

Strasbourg, 10 September 2006

CEPEJ (2006)  
**Version finale**

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

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**CZECH REPUBLIC/  
REPUBLIQUE TCHEQUE**



COUNCIL OF EUROPE      CONSEIL DE L'EUROPE

Version 1

Strasbourg, 15 September 2005

**CEPEJ (2005) 2 REV 2**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
approved by the Committee of Ministers on 7 September 2005  
(936<sup>th</sup> meeting of the Ministers' Deputies)**

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## REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

### COUNTRY:

### National correspondent

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### I. Demographic and economic data

#### I. A. General information

1. **Number of inhabitants** **10.220.577**  
*Source* **Czech Statistical Office**
2. **Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**  
State level **32.450.758.526,- euro**  
Regional / entity level **-**  
*Source* **Czech Statistical Office**
3. **Per capita GDP** **8.446,- euro**  
*Source* **Czech Statistical Office**
4. **Average gross annual salary** **6.783,48 euro**  
*Source* **Czech Statistical Office**

#### I. B. Budgetary data concerning judicial system

5. **Total annual budget allocated to all courts** **241.292.690,- euro**  
*Source* **Ministry of Justice**

**Please specify:**

From this current expenditure 224.54.511,- euro and capital expenditure 16.747.179,- euro.

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	Y	119.625.532,- euro
▪ IT?	Y	2.311.262,- euro
▪ Justice expenses borne by the State?	Y	20.067.117,- euro

Source *Ministry of Justice*

7. Annual public budget spent on legal aid 12.273.022,- euro

Source *Ministry of Justice*

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	11.616.443,- euro
▪ the annual public budget spent on legal aid in other court cases	656.579,- euro

Source *Ministry of Justice*

9. Annual public budget spent on prosecution system 55.924.241,- euro

From this current expenditure 53.406.594 euro and capital expenditure 2.517.646 euro.

Source *Ministry of Justice*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	Y	N	Y	Y
Other ministry. Please specify	Ministry of Finance	N	N	N
Parliament	N	Y	N	N
Supreme Court	N	N	N	N
Judicial Council	N	N	N	N
Courts	N	N	N	N
Inspection body. Please specify.	N	N	N	N
Other. Please specify	N	N	N	N

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above

- *the characteristics of your budgetary system*

## II. Access to Justice and to all courts

### II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Y	Y
Legal advice (Yes/No)	Y	Y
Other (Yes/No). Please specify	N	N

12. Number of legal aid cases:

- total not recorded
- criminal cases
- other than criminal cases

Source

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes  No

14. Does your country have an income and asset test for granting legal aid:

- |                                  |  |  |
|----------------------------------|--|--|
|                                  | No   | Yes/Amount   |
| ▪ for criminal cases?            | <span style="background-color: #f4a460; display: inline-block; width: 15px; height: 15px;"></span> | <span style="background-color: #f4a460; display: inline-block; width: 40px; height: 15px;"></span> |
| ▪ for other than criminal cases? | <span style="background-color: #f4a460; display: inline-block; width: 15px; height: 15px;"></span> | <span style="background-color: #f4a460; display: inline-block; width: 40px; height: 15px;"></span> |

Source

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes  No

16. If yes, is the decision taken by:
- the court? Yes
  - a body external to the court? No
  - a mixed decision-making body (court and external)? No

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases? Yes  No
- for other than criminal cases? Yes  No

If yes, are there exceptions? Please specify:

There is a possibility for a participant in the proceedings to ask for waiver of court fees ordered by the court; such release should be justified by the participant's personal situation and may not serve as arbitrary or apparently unsuccessful application or protection of law.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No  Yes  Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

- criminal cases? Yes  No
- other than criminal cases? Yes  No

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

**II. B. Users of the courts and victims**

**II. B. 1. Rights of the users and victims**

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- |  |                            |                          |
|--|----------------------------|--------------------------|
|  | Yes                        | No                       |
| ▪ legal texts (e.g. codes, laws, regulations, etc.)?                     | Y <input type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.mvcr.cz">www.mvcr.cz</a>       |                            |                          |
| ▪ case-law of the higher court/s?  | Y <input type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.nsoud.cz">www.nsoud.cz</a>     |                            |                          |
| ▪ other documents (for examples legal forms)?                            | Y <input type="checkbox"/> | <input type="checkbox"/> |
| Internet address(es): <a href="http://www.justice.cz">www.justice.cz</a> |                            |                          |

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes  No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes  No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	N	N	N	N
Victims of terrorism	N	N	N	N
Child/Witness/Victim	Y	Y	Y	N
Victims of domestic violence	N	N	N	N
Ethnic minorities	N	N	N	N
Disabled persons	N	N	N	N



Juvenile offenders	N	N	N	N
Other	N	N	N	N

24. Does your country have compensation procedure for victims of crimes?

Yes  No

25. If yes, does this compensation procedure consist in:

- |                  |                                     |
|------------------|-------------------------------------|
| ▪ a public fund? | Yes                                 |
| ▪ a court order? | <input checked="" type="checkbox"/> |
| ▪ private fund?  | <input type="checkbox"/>            |

26. If yes, which kind of cases does this procedure concern?

Cases where damage to health has been the cause of action.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No  Yes  Please specify:

**II. B.2. Confidence of citizens in their justice system**

28. Is there a system for compensating users in the following circumstances:

- |                                    |                                     |                                     |
|------------------------------------|-------------------------------------|-------------------------------------|
|                                    | Yes                                 | No                                  |
| ▪ excessive length of proceedings? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ▪ wrongful arrest?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ wrongful condemnation?           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If yes, please specify (fund, daily tariff):

The right to compensation for damage caused as a result of the decision to remand a person in custody is possessed by the person remanded in custody if criminal prosecution against the person has been discontinued, or the person has been acquitted, or the case has been committed to a different body.

