

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

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

Claims may be issued (a) by electronic mail with a certified electronic signature, or (b) by data box, i.e. a special electronic repository intended for the delivery and implementation of acts vis-a-vis a public authority. These procedures are equivalent to the standard written format. A claim may also be submitted through normal electronic mail, without a certified electronic signature, but here the filing must be followed up within three days through the submission of an identical text in standard written form or by the methods described in (a) and (b) above. The details of all these procedures are set out in the response 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 issued by electronic means for any case. An electronic payment order may only be made electronically.

The procedure for an electronic payment order is a specific shortened procedure. The claimant lodges a claim using an electronic form, filled in on the ePodatelna website <http://epodatelna.justice.cz/> and signs it using a certified electronic signature. The claimant can claim an amount of up to CZK 1 million, and the conditions for issuing an electronic payment order include the correct completion of the form and payment of a court fee. Provided all the conditions are met, the court may issue an electronic payment order. In it, it orders the defendant to pay the claim and the costs of the proceedings within 15 days of its receipt, or to lodge an appeal to the court that issued it. An electronic payment order that has not been appealed has the effect of a final judgement. If any one of the defendants appeals within the time allowed, the electronic payment order is cancelled in full and the court will order 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 issued at any time.

In the case of a claim made by electronic mail with a certified electronic signature, the ePodatelna <http://epodatelna.justice.cz/> website can be used (although this is only available in Czech). A claim may also be made to the e-mail address of the appropriate court registry. Registry e-mail addresses can be found on <http://portal.justice.cz/Justice2/Uvod/Soudy.aspx>.

In the case of a claim issued to a court data box, the identifiers for data boxes of the relevant court can be found in the public administration portal, in the list of data box holders (<http://seznam.gov.cz/>) – in the “State Administration bodies” section, or in the Ministry of Justice website <https://www.justice.cz/> under the contact details for individual courts.

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

As a general rule, transactions may be executed in any format, unless a specific format has been prescribed by law for certain acts. It is more important for filings to be comprehensible and clear.

When using certain electronic procedures, claimants may be restricted by the technical parameters applying to different 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. In the same way, the size of messages in communications to data boxes are limited to 10 MB and the acceptable formats for data messages sent to data boxes are pdf, PDF/A, xml (if it 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, tiff/tiff, gif, mpeg1/mpeg2, wav, mp2/mp3, isdoc/isdocx, edi, dwg, shp/dbf/shx/prj/qix/sbn/sbx, dgn and gml/gfs/xsd. Filings made to an email address should use the HTML format, PLAIN TEXT with coded text 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 include: Windows 98, Windows 2000, Windows 2003, Windows XP, Windows Vista (in the case of Windows Vista a problem has been identified with certain HW storage of electronic qualified certificates (e.g. Smart card reader SCR3320), no electronic filings can currently be signed or sent using this reader – a filing can be signed and sent if the pfx file (p 12) is specified in the Java Applet and a password for a private key is entered). A claimant who decides to use the ePodatelna portal or a data box can refer to the instructions and user manual on the relevant webpages for information.

5 How is transmission and storage of data secured?

Courts and bailiffs proceed according to the legislation regulating the protection of personal data (in particular Act No. 101/2000 Coll., on personal data protection) and other relevant legal regulations.

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

Three different electronic procedures can be used to file a claim 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 Coll., 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 signatory (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 territory of the Czech Republic, where the qualified certificate is issued as part of the services entered in the list of trusted certifying services as a service which the provider of certified services is accredited to provide, or as a services whose provision is supervised in accordance with the relevant EU regulation. This type of filing is equivalent to the standard written form. A claimant who wishes to file in this way should consult the ePodatelna website <http://epodatelna.justice.cz/>. The claim can also be sent to the e-mail address of the appropriate court registry. Registry e-mail addresses can be found on <http://portal.justice.cz/Justice2/Uvod/Soudy.aspx> under the contact details for individual courts.

