

Procedural time limits - Czech Republic

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1 What are the types of deadlines relevant for civil procedures?

Generally, deadlines that are relevant in civil procedures are either procedural or substantive.

There are two types of procedural deadlines: statutory and judicial.

Statutory deadlines are laid down by law. A failure to adhere to a statutory procedural deadline always entails some kind of procedural consequence (e.g., loss of the possibility to successfully execute a certain task, the imposition of a disciplinary fine). The failure to meet a statutory deadline may be excused (see Section 58 of Act No 99/1963, the Code of Civil Procedure (*zákon č. 99/1963 Sb., občanský soudní řád, ve znění pozdějších předpisů*) (*Code of Civil Procedure*), as amended, if the party or its legal representative missed the deadline for an excusable reason, as a result of which he was unable to perform an action which he is

entitled to effect. An application must be filed within 15 days of the day on which the obstacle ceased to be a factor, and the missed action must be effected at the same time. A court may, at a party's request, grant the application a suspensive effect, in order to excuse the missing of the deadline.

If a time limit for the execution of an action is not set directly by law, it is set by the chair of the judicial panel (or judge sitting alone). The chair of the judicial panel (or judge sitting alone) may set a deadline not only in those cases that are envisaged by the law, but also in cases when it is required to ensure proceedings proceed efficiently and with all due dispatch. A court can extend a judicial time limit based on the circumstances (see Section 55 of Act No. 99/1963, the Code of Civil Procedure, as amended). Excusing the missing of a deadline is not permissible.

Deadlines set for the court, for example for the issuance of a decision, are not procedural deadlines; deadlines set for the court are administrative deadlines.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Day of Renewal of the Independent Czech State, New Year's Day: 1 January

Easter Monday: the day changes, but usually the holiday comes at the end of March or beginning of April.

Labour Day: 1 May

Victory Day: 8 May

Day of the Slavic Missionaries Cyril and Methodius: 5 July

Day of the Immolation of Jan Hus: 6 July

Day of Czech Statehood: 28 September

Date of the Creation of an Independent Czechoslovak State: 28 October

Day of Struggle for Freedom and Democracy: 17 November

Christmas Eve: 24 December

Christmas Day: 25 December

Boxing Day: 26 December

3 What are the applicable general rules on time limits for the various civil procedures?

The statutory rules for the method by which time limits are calculated are set in Sections 55-58 of Act No 99/1963, the Code of Civil Procedure, as amended.

A time limit determined in days starts on the day following the fact that is decisive for its commencement.

One half of a month means fifteen days.

The end of a period determined in weeks, months, or years falls on the day whose designation or number corresponds to the day on which occurred the event from which the period runs. If there is no such day in the last month, the end of the period falls on the last day of the month.

If the last day of a period falls on a Saturday, Sunday, or public holiday, the last day of the period is the next working day.

Periods determined in hours end upon the expiration of the hour whose designation corresponds to the hour when the event determining the start of the period occurred.

A procedural deadline is met if the action is executed at a court or a submission handed over to an authority that is obliged to deliver it, i.e., most frequently a postal licence holder, on the last day of the period.

If proceedings have been interrupted, the running of procedural time limits is also interrupted (Section 111 (1) of the Code of Civil Procedure). If proceedings are resumed, periods begin running again.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The day on which the event determining the start of a time limit occurred is not included in the calculation of the time limit. This does not apply in the event of a time limit determined in hours. Hence, a time limit generally runs from the day following the day on which the event decisive for the running of the limit occurred (see Section 57 (1) of Act No 99/1963 Code of Civil Procedure, as amended).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The day on which the event determining the start of a time limit occurred is not included in the calculation of the time limit. This does not apply in the event of a time limit determined in hours (see Section 57 (1) of Act No 99/1963 Code of Civil Procedure, as amended).

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

A period is calculated in calendar days.

8 When such a period is expressed in weeks, in months or in years?

Periods determined in weeks appear only rarely in the Code of Civil Procedure (Act No 99/1963, as amended) (e.g., Section 260 (3), Section 295 (1), and Section 295 (2)). More frequently, they appear as judicial deadlines in judicial practice.

Periods determined in months appear in the Code of Civil Procedure in the length of one month (e.g., Section 82 (3), Section 336m (2), and Section 338za (2)); two months (e.g., Section 240 (1) and Section 247 (1)); three months (e.g., Section 111 (3), Section 233 (1), and Section 234 (1)); and six months (e.g., Section 77a (2) and Section 260g (3)).

Periods determined in years are of two types in the Code of Civil Procedure: a one-year period (e.g., Section 111 (3)) and a three-year period (e.g., Section 99 (3), Section 233 (2), and Section 234 (2)).

9 When does the deadline expire if expressed in weeks, in months or in years?

Periods determined in weeks, months, or years end at the end of the day whose designation corresponds to the day on which the event determining the start of the period occurred, and if there is no such day in the month, then on the last day of the month (see Section 57 (2) of Act No 99/1963, Code of Civil Procedure, as amended).

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes (see Section 57 (2) of Act No 99/1963, Code of Civil Procedure, as amended).

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Statutory procedural deadlines cannot be changed by a court decision.

