensure that in case of livestock production, total number of heads of farm animals¹⁾ reared on organic farm does not exceed 1.5 large cattle unit per 1 ha of farm land,¹⁴⁾
- h) in case of a disease of farm animals or suspicion about it, to ensure immediately an action of veterinarian, and according to a result of examination, to use preferably the natural and homeopathic preparations,²²⁾
- i) to ensure a reproduction based on the principle of the closed turnover of herd and flock, in case of necessity, also through some other means, under the conditions established by the appropriate implementing legal regulation,
- j) to ensure that storing facilities for farmyard manure, liquid manure and slurry have a sufficient capacity and do not endanger the environment and natural resources,
- k) to use preferably a natural way of animal breeding,
- l) to ensure that bedding is made of straw or any other appropriate natural material.

²²⁾ § 2, Paragraph 8 of the Act No. 79/1997 of the Col.

(2) For organic farming, it is prohibited:

- a) to carry out, because of the other than health reasons, the treatments changing appearance of farm animal or function of its individual organs and organ systems with exception of treatments and under the conditions established by the appropriate implementing legal regulation.
- b) a permanent way of rearing farm animals in the closed facilities without any access to an exercising area or to a pasture,
- c) a permanent fixed housing of cattle and keeping animals in the cages,
- d) to heat the facilities for keeping ruminants, adult poultry and pigs, with exception of keeping piglets,
- e) to use concrete strip floors, with exception of concrete strip floors in the movable facilities for keeping poultry and concrete floors in the collecting place for excrements in the permanent facilities for keeping poultry and the cots for keeping rabbits,
- f) to introduce into circulation the livestock products of farm animals treated by the medicinal preparations⁷⁾ and veterinary preparations⁸⁾ in the course of treatment and in the established withdrawal period²³⁾ after the end of medicinal preparation application;⁷⁾ if this period is not established, minimally after elapsing 48 hours,
- g) to feed young animals of mammals by the feed mixtures¹⁵⁾ prepared from evaporated milk,
- h) to feed young animals in the forced way,
- i) to use medical preparations²⁴⁾ and hormones for synchronisation of mating season,
- j) to use hormone substances and other interventions into a natural growth and development of farm animals with exception of treatment of farm animals according to a diagnosis established by a veterinarian,
- k) to use supplementing substances as stimulators of growth, anticoccidics and chemoterapeutics²⁵⁾ for the healthy farm animals,
- l) to use the methods of embryo transfers for reproduction,
- m) to feed farm animals by the products of farm animals treated by antibiotics or hormone substances, within a withdrawal period established by the producer of medicinal preparations.

(3) The details on requirements for rearing⁶⁾ of farm animals under the conditions of organic farming are established by the appropriate implementing legal regulation.

§ 15

Shortest permissible period of farm animal rearing

(1) The shortest permissible period of farm animal rearing⁶⁾ on organic farming is established in dependence on the kind of farm animal with regard to its life cycle for the purpose to remove the effect of adverse influence of a previous farming activity on farm animals. For the farm animals that hatched or were born on the organic farm, there is not established any shortest period of farm animal rearing⁶⁾.

²³⁾ § 3, Paragraph 1, Letter s) of the Act No. 166/1999 of the Col.

²⁴⁾ § 2, Paragraph 3 of the Act no. 79/1997 of the Col.

²⁵⁾ § 3, Paragraph 7 of the Act No. 91/1996 of the Col.

(3) The shortest periods of farm animal rearing²⁶⁾ for the individual farm animals are established by the appropriate implementing legal regulation.

Part 4

Special requirements for collection of plants and their fruit, beekeeping and fish farming

§ 16

Collection of plants and their fruit

(1) If the herbs and fruit were collected or harvested in the open countryside they are considered the organic products in accordance with this Act if the land parcels from those they were collected or harvested:

- a) were not, in previous 3 years, treated by the other means than those listed for organic farming in the appropriate implementing legal regulation, and
- b) the collection in given area does not disturb the species diversity /§ 19, Par. 9, Letter c)/.

(2) The collected herbs and their fruit are not labelled according to § 23.

§ 17

Bees

(1) When carrying out beekeeping under the conditions of organic farming, organic farmer is obliged to ensure that the sites for the bee colonies in the period from March 1 to September 30 of current year are located on the territory of organic farm at the site that has, within 3 km from it, an access to water and the sources of nectar, honey dew and pollen predominantly:

- a) from the crops and perennial cultures cultivated in accordance with the conditions established by this Act and by the appropriate implementing legal regulation, or also
- b) from natural vegetation, farm land parcels with the ordered regime of management as, for example, the protected landscape regions, national parks, protective belts of 1st and 2nd level,²⁶⁾ and where there are not located any large industrial agglomerations, city centres, motorways, waste disposal sites, facilities for combustion of waste.