The right to compensation for damage caused as a result of the judgment of conviction shall be possessed by the person having fully or partly served the sentence if the judgment has been later declared illegal and quashed.

Generally speaking, the right to compensation of damage is not possessed by a person who was fully responsible for his or her custody or conviction.

If the injured person dies as a result of wrongful arrest or wrongful conviction his or her surviving relatives are entitled to compensation of their subsistence costs. Compensation for

the loss of profit shall be provided in the amount of CZK 5.000 (approx. € 157) for every month spent in custody, prison, protective psychiatric and medical treatment. Compensation is also provided with respect to the costs of proceedings.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes  No

If possible, please specify their titles, how to find these surveys, etc:

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes  No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	Y	N
Higher court	Y	N
Ministry of Justice	Y	N
High Council of Justice	-	-
Other external organisations (e.g. Ombudsman)	N	N

Can you give information elements concerning the efficiency of this complaint procedure?

### III. Organisation of the court system

#### III. A. Functioning

**33. Total number of courts (administrative structure):**

- **first instance courts of general jurisdiction** 86

Source *Ministry of Justice*

- **specialised first instance courts** none

Source *Ministry of Justice*

**Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

We have specialized judges, e. g. for juvenile cases, foreigners, traffic crimes, financial and banking crimes, military crimes; custody of minors cases, probate cases, protection of personal rights cases, lease of residential and non-residential premises, rights to intellectual and industrial property, business cases, Commercial Register cases, bankruptcy and composition cases, protection of competition cases, negotiable instruments cases, labour cases, execution of judgement, cases with foreign elements and administrative justice cases.

**34. Total number of courts (geographic locations)** 98

Source *Ministry of Justice*

**35. Number of first instance courts competent for a case concerning:**

- **a debt collection for small claims** 0

**Please specify what is meant by small claims in your country:**

There are no specialised courts in the CR, but small claims are monetary claims not exceeding the amount of CZK 2.000 (approx. € 63).

- **a dismissal** 0
- **a robbery** 0

**36. Number of professional judges sitting in courts** 2.878

*(present the information in full time equivalent and for permanent posts)*

Source *Ministry of Justice*

**37. Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

- *gross figure* 0
- *if possible, in full time equivalent*

Source

**Please specify:**

38. **Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs** 7.872

Source *Ministry of Justice*

**Please specify:**

Lay judges are engaged in District Courts and Regional Courts. They are elected by Local Councils of their respective community or region. The panel consists of one professional judge and two lay judges.

At a District Court civil proceedings, such a panel may decide, for example, employment cases; in criminal proceedings at a Regional Court as the court of first instance, such a panel may decide criminal cases where the law provides that the minimum term of imprisonment exceeds five years.

Individual lay judges usually sit 20 calendar days in one calendar year.

39. **Does your judicial system include trial by jury with the participation of citizens?**

No N

Yes  **For which type of case(s)?**

**If possible, number of citizens who were involved in such juries for the year 2004?**

40. **Number of non-judge staff who are working in courts** 9.093  
*(present the information in full time equivalent and for permanent posts)*

Source *Courts*

41. **If possible, could you distribute this staff according to the 3 following categories:**

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:** 1.919
- **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):** 6.145
- **technical staff:** 1.029

42. **In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):**

No   
 Yes  Number of staff 1.840

According to the Court and Judges Act, judicial decision-making is carried out primarily by judges; certain decisions are also made by senior court officers, secretaries of court, trainee judges and court executors.  
 Assistants of Justices are engaged in the Supreme Court of the CR and the Supreme Administrative Court of the CR (the total number of 79); however, these assistants do not share any judicial decision-making activities.

43. **Number of public prosecutors** 1.066  
*(present the information in full time equivalent and for permanent posts)*

Source *Ministry of Justice*

44. **Do you have persons who have similar duties as public prosecutors?**

No   
 Yes  Please specify:

45. **Is the status of prosecutors:**

- |                                     |   |     |
|-------------------------------------|---|-----|
| <input type="checkbox"/>            | independent within the judiciary?               | Yes |
| <input checked="" type="checkbox"/> | independent from the judiciary ?                | Y   |
| <input type="checkbox"/>            | under the authority of the Ministry of Justice? | N   |
| <input type="checkbox"/>            |   | N   |

46. **Number of staff (non prosecutors) attached to the public prosecution service** 1.580  
*(present the information in full time equivalent and for permanent posts)*

Source *Public Prosecutors' Offices*

47. **Who is entrusted with the individual court budget?**

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board	N	N	N	N
Court President	Y	Y	Y	Y
Court administrative director	N	N	Y	N