A judicial procedural period may be extended by a court, depending on the circumstances.

12 What are the time limits for appeals?

A party may challenge the decision of a district court (*okresní soud*) or the decision of a regional court (*krajský soud*) rendered in first instance proceedings by a judgement, unless the law excludes that (see Section 201 of Act No 99/1963, Code of Civil Procedure, as amended). An appeal is to be filed within fifteen days of the delivery of a written decision, at the court whose decision is being challenged. The period for submitting an appeal does not include the day on which the decision was served on the party. To adhere to this procedural deadline, it suffices if the appeal is handed over to an authority that is obliged to serve it (in particular, a postal licence holder, a prison institution in the event of persons incarcerated in prison or in custody, an institution for institutional or protective upbringing of a person placed in it, etc.) or at the court on the last day of the period.

If a corrective ruling has been issued pertaining to the decision proper, the period runs from the effective date of the corrective ruling (see Section 204 (1) of the Code of Civil Procedure).

An appeal filed after the expiration of the fifteen-day period only due to the fact that the appellant followed an incorrect instruction given by the court with respect to an appeal is deemed to have been filed in a timely manner. If a decision does not contain instructions about appeal, about the time-limit for appeal, or about the court at which it is to be lodged, or if it contains incorrect instructions stating that an appeal is not permissible, an appeal may be lodged within three months of the service of the decision.

If an order for payment was rendered in a case, that order may be prevented from becoming effective solely by filing of a statement of opposition by the defendant, within the statutory period of 15 days from the day of the service of the order, at the issuing court (see Section 172 (1) of the Code of Civil Procedure). The order for payment is set aside by the filing of a statement of opposition, and the court orders a hearing. An appeal can be lodged only against the statement concerning the costs of procedures, but that naturally does not set aside the order for payment.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The Code of Civil Procedure (Act No 99/1963, as amended) makes it possible to adjourn a hearing for important reasons, if a matter cannot be deliberated on and decided in a single hearing (see Section 119 of the Code of Civil Procedure). An important reason for adjournment may be, for example, the fact that one of the parties to the proceedings failed to report to the court, and it is not possible to conduct the hearing in his absence (see Section 101 (3) of the Code of Civil Procedure), or if one of the parties did not have sufficient time to prepare for the hearing due to the summons not having been delivered to it with sufficient advance notice or for other important reasons.

A party may ask the court to adjourn a hearing. A court will decide about a request of a party for adjournment submitted in advance, on the basis of the seriousness of the reason claimed. If the court does not grant the party's request, the party must appear for the hearing.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The laws of the Czech Republic do not explicitly regulate such a situation.

In the case of proceedings involving an international element, during which a document is to be served on a party abroad, the procedural rules of the *lex fori* will be applied, i.e., the procedural rules of the court into whose jurisdiction the case falls.

15 What are the consequences of non-observance of the deadlines?

Every failure to adhere to a procedural deadline has procedural consequences.

If the Code of Civil Procedure (Act No 99/1963, as amended) sets a certain deadline for the execution of an action (e.g., the submission of an appeal or extraordinary appeal), the failure to meet the deadline results in the loss of the possibility to successfully execute the action. The missing of the deadline may be excused if the party or its representative has missed it for an excusable reason (e.g., a sudden illness, injury, etc.) and was therefore unable to execute the action he is entitled to effect (see Section 58 of the Code of Civil Procedure), unless the excusing of the missing of a specific deadline is excluded by the Code of Civil Procedure (for example, pursuant to Section 235 (1) of the Code of Civil Procedure, excusing the missing of a deadline is excluded in the case of applications for the renewal of proceedings and for annulment). In the event of a deadline set for compliance with a certain obligation, the failure to meet the deadline results in the imposition of a certain sanction (for example, a disciplinary fine).

Each case of the missing of a judicial procedural deadline is linked by law with certain consequences. A judicial deadline may be extended by the chair of a judicial panel (or a judge sitting alone). Excusing the missing of a judicial deadline is not permissible.

An order for payment against which a statement of opposition has not been filed has the effects of a final and enforceable judgement (see Section 174 (1) of the Code of Civil Procedure).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The missing of a hearing has different consequences than the missing of a deadline. If a duly summoned party fails to appear for a hearing and has failed to request an adjournment in a timely fashion and for an important reason, the court may deliberate on the matter and rule in his absence (see Section 101 (3) of Act No 99/1963, Code of Civil Procedure, as amended) and, if the conditions set out in Section 153b of the Code of Civil Procedure are met, it can render a default judgement.

If the defendant misses the first hearing in a matter in which a default judgement was rendered for excusable reasons, the court shall set aside the judgement at the defendant's request and order a hearing in the matter. A party can submit such an application up until the date on which the default judgement takes effect (see Section 153b (4) of the Code of Civil Procedure).

An appeal on the merits of the case is also permissible against a default judgement. If the defendant, in addition to filing an application for setting aside a first-instance court judgement, has also appealed the judgement, and the application for setting aside the judgement has been granted by an enforceable ruling, the appeal shall be disregarded (see Section 153b (5) of the Code of Civil Procedure).

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