



## Spring awakening

**EU: The most important changes introduced by the EU regulation on personal data protection**

**CZ: Business trips by agency employees**

**SK: Restrictions on land purchases**

We are awoken from a long winter slumber not only by rays of spring sunshine, but also by various cases, international political events and new rules and obligations. In Slovakia, the Regulatory Authority issued an at least questionable, if not unconstitutional, pricing decision, which had been preceded by the resignation of the long-time President of the Regulatory Office for Network Industries. His successor is not yet known.

In mid-March, Queen Elizabeth II's signature opened the door for Britain to formally begin its exit from the EU. The course of the negotiations ahead, and especially their outcome, is unclear.

Although the first months of this year were turbulent, I believe that those to come will bring more answers than questions. With all this in mind, one must not neglect such obligations as activating electronic mailboxes of legal entities or registration in the Register of Public Sector Partners. You may find out more about other legal obligations and changes that await you in this Newsletter.

Annamária Tóthová

**CZ: Business trips by agency employees**

The relevant provisions of the Act on Business Trips also fully apply to agency employees. The journey from the agreed place of work (the agency's headquarters) to the user's premises in a different location is a business trip. (TJ)

**EU: Another blow to sellers of counterfeit products**

The EU Court of Justice stood up for owners of intellectual property rights, stating that they can assert their rights not only against infringers, but also against those who provide sales points to infringers, such as landlords at marketplaces. (PKr)

**CZ: Amendment to the Act on Register of Contracts**

The Chamber of Deputies of the Czech Parliament approved an amendment to the Act on Register of Contracts, whereby companies in which the state, regions or municipalities have an ownership interest are no longer required to publish concluded contracts in the Public Register of Contracts. (TL)

**CZ: Absence of documents specified in purchase agreement**

Sellers are not in delay of delivery of goods even if they fail to deliver the goods to the buyer free of defects (without the documents specified in the purchase agreement). If the buyer receives a defective delivery, the buyer must properly reproach the defects and enforce the rights arising from liability for defects vis-à-vis the seller. (PKc)

## EU: The most important changes introduced by the EU regulation on personal data protection

**On 25 May 2018, the EU regulation on personal data protection (GDPR) will become effective, introducing a number of changes and new duties for companies and state authorities that process data of natural persons.**

The GDPR will tighten the existing regulation. Companies will be required to minimise the volume of stored personal data by continuously erasing data on the subject (e.g. data that are no longer essential and for which the subject's consent to processing is no longer valid). The data subject gains several new rights, especially the right to data portability, and the so-called "right to be forgotten" (i.e. the data subject's right to erasure of data). In the event of a data leak, a period of 72 hours is newly established within which the company must report the detection of the leak to the supervising authority. In selected cases the data subject also needs to be informed.

The GDPR also expressly states that personal data can in future also be a network activity indicator, e.g. cookies. The GDPR also puts forth the obligation to establish a new position known as the Data Protection Officer.

For a breach of their obligations, entities to which the regulation applies may face fines of up to 4% of their company group's worldwide turnover or EUR 20 million.

Lukáš Zahrádka

**CZ: Objection of invalid assignment of claim**

In a dispute over payment of debt with a new creditor (assignee), debtors cannot make use of an objection based on the invalidity of the claim assignment if the original creditor (assignor) notified the debtor that the claim was assigned to the new creditor (assignee). (JK)

**SK: Commercial Register to be linked with other registers**

The government submitted a bill to the Parliament aimed at introducing a system of interconnection of central registers, commercial registers and company registers in Slovakia and the EU on the basis of the Directive 2012/17/EU. (SL)

**CZ: Blocking illegal gambling on the internet is not unconstitutional**

The Constitutional Court confirmed that the obligation of ISPs in the Czech Republic to block access to websites with illegal gambling is consistent with the Constitution. This obligation applies to ISPs since 1 January 2017. (DV)

**EU: ECJ rules on personal data**

In Cases C-203/15 and C-698/15, the EU Court of Justice held that a general and undifferentiated retention of personal data for the purpose of fighting crime is contrary to EU law. (MSA)