(2) The details on organic beekeeping are established by the appropriate implementing legal regulation.

§ 18

Fish

(1) When carrying out fish farming in organic farming on organic farm organic farmer is obliged to ensure that:

- a) seed fish and fish are kept in the natural way under the use of natural sources,
- b) nutrition sources for additional feeding of fish originate from organic farming; there can be used for additional feeding of fish only the products of plant origin,
- c) there are used only natural forms of calcium for liming ponds,

²⁶⁾ § 14 of the Act No. 114/1992 of the Col.

§ 19 of the Act No. 138/1973 of the Col., as amended by the Act No. 14/1998 of the Col.

d) fertilisation of ponds is carried out by the farmyard manure¹¹⁾ established for organic farming (§ 12).

(2) When carrying out fish farming under the conditions of organic farming it is prohibited to apply the preparations for plant protection²⁰⁾ to reduce the development of water and water bank plants.

(3) The details on the organic way of fish farming is established by the appropriate implementing legal regulation.

CHAPTER III PRODUCTION OF ORGANIC FOODSTUFFS

§ 19

(1) Each person who is going to start the production of organic foodstuffs, is obliged to give a notice on this fact immediately to the Ministry. This notice has to contain the following:

- a) for a physical entity, his name, surname, permanent residence, personal identity number or date of birth if the personal identity number is not issued, for a legal entity, its commercial name, residence and identification number,
- b) location of operation facility, possibly of the farm land parcel where production of organic foodstuffs takes place,
- c) nature of production of organic foodstuffs and kinds of foodstuffs.

(2) The Ministry maintains the list of producers of organic foodstuffs and publishes it in the Journal of the Ministry of Agriculture.

(3) For production of organic foodstuffs, there can be used, besides the organic products, the additives²⁷⁾ and processing aids²⁸⁾, also the raw materials of farm origin not originating from organic farming or from the conversion period at the quantity that must not exceed 30%, and under the conditions listed in the appropriate implementing legal regulation.

(4) The calculation of percentual share of individual components is established by the appropriate legal regulation.

(5) The additives²⁷⁾, processing aids²⁸⁾ and raw materials of farm origin, not originating from organic farming or from the conversion period that can be used for production of organic foodstuffs are established by the appropriate legal regulation.

(6) The producer of organic foodstuffs is obliged, when producing organic foodstuffs and storing them, to use only such processing procedures, materials and means for disinfecting and cleaning of production facilities and warehouses that are established by the appropriate implementing legal regulation.

(7) The producer of organic foodstuffs is obliged to ensure that there does not occur any mixing or exchange of organic products or organic foodstuffs with/by the other products or foodstuffs.³⁾

(8) A simultaneous production of foodstuffs³⁾ and organic foodstuffs has to be separated with regard to the production time and area, particularly, the identification of production doses has

²⁷⁾ § 2, Letter i) of the Act No. 110/1997 of the Col.

²⁸⁾ § 2, Letter k) of the Act No. 110/1997 of the Col.

to be ensured. The information on production of organic foodstuffs has to be clearly registered as required. The details on such registration and on the simultaneous production are established by the implementing legal regulation.

(9) The producer of organic foodstuff is obliged, when using organic products obtained by the collection of herbs and fruit in the open countryside, to prove from the selected collections that these organic products comply with the requirements established in § 16, Par. 1. This fact has to be documented by:

- a) a statement of honour of the collector on the date and quantity of collection and the map with marking parcels of collection,
- b) a statement of honour by the user of the land parcels that on the parcels of collection, he has not used during the last 3 years any substances that are not approved for organic farming,
- c) a statement of district municipality office, according to a given place of collection, that the collection of herbs and fruit in the given area does not have any adverse effect on the species diversity.

(10) The requirements for the statements of honour in accordance with the Paragraph 9 are established by the implementing legal regulation.

