

Appendix

10th Edition of the Act of the Year

Nominees:

Predictable business environment: an EU circular economy package defining a long-term concept for the European economy;

Regulation: EU circular economy package:

- Directive (EU) 2018/849 of the European Parliament and of the Council of 30 May 2018 amending Directives 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment;
- Directive (EU) 2018/850 of the European Parliament and of the Council of 30 May 2018 amending Directive 1999/31/EC on the landfill of waste;
- Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste; and
- Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste.

Author: European Commission

Justification: Europe has defined a binding framework for a transition to a self-sufficient and sustainable economy in terms of raw materials. The “take-produce-use-throw away” model dating back to the Industrial Revolution will be, in the broadest aspects of the economy, gradually transformed to eliminate waste and re-use valuable resources. It creates a unique space for innovating firms, gaining a competitive advantage and stimulating growth in the European industry. The concept sets up a predictable business environment making it possible for firms to adopt the right strategic decisions. However, to carry out the plan, firms now have to seek its correct transposition to the Czech regulation governing the use of resources, eco-design and waste management.

Functional infrastructure: amendment to the act on fast-tracking the construction of transport, water and energy infrastructure;

Regulation: Act No. 169/2018 Coll., amending Act No. 416/2009 Sb., on fast-tracking the construction of transport, water and energy infrastructure and electronic communication infrastructure, as amended, and other relating acts (or, to be specific, the part thereof relating to the construction of transport infrastructure)

Author: 17 deputies - Martin Kolovratník, Dan Ťok, Patrik Nacher, Milan Feranec, Klára Dostálová, Roman Onderka, Jaroslav Foldyna, Květa Matušovská, Leo Luzar, Zdeněk Ondráček, Radim Fiala, Helena Langšádlová, Ondřej Polanský, Věra Kovářová, Lukáš Černohorský, Zbyněk Stanjura, Jiří Míhola

Justification: One of the fundamental prerequisites for doing business is movement, which is dependent on functional infrastructure. The amendment seeks to reduce the process of issuing permits for the most significant transport infrastructure structures, namely motorways and railways. The amendments introduces the fiction of approval for issuing a binding opinion. Furthermore, it introduces the institutes of preliminary entry into possession, which fast-tracks the appropriation procedure in respect of major

transport structures. As the fast-tracking limits the rights of participants in the procedure, the act is set to be reviewed by the Constitutional Court.

Instrument for healthy competition: amendment to the Trademarks Act

Regulation: Act No. 286/2018 Coll., amending Act No. 441/2003 Coll., on trademarks and on amendments to Act No. 6/2002 Coll., on courts, judges, associate judges and the state administration of courts, and on amendments to certain other acts (the Courts and Judges Act), as amended, (the Trademarks Act), as amended, Act No. 221/2006 Coll., on enforcement of industrial property rights and on amendments to industrial property protection acts (the Enforcement of Industrial Property Rights Act), and Act No. 634/2004 Coll., on administrative fees, as amended, transposing Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (revised version)

Author: Ministry of Industry and Trade, Ministry of Justice

Justification: The trademark is a traditional instrument for healthy competition among entrepreneurs and its effective and efficient protection is a prerequisite for expansion to new markets. The amendment seeks to modernise and increase the efficiency and effectiveness of the trademark system. The amendment newly makes it possible to register olfactory, gustatory, acoustic or kinetic trademarks. However, as it abolishes the review of the existing trademarks by the Industrial Property Office as part of its official duty in registering new trademarks, additional requirements are imposed on the owners of the already registered trademarks in that they must be more vigilant.

Nomination Committee (in alphabetical order):

Tomáš Babáček, partner at Deloitte Legal, Chairman of the Nomination Committee
Marie Břejchová, president of the Association of In-House Lawyers of the Czech Republic, an in-house lawyer at PRE, a.s.
Monika Čírtková, attorney, own practice
Václav Drchal, editor, the Euro monthly
Radek Hacaperka, managing director at APPLiA CZ – Association of Domestic Equipment Manufacturers
Filip Hanzlík, deputy managing director and chief lawyer, Czech Banking Association
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Jan Januš, editor and head of the legal section at Info.cz
Veronika Ježková, director at Pro bono aliance, manager of the AdvoCats for Women team
Pavel Jiříček, attorney at Transparency International – Česká republika, o.p.s.
Soňa Jonášová, founder and director at the Circular Economy Institute
David Karabec, attorney, Association of Small and Medium-Sized Enterprises and Crafts of the Czech Republic
Kateřina Kolářová, editor in chief of the Law and Judiciary section at Lidové noviny
František Korběl, partner at Havel & Partners, lecturer at the Faculty of Law at Charles University, member of the Legislative Council of the Czech Government
Petr Kubala, managing director at Povodí Vltavy, State Enterprise
Jan Mandík, Department of Legislation, Law and Analyses at the Czech Chamber of Commerce
Radka Mašková, tax advisor, director at the Indirect Taxes department, Deloitte Advisory s.r.o.
Lucie Mohylová, presenter of The Week in the Judiciary (Týden v justici), Czech Television

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