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REGULATION

DRAFT
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Requirements for quality scheme and recognition of the quality scheme

This Regulation is adopted on the basis of Sections 92(6) and 93(5) of the European Union Common Agricultural Policy Implementation Act.

§ 1. Scope of the Regulation

The Regulation establishes more specific requirements for the national quality scheme (hereinafter: *quality scheme*), including the requirements for the producer group implementing the quality scheme, the participants in the quality scheme and the persons or bodies verifying the quality scheme, the detailed procedure for applying for recognition of the quality scheme and processing the application, the requirements for the application and the rules for amending the decision to recognise the quality scheme and labelling the final product produced under the quality scheme.

§ 2. Requirements for the quality scheme

(1) The quality scheme shall lay down all the conditions and obligations necessary for the production of the final product of the quality scheme, ensuring the specific character of that product according to Article 47(a)(i) of the Commission Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental condition (GAEC) standard 1 (OJ L 20, 31.01.2022, p. 52–94).

(2) The final product of a quality scheme shall be an agricultural product with specific characteristics or a foodstuff sold in the retail trade, where 100 % of the agricultural products produced by the farmers participating in the quality scheme and produced in accordance with the requirements laid down in the quality scheme have been used as the main ingredient.

(3) The quality scheme shall include:

- 1) the procedure for joining and excluding from the quality scheme, including the obligation to verify compliance with the requirements laid down in the quality scheme prior to joining;
- 2) list of final products of the quality scheme;
- 3) specification of the final product of the quality scheme, reflecting all stages of the production chain, and a list of the elements of the specification to be checked in order to establish compliance with the requirements provided for in the quality scheme;
- 4) the procedure for labelling a final product under the quality scheme;
- 5) frequency of verification of compliance with the requirements provided for in the quality scheme, which shall not be less than once every three years.

§ 3. Requirements for producer groups implementing the quality scheme

(1) A producer group implementing a quality scheme within the meaning of Article 92(1) of the European Union Common Agricultural Policy Implementation Act may apply for recognition under the quality scheme.

(2) A farmer is considered an active producer under the conditions laid down in the legislation established pursuant to Section 15(2) of the European Union Common Agricultural Policy Implementation Act.

(3) A producer group implementing the quality scheme shall ensure that the quality scheme is properly implemented.

(4) A producer group implementing a quality scheme must notify the Agriculture and Food Board (hereinafter *AFB*) without delay of:

- 1) a new participant in the quality scheme;
- 2) changes in the contact details of the producer group implementing the quality scheme;
- 3) a merger, division or termination of a producer group implementing the quality scheme;
- 4) the occurrence of circumstances related to compliance with the requirements provided for in the quality scheme, due to which the information submitted in the application is no longer complete or correct, or which hinder the proper implementation of the quality scheme.

§ 4. Requirements for participants in the quality scheme

(1) Participation in a quality scheme shall be open to self-employed persons or legal entities who produce the final product of the quality scheme or who produce an agricultural product which constitutes the main component of the final product of the quality scheme.

(2) Participants in the quality scheme shall have no current penalty under the Animal Protection Act § 66¹, 66² or 66⁶; §- 37 of the Fertiliser Act; § 120, 120¹, 126 or 126⁴ of the Waste Act; § 53¹, 53², 53³, 53⁵ or 53⁶ of the Food Act; §§ 33, 34 or 35 of the Feed Act; §§ 37 or 38 of the Environmental Liability Act; § 53 of the Environmental Impact Assessment and Environmental Management System Act; or § 49¹, 209, 209¹, 210, 264, 296, 298, 298¹, 364, 365, 372, 373 or 384 of the Penal Code.

(3) Before joining the quality scheme, the person must undergo a verification of compliance with the requirements set out in the quality scheme.