Head of the court clerk office	N	N	N	N
Other. Please specify	N	N	N	N

**48. In general, do the courts in your country have computer facilities?**

Yes  No

**49. What are the computer facilities used within the courts?**

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	x			
	Electronic data base of jurisprudence	x			
	Electronic files				x
	E-mail	x			
	Internet connection	x			
Administration and management	Case registration system		x		
	Court management information system		x		
	Financial information system		x		
Communication between the court and the parties	Electronic forms	x			
	Special Website	x			
	Other electronic communication facilities		x		

Source *Ministry of Justice*

**50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

No  Yes  Please specify the name and the address of this institution:

Ministry of Justice

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

**III. B. Monitoring and evaluation**

51. Are the courts required to prepare an annual activity report?

Yes  No

52. Do you have a regular monitoring system of court activities concerning the:

- |                              | Yes                                 | No                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| ▪ number of incoming cases?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ number of decisions?       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ number of postponed cases? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ▪ length of proceedings?     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ▪ other?                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Please specify:

53. Do you have a regular evaluation system of the performance of the court?

No   
Yes  Please specify:

54. Concerning court activities, have you defined:

- performance indicators? Yes  No

Please specify the 4 main indicators for a proper functioning of justice:

- targets? Yes  No

Please specify who is responsible for setting the targets:

- |                      | Yes                      |
|----------------------|--------------------------|
| - executive power?   | <input type="checkbox"/> |
| - legislative power? | <input type="checkbox"/> |
| - judicial power?    | <input type="checkbox"/> |
| - other?             | <input type="checkbox"/> |
- Please specify:

Please specify the main objectives applied:

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

- |                                  | Yes |   |
|----------------------------------|-----|---|
| ▪ the High Council of judiciary? | N   |   |
| ▪ the Ministry of justice?       | Y   |   |
| ▪ an Inspection body?            | N   |   |
| ▪ the Supreme Court?             | N   |   |
| ▪ an external audit body?        | N   |   |
| ▪ other?                         | Y   | <b>Please specify:</b> Presidents of the Courts |

56. Does the evaluation system include quality standards concerning judicial decisions?

No  N  
Yes  **Please specify:**

Source

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

- |                         | Yes | No |
|-------------------------|-----|----|
| ▪ civil cases?          | Y   |    |
| ▪ criminal cases?       | Y   |    |
| ▪ administrative cases? | Y   |    |

58. Do you have a way of analysing queuing time during court procedures?

No  N  
Yes  **Please specify:**

59. Do you monitor and evaluate the performance of the prosecution services?

No   
Yes  **Please specify:**



Statistics, the Supreme Public Prosecutor's Office prepares annual activity report.

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

#### IV. Fair trial

##### IV. A. Fundamental principles

60. Is there in your judicial system:
- a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?  
Yes  No
  - the right to have reasons given for all prisons sentences?  
Yes  No
  - for all cases, an effective remedy to a superior jurisdiction?  
Yes  No
61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented? not recorded
- Source
62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?
- No   
Yes  If possible, number of successful challenges (in a year): not recorded
63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

	Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Article 6§1	1	4	2	1						

Criminal proceedings	(equity)									
	Article 6§1 (duration)	1	11		1				3	
	Article 6§2									
	Article 6§3a		1	1						
	Article 6§3b		1	1						
	Article 6§3c									
	Article 6§3d	1	2	1						
	Article 6§3e									
Civil proceedings	Article 6§1 (equity)	5	14		7			1	4	
	Article 6§1 (duration)	9	56		4	1	8	4	20	
	Article 6§1 (non execution only)		1							

Source *Office of the Government Agent before the European Court of Human Rights*

**IV.B. Timeframes of proceedings**  
**IV. B. 1. General**

64. Are there specific procedures for urgent matters in:

- civil cases? Yes  No
- criminal cases? Yes  No
- administrative cases? Yes  No

65. Are there simplified procedures for:

- civil cases (small claims)? Yes  No
- criminal cases (petty offences)? Yes  No
- administrative cases? Yes  No

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes  No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No  Yes  Please specify:

#### IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 1.209.659

Please specify the main types of cases:

Guardianship cases (107.664), probate cases (135.446), execution of judgment (340.066).

Source *Ministry of Justice*

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	285.469	4.984	37.934	-
	Decisions on the merits	316.367*	5.229*	33.060	639
	Percentage of decisions subject to appeal in a higher court	-	-	-	-
	Pending cases by 1 January 2005	171.454	4.763	-	-
	Percentage of pending cases of more than 3 years	5,87	3,72**	-	-
Average length (from date of lodging of court proceedings*)	1st instance decisions	501	-	228***	490
	2nd instance**** decisions	83	-	55***	138
	Total procedure	584		284***	628

- If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

\* closed cases

\*\* percentage of pending cases of more than 2 years

\*\*\* disputes according to the Family Act

\*\*\*\* to the final decision

Where appropriate, please specify the specific procedure as regards divorce:

If marriage has existed for at least 1 year, spouses have not lived together for more than 6 months and the petition for divorce by one spouse is joined by the other, the court does not establish the grounds for the breakdown of marriage and issues the judgment of divorce if the parties submit:

- a) a written agreement with officially verified signatures of parties which regulates the settlement of property after divorce, the rights and duties of the parties with respect to their common housing and duty to financially maintain the other spouse, if relevant; and
- b) a final and conclusive decision of court approving the spouses' agreement with respect to their minor children after divorce.

