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# Digitalisation Regulation - Member State notifications

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This page contains information about the notifications made by the Member States pursuant to Regulation (EU) 2023/2844.

## 1. National IT portals for communicating with courts or other authorities

The Czech Republic does not currently operate an information portal for the purpose of participation in court proceedings and electronic communication between natural persons and legal entities and competent national judicial bodies with functions corresponding to the European electronic access point referred to in Regulation (EU) 2023/2844 of the European Parliament and of the Council.

## 2. National law on videoconferencing in civil and commercial matters

The rules governing the use of videoconferencing are the same for civil and commercial matters and are contained in Section 102a of the Code of Civil Procedure (Act No 99/1963, as amended). A court may use videoconferencing to, for example, enable a participant to take part in the proceedings, or to hear a witness or expert, or for interpretation.

A court may allow the use of videoconferencing at the request of any of the participants, but may also decide to do so on its own initiative if it deems it appropriate; in such cases the consent of the participants to the use of videoconferencing is not required. The act contains no special procedure for decisions on whether a participant is to participate in the proceedings through videoconferencing. However, the court may provide the participants with the opportunity to comment on this possibility and provide them with an appropriate judicial time limit to do so.

Participation in proceedings by videoconferencing is provided by remote access. The act does not place any restriction on where the participant can remotely connect to the proceedings from. The only condition is that during the videoconference the court must be able to establish the identity of any participant not physically present in the court room and it must be ensured that the person being heard remotely is not subject to any undue influence.

The act requires an audiovisual record to be made of proceedings conducted through videoconferencing. In addition, the court may also make a written record. The record is part of the file. It can be played back or copied under the same conditions that apply to consulting the file (Section 44(4) of the Code of Civil Procedure). Nevertheless, access to the file is restricted to court officials and participants in the proceedings and their representatives. Other persons may apply to the court to consult the file. This will be allowed only if they have a legal interest in consulting the file or there are other serious grounds. The Ministry of Justice has set up a unified storage facility for audio and video recordings that allows recordings to be played back and copied also by means of time-limited remote access, whereby the remote access link may be used only by the person to whom the link is sent, under the same conditions that apply to a person consulting the file.

During proceedings by videoconferencing, it is necessary to ensure that the technical connection functions

correctly. For this purpose, the court usually organises a test connection well in advance of the scheduled hearing (usually a few days in advance). If any connection problems nonetheless occur during the actual hearing, the participant or any other person involved in the procedural act may object to the quality of the audio or video recording.

Courts mainly use desktop clients such as Cisco Webex and Real Desktop Presence to hold court hearings through videoconferencing. In terms of hardware, they rely mainly on videoconferencing sets (systems) specifically designed for videoconferencing. These include Polycom RealPresence Group 310, 510 and 700, Cisco RoomBar, RoomKit, RoomKit+ and DeskPro.

### 3. National law on videoconferencing in criminal matters

(a) The use of videoconferencing for hearings is governed by a number of provisions of Act No 141/1961 on criminal judicial proceedings ('the Code of Criminal Procedure'), in particular Sections 52a and 111a.

Section 52a specifies three groups of grounds for using videoconferencing, namely protection of the rights of persons (here, by way of examples, the act mentions age and state of health), safety considerations (for example, concern about witness safety) and other significant grounds, such as cost-effectiveness and speeding up the criminal proceedings. However, for videoconferencing to be used it must be compatible with the nature of the procedural act and technically feasible.

Section 111a of the Code of Criminal Procedure lays down more details governing the hearing of accused persons or other persons by videoconferencing. Paragraph 2 of that section lays down the manner in which the identity of the person being heard is to be verified (for details, see below), while paragraph 3 lays down the procedure to be followed in the case of verifying the identity of a secret witness. In accordance with Section 111a(4) of the Code of Criminal Procedure, before the hearing by videoconferencing begins the person being heard must be informed of the manner in which the hearing is to be conducted. They must also be informed of the possibility of objecting to the quality of the videoconferencing. Objections to the low quality of video or audio transmissions may be made at any time during the hearing. Given that the need to protect all the rights of the person being heard (in particular the accused person's rights of defence) applies just as much to hearings by videoconferencing, it goes without saying that a hearing must be paused if the transmission quality is poor or completely terminated if the poor quality of the connection prevents smooth communication or if, for example, the persons participating in the hearing are unable to see each other's faces.

