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Online processing of cases and e-communication with courts

Czechia

1 Is it possible to initiate court proceedings via the internet?

Yes, any claim may be submitted electronically in the Czech Republic.

Claims may be submitted (a) by electronic mail with a certified electronic signature or (b) by data box, i.e. a special electronic repository for delivering and executing acts vis-a-vis public authorities. These procedures are equivalent to standard written submissions. Claims may also be submitted by standard electronic mail without a certified electronic signature, but this must be followed up within three days by the submission of an identical text in standard written format or by the methods described in (a) and (b) above. For details of all these procedures see our reply to question 6.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

A claim may be submitted electronically for any type of case. An application for an electronic payment order may only be made electronically.

The procedure for an electronic payment order is a special accelerated procedure. Claimants submit their claims by filling in an electronic form on the ePodatelna website <http://epodatelna.justice.cz/> and signing them using a certified electronic signature. Claimants can claim up to CZK 1 million. The form must be correctly completed and payment of the court fee made before an electronic payment order can be issued. Once all the requirements are met, the court may issue an electronic payment order. In it, the court orders the defendant to pay the amount owed and the costs of the proceedings to the claimant within 15 days of its receipt, or to lodge an appeal with the court that issued the order within the same time limit. An electronic payment order that has not been appealed has the effect of a final judgement. If any of the defendants submits an appeal within the time limit, the electronic payment order is cancelled in full and the court sets a hearing.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

An electronic claim may be filed at any time.

When filing a claim by electronic mail with a certified electronic signature, claimants may consult the ePodatelna <http://epodatelna.justice.cz/> website (although this is only available in Czech). Claims may also be filed to the email address of the appropriate court registry. Registry email addresses can be found at <https://justice.cz/soudy>.

When claims are submitted to a court's data box, the identifiers for individual courts' data boxes can be found on the public administration portal in the list of entities with data boxes (<https://www.mojedatovaschranka.cz/sds>) – in the 'central government bodies' section, or on the Ministry of Justice website <https://www.justice.cz/> under the contact details for individual courts.

Claims may also be lodged by directly completing the electronic form using the web application <https://epodatelna.justice.cz/ePodatelna/homepage> - see 'Making court claims'.

4 Should the details of the claim be provided in any particular format?

As a general rule, all operations may be carried out in any format, unless a specific format is prescribed by law for certain operations. Above all, filings must be comprehensible and specific.

When employing certain electronic procedures, claimants may be restricted by the technical parameters for various means of communication. For example, when using the ePodatelna portal <http://epodatelna.justice.cz/> (see questions 2, 3 and 6), the maximum size of all attachments is restricted to 10 MB and the acceptable document formats are pdf, rtf, xls, doc and txt. Similarly, the size of messages sent to data boxes is limited to 10 MB and the acceptable formats for data messages sent to data boxes are pdf, PDF/A, xml (where this corresponds to the publicly available XSD schema published by the data message recipient), fo/zfo, html/htm, odt, ods, odp, txt, rtf, doc/docx, xls/xlsx, ppt/pptx, jpg/jpeg/jfif, png, tif/tiff, gif, mpeg1/mpeg2, wav, mp2/mp3, isdoc/isdocx, edi, dwg, shp/dbf/shx/prj/qix/sbn/sbx, dgn and gml/gfs/xsd. Submissions made to an email address should be in HTML format, PLAIN TEXT with coded text - ISO-8559-2, ISO - 8559-1(LATIN-1), Unicode or UTF-8. The size of the email (including attachments) is limited to 5 MB. Supported operating systems are: Windows 98, Windows 2000, Windows 2003, Windows XP and Windows Vista (a problem has been identified with Windows Vista for certain HW repositories of electronic qualified certificates (e.g. Smart card reader SCR3320); electronic submissions cannot currently be signed or sent using this reader. A submission can be signed and sent if the pfx file (p12) is specified in the Java Applet and a password for a private key is entered). Claimants intending to use the ePodatelna portal or data boxes can refer to the instructions and user manuals on the website for detailed information.

5 How is transmission and storage of data secured?

Courts and bailiffs proceed according to the legislation governing data protection (in particular Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR)) and other relevant legislation.

6 Is it necessary to use any kind of electronic signature and/or time record?

Four different electronic procedures can be used to file claims in ordinary civil proceedings:

First, a claim can be lodged by electronic mail with a certified electronic signature. A certified electronic signature is defined in Section 11 of Act No 227/2000 on electronic signatures; it is (a) a guaranteed signature based on a qualified certificate issued by a Czech accredited provider of certification services and containing information enabling the unequivocal identification of the signee (the list of accredited providers in the Czech Republic is available on the Czech Interior Ministry website <http://www.mvcr.cz/clanek/prehled-udelenych-akreditaci.aspx>) or (b) a guaranteed electronic signature based on a qualified certificate issued by a provider of certification services based outside the Czech Republic, where the qualified certificate was issued as part of a service entered in the list of trusted certification services as a service which the provider of the certification services is accredited to provide, or as a service whose provision is overseen in accordance with the relevant EU legislation. This type of submission is equivalent to a standard written submission. Claimants wishing to submit claims in this way should consult the ePodatelna website <http://epodatelna.justice.cz/>. Claims can also be sent to the email address of the relevant court registry. Registry email addresses can be found on <https://justice.cz/soudy> in the contact details for individual courts.