If there is a minor child (minor children) the court decides, before issuing the judgment of divorce, on the rights and duties of parents with respect to the child or children, in particular, which of them will be entrusted with custody of a child or children and what their duties to (financially) support and maintain children are. Marriage may not be divorced until the decision on the position of children after divorce becomes final and conclusive. The decision on parental responsibility may be replaced by an agreement of parents which must be approved by court to be valid.

Source *Ministry of Justice*

**IV. B. 3. Criminal cases**

**70. Please describe the role and powers of the prosecutor in the criminal procedure:**

	Yes	No
▪ to conduct or supervise police investigation?	Y	<input type="checkbox"/>
▪ to conduct investigation?	Y	<input type="checkbox"/>
▪ when necessary, to demand investigation measures from the judge?	Y	<input type="checkbox"/>
▪ to charge?	Y	<input type="checkbox"/>
▪ to present the case in the court?	Y	<input type="checkbox"/>
▪ to propose a sentence to the judge?	Y	<input type="checkbox"/>
▪ to appeal?	Y	<input type="checkbox"/>
▪ to supervise enforcement procedure?	Y	<input type="checkbox"/>
▪ to end the case by dropping it without the need for a judicial decision?	Y	<input type="checkbox"/>
▪ to end the case by imposing or negotiating a penalty without a judicial decision?	<input type="checkbox"/>	N
▪ other significant powers? Please specify:	<input type="checkbox"/>	N

A public prosecutors' office carries out investigation of offences committed by members of the Police and Intelligence Services.

**71. Does the prosecutor also have a role in civil and/or administrative cases?**

No   
 Yes Y  **Please specify:**

The public prosecutor's office is authorized to file a motion for opening civil proceedings or enter civil proceedings already opened in cases stipulated by law, for example:

- the public prosecutor's office may file a motion for commencing civil proceedings on invalidity of a contract to transfer the title to property if the provisions restricting the freedom of contracting parties were disrespected at the moment of making the contract;
- the public prosecutor's office may join civil proceedings already commenced in relation to:

- determination whether parental consent to the child's adoption should be required;
- the order for special institutional treatment of juveniles, or extension of such an institutional treatment;
- suspension, limitation and deprivation of parental responsibility;
- legal capacity;
- declaration of the death of a person;
- declaration of admissibility of taking or keeping of a person in a medical (health care) institution;
- Commercial Register (registration of companies);
- bankruptcy and composition cases including cases commenced as a result of bankruptcy proceedings.

**72. Functions of the public prosecutor in relation to criminal cases– please complete this table:**

		Total number of 1st instance criminal cases
Received by the public prosecutor		111.694
Discontinued by the public prosecutor	In general	294
	Because the offender could not be identified	0*
	Due to the lack of an established offence or a specific legal situation	184
Concluded by a penalty, imposed or negotiated by the public prosecutor		0
Charged by the public prosecutor before the courts		79.012

\* Cases where the offender could not be identified are discontinued by the Police.

Source **Ministry of Justice**

**73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	79.012	-	-
	Judicial decisions	94.024*	-	-
	Convicted persons	68.443	1.695	143
	Acquitted persons	7.456	403	11
	Percentage of decisions subject to appeal in a higher court	-	-	-
	Pending cases by 1 January 2005	5.403	-	-

	Percentage of pending cases of more than 3 years	10,86**	-	-
Average length*(from the date of official charging)	1st instance decision***	400	373	210
	2nd instance decision****	65	52	53
	Total procedure	275	409	285

- If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

- \* closed cases
- \*\* percentage of pending cases of more than 2 years
- \*\*\* to lodging an appeal with appellate court
- \*\*\*\* to the final decision

Source *Ministry of Justice*

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

## V. Career of judges and prosecutors

### V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:
- a body composed of members of the judiciary? Yes  
Y
  - a body composed of members external to the judiciary? N
  - a body composed of members of the judiciary and external to the judiciary? N
75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:
- a body composed of members of the prosecution system? Yes  
Y
  - a body composed of members external to the prosecution system? N
  - a body composed of members of the prosecution system

and external to the prosecution system?

N

76. Is the mandate given for an undetermined period for:

	Yes	No
▪ judges?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ prosecutors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Are there exceptions ? Please specify:

Judges are appointed by the President of the Republic. Their office ceases to exist at the end of the calendar year when the respective judge has reached 70 years of age.  
The office of a public prosecutor ceases to exist on 31 December of the calendar year when the prosecutor has reached 70 years of age.

If no, what is the length of the mandate:

Is it renewable?

		Yes	No
▪ of judges?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ of prosecutors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	N		
	Highly recommended	Y		
	Optional			
General in-service training	Compulsory	N	Annual	N
	Highly recommended	Y	Regular	Y
	Optional	N	Occasional	N
In-service training for specialised functions (e.g. judge for	Compulsory		Annual	
	Highly recommended	Y	Regular	Y
	Optional	N	Occasional	N

economic or administrative issues)				
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended	Y	Regular	Y
	Optional	N	Occasional	N

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	N	
Highly recommended		Y		
Optional		N		
General in-service training	Compulsory	N	Annual	N
	Highly recommended	Y	Regular	Y
	Optional	N	Occasional	N
Specialised in-service training	Compulsory	N	Annual	N
	Highly recommended	Y	Regular	Y
	Optional	N	Occasional	N

\*\*\*

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of of your training system for judges and prosecutors

