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# Maintenance obligations

Czechia



Czechia

## FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

### Article 71 1. (a) - Courts for application for a declaration of enforceability and courts for appeal against decisions on such applications

Applications for a declaration on enforceability in accordance with Article 27(1) of the Regulation must be submitted to a *district court* or *bailiff*.

In accordance with Section 201 et seq. of Act No 99/1963 (the "Code of Civil Procedure"), as amended, appeals against decisions on applications for a declaration on enforceability within the meaning of Article 32(2) of the Regulation must be lodged with the district court which handed down the decision or with the district court determined to have territorial jurisdiction in accordance with Section 45 of Act No 120/2001 on court bailiffs and enforcement activities (the "Enforcement Code") as last amended.

Where the application for a declaration on enforceability was lodged with a court bailiff, the appeal against the bailiff's decision is to be decided upon by the regional court in the district of which the court with responsibility for enforcement is located.

### Article 71 1. (b) - Redress procedure

The redress procedures referred to in Article 33 of the Regulation are action for annulment (*žaloba pro zmatečnost*) in accordance with Section 229 et seq. of the Code of Civil Procedure, action for a new trial (*žaloba na obnovu řízení*) in accordance with Section 228 et seq. of the Code of Civil Procedure and extraordinary appeal (*dovolání*) in accordance with Section 236 et seq. of the Code of Civil Procedure and for certain cases also in accordance with Section 30 of the Special Judicial Proceedings Act.

However, extraordinary appeal is not admissible against judgments on the substance of the case regarding maintenance obligations.

Jurisdiction in respect of action for annulment and action for a new trial lies with the court which ruled at first instance. In some special cases jurisdiction lies with the court whose decision has been contested (see Section 235a of the Code of Civil Procedure). Jurisdiction over extraordinary appeals lies with the Supreme Court - address: Nejvyšší soud ČR, Burešova 20, 657 37 Brno, Czech Republic.

### Article 71 1. (c) - Review procedure

The courts with jurisdiction to hear review proceedings for the purposes of Article 19 of the Regulation are *the district courts which handed down the judgment at first instance*.

The competent court must apply Article 19 of the Regulation directly. An appeal is possible against decisions rejecting an application for a review.

#### Article 71 1. (d) - Central Authorities

The Central Authority is:

*Úřad pro mezinárodněprávní ochranu dětí*

(Office for International Legal Protection of Children)

Kounicova 683/14

602 00 BRNO

Czech Republic

Telephone: +420 542 215 522

Internet: <http://www.umpod.cz>

#### Article 71 1. (e) – Public bodies

The Ministry of Justice of the Czech Republic is a competent public body within the meaning of Article 51(3) of the Regulation; it has full powers, pursuant to Act No 629/2004 on provision of legal aid in cross-border disputes within the European Union, as amended, to ensure that legal aid is provided in line with Article 51(2)(a) of the Regulation.

Contact details:

Ministry of Justice of the Czech Republic (*Ministerstvo spravedlnosti ČR*)

Vyšehradská 16

128 10 Prague 2

Czech Republic

E-mail: [moc@msp.justice.cz](mailto:moc@msp.justice.cz)

Telephone: 00420 221 997 925

Fax: 00420 221 997 919

<http://www.justice.cz>

#### Article 71 1. (f) – Competent authorities for enforcement

The authorities competent in relation to enforcement for the purposes of Article 21 of the Regulation are *the district courts*.

Their territorial jurisdiction is governed by Sections 84 to 86 of the Code of Civil Procedure where the application for the enforcement of a decision was lodged with a district court, or by Section 45 of the Enforcement Code where the application was lodged with a court bailiff.

#### Article 71 1. (g) - Accepted languages for translations of documents

The languages accepted for translations of the documents referred to in Articles 20, 28 and 40 of the Regulation are Czech and Slovak.

#### Article 71 1. (h) - Languages accepted by Central Authorities for communication with other Central Authorities

In addition to Czech, English and Slovak are also accepted by the Central Authority for communication with other Central Authorities referred to in Article 59.

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