CHAPTER IV REQUIREMENTS RELATED TO HANDLING ORGANIC PRODUCTS AND ORGANIC FOODSTUFFS, THEIR LABELLING, IMPORTS AND REGISTRATION

§ 20

(1) Everybody who is going to release into circulation organic products or organic foodstuffs, if does not concern producer of organic foodstuffs or organic farmer, is obliged to submit a written notice on this fact immediately to the Ministry. This notice has to contain, for a physical entity, his name, surname, address of permanent residence, personal identity number or date of birth if the personal identity number is not issued, for a legal entity, its commercial name, address of residence and identification number. The Ministry maintains a list of these entities and publishes it in the Journal of the Ministry of Agriculture.

(2) A person who is releasing organic products or organic foodstuffs into circulation is obliged:

- a) to use the procedures, materials and means established in the appropriate implementing legal regulation,
- b) to maintain a registration on the kind and quantity of organic products and organic foodstuffs that purchases and a list of persons from whom he purchases them,
- c) to ensure that there does not occur any mixing or exchange of organic products or organic foodstuffs with/by the other products or foodstuffs.³⁾

§ 21

Requirements for post-harvest treatment, storing and transportation

(1) Organic products and organic foodstuffs have to be stored and transported separately from the other raw materials and foodstuffs,³⁾ in the facilities and under the conditions that allow their unambiguous identification and maintaining their quality. They can be transported only in the suitable packing materials or containers, sealed in the way that prevents from the exchange of their content if does not concern the transportation carried out between the organic farmers, producers of organic foodstuffs or distributors. The storing facilities can be treated only by the means for disinfecting and cleaning of production and storing facilities, listed in the appropriate implementing legal regulation.

(2) Organic farmer and producer of organic foodstuffs is obliged to ensure that it

is prevented from:

- a) a contamination of organic products by the combustion gases during drying,
- c) a post-harvesting treatment of products by the chemical preparations in the facilities where the organic products are being stored.

(3) The appropriate implementing legal regulation establishes the detailed requirements for storing and transportation of organic products and organic foodstuffs.

§ 22

Certification of origin for organic products and organic foodstuffs

(1) A legal entity that the Ministry concluded the contract with in accordance with § 29, and if this contract is not concluded, then the Ministry (bellow only „inspection body“) will issue to an organic operator the certificate on origin of organic product or to a producer of foodstuffs the certificate on organic foodstuff if such operator fulfilled the requirements established by this Act and the appropriate implementing legal regulation.

(2) The inspection body will not issue to an organic farmer the certificate on origin of organic product or to a producer the certificate on organic foodstuff if:

- a) the operator has not fulfilled the requirements of this Act and the appropriate implementing legal regulation,
- b) when carrying out livestock production, with exception of vaccination and treatment against parasites, a farm animal obtains more than 3 doses of a medicinal product⁷⁾ or veterinary preparation,⁸⁾ for those its producer established a withdrawal period during 1 year of life, or more than one dose if the life cycle of animal is shorter than 1 year,
- c) organic farming or production of organic foodstuffs were seriously adversely affected as a result of flooding or any other emergency situation.

(3) The certificate of origin on organic product as well as the certificate on organic foodstuff are issued by the inspection body within 30 days from the date of inspection, for crop products no later than by the date of harvest of the given crop, and they are issued for 1 calendar year. Organic operator and/or producer of organic foodstuffs is obliged to maintain this certificate within the period established in § 27, Par. 5.

(4) A denial to issue the certificate has to be done in written and has to be justified, and has to be issued within 30 days from the date of inspection, for crop products no later than by the date of harvest of the given crop. The inspection body will hand over a copy of the certificate to organic operator or producer of organic foodstuffs.

(5) Organic operator and/or producer of organic foodstuffs is obliged to hand over a copy of the certificate of origin on organic product or the certificate on organic foodstuff when releasing the organic product or organic foodstuffs into circulation, to a person who is releasing them into circulation.

(6) The requirements of certificate are established by the appropriate implementing legal regulation.

(7) The certification is not governed by the Administrative Procedure Code²⁹⁾.

§ 23

Labelling of organic products

²⁹⁾ The Act No. 71/1967 of the Col., On administrative proceeding (The Administrative Procedure Code), as amended by the Act No. 29/2000 of the Col.

(1) Organic product that serves as a raw material for production of organic foodstuffs will be labelled as organic in the way that there will always be included, together with its name, the word

„bio“ and the identification code of the inspection body and if the nature of organic product does not exclude so also a pictorial symbol (§ 25, Par. 1). In this way, it is possible to label only a crop or livestock product,³⁰⁾ that the inspection body issued the certificate of origin for.

