



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

Country: Czech Republic

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

10429692

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	59015281401
Regional / entity level	14231666045

3) Per capita GDP (in €)

13187

4) Average gross annual salary (in €)

10524

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Czech Statistical Office; Czech National Bank

exchange rate was 1 EUR = 26,830 CZK

expenditures of selfgoverning regions have nothing in common with judicial branch

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

390168959

7) Please specify

Final budget as approved in the Final Account of State for 2008: 390168959,-EUR

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input type="checkbox"/> Yes	185398380
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input type="checkbox"/> Yes	3019657
Annual public budget allocated to justice expenses	<input type="checkbox"/> Yes	46289115
Annual public budget allocated to court buildings (maintenance, operation costs)	<input type="checkbox"/> Yes	1735763
Annual public budget allocated to investments in new (court) buildings		NA
Annual public budget allocated to training and education	<input type="checkbox"/> Yes	102692
Other (please specify):		NA

Comment :

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years:

2008 budget is 126% of the 2006 budget

10) 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?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)

23633491

12) Total annual approved budget allocated to the whole justice system (in €)**Please provide information concerning the budgetary elements that included in the whole justice system budget:**

. Amount 514118167

Comment :

justice system is composed of:

courts, public prosecution, legal aid, ministry, registers (criminal, commercial, etc.), justice academy,

probation service, Institute of Criminology and Social Prevention

13) Total annual approved public budget allocated to legal aid (in €)

Please provide comments to explain the figure provided under question 13:

. Amount 25995515

Comment :

revenues for ex-offo lawyers:
criminal cases = 20950161
civil cases = 5045354

It should be noted that the data presented by the Czech Republic are the data derived from the State budget. Besides that legal aid is provided by the Czech Bar Association or by the lawyers themselves.

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

15) Is the public budget allocated to legal aid included in the court budget ?

- Yes
 No

16) Total annual approved public budget allocated to the public prosecution system (in €)

Please provide comments to explain the figure provided under question 16:

. Amount 86410548

Comment :

Final budget as approved in the Final Account of State for 2008: 78373141,-EUR

17) Is the budget allocated to the public prosecution included in the court budget?

- Yes
 No

18) Authorities formally responsible for the budget allocated to the courts:

	budget	budget	of the budget among the individual courts	budget at a national level

Ministry of Justice	Yes	No	Yes	Yes
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Ministry of Finance is the ministry responsible for the preparation of the state budget and it is the Ministry of Finance that submits the proposal of the budget to the Government. After the budget is passed by the Government it is submitted to the House of Representatives (lower chamber) that is appropriate to pass the Bill on State Budget.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

Ministry of Justice

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	No	No

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
- No

If yes, please specify:

There is a possibility for 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.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
- No

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	not recorded
in criminal cases	
Other than criminal cases	

Comment :

25) 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

26) Does your country have an income and asset test for granting legal aid:

	Yes	Amount in €
for criminal cases		
for other than criminal cases?		

Comment :

There is not a unified income level in the legislation that would automatically grant legal aid. The applicant has to file an application during court proceedings and the court decides whether the request is duly justified. These requests are judged individually and the practice is not unified but guidance can be found in case-law.

If legal aid is not granted by the court, individuals can apply for legal aid to Czech Bar Association. (For further details see comments following this section.)

27) 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

Please provide comments to explain the answer under question 27:

28) If yes, is the decision for granting or refusing legal aid taken by:

the court?

an authority external to the court?

a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

Yes

No

Please specify:

Several private insurance companies offer individuals to insure against financing court proceedings and legal expenses in certain areas (e.g. employment claims, real estate, bodily harm, etc.)

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes

other than criminal cases?	Yes
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You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

It should be noted that in the Czech Republic there exists a two tier system of providing legal aid:

1. as described above under Q 26, the court may decide upon application that legal aid is granted to the applicant; or
2. Czech Bar Association may under certain circumstances grant legal aid free of charge or for a reduced fee.

Conditions under which Czech Bar Association (CBA) may grant legal aid are specified in Law No. 85/1996 Coll., on the Legal Profession, and following Regulation of the Ministry of Justice No. 255/2006 Coll. which defines the method of ascertaining income and property owned of the applicant for appointing an attorney-at-law by the Czech Bar Association who would grant legal service free of charge or for a reduced fee.

Basic conditions for appointing an attorney-at-law to provide legal services are:

- submit application in due time;
- the applicant does not fulfill conditions for having granted legal aid by court decision (ex-offo) and at the same time the applicant was unsuccessfully claiming legal aid as defined in the law (statement of at least two attorneys-at-law who refused to grant legal aid);
- one concrete legal service, where legal representation is obligatory, is concerned. (CBA does not appoint legal representation in cases where such representation is not obligatory and also does not appoint for general representation in different cases.)