Secondly, a data box may be used, which is a special electronic repository intended for the delivery and implementation of acts vis-a-vis a public authority in the Czech Republic. Data boxes are primarily regulated by Act No. 300/2008 Coll., on electronic acts and authorised document conversation. This type of filing is equivalent to the standard written format. Details of the data box system can be found on the website <http://www.datoveschranky.info/>, and user access to the account is via the webpage <https://www.mojedatovaschranka.cz/>. All the courts are equipped with data boxes. Identifiers of data boxes for individual courts can be found on the public administration portal in the list of data box holders (<http://seznam.gov.cz/>) – in the “State Administration Bodies” section”, or on the Ministry of Justice website <https://www.justice.cz/> in the contact details for the individual courts.

Thirdly, a claim may also be filed using simple electronic mail without a verified signature. However, this type of the filing must be followed up within three days through the submission of an identical text in standard written form or by the methods described above, otherwise the court will disregard it (Section 42 of the Code of Civil Procedure).

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 account of the court in question held at the Czech National Bank or – provided it is no more than CZK 5,000 – by fiscal stamp. If the fee is not paid when the claim is lodged, the court will call on the claimant to pay it, set a specific deadline and inform him/her of the consequences of non-payment. On expiration of the deadline, the proceedings are suspended.

Fees and the method of their payment for proceedings initiated by electronic submissions are no different from the method of payment for proceedings initiated in a 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. A filing that was made over the internet can be withdrawn in the same way as a filing made in the standard way. The withdrawal can be done electronically or in the standard way.

As far as a claim is concerned, the claimant may withdraw it in whole or in part until such time as the court's ruling has become final. If the application is withdrawn the court will suspend the proceedings, completely or within the scope of the withdrawn application. If the application to initiate proceedings is withdrawn after the court has ruled on the case, but the ruling is not yet final, the court will also decide within the scope of the withdrawn application whether to withdraw the decision. Should the other parties disagree with the withdrawal of the application for good reason, the court will decide that the withdrawal of the application 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 using the internet, but it is not compulsory to do so.

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

If the defendant responds to an electronic payment order within the statutory time allowed, the electronic payment order is cancelled in full, the court orders a hearing and the court proceedings proceed in the normal way, i.e. standard civil court proceedings in the first instance.

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

If the defendant does not respond to an electronic payment order within the statutory time allowed, the electronic 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 served on the court in electronic form for any type of proceedings. The technical details are set out in the response to question no. 4.

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

The court delivers to data boxes of entities that have established them. For more on data boxes, see the response to question no. 6.

The court may also deliver documents and judgements by electronic mail with a certified signature to an email address the addressee has provided to the court, provided the addressee has requested or consented to the delivery of the materials by the court in this way and provided it has identified an accredited provider of certification services, which has issued its qualified certification and keeps records of it, or has submitted its own valid qualified certification. For details of qualified certificates, see the response to question no. 6. For the delivery to have effect, the addressee must confirm receipt by data message within 3 days of the document having been sent (e.g. to the e-mail address of the relevant court) with its guaranteed electronic signature.

14 Can judicial decisions be given electronically?

Judicial decisions are delivered to data boxes of entities that have established them. For more on data boxes, see the response to question no. 6.

Judicial decisions may also be delivered by electronic mail with a certified signature to an email address the addressee has provided to the court, provided the addressee has requested or consented to the delivery of materials by the court in this way and provided it has identified an accredited provider of certification services, which has issued its qualified certification and keeps records of it, or has submitted its own valid qualified certification. For details of qualified certificates, see the response to question no. 6. For the delivery to have effect, the addressee must confirm receipt by data message within 3 days of the document having been sent (e.g. to the e-mail address of the relevant court) with its 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 no. 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, the response to question no. 6 applies mutatis mutandis. The list of bailiffs and their e-mail addresses and data box identifiers can be found on the website <http://www.ekcr.cz/>.

In the case of judicial enforcement, reference can be made to the response to question no. 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 matters 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 have to be entered.

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