(3) It is prohibited to label a crop or livestock product,³⁰⁾ for those the certificate of origin of organic product was not issued, by the word „bio“ or „eko“ or by a pictorial symbol (§ 25, Par. 1) or by any other information referring to environmental, organic, natural way of farm production.

(4) In the conversion period, if the conversion period lasted for at least 12 months before the harvest, a crop product will be labelled also by the words „product from the period of conversion to organic farming“ in the colour, size and style of letters that must not be more prominent than the labelling of product according to the appropriate special legal regulations;³¹⁾ the wording „organic farming“ must not be larger than the words „product from the conversion period to“.

(5) The livestock products³⁰⁾ can be labelled in accordance with the Paragraph 1 only after elapsing of the shortest period of time for rearing of the farm animal from that they originate under assumption that the decision on registration for cultivation of plants has already taken effect.

(6) In the period of conversion, the livestock products³⁰⁾ can be labelled in accordance with the Paragraph 3 after elapsing of the shortest period of time for rearing⁶⁾ of the farm animal from that they originate.

§ 24

Labelling of organic foodstuffs

(1) Organic foodstuff, during that production, more than 95 percent of weight or volume of organic products of additives²⁷⁾ and processing aids²⁸⁾ were used and the inspection body issued the certificate on organic foodstuff on, the producer of organic foodstuffs, besides the requirements established by the appropriate special legal regulations³²⁾, will label it also by the pictorial symbol (§ 25, Par. 1) and identification code of the inspection body; if the name of foodstuff does not preclude so, also by the word „bio“.

(2) It is prohibited to label the foodstuff³⁾ that was not certified by the certificate on organic foodstuff by the word “bio” or “eko” or by a pictorial symbol (§ 25, Par. 1) or by any other information referring to environmental, organic, natural or biological way of production.

(3) If, during the production of organic foodstuff, there was used less than 95% but at least 70% of the weight or volume of organic products of additives²⁷⁾ and processing aids,²⁸⁾ the organic foodstuff will be labelled, besides the information established in the Paragraph 1, also by the information on the percentual content of components of farm origin originating from organic farming or from the period of conversion. This information must not be made in colour, size and style of letters that are more prominent than the labelling in accordance with the appropriate special legal regulations.³²⁾

³⁰⁾ § 3, Par. 1, Letter 1) of the Act No. 166/1999 of the Col.

³¹⁾ For example § 25 of the Act No. 92/1996 of the Col., as amended by the Act No. 357/1999 of the Col.

³²⁾ For example § 6 and the following provisions of the Act No. 110/1997 of the Col., as amended by the Act No. 119/2000 of the Col. and its implementing legal regulations, the Act No. 115/1995 of the Col. , On the vineyards and wine production and on the amendments of some related legal regulations, Decree No. 189/1995 of the Col. that describes some provisions On vineyards and wine production and on the change of some related legal regulations.

(3) The calculation of percentual number of individual components and the other details on labelling are established by the appropriate implementing legal regulation.

§ 25

(1) A form of the pictorial symbol that is used for labelling of organic products and organic foodstuffs is established by the appropriate implementing legal regulation. This pictorial symbol can be used only for the purpose of this Act and in accordance with it and it is not governed by any special legal regulation.³³⁾

(3) When labelling organic products and organic foodstuffs or when promoting them, it must not be included that these represent a guarantee of a higher organoleptic, nutrition and health-supporting quality.

§ 26

Imports and exports of organic products and organic foodstuffs

(1) Everybody who imports (bellow only „importer“) organic products or organic foodstuffs is obliged to present, within a reasonable period of time, to a person who introduces organic products or organic foodstuffs into circulation and to the inspection body, the certificate on organic origin of organic product or the certificate on organic foodstuff. The importer is obliged to maintain this certificate for 2 years.

(2) A delivery of organic products or organic foodstuffs has to be accompanied by the certificate on organic origin of organic product or organic foodstuff. The appropriate implementing legal regulation establishes a list of countries and their inspection bodies those certificate is considered equal to the certificate in accordance with this Act.

(3) If the importer does not prove organic origin of organic product or organic foodstuff, it is not possible to label such product as organic product or a foodstuff³⁾ as organic foodstuff. If this permission is not observed the importer is obliged to remove such labelling at his own expenses.

(4) On the request of the person who is going to export organic products or organic foodstuffs, the Ministry will issue the certificate for export of organic product or the certificate for export of organic foodstuff. This certificate has to accompany the delivery of goods to its first consignee. The requirements on the certificate are established by the appropriate implementing legal regulation.