#### Section 52a

Technical equipment for video and audio transmission (hereinafter 'videoconferencing equipment') may be used when carrying out procedural acts in criminal proceedings where this is necessary for the protection of the rights of persons, in particular in view of their age or state of health, or where required by safety or other significant grounds.

#### Section 111a

(1) Where the hearing of the accused person is carried out using videoconferencing equipment, their lawyer shall be informed of the time at which and place to which the accused person has been summoned. If a co-defendant, witness or expert is heard in this way, the accused person's lawyer shall be informed of the time and place from where the hearing will be conducted by the competent criminal prosecution authority.

(2) Where the hearing of a person is carried out using videoconferencing equipment, their identity shall be verified by an official of the court, public prosecutor's office or police authority authorised for that purpose by the person conducting the hearing. The person verifying the identity at the place where the person being heard is located may be an official of the court, public prosecutor's office, prison or police authority, with the consent of the person carrying out the hearing, provided that they have been authorised to do so by the presiding judge, the chief public prosecutor, the prison governor or the chief of the police authority. This official shall be present at the place where the person being heard is located throughout the hearing.

(3) The identity of a witness whose identity is secret and whose hearing is carried out using videoconferencing equipment shall be verified in court proceedings by the presiding judge or by an official of the court responsible for ensuring the protection of classified information appointed by the presiding judge and, in pre-trial

proceedings, by an official of the public prosecutor's office or police authority responsible for the protection of classified information appointed by the chief public prosecutor or the chief of the police authority. This official shall be present at the place where the witness whose identity is secret is located throughout the hearing.

(4) The criminal prosecution authority conducting the hearing shall inform the person being heard prior to the commencement of the hearing carried out using videoconferencing equipment of the manner in which the hearing is to be conducted.

(5) At any time during the hearing using videoconferencing equipment, the person being heard may object to the quality of the video or audio transmission.

(b) Under Czech law, consent to a hearing being conducted using videoconferencing is not a condition for it to be conducted; the applicable rules are just the general rules governing hearings.

(c) The Ministry of Justice installed almost 170 videoconferencing devices already between 2014 and 2016, not only in courts at all levels, but also at public prosecutor's offices or in prisons, as part of the project 'Introduction of videoconferencing in the justice sector', thus ensuring adequate videoconferencing infrastructure.

(d) Under Section 33(1) of the Code of Criminal Procedure, the rights of the accused person include the right to choose a lawyer and to consult them during the procedural acts carried out by the criminal prosecution authority. However, when being heard, the accused person is not allowed to consult the lawyer on how to answer a question they have been asked. The accused person may ask to be heard in the presence of their lawyer and for the lawyer to participate in other procedural actions in the pre-trial stage. Even if the accused person is held in custody or serving a custodial sentence, they may talk to their lawyer without the presence of a third party.

#### Section 33 Rights of the accused person

(1) An accused person shall have the right to comment on all the facts of which they stand accused and on the evidence, but they shall also have the right to remain silent. They may make statements of facts and submit evidence in their defence, file applications, submit requests and apply for legal remedies. They shall have the right to select a lawyer and to consult them during the procedural acts performed by a criminal prosecution authority. However, when being heard, they may not consult the lawyer on how to answer a question that has been put to them. They may ask to be heard in the presence of their lawyer and for the lawyer to participate in other procedural actions in the pre-trial stage (Section 165). If held in custody or serving a custodial sentence, they may talk to their lawyer without the presence of a third party. The above-mentioned rights apply to the accused person even if their legal capacity has been withdrawn or restricted.

(...)

The person concerned may be represented in criminal proceedings by a proxy (Sections 50 and 51 of the Code of Criminal Procedure), who may be a lawyer.

The confidentiality of communications between a lawyer and their client is a general principle that applies also in the case of hearings using videoconferencing. Under Section 21(1) of Act No 85/1996 on the legal profession, the lawyer is required to keep all facts of which they become aware in connection with the provision of legal services confidential. Lawyer confidentiality is a necessary basis for a relationship of trust between the lawyer and the client.

A draft act amending the Act on the legal profession (Chamber of Deputies Document No 623) is currently in the legislative process (specifically, awaiting the second reading in the Chamber of Deputies of the Czech Parliament). The amended act will, inter alia, strengthen the protection of confidentiality between the client and the lawyer. To this end, a new Section 3a is to be added to the Act on the legal profession, as follows:

(1) Information constituting the content of communications of a lawyer, trainee lawyer and other persons referred to in Section 21(9)(a) with a client in the performance of the legal profession is confidential, where such confidentiality is in the interest of the client. Likewise, information obtained or generated in the course of or in the immediate context of performance of the legal profession is confidential, in so far as it makes it possible to obtain information about the content of the communications referred to in the first sentence or about the legal services provided, where such confidentiality is in the interests of the client.