If the applicant proves given conditions, he is entitled to appointment of an attorney-at-law and to provision of legal service.

Conditions under which the appointed attorney-at-law provides his service to the applicant will be determined in a decision of the President of the CBA. Such decision of the President of the CBA does not substitute a letter of attorney.

In line with the above mentioned Law on the Legal Profession, legal services are provided for a fee and the client can be asked for reasonable advance payment.

If the applicant proves in line with the above mentioned legislation that his income, property and social situation give reason to grant legal service free of charge, eventually for a reduced fee, it may be decided that such legal service will be provided to the applicant free of charge or for a reduced fee. Property, income and social situation of the applicant is proved in accordance with the above cited Regulation of the Ministry of Justice, in concrete via Statement of income and property situation of the applicant for appointment of an attorney-at-law providing legal service free of charge or for a reduced fee. (For English translation of the legislation see www.cak.cz).

Please indicate the sources for answering the questions 24 and 26

Ministry of Justice
Czech Bar Association

2. 2. Users of the courts and victims**2. 2. 1. Rights of the users and victims**

31) 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:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.mvcr.cz
- case-law of the higher court/s? Internet address(es): Yes www.nsoud.cz
- other documents (for examples forms)? Internet address(es): Yes www.justice.cz

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

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

- Yes
 No

If yes, please specify:

special section at the webpage of the Ministry of Justice - www.justice.cz

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	No	No	No	No
Victims of terrorism	No	No	No	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	No	No	No	No
Ethnic minorities	No	No	No	No
Disabled persons	No	No	No	No
Juvenile offenders	Yes	Yes	Yes	No
Other	No	No	No	No

Comment :

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?

a court decision?

a private fund?

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

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

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

Yes

No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

Yes

No

If yes, please specify:

39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?

Yes

No

If yes, please specify:

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

excessive length of proceedings?

non execution of court decisions?

wrongful arrest?

wrongful condemnation?

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 to the injured party in the amount substantiated by the injured party, if this is not possible, then in the amount of CZK 170 for every day spent in custody, prison, protective psychiatric or medical treatment.

Act No. 82/1998 Sb., regulating liability for damage caused in the course of execution of public authority by an improper decision or due to maladministration, was amended by Act No. 160/2006 Sb., which came into effect on 27th April 2006.

The amendment provides that, unless a time-limit has been set by the law, a breach of the duty to act or to issue a decision within a reasonable time shall also be considered maladministration. The purpose of this amendment is also to facilitate the provision of compensation for non-proprietary harm at a national level, i.e. without the necessity to appeal to the European Court of Human Rights.

When setting the amount of reasonable compensation the seriousness of the harm sustained as well as its circumstances shall be taken into consideration. Where the alleged non-proprietary harm subsists in the breach of a right to have one's matter disposed of within a reasonable time the following issues will be considered: the total length of proceedings, complexity of the matter, acts of the injured party contributing to the delays in proceedings, whether or not the injured used all means available to remove or prevent the delays in proceedings, acts of public authorities during proceedings, and the significance of the subject-matter of proceedings for the injured.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

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

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

43) Is there a national or local procedure for making complaints about the functioning

(for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?

Yes

No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

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

Comment :

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	86
Specialised first instance Courts (legal entities)	NAP
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	98

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

There are no special courts, but the judges are specialized e. g. for juvenile cases, foreigners, traffic crimes, financial and banking crimes, 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.

47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	86
a dismissal	86
a robbery	86

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

There is no special definition for small claims, but the appeal is inadmissible if the performance is lower than 2.000 CZK (ca. 63 EUR).

Please indicate the sources for answering the questions 45 and 48:

Ministry of Justice

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**Please provide comments to explain the answer under question 49:**Number . 3044

Comment :

judges are appointed for life and judges of the Constitutional Court for 10 years with the possibility of repeated appointment

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	NAP
if possible, in full time equivalent	

51) Please provide comments to explain the answer under question 50:**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).****Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	X	6966

Comment :

lay-judges are part of a panel in 1st instance criminal cases and concerning labour law (the panel is in all such cases composed of one professional (chairing) judge and two lay-judges)

53) Does your judicial system include trial by jury with the participation of citizens?

NAP

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

NAP

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 9226

Comment :

sum of cathegories as listed under Q 56

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes 1448
- 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 Yes 4453
- 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) Yes 2388
- technical staff Yes 937

Comment :

total numbers include district courts, regional courts, high courts, highest court, highest administrative court, constitutional court

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

Senior Judicial Officer (Law No. 189/1994 Coll., as amended)

The Senior Judicial Officer is appropriate for simple matters where no court hearing and decision is needed, both in civil and criminal proceedings.