§ 27

Registration

- (1) Organic operator is obliged to maintain:
- a) the records on feedingstuff, supplementing substances and premixes,¹⁵⁾ that were used by the operator in organic farming,
 - b) the records on using medicinal products⁷⁾ and veterinary preparations⁸⁾ for farm animals,
 - c) a registration sheet of farm animals,
 - d) the daily records on direct sale of organic products from organic farm to the end consumer,
 - e) the records on cultivated plants, vegetation cover and soil cultivation.

(2) Organic operator, producer of organic foodstuffs and a person who introduces into

³³⁾ The Act No. 137/1995 of the Col., On the brand names, as last amended.

circulation the organic products or organic foodstuffs are obliged to maintain the records on the kind, quantity and the consignees of all purchased organic products and organic foodstuffs and keep them.

(3) The provisions of the Paragraph 2 does not relate to the persons who store, distribute or sell organic products in the packing intended for the end user and to the cases when organic foodstuff is separated by weighing or separated from a larger packing directly in front of the end user.

(4) Organic operator, producer of organic foodstuffs and a person who introduces into circulation the organic products or organic foodstuffs are obliged, upon the request of the inspection body, to present the records maintained in accordance with this Act and the registration that are obliged to maintain in accordance with the appropriate special legal regulations.³⁴⁾

(5) Organic operator, producer of organic foodstuff or a person introducing these organic products or organic foodstuffs into circulation are obliged to maintain the factual and financial records on organic farming when cultivating crops and rearing⁶⁾ farm animals in accordance with the Paragraph 1 and the other, by this Act imposed registrations, for 5 years after elapsing of the calendar year in that they were made.

(6) The details on the system of registration are established by the appropriate implementing legal regulation.

CHAPTER V INSPECTION SYSTEM

§ 28

The supervision on the compliance with this Act is carried out by the Ministry.

§ 29

(1) The Ministry can, on the basis of the results of selection procedure in accordance with the appropriate special legal regulation³⁵⁾, to conclude a contract with a legal entity (bellow only „authorised person“), on the basis of which, the authorised person is authorised for granting the certificate on origin of organic product or the certificate on organic foodstuff, to carry out the inspections and other professional activities. A condition for it is that:

- a) the authorised person has the technical and administrative tools corresponding to an assumed kind and scope of activity,
- b) the employees of the authorised person have a special education and practise in accordance with the Paragraphs 2 and 3 and comply with the requirement of independence in accordance with the Paragraph 4.

(2) A physical entity carrying out the inspection of the person included in the list of persons included in the period of conversion or of organic operator has to have at least a complete secondary school special education³⁶⁾ in the area of farming and forestry management or veterinary science³⁷⁾ and at least for 5 years

³⁴⁾ For example, § 29, Par. 3 of the Act No. 147/1996 of the Col., § 9, Par. 5 of the Act No. 156/1998 of the Col.

³⁵⁾ The Act No. 199/1994 of the Col., On placing public orders, as last amended.

³⁶⁾ § 8, Par. 2 of the Act No. 29/1984 of the Col., On the system of basic schools, secondary schools and higher special schools (The School Act), as last amended.

³⁷⁾ The Appendix I, Section C of the Decree No. 354/1991 of the Col., On the secondary schools, as amended by the Decree No. 187/1992 of the Col.

of a special practise or university education³⁸⁾ of the appropriate area and at least 3 years of a special practise.

(3) A physical entity carrying out the inspection of the producer of organic foodstuffs or the person who releases the organic products or organic foodstuffs into circulation has to have at least a complete secondary special education³⁶⁾ in the area of farming and forestry management or food industry³⁷⁾ and at least 5 years of a special practise or university education³⁸⁾ in the appropriate area and at least 3 years of a special practise.

(4) A person carrying out the inspection must not:

- a) be a producer of organic foodstuffs or the person who introduces organic products or organic foodstuffs into circulation, with exception of organic operator,
- b) to carry out the inspection at organic operator, producer of organic foodstuffs or the person who releases organic products or organic foodstuffs into circulation who was provided by such person with an extension service in the three last years,
- c) to carry out the inspection in the district where he has a permanent or temporary residence,
- d) to carry out the inspection at his/her close persons,³⁹⁾ or
- e) to carry out the inspection at one place for more than 3 subsequent years.

(5) The person carrying out the inspection is obliged to maintain confidentiality on the facts obtained when carrying out the inspection. This does not affect the possibility of publishing the information on the results of certification.

