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Succession

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 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

Pursuant to Article 45(1) of the Regulation, applications for a declaration of enforceability are dealt with by the *okresní soud* [district court] (in Prague, the *obvodní soud*, in Brno, the *Městský soud*).

Appeals against decisions on applications for a declaration of enforceability pursuant to Article 50(2) of the Regulation are dealt with by the *krajský soud* [regional court] (in Prague, the *Městský soud*). Appeals should be lodged with the court whose decision is being appealed.

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Only the following extraordinary appeal procedures may be used:

- *žaloba pro zmatečnost* [action in annulment];
- *žaloba na obnovu řízení* [action to re-open proceedings];
- *dovolání* [appellate review];

All the extraordinary appeal procedures listed should be lodged with the court which ruled on the case at first instance.

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Only a court may issue a European Certificate of Succession. If succession proceedings are already under way, the certificate is issued by the Court Commissioner of the court responsible for those proceedings under § 100(1) of Act No 292/2013 on Special Judicial Procedures.

If a European Certificate of Succession has to be rectified, amended or revoked after the succession proceedings have been completed, that court act may not be performed by a notary acting as Court Commissioner, as his or her competence has lapsed; he or she is no longer a Court Commissioner.

Article 78 (d) - the redress procedures referred to in Article 72

The *krajský soud* [regional court] (in Prague, the *Městský soud*) decides on appeal procedures lodged with a notary acting as a Court Commissioner or with the *okresní soud* [district court] whose decision is being appealed.

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Under § 100(1) of Act No 292/2013 on Special Judicial Procedures, acts of the court of first instance in succession proceedings are performed by a notary, acting as a Court Commissioner, authorised by the Court, unless otherwise specified.

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