The SJO can be also responsible for the record.

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 1239

Comment :

There are also 25 assistants to prosecutors.

59) Do any other persons have similar duties as public prosecutors? Yes No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**Please provide comments to explain the answer under question 60:**Number . 1530

Comment :

3. 1. 4. Court budget and new technologies**61) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	Yes	No
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

62) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	No	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	No	No	No	No

65) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	Yes	No	No	No
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

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

- Yes
 No

If 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 in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

67) Are the courts required to prepare an annual activity report?

- Yes
 No

68) Do you have a regular monitoring system of court activities concerning the

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

69) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

Department of Supervision of the Ministry of Justice prepares semi-annual reports on court activities.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
 No

71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are treated by a single sitting judge
 enforcement of penal decisions
 satisfaction of employees of the courts
 satisfaction of clients (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

75) Please specify who is responsible for setting the targets:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

If other, please specify:

76) Please specify the main targets applied

77) Which authority is responsible for the evaluation of the performances of the courts:

- High Council of judiciary
 Ministry of justice
 inspection authority
 Supreme Court
 external audit body
 other

If other, Please specify:

Department of Supervision

78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

81) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

Ministry of Justice prepares a plan of controls according to analysis of annual reports of the courts.

83) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
- No

If yes, please specify:

Statistics and Annual Activity Report delivered by the Supreme Public Prosecutor's Office

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation system

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

NA

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	100	1	0	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	9	0	0	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

Please specify:

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

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

Yes

No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	671914	1454606	1457268	669252
1 Civil (and commercial) litigious cases*	162575	360945	368048	155472
2 Civil (and commercial) non-litigious cases*	30101	107130	105011	32220
3 Enforcement cases	16184	313464	314749	14899
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	5079	152396	152786	4689
6 Administrative law cases	8732	11849	11301	9280
7 Other	449243	508822	505373	452692
Total criminal cases (8+9)	22996	103329	105367	20958
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and / or minor offences cases	NA	NA	NA	NA

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	17768	72788	73488	17086
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	1398	15263	13392	1444
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour and/or minor offences cases				

Comment :

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	6786	10137	9938	6986
1 Civil (and commercial) litigious cases*	5209	6510	6066	5654
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register				

cases**				
6 Administrative law cases	1577	3627	1332	
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (severe criminal offences)	205	2718	2619	304
9 Misdemeanour cases (minor offences)				

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	4816	35827	31300	4527
Employment dismissal cases*	NA	NA	154	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	NA	NA	NA
Employment dismissal cases*	NA	NA	NA	NA	1009
Robbery cases	NA	NA	344	443	349
Intentional homicide	NA	NA	227	NA	227

Comment :

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

If a 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 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
- 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.

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

From filing the action until the decision is legally effective.

98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

Public prosecutor's office carries out investigation of offences committed by members of the Police and Intelligence Services.

99) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

Please specify:

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:

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

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	74406		682	9964		63079

Comment :

Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation:

$$329 + 353 = 682$$

329 = the act was not qualified as a criminal act but as a misdemeanour or administrative delict

353 = discontinued because the offender is not present and therefore the act can not be explained; has a disease for which he/she cannot stand trial; has a mental disease and is not capable to understand the meaning of the prosecution, extradition is in process.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 90 to 95 and 100:

Ministry of Justice, Supreme Public Prosecutor's Office

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

102) Are judges initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

103) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

Judges are appointed by President of the Republic and Minister of Justice is competent for their promotion.

104) Which procedures and criteria are used for promoting judges? Please specify.

The judge can be promoted to a regional or a high court if he has at least 8 years of standing and if his expertise and experience may guarantee the proper exercise of the function.

The judge can be promoted to the Supreme Court if he has at least 10 years of standing and if his expertise and experience may guarantee the proper exercise of the function.

105) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- An authority composed of prosecutors only?
- An authority composed of non-prosecutors only?
- An authority composed of prosecutors and non-prosecutors?

107) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors:

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

Prosecutors are appointed and promoted by the Minister of Justice. The application for promotion to a higher tier of Prosecuting Offices is lodged by the prosecutor to the Head of the Supreme Public Prosecutor’s Office, who also attaches his/her opinion. In the process of promotion professional qualifications of the respective prosecutor (applicant) is taken in account.

109) Is the mandate given for an undetermined period for judges?

- Yes
- No

Are there exceptions? Please specify:

The office ceases to exist at the end of the calendar year when the respective judge has reached 70 years of age.

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	NAP	

111) Is the mandate given for an undetermined period for prosecutors?

- Yes
- No

Are there exceptions? Please specify:

The office of public prosecutor ceases to exist on 31 December of the calendar year when the prosecutor has reached 70 years of age.