**V. B. Practice of the profession**

79. Gross annual salary of a first instance professional judge at the beginning of his/her career  
16.344,- euro

Source Ministry of Justice

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court  
37.464,- euro

Source Ministry of Justice





81. **Gross annual salary of a public prosecutor at the beginning of his/her career**

11.904,- euro

Source *Ministry of Justice*

82. **Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court**

28.776,- euro

Source *Ministry of Justice*

83. **Do judges and public prosecutors have additional benefits?**

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	N	N
Special pension	N	N
Housing	N*	N
Other financial benefit (If yes, please specify)	expenses for representation and expenses for specialist law books in the amount of 5,5% of his/her salary	N

\* only when the judge is transferred without his/her consent

84. **Can judges or prosecutors combine their work with any of the following other professions?**

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	x			x		
Research and publication	x			x		
Arbitrator			x			x
Consultant	x - at the Ministry of Justice, Government and Parliament			x - at the Ministry of Justice, Government and Parliament		
Cultural function	x			x		
Other function to specify	literary and artistic work			literary and artistic work		

85. **Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

No  N

Yes  Please specify:



**V. C. Disciplinary procedures**

**86. Types of disciplinary proceedings and sanctions against judges and prosecutors:**

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	24	12
	Breach of professional ethics (Yes/No) If yes, please specify the number	7	7
	Professional inadequacy (Yes/No) If yes, please specify the number	15	5
	Criminal offence (Yes/No) If yes, please specify the number	N	N
	Other (Yes/No) If yes, please specify	2 offences	N
	Types of sanctions	Total number	12
Reprimand (Yes/No) If yes, please specify the number		5	1
Suspension (Yes/No) If yes, please specify the number		N	N
Dismissal (Yes/No) If yes, please specify the number		1	1
Fine (Yes/No) If yes, please specify the number		N	N
Other (Yes/No) If yes, please specify		6 temporary cut-down of salary  3 discharge of sentence 3 acquittal on disciplinary charges 5 discontinuance of disciplinary proceedings	6 temporary cut-down of salary  4 discontinuance of disciplinary proceedings

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**

- *the characteristics of your system concerning disciplinary procedures for judges and prosecutors*

## VI. Lawyers

- 87. Number of lawyers practising in your country** 8.235

8.235 lawyers were recorded in the list of lawyers kept by the Czech Bar Association at December 15, 2005. Of this number, 7.488 lawyers are practising in an active manner and 747 lawyers discontinued their practising.

Out of 7.488 active lawyers, 7.294 are Czech lawyers, 14 are Slovak lawyers and 177 are foreign and European lawyers.

Out of 7.488 active lawyers, 2.692 are women and 4.796 are men.

Source *Czech Bar Association*

- 88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?**

Yes  No

- 89. Do lawyers have a monopoly of representation:**

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	N		Member of family	
			Trade Union	
			NGO	
			Other	
Criminal cases*	Defendant	Y	Member of family	
			Trade Union	
			NGO	
			Other	
	Victim	N	Member of family	
			Trade Union	
			NGO	
			Other	
Administrative cases*	N		Member of family	
			Trade Union	
			NGO	
			Other	

- If appropriate, please specify if it concerns first instance and appeal.

A lawyer is entitled to provide legal services; legal services are to be understood as representation in proceedings before courts and other state authorities, defence in criminal cases, provision of legal advice, preparation of documents, preparation of legal analyses and other forms of legal aid (§ 1(2) of the Act on Legal Profession, No. 85/1996 Coll., as subsequently amended).

A lawyer is further entitled to substitute officially certified signature required under special legal regulations by his declaration having the same effects, if a lawyer prepared the document himself and an acting person signed it in his own hand in a lawyer's presence (§ 25a of the Act on Legal Profession, No. 85/1996 Coll., as subsequently amended).

Proceedings before the Supreme Court:

According to § 241 of the Civil Procedure Code (Act No. 99/1963 Coll., as subsequently amended), within proceedings on appellate review of a decision (an extraordinary remedial measure) an appellant has to be represented by a lawyer or a notary, except for the case when an appellant is a physical person with education in law, or where an appellant is a legal entity, the state, a municipality, or a higher self-administrative unit on behalf of which a person with education in law is acting.

According to § 265d of the Criminal Procedure Code (Act No. 141/1961 Coll., as subsequently amended), a defendant may submit the appellate review only through a defence counsel; according to § 35(1), only a lawyer may be a defence counsel in criminal proceedings.

Proceedings before the Supreme Administrative Court:

According to § 35(2) of the Judicial Administrative Procedure Code (Act No. 150/2002 Coll., as subsequently amended), a party in the proceedings according the Judicial Administrative Procedure Code may be represented by a lawyer or possibly by another person practising specialized legal consultancy according to special Acts, if the petition concerns activities stated therein (patent representatives, tax advisors, notaries); a party may be further represented by a trade union organization, by a legal entity established on the basis of the Act on Association of Citizens or by a physical person.

According to § 105(2), a petitioner in the proceedings on cassation complaint has to be represented by a lawyer; except for the case when a petitioner, his employee or a member acting on his behalf or representing him has a university-level education in law required for exercising practise of lawyer.

Proceedings before the Constitutional Court:

According to § 29 to § 31 of the Act on the Constitutional Court (Act No. 182/1993 Coll., as subsequently amended), only a lawyer or a notary may represent a party or an enjoined party in proceedings before the Constitutional Court; individuals (physical persons or legal entities) must be represented by a lawyer or a notary; in such proceedings, a representative is not entitled to be represented by another representative (prohibition on substitution).

