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European Account Preservation Order

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 50(1)(a) – Courts competent to issue the European Account Preservation Order

The Prague 1 District Court (under Section 37 of [Act No 6/2002 on courts and judges](#)).

Article 50(1)(b) – Authority designated as competent to obtain account information

The Prague 1 District Court is competent to obtain account information (under Section 37 of [Act No 6/2002 on courts and judges](#)).

Article 50(1)(c) – Methods of obtaining account information

Section 128 of Act No 99/1963, the [Code of Civil Procedure](#) (občanský soudní řád), as amended, requires anyone, on request, to inform a court free of charge of any fact that is of significance for its proceedings and decision-making.

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

Appeals should be lodged via the court whose decision is being contested (Section 204(1) of Act No 99/1963, the [Code of Civil Procedure](#), as amended). Subject-matter jurisdiction lies with the regional courts (*krajské soudy*). Territorial jurisdiction lies with the regional court in whose region the district court that ruled at first instance is located. Territorial jurisdiction for the Prague 1 District Court at first instance lies with the Prague Municipal Court (*Městský soud v Praze*), under [Section 37 of Act No 6/2002 on courts and judges](#).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The Prague 1 District Court (under Section 37 of [Act No 6/2002 on courts and judges](#)).

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

The Prague 1 District Court (under Section 37 of [Act No 6/2002 on courts and judges](#)).

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

A joint account may be preserved only in respect of the debtor's share of the funds (Section 311a of Act

No 99/1963, the [Code of Civil Procedure](#) (občanský soudní řád), as amended). In the case of an account set up for several persons, the rule is that all have equal shares in the funds (Section 2663 of Act No 89/2012, the [Civil Code](#) (občanský zákoník), as amended).

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

These rules are laid down in Sections 304a, 304b, 310 and 317 to 319 of Act No 99/1963, the [Code of Civil Procedure](#) (občanský soudní řád), as amended. Funds are exempt from seizure if, for instance, they are intended for the payment of wages, holiday pay and other benefits in lieu of remuneration for work. This also applies to funds up to an amount of twice the living wage, social welfare benefits and hardship benefits.

For funds intended for the payment of wages, holiday pay and other benefits in lieu of remuneration for work, the obliged person (i.e. the debtor) must submit to the financial institution (where the account is held) a written declaration stating the purpose of the payment, the total amount to be thus paid and, above all, the names of all employees stating the exact amount of the benefit to be paid to them. The obliged person's signature on the declaration must be certified. Since this is a procedural act by the obliged person, it must be signed at the premises of the obliged person (legal person) by somebody authorised to act on behalf of that legal person before a court, in accordance with Section 21 of the Code of Civil Procedure. The financial institution is not obliged or authorised to examine the declaration and it will not examine whether the benefits paid were actually used for a particular purpose; it will pay the obliged person's employees' claims according to the balance of funds in the account (including funds that arrive in the account afterwards, if the original amount is insufficient to make the payment). This also applies to funds up to an amount of twice the living wage. In this case, the financial institution must also make the payment, on the basis of a request by the obliged person, independently and without intervention from a court (if the obliged person sends the request to a court, the court does not make any kind of decision on it. It will only send it to the financial institution in order for it to meet the obligation in question on the basis thereof). There is no need to examine the purpose of the funds paid in cases such as this. The financial institution will simply notify the court that it has paid the amount in question to the obliged person. Steps must then be taken to inform the beneficiary of this fact, who might otherwise have had reasonable doubts as to whether the financial institution acted in accordance with the court order if an incomplete payment was made of the amount claimed. However, if this payment does not concern the beneficiary in any way, there is no need to inform them of it. In all other cases these amounts are excluded by operation of law (e.g. social benefits or claims made by authors and other originators).

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

Yes. Banks are entitled to charge fees for the implementation of equivalent national orders in accordance with their scale of fees. The scale of fees is determined by agreement between the debtor and the bank under the law, there being statutory limits on what a bank can agree with a debtor.

Banks are also entitled to charge fees for providing information, if they have come to an arrangement with the customer to do so. This will depend on the specific scale of fees, and the account holder will be responsible for the provisional and final payment of the fees.

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

Court fees are governed by Act No 549/1991 [on court fees](#), as amended. The fee rates for procedures are set in the form of a fixed sum or a percentage in the case of fees where the basis is expressed in the form of a financial sum. The fee percentage is calculated as the product of the fee base and the fee rate. Individual rates are established in a scale of fees annexed to the Act. The Act applies both to first-instance proceedings and to appeals.

Fees become due once the obligation to pay arises, namely, for example, when an application is lodged to initiate proceedings.

For bank fees, the scale of fees is determined by agreement between the debtor and the bank under the law,

there being statutory limits on what a bank can agree with a debtor.

The scale of fees is determined by agreement between the debtor and the bank under the law, there being statutory limits on what a bank can agree with a debtor.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

No ranking is conferred on equivalent national orders under national law.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The Prague 1 District Court is competent for decisions (under Section 37 of [Act No 6/2002 on courts and judges](#)).

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

Appeals should be lodged with the court whose decision is being contested no more than 15 days after the decision is served in writing (Section 204(1) of Act No 99/1963, the [Code of Civil Procedure](#)) (občanský soudní řád), as amended.

Article 50(1)(n) – Court fees

Court fees are governed by Act No 549/1991 [on court fees](#), as amended. The fee rates for procedures are set in the form of a fixed sum or a percentage in the case of fees where the basis is expressed in the form of a financial sum. The fee percentage is calculated as the product of the fee base and the fee rate. Individual rates are established in a scale of fees annexed to the Act. The Act applies both to first-instance proceedings and to appeals.

Fees become due once the obligation to pay arises, namely, for example, when an application is lodged to initiate proceedings.

Article 50(1)(o) – Languages accepted for translations of the documents

The Czech Republic recognises Slovak as an acceptable foreign language.

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