(2) The information referred to in paragraph 1 held by persons other than a lawyer, trainee lawyer or other persons referred to in Section 21(9)(a) shall be expressly labelled to make it clear that it is confidential information protected under this Act.

(3) Anyone who obtains the information referred to in paragraph 1 may not misuse it or disclose it to another person without legal grounds or without the consent of the person to whom the legal services were provided.

(e) Information about how the holders of parental responsibility or other appropriate adults are informed about the hearing of a child through videoconferencing or other distance communication technology – how is the best interest of the child taken into account?

Under Section 60 of Act No 218/200 on the criminal liability of juveniles and the judicial system in relation to juveniles and amending certain acts (hereinafter ‘the Juvenile Justice Act’), the juvenile’s legal representative or guardian, the competent child social and legal protection body, and the Probation and Mediation Service must be notified of the initiation of criminal proceedings against a juvenile without undue delay. Under Section 43(1) of the Juvenile Justice Act, the legal representative or the guardian of the juvenile is also entitled to represent the juvenile, and specifically to choose a lawyer for them, to make proposals on their behalf, and to submit applications and legal remedies on their behalf; the legal representative is also entitled to participate in any procedural acts in which the juvenile may participate under the Act, therefore also including hearings conducted by videoconferencing.

Simply stated, the civil law mechanisms ensure that the holder of parental responsibility cannot, in principle, be a person whom it would not be in the best interests of the child to notify about the hearing of the child. If the parents fail to exercise their parental responsibility duly, or have abused or seriously neglected their parental responsibility, their parental responsibility will be restricted or withdrawn by the court. In such a case, the parents are not the holders of parental responsibility. This is taken over by another appropriate adult (guardian), who is also the legal representative of the child and, as such, has the rights referred to in Section 43 of the Juvenile Justice Act, or, instead of the legal representative, the relevant rights are held by a guardian ad litem, who is another appropriate adult (but they are not the legal representative, which is why they are mentioned separately in Section 43(1) of the Juvenile Justice Act).

Paragraph 2 of Section 43 ensures that, in exceptional cases where none of the appropriate adults referred to in paragraph 1 are able to exercise the rights in question in a given situation (for example, because of a conflict of interests), a special ad hoc guardian – who is usually a person proposed by the juvenile themselves – is appointed to exercise those rights.

#### Section 43 Legal representative or guardian ad litem of a juvenile

(1) The juvenile’s legal representative or guardian ad litem is entitled to represent the juvenile, and specifically to choose a lawyer for them, to make proposals on their behalf, and to submit applications and legal remedies on their behalf; the legal representative is also entitled to participate in any procedural acts in which the juvenile may participate under the Act. In order to benefit the juvenile, the legal representative or the guardian ad litem may also exercise those rights against the will of the juvenile. The juvenile’s legal representative or guardian ad litem also has the right to ask the person being heard questions, consult the files with the exception of the protocol on voting and the witness’s personal data pursuant to Section 55(2) of the Code of Criminal Procedure, to make excerpts and notes from them and to make copies of the files or parts thereof at their own expense. The criminal prosecution authorities referred to in this Act are obliged to instruct the legal representative or the guardian ad litem on the rights of the juvenile without undue delay; if the reasons for appointment of a guardian ad litem under paragraph 2 lapse, the juvenile’s legal representative or guardian ad litem shall be instructed regarding the rights of the juvenile that may be exercised in the ongoing stage of the proceedings.

(2) In cases where there is a danger of delay and where the juvenile’s legal representative or guardian ad litem cannot exercise their rights referred to in paragraph 1, or where no guardian ad litem has been appointed despite there being grounds for appointing one, the presiding judge and, in pre-trial proceedings, the public prosecutor shall appoint a guardian ad litem for the juvenile to exercise their rights. The presiding judge or, in the pre-trial proceedings, the public prosecutor shall appoint as guardian ad litem a person suggested by the juvenile. If the juvenile does not suggest any person or if they suggest a person regarding whom there are reasonable concerns that they will not duly protect the interests of the juvenile, the presiding judge or, in the pre-trial proceedings, the public prosecutor shall appoint another suitable person, such as a close person,

employee of a child social and legal protection body or other person having experience with the upbringing of children, or a lawyer. A person who is not a lawyer may be appointed as a guardian ad litem only with their consent. The decision on appointment of a guardian ad litem shall be communicated to the person appointed and, if not ruled out by the nature of the case, also to the juvenile. A complaint may be lodged against a decision appointing a guardian ad litem.