**90. Is the lawyer profession organised through?**

- a national bar?
- a regional bar?
- a local bar?

Yes

Y  
N  
N

**Please specify:**

The Czech Bar Association was established on the basis of the law (§ 40 of the Act on Legal Profession, No. 85/1996 Coll., as subsequently amended). The Bar is a self-administrative professional organization of all lawyers. The Bar exercises public administration in the field of legal profession; when exercising public administration, the Bar proceeds according to the Act on Legal Profession and according to the Administrative Procedure Code.

The Bar is a legal entity.

91. **Is there a specific initial training or examination to enter the profession of lawyer?**

Yes

No

The following person may become a lawyer: a person fully capable to perform acts in law and having completed university-level education in law within the master's decree study program in a university in the Czech Republic or having completed education in law in a university abroad (if international treaty binding on the Czech Republic stipulates so, or if such education is recognized according to special legal regulations), and exercising legal practice of an articulated clerk to a lawyer for a period of at least three years, if such person passed the Bar examinations and he/she is not in an employment relationship (except for work of a university teacher) and if such person made a lawyer's promise.

Judiciary examinations and public prosecutor's examinations may be recognized as the bar examination.

92. **Is there a mandatory general system for lawyers requiring continuing professional development?**

Yes

No

93. **Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

No

Yes  Please specify:

94. **Can users establish easily what the lawyers' fees will be?**

Yes

No

95. **Are lawyers fees:**

- **regulated by law?**
- **regulated by Bar association?**
- **freely negotiated?**

Yes

As for the payment for the provided legal services, this issue is governed by the Decree of the Ministry of Justice on remuneration of lawyers and their reimbursement for provision of legal services (lawyer's tariff), No. 177/1996 Coll., as subsequently amended. According to § 1(1) of the lawyer's tariff, it applies that a lawyer's remuneration is governed by his contract with a client (the so-called contractual remuneration) and where a lawyer's remuneration is not determined in this way, it is governed by other provisions of the lawyer's tariff. Contractual remuneration of a lawyer has to be adequate and it may not be obviously disproportionate to the value and complexity of the case (article 10, par. 2 of the Ethic Code).

Reimbursement of costs of legal representation in civil proceedings is governed by the Decree of the Ministry of Justice No. 484/2000 Coll., stipulating a lump sum remuneration for representation of a party by a lawyer, or of notaries when deciding on reimbursement of costs in civil proceedings. It is structured in such way that a lump sum is always stipulated for one instance of proceedings. On the basis of a court decision, a party unsuccessful in the

proceedings is obliged to pay this lump sum rate stipulated in the decree to a lawyer (a notary) who represented the other party that was successful in the case.

**96. Have quality standards been formulated for lawyers?**

Yes  No

**97. If yes, who is responsible for formulating these quality standards:**

- the bar association?  Yes
- the legislature?  N
- other?  N **Please specify:**

The Czech Bar Association. The standards were adopted in the form of a resolution of the Board [resolution of the Board of the Czech Bar Association, stipulating the professional ethic standards and rules of economic competition for lawyers of the Czech Republic (Ethic Code) as subsequently amended]. These standards are fully compatible with standards adopted by CCBE (Council of Bars and Law Societies of the Europe).

**98. Is it possible to complain about :**

- the performance of lawyers?  No  Yes **Please specify:**

- the amount of fees?  Yes  No

**99. Disciplinary proceedings and sanctions against lawyers:**

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	
	Criminal offence	
	Other	
Type of sanctions	Reprimand	
	Suspension	
	Removal	
	Fine	
	Other	

The following may be imposed on a lawyer for violation of discipline: reprimand; public reprimand; fine up to the minimum monthly wage determined in a special legal regulation multiplied by 100; temporary prohibition on practising legal profession imposed for a period of from six months to three years; deletion from the list of lawyers.  
In the case of less significant violation of duties, it is possible waive disciplinary measures if the hearing of the violation of discipline itself can be regarded as sufficient.

Within the years 2003 to 2005 (at September 30, 2005), 218 disciplinary actions were decided. In view of joint actions and statements on several acts, overall 227 decisions were taken, of which:

Discontinuance – 47 times

Dismissal – 28 times

Disciplinary transgression – 152 times, of which: waiving disciplinary measure – 26 times, reprimand – 48 times, public reprimand – 1, fine of CZK 2,000 – 70,000 – 56 times, fine of CZK 100,000 – 1, temporary prohibition on practising – 4 times, deletion from the list of lawyers – 16 times (in view of joint actions, 7 persons were involved).

Reasons for disciplinary proceedings in 2003 to 2005 (at September 30, 2005) were as follows:

Violation of ethics in relation to a client -- 2003 – 97, 2004 – 103, 2005 – 116;

Violation of ethics in relation to the opposing party – 2003 – 10, 2004 – 10, 2005 – 9;

Violation of ethics in relation to a court or another authority – 2003 – 11, 2004 – 11, 2005 – 10;

Incompatibility – 2003 – 17, 2004 – 17, 2005 – 14;

Violation of confidentiality – 2003 – 7, 2004 – 2, 2005 – 1;

Unfair economic competition – 2003 - 0, 2004 – 3, 2005 – 1;

Issues concerning lawyer's fee – 2003 – 13, 2004 – 26, 2005 – 20;

Violation of professional quality in criminal cases – 2003 – 1, 2004 – 0, 2005 – 1;

Violation of professional quality in civil cases – 2003 – 4, 2004 – 0, 2005 – 1;

Violation of prison rules – 2003 – 3, 2004 – 0, 2005 – 1;

Failure to submit a file – 2003 – 2, 2004 – 0, 2005 – 0;

Failure to pay contributions – 2003 – 0, 2004 – 0, 2005 – 0;

Failure to notify change of the registered office – 2003 – 6, 2004 – 8, 2005 – 3;

Various – 2003 – 27, 2004 – 32, 2005 – 24.