**CZ: Establishment of necessary passage by court**

According to the Supreme Court, prior to establishing a necessary passage, courts must judge whether it is really obligatory to establish a necessary passage or whether there is another solution that would be less invasive in relation to the land owner. In the case of a septic tank, which does not require daily maintenance, such a necessity is not given. (JV)

**EU: Price of after-sales service calls cannot exceed the cost of a standard call**

The EU Court of Justice ruled that the cost of a call regarding the conclusion of a telephone line service cannot exceed the price of a call to a standard landline or mobile network number. (MAB)

**SK: Changes in the regulation of central depositories**

An amendment to the Securities Act deletes in the national regulation of central depositories provisions overlapping with directly enforceable EU regulation. (TRU)

**CZ: Supreme Court to limit corporate liability**

Cases where the acting person commits an unlawful act, while in fact acting on behalf of a legal entity or as part of its activities, cannot be considered attributable to the legal entity as the act is committed to the detriment of the legal entity. (MABB)

## Personal

**Klára Udvaros | Attorney | Prague**

On 3 April 2017 our Prague office was strengthened by Klára Udvaros. Prior to joining Dvořák Hager & Partners in 2017, Klára worked at Balcar, Polanský & Spol.

Klára Udvaros is specialising mainly in business and civil contract law and litigation, as well as real estate and corporate law, including M&A.

Klára graduated from the Faculty of Law of Charles University in Prague. Besides Czech, she is fluent in English.

**Paulína Macháčová  
Associate | Prague****Eliška Cisáriková  
Associate | Bratislava**

## Mark your diary

After two successful years we again invite you to the

### RUN AND HELP CHARITY RUN



**Date:** 8 April 2016 at 2:00 p.m. We will start at the Dvořák Hager & Partners office at Pobřežní 394/12, Prague 8

**Length:** 2 km up to a half marathon

**Registration:** [renata.vrzakova@dhplegal.com](mailto:renata.vrzakova@dhplegal.com)

Refreshments will be provided during and after the race.

Runners donate CZK 25 for each kilometre that they run and our office will double that amount.

**Join us and together we can support a good cause!  
You are all invited!**

**CZ: Liability for damages for breach of occupational health and safety regulations**

According to the Supreme Court, violation of occupational health and safety regulations by the employer (e.g. failure to acquaint the employee with the category of his or her work) may result in the employer's liability for damage incurred to the employee, even if it is not a work-related illness or accident. (RM)

**EU: Is it worth rejecting a settlement with the Commission?**

The EU Court of Justice confirmed the imposition of a fine of EUR 60 million on Roullier group for participating in a cartel. The Commission is not bound by the amount of the fine notified in the settlement proceedings (EUR 41–44 million) in the ordinary procedure, meaning that Roullier cannot rely on the protection of legitimate expectations. (PM)

**CZ: A picture of a camera is not enough to inform customers about being recorded**

The Supreme Administrative Court ruled that customers who are recorded in a business must at least be informed about who operates the camera system and where they can get more detailed information. (TP)

**SK: Restrictions on land purchases**

Parliament confirmed in the first reading a new provision in the Constitution for the protection of soil and the possibility of restrictions on acquisition of Slovak land. (BEH)

**CZ: Setting precise settlement shares**

The rules for determining the settlement share for shareholders upon the termination of their participation are neglected by many shareholders, although the statutory settings are not necessarily advantageous. The Business Corporations Act permits flexibility and to set these rules differently from the law. (SS)

**SK: Government regulation of the intangible value of a home in the personal insolvency regime**

The intangible value of a debtor's home is EUR 10,000. The debtor is entitled to ask the Bank for payments up to EUR 250 per month. (PŠM)

**SK: Proposed amendment to the Code of Administrative Court Procedure**

The proposal supplements the right to submit filings and provide evidence in a mother tongue determined as a regional / minority language (e.g. Bulgarian, Croatian, Hungarian, German, Polish, Ukrainian), whereas the associated costs will be borne by the state. (KL)

**SK: Amendment to the Act on Medicinal Products**

The amendment restricts the possibility of exporting categorised medicinal products by requiring wholesale distributors to obtain authorisation from the registration holder and introduces an extraordinary system of orders. The registration holder is obliged to supply drugs within 24 hours, wholesale distributors within 48 hours. The penalty can be up to EUR 1 million. (JS)



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