## Section 60 Initiation of criminal prosecution

The juvenile's legal representative or guardian ad litem, the competent child social and legal protection body and the Probation and Mediation Service shall also be notified without undue delay of the initiation of criminal proceedings against the juvenile.

(f) In accordance with Section 55a(1) of the Code of Criminal Procedure, the making of video and audio recordings is mandatory if videoconferencing equipment is used when carrying out a procedural act in criminal proceedings. The fact that an audio and/or video recording of the procedural act was made in addition to the written record must be noted in the written record of that act, stating, in addition to the time, place and manner of performance of the act, the means used (what was recorded, and what recording equipment and medium were used for making the recording).

In accordance with Section 55a(2) of the Code of Criminal Procedure, the technical medium of the recording must be attached to the file or the file must state where the medium is stored. That medium must be identified by means of a file reference number, the name of the person heard, the time of the hearing and any other necessary particulars, and attached to the file or stored in a safe place with the place of storage indicated in the file.

Since these media serve to document the course of the procedural act, they should not be modified in any way, such as being shortened, cut, or supplemented with accompanying text, as this may reduce their probative value and may be the subject of subsequent objections by the parties.

It should be noted that the Ministry of Justice is currently dealing with observations on amendments to criminal legislation, which will, inter alia, affect the provisions of Section 55a of the Code of Criminal Procedure in order to make the use of videoconferencing in criminal proceedings more flexible, also taking into account technological progress in this area. This amendment should be presented to the government in the coming weeks.

## Section 55a

### Use of special means for recording proceedings

(1) If necessary, the course of a procedural act may also be recorded using shorthand notation, which is then attached, together with the transcript in ordinary script, to the record, or by means of an audio or video recording, or by any other appropriate means. Where videoconferencing equipment is used in the performance of a procedural act, an audio and video recording shall be made in all instances.

(2) Where an audio or video recording of a procedural act is made in addition to the written record, this shall be noted in that record of the act, stating, in addition to the time, place and manner of performance of the act, the means used. The technical medium of the recording shall be attached to the file or the file shall state where the medium is stored.

(g) The person being heard has the right to object to the quality of the video and audio recording at any point during the videoconference hearing. Objections may result, for example, in the hearing being paused while waiting for improvement in the quality of the recording or terminated. In all cases, any objections are included in the record of the procedural act.

During the pre-trial stage, an application may be lodged pursuant to Section 157a of the Code of Criminal Procedure to review the actions of a police authority (i.e. if the police authority has not acted in compliance with the law, their actions may be contested).

The judgment may be challenged by means of an appeal as provided for in Section 245 *et seq.* of the Code of Criminal Procedure, in which the person entitled (who is also, to the extent relevant, the accused person and the participant) may also challenge an infringement of the provisions relating to the proceedings prior to the

judgment if that infringement may have caused the operative part of the judgment to be incorrect or missing. If the judgment was preceded by substantial procedural defects, in particular infringement of provisions on the right to defence, which could have affected the correctness and lawfulness of the part of the judgment being reviewed, the appeal court annuls the judgment.

Any decision of a police authority and the first-instance rulings of the court and the public prosecutor may be challenged by a complaint where permitted by law. A ruling may also be challenged for infringement of the provisions on the proceedings that preceded the ruling, where such infringement could have caused any operative part of the ruling to be incorrect. A complaint may also be lodged by a person directly affected by the ruling, i.e. in appropriate cases also by the accused person or a participant.

(h) Two platforms are used for videoconferencing, namely Polycom and Webex, which has been used since the beginning of 2024.

(i) If the person to be heard is not held in custody or serving a custodial sentence, they must appear before a pre-agreed criminal prosecution authority (e.g. a court or a police station in their place of residence), which will technically arrange a videoconferencing connection with the authority conducting the hearing.