§ 30

(1) The contract in accordance with § 29, Par. 1, will be concluded by the Ministry for an unlimited period of time. This contract has to contain the reasons under those the Ministry can submit a notice on contract termination that especially include a non-compliance with the obligations in accordance with the Paragraph 2 or a non-compliance with the conditions under those the contract with the authorised person was concluded and a notice period. The requirement of the contract is also an agreement on payment of costs in accordance with § 31.

(2) The authorised person is obliged:

- a) besides the unannounced visits, at least once a year, to carry out an announced inspection:
 - 1. of the compliance with the conditions established by the Act for organic farming at the persons from the list of persons included in the conversion period and at organic operators, the inspection is carried out in the vegetation period,
 - 2. of the producers of organic foodstuffs and the persons who release into circulation the organic products or organic foodstuffs,
- b) to make the complete records on all inspections carried out and register such records, including a map documentation, and maintain them for the period established in § 27, Par. 5; to hand over a copy of the records on inspection to the inspected person,
- c) to issue the certificate of origin on organic product and the certificate on organic foodstuff under the conditions established by this Act,
- d) to inspect if the organic products and organic foodstuffs that were certified are properly labelled in accordance with this Act,
- e) always as of January 1, to present to the Ministry a summarising report on the inspections carried out; the Ministry will publish the report in the Journal of the Ministry of Agriculture,

³⁸⁾ § 55 and 57 of the Act No. 111/1998 of the Col., On universities and on the amendment and supplement of the other acts (The Act on Universities).

³⁹⁾ § 116 of the Civil Code

f) to facilitate for the appropriate employees of the Ministry the access into his/her object, to present them on their request a documentation related to his/her activity and provide them with the information and cooperation necessary for carrying out the inspection.

(3) If the authorised person finds out any failures in case of the inspection in accordance with the Paragraph 2, Letter a), he/she is obliged to suggest, within a reasonable period of time, to the Ministry imposing a penalty or any other special measure.

(4) Organic operator, producer of organic foodstuffs or the person who releases into circulation the organic products or organic foodstuffs (bellow only “inspected person”) are obliged to provide the inspection body with the required documents and cooperation for the purpose of verification of the facts critical for the inspection.

(5) The inspection body is authorised, after giving a notice, for the entry into the facilities where organic products and organic foodstuffs are being produced, transported or released into circulation and requesting from the producers of organic foodstuffs, importers and the persons who release into circulation the organic products or organic foodstuffs, the necessary documents, information and necessary cooperation for a non-problematic and fast performance of their activity, including taking samples.

(6) Upon the completion of inspection, the inspection body will draft an inspection report that contains particularly a description of discovered facts including the failures and it will hand over a copy of the report to the inspected person who confirms its receipt by its signature.

(7) A detailed arrangement of the requirements on the person with whom this contract, in accordance with § 29, Par. 1, can be concluded, is established by the appropriate implementing regulation.

§ 31

Compensation of costs

(1) The compensation of costs for the activities related to the inspection on the compliance with the requirements established by the Act for organic farming and in the period of conversion is provided to the inspection body by the inspected person.

(2) The compensation of necessary costs for the activities associated with the inspection of the compliance of the requirements established by the Act for the producers of organic foodstuffs and the persons releasing into circulation organic products and organic foodstuffs is provided to the inspection body by the inspected person.

(3) If, during the unannounced inspection, there were discovered no failures, the inspected person does not provide any compensation of costs.

(4) The compensation of costs for the activities associated with the certification is provided to the inspection body by the organic farmer or the producer of organic foodstuffs.

§ 32

Complaint against non-granting of the certificate

(1) The objections against non-granting of the certificate by the authorised person can be submitted within 15 days beginning the end of 30 days period for granting of the certificate or beginning the delivery of the notice on non-granting of the certificate by:

- a) organic operator, or
- b) producer of organic foodstuffs.

(2) The authorised person will make a decision on the objections against non-granting of the certificate by the authorised person within 30 days. If the complaining person does not agree with the settlement of objections such person can submit his complaint to the Ministry. The complaint can be submitted by the complaining person within 15 days beginning the date of delivery of the result of objections settlement or within 15 days beginning the end of period in that the authorised person was supposed to make a decision on the objections. The Ministry will make a final decision within 30 days beginning the date of delivery. The decision making of the Ministry is not governed by the Administrative Procedure Code.²⁹⁾

(3) A complaint submitted against non-granting of the certificate by the Ministry will be handled by the Ministry in the period and in the way that are in accordance with the Paragraph 2.

