

## Information on the new Exceptional Measure of the Ministry of Health of 27 September 2012

- 1) The Exceptional Measure relates to food business operators which are defined in Article 3 (3) of *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 “natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control”. The Exceptional Measure does not relate to private persons which purchase spirits for their own consumption and do not distribute them further.  
Also, the Exceptional Measure does not relate to spirits consumed during private parties or private social events in the case that it is spirits intended for consumption at such a type of event obtained from private sources.
- 2) In accordance with the Exceptional Measure, it is possible to release for marketing the spirits which were produced prior to 31 December 2011. All consumer packaging must be equipped with a code from which the date of placing into the consumer packaging (bottling) can be determined. This code may also include the date of actual production. However, it is the obligation of the producer to define the date of production from the code. Some producers will publish the codes on their web sites, in other cases it is necessary to ask directly the producer to trace back the date of production and issue a declaration of origin. The acquisition (accounting) document on the purchase of the spirits is not considered a sufficient proof of the date of origin.
- 3) The consumer packaging in which the control strip was damaged or broken, i.e. “open” consumer packaging, can be marketed only if it is equipped with a laboratory certificate from an accredited laboratory. This laboratory certificate shall at least include information on the content of methanol, ethanol and from residues of denaturing agents at least on the content of 2-isopropanol. The packaging shall be clearly identified in the certificate and the certificate itself shall clearly relate to one specific consumer packaging. The list of accredited laboratories performing the food analyses is available on the website of the Czech Accreditation Institute <http://www.cai.cz/default.aspx?id=10&scopeld=9>  
Testing in accredited laboratories is a paid service and information on the costs of laboratory analyses are provided by the laboratories themselves.
- 4) The consumer packaging of spirits is defined in Act 676/2004 as “vessels or other packaging not exceeding the volume of 6 l, equipped with a label of the producer, importer or operator of a tax warehouse who obtained ethyl alcohol in a duty free regime in accordance with Act on Consumer Tax, or the seller, intended for sale of ethyl alcohol to final consumers on the tax territory of the Czech Republic (letter c) §2 of Act 676/2004 Coll, on Obligatory Labelling of Ethyl Alcohol and on Amendment of Act 586/1992 Coll., on Income Tax, As Amended).

- 5) Spirits not complying with the requirement of the Exceptional Measure will have to be disposed of in accordance with Act no. 185/2001 Coll., on Waste, and on Amendment of Related Acts, As Amended. In accordance with this Act, legal entities and physical entities entitled to enterprise shall transfer spirits (classified as hazardous waste) only to entitled persons who own a permission on handling of this waste obtained according to the said Act. Recommended classification according to the waste catalogue is 16 03 05\* - "Organic waste containing hazardous components (hazardous waste). The disposal method is burning in a facility intended for this procedure. Further information is available on [http://www.mzp.cz/cz/odpadove\\_hospodarstvi](http://www.mzp.cz/cz/odpadove_hospodarstvi).
- 6) Spirits as well as any ethyl alcohol as the waste created by citizens according to the Act on Waste is a hazardous component of community waste. The originator of the waste is the community (village, town, city) which, according to the Act, has to establish a system of waste collection from its population. Currently, the collection of hazardous waste is done via a network of collection points or through mobile collection of hazardous components of community waste. Recommended classification according to the waste catalogue is 20 03 99\* - Community waste otherwise not specified (hazardous waste).
- 7) The public may ask for an analysis on methanol content in any laboratory performing food analyses (paid service). Laboratory statements is performed free of charge in the National Public Health Institute (<http://www.szu.cz/stanoveni-obsahu-metanolu-v-alkoholickyh-napojich>) in the amount of three samples per one applicant. Laboratory testing on methanol content is also offered free of charge by the Institute for Nanomaterials and Advanced Technologies, Technical University in Liberec (TUL), contact: Martin Stuchlík, tel.: +420 48 53 53 417). Upon payment (CZK 400/sample), analyses are also performed by e.g. the laboratory of the Institute of Chemical Technology, Prague (ICT).