The criminal prosecution authority is under an obligation to inform the lawyer of the place and time of the hearing, but the notification of the place of the hearing varies according to the procedural status of the person being heard. If the accused person is to be heard using videoconferencing, the lawyer should be informed of the place where the accused person has been summoned. In contrast, where the procedural act is to be a videoconference hearing of a co-accused person not represented by the notified lawyer, or of a witness or an expert, the place from where the hearing will be conducted by the criminal prosecution authority is stated as the place where the hearing will take place.

(j) Yes, the Beey application is used to upload an audio or video recording and then convert it into text. Courts, public prosecutors' offices and prisons have access to the application.

(k) Verification of the identity of the person to be heard is governed by Section 111a(2) of the Code of Criminal Procedure (see above for the full wording of this provision). That provision applies to the hearing of a person with the status of an accused person (a suspect, accused person or convicted person), as well as other persons, including participants. Where the hearing of a person is carried out by means of videoconferencing equipment, their identity is verified by an official of the court, public prosecutor's office or police authority appointed for that purpose by the person conducting the hearing, depending on which criminal prosecution authority is conducting the hearing. In accordance with the second sentence of that paragraph, the presiding judge, the chief public prosecutor, the prison governor or the chief of the police authority may, with the consent of the person conducting the hearing, appoint an official of the court, public prosecutor's office, prison or the police authority at the place where the person to be heard is located as the person verifying the identity of persons being heard. This appointed official must be present at the place where the person being heard is located throughout the hearing.

(l) As stated above, in accordance with Section 33(1) of the Code of Criminal Procedure, the accused person has the right to request that they be heard in the presence of their lawyer and that the lawyer participate in other procedural acts in the proceedings. Once the person being heard has completed their uninterrupted testimony, the criminal prosecution authority and, subsequently, other persons may put questions to the person being heard in order to eliminate any contradictions in the statement, for further clarification of the facts stated by them, or to supplement information which the person being heard did not themselves mention in their testimony (Sections 92(3) and 101(3) of the Code of Criminal Procedure). When hearing a person under the age of 18 years, questions may be asked only through the criminal prosecution authority and not directly by the lawyer or other persons participating in the hearing.

## Section 92

(1) The hearing of the accused person shall be conducted in such a way as to give, as far as possible, a complete and clear picture of the facts relevant to the criminal proceedings. The accused person shall not in any way be compelled to testify or confess. During the hearing, their person must be protected.

(2) When being heard, the accused person must be asked about their personal, family, financial and other

circumstances in order to establish the facts necessary to determine the type and scope of punishment in the event of a decision handing down a conviction on the accused person. In addition, it is necessary to ask about any previous sentences and other criminal prosecutions of the accused person.

(3) The accused person must be given the opportunity to respond in detail to the accusation, in particular by providing a coherent statement of the facts that form the basis of the accusation, stating any circumstances that extenuate or refute the accusation, and providing evidence thereof.

(4) The accused person may be asked to supplement the testimony or to eliminate any incompleteness, ambiguity or contradictions. Questions shall be asked in a clear and readily understandable manner without any misleading or untrue assertions; the questions must not themselves indicate how they are to be answered.

#### Section 101

(1) Before hearing a witness, it is always necessary to establish their identity, their relationship to the accused person, to inform them of the right to refuse to testify and, if necessary, the duty not to testify or the possibility of proceeding pursuant to Section 55(2), and of their obligation to state the whole truth and not conceal anything. They shall also be informed of the importance of testimony in terms of the public interest and of the criminal consequences of false testimony. Where a person under 15 years of age is heard as a witness, they shall be instructed in a way appropriate to their age.

(2) At the beginning of the hearing, the witness shall be asked about their relationship to the case and the parties and, if necessary, about any other circumstances relevant to establishing their credibility. The hearing of a witness shall be conducted in such a way as to give, as far as possible, a complete and clear picture of the facts relevant to the criminal proceedings which the witness has perceived through their own senses. The witness shall be given the opportunity to give uninterrupted testimony about everything they know about the case and from where they acquired their knowledge of the circumstances stated by them. When being heard, their person shall be protected, in particular as regards their personal data and private life.

(3) A witness may be asked to supplement their testimony or to eliminate any incompleteness, ambiguity or contradictions. Questions concerning the private life of the witness being heard, in particular in the case of a victim of a criminal offence, may be asked only where it is necessary to clarify the facts relevant to the criminal proceedings and shall be asked in a particularly sensitive manner and as exhaustively as possible, so that the hearing does not need to be repeated; the questions shall be formulated in a manner appropriate to the age, personal experience and psychological condition of the witness, while maintaining due consideration. A witness shall not be asked questions containing misleading or false assertions or referring to matters that are to be ascertained only from their testimony.