§ 33

Penalties

(1) A penalty to the amount of 50 000 CZK will be imposed by the Ministry to the person included in the list of persons in the conversion period or to organic operator who:

- a) performed simultaneously organic farming and conventional farming (§ 4, Par. 1) or infringed his/her obligation established in § 4, Par. 3,
- b) reared on his organic farm the other farm animals¹⁾ than those established for organic farming (§ 4, Par. 2),
- c) on his organic farm, cultivated or kept genetically modified organisms¹⁸⁾ or used genetically modified organisms and products¹⁸⁾ from those they originate, with exception of medicinal products⁷⁾ and veterinary preparations⁸⁾ /§ 10, Par. 2 and § 10, Par. 3, Letter a)/,
- d) used materials or procedures not approved for processing of organic products or organic foodstuffs /§ 10, Par. 3, Letter b),
- e) infringed his obligation established in § 11, Par. 1, Letter c), d) or e),
- f) infringed his obligation established in § 12, Par. 1 or 2,
- g) infringed his obligation established in § 13 or 14,
- h) infringed his obligations established in § 17, 18, 19 or 21,
- i) did not properly maintain registration established by this Act (§ 27), or
- j) will not fulfil his obligation established by the appropriate special measure (§ 34).

(2) A penalty up to the amount of 10 000 CZK will be imposed by the Ministry to organic operator who:

- a) did not label organic product that serves as a raw material for production of organic foodstuffs in accordance with § 23, or
- b) in the course of withdrawal period established for organic farming when treating selected animals by antibiotics, labelled their products in accordance with § 23 or 24.

(3) A penalty up to the amount of 20 000 CZK will be imposed by the Ministry to the

producer of foodstuffs who:

- a) did not prove, on the request of the inspection body, that herbs and fruit that he used when producing organic foodstuffs as organic products were collected or harvested in the open countryside in accordance with the requirements of this Act, or
- b) infringed the obligations established in § 20, Par. 2 or § 21.

(4) A penalty up to the amount of 70 000 CZK will be imposed by the Ministry to the producer of organic foodstuffs who:

- a) did not keep the registration established by this Act (§ 27), or
- b) will not fulfil the obligation established by a special measure (§ 34).

(5) A penalty up to the amount of 70 000 CZK will be imposed by the Ministry to the person who releases into circulation the organic products or organic foodstuffs if:

- a) infringed the obligation established in § 20, Par. 2, in § 21, Par. 1, or in § 25, Par. 2,
- b) did not remove labelling of organic product or organic foodstuff even though the importer had not presented organic origin of organic product or organic foodstuff (§ 26),
- c) did not properly maintain the registration established by this Act (§ 27), or
- d) did not fulfil the obligation established by the appropriate special measure (§ 34).

(6) A penalty up to the amount of 1 000 000 CZK will be imposed by the Ministry to the person who did not use labelling in accordance with § 23 or 24 for a product or foodstuff³⁾ not complying with the requirements of this Act and the appropriate implementing legal regulation or who releases into circulation such product or foodstuff³⁾.

(7) A penalty up to the amount of 10 000 CZK will be imposed by the Ministry to the person who:

- a) makes difficult or obstructs the action of inspection carried out in accordance with this Act, or
- b) did not give a notice, within a reasonable period of time, on the beginning of production of organic foodstuffs or the fact that he releases into circulation organic products or organic foodstuffs.

(8) When making decision on the level of penalty, it is being considered particularly the gravity of illegal activity, consequences and circumstances under those this unlawful activity took place.

(9) In case of the repeated infringement of obligations, the Ministry will impose the penalty up to a double amount of the listed level to the person who committed such activity in accordance with the previous paragraphs repeatedly.

(10) As a repeated infringement, such infringement of obligations is considered that took place in the period within 1 year beginning the date when a previous decision by that the penalty was imposed to a physical or legal entity entered into force.

(11) As an infringement of obligations with regard to the responsibility for administrative offence, it is not considered the situation when the applicant for registration, organic operator, producer of foodstuffs or a person who releases into circulation organic products or organic foodstuffs fulfils the obligation that was imposed to him by the appropriate body in accordance with the appropriate special legal regulations.⁴⁰⁾

⁴⁰⁾ For example § 15 of the Act No. 147/1996 of the Col., § 54 of the Act No. 166/1999 of the Col.