It is necessary to say that violation of professional quality is shown in statistics only exceptionally, when it is obvious that good efforts are lost due to insufficient professional quality (unwilful negligence). Majority of cases involving violation of professional quality is hidden under violation of ethics in relation to a client, namely in cases when professional quality may be anticipated, however, the efforts were insufficient (a typical example: failure to meet time-limits of failure to respect clear instruction to supplement a filing).

In the meantime, two items have ceased to be disciplinary violation. On the basis of interpretation it was clarified that it is possible to request examination of a client's file and its submission may not be enforced. The failure to pay contribution is resolved by deletion from the list of lawyers according to the Act on Legal Profession.

Activity constituting a subject-matter of criminal proceedings is not a subject-matter of disciplinary proceedings on the same grounds. It is possible that disciplinary proceedings concerning the identical act are conducted and in such case disciplinary proceedings are suspended, in order to consider (after termination of judicial proceedings) whether a lawyer was punished sufficiently within such criminal proceedings and thus, whether conditions for discontinuance of disciplinary proceedings are met.

Criminal proceedings give rise to a decision of the Board of the Czech Bar Association on suspension of the practice or on deletion from the list of lawyers in the case of enforceable judicial conviction.

**100. Who is the authority responsible for the disciplinary procedures:**

- **a professional body?** Yes **Please specify:**  
Y

Disciplinary commission is one of the organs of the Czech Bar Association (§ 41 of the Act on Legal Profession, No. 85/1996, as subsequently amended).

Rules governing disciplinary proceedings are stipulated by the Decree of the Ministry of Justice, No. 224/1996 Coll., stipulating disciplinary procedure code (lawyer's disciplinary procedure code) according to the Act on Legal Profession, as subsequently amended.

- **the judge?** N
- **the Ministry of justice?** N
- **other?** N **Please specify:**

The Minister of Justice may file a motion for disciplinary proceedings against a lawyer.

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar**

## VII. Alternative Dispute Resolution

**101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	N	Private mediator	N
			Public or authorised by court body	N
			Court	N
Civil cases	Compulsory stage in court proceedings	N	Judge	N
			Prosecutor	N
Family cases	Compulsory stage prior to court proceedings	N	Private mediator	N
			Public or authorised by court body	N
			Court	N
Family cases	Compulsory stage in	N	Judge	N



	court proceedings			
	Ordered by judge in certain cases	N	Prosecutor	N
Administrative cases	Compulsory stage prior to court proceedings	N	Private mediator	N
			Public or authorised by court body	N
			Court	N
	Compulsory stage in court proceedings	N	Judge	N
	Ordered by judge in certain cases	N	Prosecutor	N
Employment dismissals	Compulsory stage prior to court proceedings	N	Private mediator	N
			Public or authorised by court body	N
			Court	N
	Compulsory stage in court proceedings	N	Judge	N
	Ordered by judge in certain cases	N	Prosecutor	N
Criminal cases	Compulsory stage prior to court proceedings	N	Private mediator	N
			Public or authorised by court body	Y, Probation and mediation service
			Court	Y
	Compulsory stage in court proceedings	N	Judge	Y, to the law
	Ordered by judge in certain cases	N	Prosecutor	Y, to the law

**102. Can you provide information about accredited mediators?**

Probation and mediation in criminal cases is provided by officers and assistants of the Probation and Mediation Service. Any officer of the Probation and Mediation Service must possess full legal capacity; s/he must have been awarded a Master's degree in the area of social sciences, must have successfully completed the special examination and had no criminal conviction records.

Mediation in civil cases is nowadays provided only by non-governmental organisations, e. g. Association of Mediators of the Czech Republic, which has 15 accredited mediators.

Since 2004, Ministry of Justice in cooperation with the Prague Open Society Fund Foundation and other governmental and non-governmental organisations developed new project considered on mediation in civil cases. This system is proposed as system of accredited external mediators who should be provide mediation according to licence of quality which would be awarded by minister of justice based on the recommendation of national committee for accreditation of mediators. This system is in hands in this time.

**103. Can you provide information about the total number of mediation procedure concerning:**

- **civil cases?**
- **family cases?**
- **administrative cases?**
- **employment dismissals?**

N  
N  
N  
N

- **criminal cases?**  
495 mediations in Juvenile's matters

3.250 cases (adult) and

Source *Probation and Mediation Service of the Czech Republic*

**104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:**

Arbitration procedure is regulated in the Czech Republic by Act No. 216/1994 Sb. on arbitration procedure and enforcement of arbitral awards, which came into effect on 1<sup>st</sup> January 1995. The existing legal regulation provides that any property cases may be resolved by arbitration procedure if the parties to such cases have explicitly agreed on submitting their disputes to arbitration; disputes arising out of the execution of judgments and cases relating to bankruptcy or composition are excluded from arbitration.