(4) If necessary to establish the authenticity of handwriting, the witness may be instructed to write a certain necessary number of words.

(m) The Code of Criminal Procedure does not contain specific provisions concerning interpretation in videoconferencing, so the general rules on interpretation contained in Sections 2(14) and 28 of the Code of Criminal Procedure apply. In accordance with Section 2(14) of the Code of Criminal Procedure, any person who declares that they do not have a command of Czech is entitled to use before the criminal prosecution authorities their mother tongue or a language which they declare to have command of. Such a statement by the accused person is grounds for appointing an interpreter pursuant to the first sentence of Section 28(1) of the Code of Criminal Procedure.

#### Section 2(14)

(...)

(14) The criminal prosecution authorities shall conduct the proceedings and draw up their decisions in Czech. Anyone who declares that they do not have a command of Czech is entitled to use before the criminal prosecution authorities their mother tongue or a language which they declare to have command of.

(...)

#### Section 28

(1) If it is necessary to interpret the content of a document, testimony or other procedural act or if the accused person exercises the right referred to in Section 2(14), an interpreter shall be appointed; the same applies to the appointment of an interpreter for a person with whom it is not possible to communicate other than in one of the communication systems of deaf and deaf-blind persons. The interpreter may also be the minutes clerk. If the accused person does not indicate a language which they have command of, or indicates a language or dialect which is not the language of their ethnic group or an official language of their country of citizenship, and no person is included in the list of interpreters for that language or dialect, the criminal prosecution authority shall appoint an interpreter for the language of their ethnic group or an official language of their country of citizenship. In the case of a stateless person, this means the country of permanent residence or country of origin.

(...)

(n) how unauthorised access to sensitive data or data flows to unknown entities is prevented.

Ongoing videoconferencing is secured by end-to-end encryption (each device has a unique certificate generated directly for it), and the Lets encrypt method is used (equipment certificates change every 60 days). WEB RCT videoconferences – using a client in a computer, browser or mobile device – are secured by password when the meeting is created. There is also the possibility of on-premise (domain) meetings where nobody can join the meeting other than invited persons or officials of the judiciary. For example, there are also videoconferencing rooms secured by a password that is unique to each room.

The security of the recording itself is ensured by an active directory of groups and rights, where access to the file is granted only to users with the relevant rights, without which the file with the recordings cannot be accessed.

## 4. Fees in proceedings in civil and commercial matters

### I. Charging of fees in proceedings before Czech courts

Court fees in proceedings before Czech courts are governed by Act No 549/1991 on court fees, as amended. Fees may be levied only for the proceedings or for the administrative acts listed in the Annex to this Act, entitled 'Fee Schedule'.

The fee should be paid together with the submission of the application for initiation of the relevant proceedings. If a participant is uncertain as to the amount of the court fee and, for that reason, fails to pay the fee together with the filing of the action, the court is required to ask the participant to comply with the additional obligation to pay the fee. In the letter of formal notice, the court must inform them of the number of the account into which the fee is to be paid and the amount thereof, setting a time limit of at least 15 days. If the court fee is still not paid within the additional time limit, the court will discontinue the proceedings.

The fee schedule distinguishes between procedural fees and fees for individual acts. Fees are set in Czech crowns. If the fee basis is expressed in a foreign currency, the percentage fee is calculated from the fee basis converted into Czech currency at the rate published by the Czech National Bank valid on the first day of the calendar month in which the fee is due or in which the court issues a decision on the obligation to pay the fee. For the conversion of currencies for which a rate is not published by the Czech National Bank, the USD rate of that currency, as declared by the central bank or the bank of equivalent status in the country in which the converted currency is valid, is used; the fee payer must prove the validity of the currency rate used by providing the court with a document obtained through the Ministry of Foreign Affairs.

### II. Amount of court fees

#### (a) Procedural fees

As regards procedural fees, the basic starting point is the calculation of the court fee from the monetary sum claimed, which is also the case for the small claims procedure and the European order for payment. For amounts up to CZK 20 000 the fee is fixed on a flat-rate basis (CZK 1 000), between CZK 20 000 and CZK 40 000 000 the fee is 5% of the amount claimed, and for an amount exceeding CZK 40 000 000 the fee is CZK 2 000 000 and 1% of the amount exceeding CZK 40 000 000; amounts over CZK 250 000 000 are not counted.

