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Small claims

Czechia

#### Article 25 1 (a) Competent courts

For determining which courts are competent in the Czech Republic to conduct the European Small Claims Procedure, the general legal provisions governing competence in civil matters contained in [Act No 99/1963, the Code of Civil Procedure \(\*občanský soudní řád\*\)](#), as last amended, shall apply. Material competence is governed by Sections 9 to 12 and territorial competence by Sections 84 to 89a.

Taking into account the type of cases envisaged, district courts (*okresní soudy*) will usually have material competence and the criterion for determining territorial competence will usually be the place of residence/registered office of the defendant.

#### Article 25 1 (b) Means of communication

The Czech Republic hereby gives notice that the following means are accepted as other means of communication:

(a) applications lodged in electronic form signed using means deemed by specific legislation to have the same effects as a handwritten signature, under [Act No 297/2016 on trust services for electronic transactions](#);

(b) electronic mail;

(c) fax.

In the case of (b) and (c), the original form must also be submitted no later than three days after submitting the application, otherwise the court will disregard it.

#### Article 25 1 (c) Authorities or organisations providing practical assistance

Information is available at <https://www.coi.cz/pro-spotřebitele/evropske-spotřebitelske-centrum/>.

#### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The 'data box' (*datová schránka*) is the means of electronic service in the Czech Republic. The data box is an electronic repository designated by public authorities for serving documents (data messages). The particulars are governed by

[Act No 300/2008 on electronic transactions and authorised document conversion](#).

#### Article 25 1 (e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

Data boxes are set up free of charge, and without being requested, for legal persons registered in the commercial register, legal persons established by law, spin-off companies of foreign legal persons registered in the commercial register, lawyers, tax advisors and bankruptcy administrators; since 1 January 2023 this has been possible also for natural persons engaged in business activity. There is an obligation to set up a data box for those entities. For other types of legal persons and for natural persons not engaged in business activity, data boxes are set up upon request. The particulars are governed by

[Act No 300/2008 on electronic transactions and authorised document conversion](#).

#### Article 25 1 (f) Court fees and the methods of payment

The amount of court fees in a small claims procedure is governed by item 1 of the tariff annexed to [Act No 549/1991 on court fees](#). Where the amount claimed does not exceed CZK 20 000, the court fee is CZK 1 000. For larger amounts claimed, up to the maximum limit of EUR 5000 laid down by the Regulation, the court fee is 5% of the amount claimed.

Court fees can be paid into the account opened at the Czech National Bank (*Česká národní banka*) for the court having subject-matter and territorial jurisdiction to hear and rule on the case at first instance.

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

Recourse is available under Czech law. It takes the form of an appeal governed by Sections 201 to 226 of

[Act No 99/1963, the Code of Civil Procedure \(\*občanský soudní řád\*\)](#). Appeals must be lodged with the court whose decision is being contested no more than 15 days after the written decision is served. That court then refers the appeal to the higher court that will conduct the appeal procedure.

No appeal is permitted against a decision ordering the payment of sums not exceeding CZK 10 000 under Section 202(2) of the Code of Civil Procedure, excluding ancillary charges. This does not apply to judgments for recognition and judgments by default.

#### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Competence to hear review proceedings lies with the district court (*okresní soud*) that handed down the judgment at first instance. An appeal is possible against court decisions rejecting an application for review. This is governed by Sections 201 to 226 of

[Act No 99/1963, the Code of Civil Procedure \(\*občanský soudní řád\*\)](#).

#### Article 25 1 (i) Accepted languages

The only language accepted by the Czech Republic is Czech.

#### Article 25 1 (j) Authorities competent for enforcement

1. In the Czech Republic, the authorities that have competence with respect to enforcement are district courts (*okresní soudy*) and court bailiffs (*soudní exekutoři*). The person entitled may:

(a) lodge an application for judicial enforcement of a decision with the district court that has territorial jurisdiction;

(b) lodge an application for an enforcement order with any court bailiff.

When determining which district court has territorial jurisdiction, in the case of paragraph (a) the provisions of Sections 84 to 86 of

[Act No 99/1963, the Code of Civil Procedure](#), apply, whereas in the case of paragraph (b) the applicable provision is Section 45 of

[Act No 120/2001 on court bailiffs and enforcement activities](#), as amended, (the Enforcement Code (*exekuční řád*)). Enforcement of a decision is carried out in accordance with the Code of Civil Procedure, and in the case of bailiffs the Enforcement Code also applies.

2. The Czech Republic has appointed the district courts (*okresní soudy*) as the authorities with competence for the purposes of applying Article 23. Their territorial jurisdiction is governed by Sections 84 to 86 of the Code of Civil Procedure in the case of judicial enforcement (see paragraph (a) above) and by Section 45 of the Enforcement Code in the case of enforcement of a decision by a court bailiff (see paragraph (b) above).

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