

## [CZ] Incorrect implementation of the Tobacco Advertising Directive

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In the Czech Republic, advertising is regulated by Act No. 40/1995 (Advertising Regulation Act), according to which, subject to a few exceptions, tobacco advertising and sponsorship by tobacco products/companies is generally prohibited (see IRIS 2002-9: 14 and IRIS 2003-6: 12). Such advertising is only allowed in the press and other printed matter that is exclusively intended for persons working in the tobacco trade and in publications printed and published in third countries, provided that they are not primarily intended for the Community market. The Act does not exclude the possibility of tobacco companies sponsoring motorcycle sport.

In October 2006, the European Commission sent the Czech Republic a reasoned opinion in accordance with Article 226 of the EC Treaty. If a state fails to respond by the deadline set by the Commission, the latter can bring the matter before the Court. The treaty violation proceedings had been instigated in response to the complaint that the sponsorship of a number of sports events in the Czech Republic had not taken place in accordance with Directive 2003/33/EC on Tobacco Advertising and Sponsorship. According to the opinion, the “Grand Prix Brno” car race had been described as the “Gauloises Grand Prix” and the drivers and staff had worn suits in the Gauloises colours and with the Gauloises logo. The race was broadcast throughout Europe, which was possible because the Czech Advertising Regulation Act does not prohibit the sponsorship of events or activities that involve or take place in several member states or have other cross-border effects (see, however, Article 5 of the directive).

The Czech Republic recognised the justification of the Commission’s objections and remedied the situation by amending the Advertising Regulation Act.

***Zákon č. 109 ze dne 12. dubna 2007, kterým se mění zákon č. 40/1995 o regulaci reklamy***

<http://www.mvcr.cz/sbirka/2007/sb041-07.pdf>