Arbitration proceedings may be held before one or more arbitrators appointed by the parties for their particular case (ad hoc proceedings); it can also be held before an institutional arbitration tribunal established under the Act (institutional arbitration proceedings).

Advantages of arbitration also subsist in the fact that an arbitral award is more easily enforceable than a judgment of court because the New York Convention of 1958 enables recognition and enforcement of arbitral awards in more than 130 countries worldwide.

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning ADR*
- 

## VIII. Enforcement of court decisions

### VIII. A. Execution of decisions in civil matters

**105. Are enforcement agents:**

- **judges?**
- **bailiff practising as private profession ruled by**

Yes  
N

- public authorities?
  - bailiff working in a public institution?
  - other enforcement agents?
- Please specify their status:

Y  
Y

Bailiffs working at courts and private executors (private individuals licensed by the State).

106. **Number of enforcement agents**

433 bailiffs and 120 private executors

Source *Ministry of Justice and the Chamber of Private Executors*

107. **Is there a specific initial training or examination to enter the profession of enforcement agent?**

Yes  No

108. **Is the profession of enforcement agent organised by?**

- a national body?
- a regional body?
- a local body?

Yes  
Y  
N  
N

109. **Can users establish easily what the fees of the enforcement agents will be?**

Yes  No

110. **Are enforcement fees:**

- regulated by law?
- freely negotiated?

Yes  
Y  
N

111. **Is there a body entrusted with the supervision and the control of the enforcement agents?**

No

Yes  Which authority is responsible for the supervision and the control of enforcement agents:

- a professional body?
  - the judge?
  - the Ministry of justice?
  - the prosecutor?
  - other?
- Please specify:

Yes  
Y  
Y  
Y  
N  
N

State supervision over private executors is carried out by the Ministry of Justice. The Chamber of Private Executors supervises activities of private executors and their management of private's offices.  
A bailiff (an employee of court) is governed by a judge in his activities.

112. **Have quality standards been formulated for enforcement agents?**

No   
 Yes  **Who is responsible for formulating these quality standards?**

The Chamber of Private Executors.

Source *The Chamber of Private Executors*

113. **What are the main complaints of users concerning the enforcement procedure:**

	Yes	No
▪ no execution at all?	<input type="checkbox"/>	<input checked="" type="checkbox"/> N
▪ lack of information?	<input type="checkbox"/>	<input checked="" type="checkbox"/> N
▪ excessive length?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/>
▪ unlawful practices?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/>
▪ insufficient supervision?	<input type="checkbox"/>	<input checked="" type="checkbox"/> N
▪ excessive cost?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/>
▪ other?	<input type="checkbox"/>	<input checked="" type="checkbox"/> N

Source *Ministry of Justice and the Chamber of Private Executors*

114. **Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?**

No  N  
 Yes  **Please specify:**

115. **Is there a system measuring the timeframes of the enforcement of decisions :**

	Yes	No
▪ for civil cases?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/>
▪ for administrative cases?	<input checked="" type="checkbox"/> Y	<input type="checkbox"/>

116. **As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:**

	Yes	
▪ between 1 and 5 days	<input type="checkbox"/>	
▪ between 6 and 10 days	<input checked="" type="checkbox"/>	
▪ between 11 and 30 days	<input type="checkbox"/>	
▪ more: please specify more than 30 days		<input type="checkbox"/>

Source *Ministry of Justice and the Chamber of Private Executors*

117. **Disciplinary proceedings and sanctions against enforcement agents:**

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	7
	Professional inadequacy	6

Sanctions	Criminal offence	-
	Other	-
	Reprimand	3
	Suspension	-
	Dismissal	-
	Fine	1
	Other	-

\*\*\*

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

**VIII. B. Enforcement of decisions in criminal matters**

**118. Is there a judge who has in charge the enforcement of judgments?**

Yes  **Please specify his/her functions and activities (e.g. Initiative or control functions):**

The judge shall decide on suspension of the term of imprisonment.

No  **Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):**

The public procesutor's office performs supervision of observing legal regulations at places of serving custody, imprisonment or other places, where personal freedom is restricted by legal power.

**119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

No   
 Yes  **Please specify:**

\*\*\*

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

## IX. Notaries

120. Is the status of notaries:

	Yes
	Number
▪ a private one?	N
▪ a status of private worker ruled by the public authorities?	Y 445
▪ a public one?	N
▪ other?	N

Please specify:

Source *Chamber of Public Notaries of Czech Republic*

121. Do notaries have duties:

	Yes	No
▪ within the framework of civil procedure?	Y	
▪ in the field of legal advice?	Y	
▪ to authenticate legal deeds?	Y	
▪ other?		

If yes, please specify:

Notaries are designated to carry out certain acts within probate proceedings. They also may accept money and documents to be deposited with them; they may also act as trustees in bankruptcy or as composition trustees in the bankruptcy and composition proceedings.

122. Is there a body entrusted with the supervision and the control of the notaries?

No   
Yes

Which authority is responsible for the supervision and the control of the

notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Yes

Y

Y

Y

N

N Please specify:

The Chamber of Public Notaries, the Ministry of Justice and the judge in the probate proceedings.

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

\*\*\*\*\*

**123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:**