(4) A penalty is collected by the Ministry and is enforced by the appropriate territorial financial body⁴¹⁾ in accordance with the appropriate special legal regulation.⁴²⁾ The penalties represent the income item of the state budget.

§ 34

Special measures

(1) The Ministry can impose to the person who labels products or foodstuffs in conflict with this Act, a special measure in order to prevent from the deception of customer on the fact that the product originates from organic farming or that a foodstuff³⁾ was produced as organic foodstuff in accordance with this Act.

(2) As a special measure, the Ministry can particularly impose:

- a) in case of finding the labelling in conflict with this Act, a removal of labelling of organic product or organic foodstuff (§ 23 or § 24) from the whole lot or a production dose,
- b) to organic operator or producer of organic foodstuffs, in case of the continuous infringement of the provisions § 23 or 24, for a given period, a prohibition to label organic products or organic foodstuffs in accordance with this Act,
- c) to the importer, a removal of labelling of organic products or organic foodstuffs,³⁾ that are in conflict with this Act (§ 26).

(3) A statement against the decision on the special measure does not have a dilatory effect.

CHAPTER VI

TEMPORARY AND FINAL PROVISIONS

§ 35

Authorising provisions

The Ministry will issue a legal regulation for implementing § 4, Par. 2, § 6, Par. 12, § 10, Par. 3, Letter b), § 11, Par. 1, Letter c), d), e) and f) and § 11, Par. 3, § 12, Par. 3, § 14, Par. 1, Letter b), d), e), f), and i), § 14, Par. 2, Letter a) and § 14, Par. 3, § 15, Par. 2, § 16, Par. 1, Letter a), § 17, Par. 2, § 18, Par. 3, § 19, Par. 3, 4, 5, 6, 8 and 10, § 20, Par. 2, Letter a), § 21, Par. 1 and 3, § 22, Par. 6, § 24, Par. 4, § 25, Par. 1, § 26, Par. 2 and 4, § 27, Par. 6 and § 30, Par. 7.

§ 36

Temporary measure

(1) Into the period of conversion period (§ 7), there is included the period during that the applicant was, till the date of entry into force of this Act, immediately and without any interruption included in the list of persons carrying out organic farming that is maintained by the Ministry and that the Ministry publishes in the Journal of the Ministry of Agriculture.

(2) The provision of the Paragraph 1 can be applied for the period of 2 years beginning the date when this Act enters into force.

⁴¹⁾ The Act No. 531/1990 of the Col., On the territorial financial bodies, as last amended.

⁴²⁾ The Act No. 337/1992 of the Col., On the administration of taxes and fees, as last amended.

§ 37

Relation to the Administrative Procedure Code

If it is not stipulated in this Act otherwise, the Administrative Procedure Code²⁹⁾ is governing the procedure of decision making of the Ministry.

PART SECOND

CHANGE OF THE ACT ON THE ADMINISTRATIVE FEES

§ 38

In the tariff of administrative fees, listed in the Appendix to the Act No. 368/1992 of the Col., On the administrative fees, as amended by the Act No. 85/1994 of the Col., the Act No. 273/1994 of the Col., the Act No. 36/1995 of the Col., the Act No. 301/1995 of the Col., the Act No. 305/1997 of the Col., the Act No. 149/1998 of the Col., the Act No. 157/1998 of the Col., the Act No. 167/1998 of the Col., the Act No. 63/1999 of the Col., the Act No. 166/1999 of the Col., the Act No. 167/1999 of the Col., the Act No. 326/1999 of the Col., the Act No. 352/1999 of the Col., the Act No. 357/1999 of the Col., the Act No. 360/1999 of the Col., the Act No. 363/1999 of the Col., the Act No. 46/2000 of the Col., the Act No. 62/2000 of the Col. and the Act No. .../2000 of the Col., the Part X is followed by the Part XI that is as follows:

**„PART XI
Organic farming**

Item 155

- a) The submission of the application for registration of organic farmer for organic farming on organic farm CZK 1,000.-
- b) The submission of the application for registration of the land parcels newly included in the conversion period CZK 500,-

Note:

The submission of the application for registration charged by the fee in accordance with this item is described in § 6, Par. 8 and § 9, Par. 1 of the Act No. .../2000 of the Col., On organic farming and the amendment of the Act No. 368/1992 of the Col., On the administrative fees, as last amended.“.

**PART THIRD
ENTRY INTO FORCE**

§ 39

This Act enters into force on January 1, 2001.