§ 5. Requirements for the person or entity inspecting the quality scheme

The compliance of the participants in the quality scheme with the requirements set out in the

quality scheme shall be verified by an independent person or body selected by the producer group implementing the quality scheme, who shall be accredited in accordance with the requirements of the standard series EVS-EN ISO/IEC 17021, standard EVS-EN ISO/IEC 17065 or another equivalent document.

§ 6. Requirements for the labelling of the final product under the quality scheme

(1) The label of the final product of the quality scheme may be supplemented by the words 'nationally recognised quality scheme' and may refer on the label to the specific characteristic of that product, to the recognition of the quality scheme and to the fact that it is subject to State supervision.

(2) Labelling in accordance with paragraph 1 may be used only on the final product of a recognised quality scheme and provided that all parties involved in the production of the final product of the quality scheme have joined the quality scheme.

(3) Labelling in accordance with subsection (1) must comply with the requirements set out in §§ 38 and 40 of the Food Act.

§ 7. Submitting the application

(1) In order to obtain recognition of the quality scheme, the producer group implementing the quality scheme shall submit an application to the AFB together with the following documents:

- 1) a copy of the quality scheme;
- 2) a list of the members or associates of the producer group;
- 3) copies of documents certifying the compliance of the person or body verifying the quality scheme.

(2) A producer group implementing a quality scheme shall include in its application the following information:

- 1) the name of the quality scheme;
- 2) the name of the producer group;
- 3) the legal or authorised representative of the producer group;
- 4) the postal address of the producer group;
- 5) the name and contact details of the person or body verifying the quality scheme.

(3) The AFB publishes the application form on its website.

§ 8. Processing of the application

(1) The AFB verifies the compliance of the application, including the quality scheme and the producer group implementing the quality scheme, with the requirements laid down in the relevant legislation of the European Union, the European Union Common Agricultural Policy Implementation Act, and the Regulation.

(2) If the application complies with the requirements, the AFB organises the notification of the technical regulation in accordance with the Product Conformity Act.

(3) The AFB shall make a decision to recognise the quality scheme within 30 working days from the completion of the procedure for notification of the technical regulation.

(4) The AFB makes a decision not to recognise a quality scheme on the basis of Section 93(4)

of the European Union Common Agricultural Policy Implementation Act within 30 working days from the submission of the application or the completion of the procedure for notification of the technical regulation.

§ 9. Amendment of the decision to recognise the quality scheme

(1) In order to amend the quality scheme, the producer group implementing the quality scheme shall submit an application to the AFB, to which it shall append a justification for the necessity to amend the decision to recognise the quality scheme, a copy of the amended quality scheme, and a copy of the list of participants in the quality scheme.

(2) The application referred to in paragraph 1 shall be processed in accordance with the procedure laid down in Section 8.

(3) Within 30 working days of receipt of the application, the AFB shall inform the producer group of the compliance of the application and the further progress of the procedure.

(4) If the amendment to the quality scheme does not contain a technical regulation, the AFB shall make a decision to amend the decision to recognise the quality scheme within 30 working days from the submission of the application.

§ 10. Publication of data on participants in the quality scheme

The AFB checks the compliance of the participants in the quality scheme after receiving the notification provided for in Section 3(4) and publishes the names of the eligible participants in the quality scheme on the basis of Section 94 of the European Union Common Agricultural Policy Implementation Act.

§ 11. Implementing provision

(1) A quality scheme recognised before the entry into force of this Regulation must be brought into compliance with the requirements laid down in the Regulation and an application for approval of amendments to the quality scheme must be submitted to the AFB in accordance with Section 9 by 31 December 2025 at the latest.

(2) The quality scheme specified in paragraph 1, for the amendment of which an application has been submitted to the AFB in due time, shall be implemented until the approval of the amendments in accordance with the requirements in force until the entry into force of this Regulation.

§ 12. Repeal of the Regulation

Regulation No 7 of the Minister for Rural Affairs of 30 September 2015 ‘Detailed procedure for applying for recognition of quality schemes for agricultural products and foodstuffs and for processing applications’ is repealed.

(digitally signed)
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