A special category of charges is introduced by the Act for electronic payment orders only; here, the amount of

the court fee is set as follows:

1. up to and including CZK 10 000: CZK 400
2. for amounts over CZK 10 000 up to and including CZK 20 000: CZK 800
3. for amounts over CZK 20 000: 4% of the amount

For disputes concerning non-material damage in money terms for amounts up to CZK 200 000 the fee is a flat-rate fee (CZK 2 000) followed by 1% of the amount claimed.

In addition, the Act lays down a number of other rules in cases where the dispute does not concern a monetary payment – fees in such cases are fixed on a flat-rate basis. For example, in the case of a dispute over immovable property, CZK 5 000 for each immovable property and CZK 15 000 for each business establishment.

Special court fees are also set in these cases:

- issue of a temporary injunction – CZK 1 000
- in matters relating to the settlement of joint matrimonial property and joint ownership – CZK 2 000 (this amount is increased by CZK 5 000 per immovable property and CZK 15 000 per business establishment)
- in cases of maintenance – CZK 500 for amounts up to CZK 50 000, followed by 1%, up to a maximum of CZK 15 000
- for an application for recognition of foreign decisions in matrimonial matters and the establishment of parenthood – CZK 2 000
- for an application initiating proceedings in an ancillary dispute (insolvency proceedings) concerning a monetary payment – the court fee is CZK 1 000 for amounts up to CZK 20 000, and then 5% of the amount claimed
- for an application initiating proceedings in an ancillary dispute not relating to a monetary payment:
  1. in a dispute concerning the authenticity, amount or ranking of a claim lodged – CZK 5 000
  2. for each immovable property – CZK 5 000
  3. for each business establishment or for each of its organisational units – CZK 15 000
  4. in other cases – CZK 2 000

There is also a residual clause which applies in the remaining cases not involving a monetary payment or any of the categories expressly mentioned. This residual clause provides for a court fee of CZK 2 000.

For appeal proceedings (ordinary appeal proceedings), the amount of the court fee is set in the same way as for the action at first instance.

For extraordinary appeal proceedings, the fee is set on a flat-rate basis:

1. monetary payment up to and including CZK 100 000 – CZK 7 000
2. for each immovable property – CZK 14 000
3. for each business establishment or for each of its organisational units – CZK 28 000
4. in other cases – CZK 14 000

#### (b) Fees for administrative acts

Court fees for administrative acts are set on a flat-rate basis. For example,

- CZK 300 for issuing a certificate or confirmation in accordance with European Union law;
- CZK 500 for issuing an amendment to or cancellation of a European Certificate of Succession;
- CZK 150 for issuing an official certificate of facts known from court files;
- CZK 1 000 for drafting a submission for the court records if permitted under Czech law;
- CZK 70 for making a copy of a decision, the record and a certified extract from registers and records per page or part page;
- CZK 20 for making a copy (photocopy) of documents, the record, annexes, records, other parts of the files and other recording aids held by the court, including extracts thereof, for each page or part page;
- CZK 50 for provision of a copy of the electronic data in the file on a durable medium, for each medium;
- CZK 100 for transcription of an audio or audiovisual record in the form of a record for each page or part page.

## 5. Electronic payment methods

Currently, bank transfer is the only electronic method of payment in the Czech Republic for the purpose of payment of court fees. Fees are paid by bank transfer to the account of the relevant court. The bank details can be found on the websites of the individual courts, which can be found at the online portal [justice.cz/](https://justice.cz/).

## 6. Notification on the early use of the decentralised IT-system

The Czech Republic does not envisage the early use of the decentralised IT system before the date of use set in accordance with Article 26(3) in conjunction with Article 10(3) of Regulation (EU) 2023/2844 of the European Parliament and of the Council.

## 7. Notification on the early use of videoconferencing in civil and commercial matters

The Czech Republic does not envisage the early use of videoconferencing in civil and commercial matters before 1 May 2025 pursuant to Article 5 of Regulation (EU) 2023/2844 of the European Parliament and of the Council.

## 8. Notification on the early use of videoconferencing in criminal matters

The Czech Republic does not envisage the early use of videoconferencing in criminal matters before 1 May 2025 pursuant to Article 6 of Regulation (EU) 2023/2844 of the European Parliament and of the Council.

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