Second, data boxes may be used. These are special electronic repositories for delivering and executing acts vis-a-vis public authorities in the Czech Republic. Data boxes are primarily governed by Act No 300/2008 on electronic operations and authorised conversion of documents. This type of submission is equivalent to a standard written submission. Details concerning the data box system can be found on the website <http://www.datoveschranky.info/>, and users can access accounts via the website <https://www.mojedatovaschranka.cz/>. All courts have data boxes. The data box identifiers for each court can be

found on the public administration portal in the list of entities with data boxes (<https://www.mojedatovaschranka.cz/sds>) – in the ‘central government bodies’ section, or on the Ministry of Justice website <https://www.justice.cz/> under the contact details for individual courts.

Third, claims may also be submitted by standard electronic mail without a certified signature. However, these submissions must be followed up within three days by the submission of an identical text in standard written format or by the methods described above, otherwise the court will disregard them (Section 42 of the Code of Civil Procedure).

Fourth, claims and their annexes may be filed with courts electronically by directly completing the electronic form using the web application <https://epodatelna.justice.cz/ePodatelna/homepage>. An online guide for creating claims is available - see ‘Making court claims’. The guide to online claims enables claimants to complete selected e-forms and generate claims in PDF format. To file a court claim correctly, claimants must have Adobe Acrobat Reader installed and ‘own a certified electronic signature’.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Yes, court proceedings incur a fee. The claimant can pay the fee, which is based on a fee scale, either to the relevant court’s account held at the Czech National Bank or by revenue stamp (for amounts up to CZK 5 000). If the fee is not paid when the claim is lodged, the court will set a deadline for the claimant to pay it and inform him or her of the consequences of non-payment. The proceedings are suspended if the fee has not been paid within the deadline.

Fees and payment methods for proceedings initiated by electronic filings are no different from fees and payment methods for proceedings initiated in the standard manner. The exception is the electronic payment order procedure, where the court fee is slightly lower than for ordinary civil proceedings.

8 Is it possible to withdraw a claim that has been initiated via the internet?

Yes. Claims made via the internet can be withdrawn in the same way as those made in the standard way. Claims may be withdrawn electronically or in the standard way.

Claimants may withdraw claims in whole or in part until such time as the court’s ruling has become final. If a claim is withdrawn the court will suspend the proceedings completely or to the extent in which the claim is being withdrawn. If a motion to initiate proceedings is withdrawn after the court has ruled on the case, but the ruling is not yet final, the court will decide whether to also withdraw the decision to the extent in which the motion is being withdrawn. Should the other parties disagree with the withdrawal of a claim for good reason, the court will decide that the withdrawal is not effective, except in certain specific proceedings. (Section 96 of the Code of Civil Procedure)

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

A defendant may communicate via the internet but is not obliged to do so.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

If the defendant appeals against an electronic payment order within the statutory time limit, it is cancelled in full, the court sets a hearing and the court proceedings then continue in the normal way, i.e. standard first-instance civil court proceedings.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

If the defendant does not appeal against an electronic payment order within the statutory time limit, the payment order acquires the force of a final judgement.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Documents may be submitted to court electronically for any type of proceedings. The technicalities are set out in our reply to question 4.

13 Can judicial documents, and particularly judgments, be served via the internet?

Courts serve documents to data boxes of entities that have them set up. For more on data boxes, see our reply to question 6.

Courts may also serve documents and judgments by electronic mail with a certified signature to an email address which the addressee has given the court, provided the addressee has requested or consented to service of the materials by the court in this way and has identified an accredited provider of certification services which has issued his/her qualified certificate and keeps a record of it, or has submitted his/her own valid qualified certificate. For information about qualified certificates, see our reply to question 6. For the service to have effect, the addressee must confirm receipt by data message within 3 days of the document having been sent (e.g. to the email address of the court in question) with his/her guaranteed electronic signature.

14 Can judicial decisions be given electronically?

Judicial decisions are delivered to data boxes of entities that have them set up. For information on data boxes, see our reply to question 6.

Judicial decisions may also be delivered by electronic mail with a certified signature to an email address which the addressee has given to the court, provided the addressee has requested or consented to service of the materials by the court in this way and has identified an accredited provider of certification services which has issued his/her qualified certificate and keeps a record of it, or has submitted his/her own valid qualified certificate. For information about qualified certificates, see our reply to question 6. For the service to have effect, the addressee must confirm receipt by data message within 3 days of the document having been sent (e.g. to the email address of the court in question) with his/her guaranteed electronic signature.

15 Can an appeal be made and its decision served via the internet?

Yes, an appeal can be made electronically, in the same way as a claim. See question 6.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, enforcement proceedings can be initiated electronically, in the same way as a claim.

Where a claimant chooses to enforce payment through a bailiff, our reply to question 6 applies mutatis mutandis. The list of bailiffs and their email addresses and data box identifiers can be found on the website <http://www.ekcr.cz/>.

In the case of judicial enforcement, please refer to our reply to question 6.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Czech court offices generally communicate with parties and their legal representatives by electronic mail or telephone to handle enquiries regarding their case status.

Basic information on events that have occurred during the proceedings (without personal details) are also available online on the InfoSoud website: <http://infosoud.justice.cz/InfoSoud/public/search.jsp> (only available in Czech). Information on upcoming proceedings is available on the InfoJednání website: <http://infojednani.justice.cz/InfoSoud/public/searchJednani.jsp>. To access the system, the name of the court and the case file number must be entered.

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