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for		

prosecutors

NAP

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

for judges? Yes

for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

judges have to be judicial trainees for 5 years, be older than 30 years and have to pass the judicial exam

prosecutors have to be judicial trainees for 3 years, be older than 25 years and have to pass the judicial exam

5. 1. 2. Training

114) Nature of the training of judges. Is it compulsory?

- Initial training
 General in-service training
 In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
 In-service training for management functions of the court (e.g. court president)
 In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	Yes	Yes	Yes
General in-service training	No	Yes	Yes
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training

- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	Yes	Yes
General in-service training	No	Yes	Yes
Specialised in-service training (specialised public prosecutor)	No	No	Yes
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	Yes
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	22374	NA
Judge of the Supreme Court or the Highest Appellate Court	50378	NA
Public prosecutor at the beginning of his/her career	22374	NA
Public prosecutor of the Supreme Court or the Highest Appellate Instance	43662	NA

Comment :

after first 5 years served, after 6th year in service and then every other 3 years the salary increases

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	Yes	Yes
Other financial benefit	Yes	No

120) If other financial benefit, please specify:

Judges/prosecutors are entitled to obtain housing only if they are temporarily transferred to another court/prosecuting office.

Other benefit for judges - expenses for representation and expenses for specialist law books the amount of 5,5% of the salary.

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	Yes	No	No
Cultural function	Yes	No	No
Other function	Yes	No	No

122) If other function, please specify:

Judges can work as consultants only for the Ministry of Justice, Government and Parliament.

They can also produce literary and artistic work.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	Yes
Consultant	Yes	No	No
Cultural function	Yes	No	No
Other function	Yes	No	No

124) If other function, please specify:

Prosecutors can work as consultants only for the Ministry of Justice, Government and Parliament.

They can also produce literary and artistic work.

125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for answering the question 118

Ministry of Justice

5. 2. 2. Disciplinary procedures

126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Minister of Justice against any judge/prosecutor;
presidents of courts and the heads of the prosecutions against judges/prosecutors in their respective court/prosecutions and against judges/prosecutors in lower courts/prosecutions

127) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Disciplinary courts - they are composed of the chairman and 4 judges.
In the cases of public prosecutors the disciplinary court is composed of the chairman and 3 public prosecutors.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	38	6
1. Breach of professional ethics	5	2
2. Professional inadequacy	28	4
3. Criminal offence		
4. Other	5	

Comment :

criminal offences by judges: 2 (injury to health - car accidents); by prosecutors: 2 (endangering secret information, aiding and abetting to credit fraud)

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)		
1. Reprimand	7	3
2. Suspension		
3. Withdrawal of cases		
4. Fine	1	
5. Temporary reduction of salary	11	2
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		1
9. Other		

Comment :

in one case (endangering secret information), where a public prosecutor has been sentenced to conditional sentence of imprisonment, the function of the public prosecutor automatically became extinct

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

9315

8.410 lawyers were recorded in the list of lawyers kept by the Czech Bar Association at December 31,2008. Of this number, 8.410 are practising in an active manner and 905 discontinued their practising. Out of 8.410 active lawyers, 8.196 are Czech lawyers, 70 European lawyers and 144 foreign lawyers. Out of 8.410 active lawyers, 3028 are women and 5.382 are men.

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NAP

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- Civil cases*?
 Criminal cases - Defendant*?
 Criminal cases - Victim*?
 Administrative cases*?

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

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

Proceedings before the Supreme Court:

According to § 241 of the Civil Procedure Code (Act No. 99/1963 Coll., as amended), within proceedings on appellate review of a decision (an extraordinary remedial measure) and 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 Code (Act No. 141/1961 Coll., as amended), a defendant may submit the appellate review only through a defense counsel. According to § 35(1), only a lawyer may be a defense counsel in criminal proceedings through a defense counsel – according to § 35(1), only a lawyer may be a defense counsel in criminal proceedings.

Proceedings before the Supreme Administrative Court:

According to § 35(2) of the Judicial Administrative Procedure Code (Act No. 150/1961 Coll., as amended), a party in the proceedings according to the Judicial Administrative Procedure Code may be represented by a lawyer or possibly by another person practicing special legal consultancy according to special Acts, if the petition concerns activities stated herein, (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 practice a lawyer.

Proceedings before the Constitutional Court:

According to § 29 to § 31 of the Act on the Constitutional Court (Act No. 182/1993 Coll., as amended), only a lawyer or a notary may represent a party or an enjoined party in proceedings before the Constitutional Court. Individuals (natural individuals 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).

134) Is the lawyer profession organised through?

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

Please specify:

Czech Bar Association is established through Law No. 85/1996 Coll., on Legal Profession, as amended;

It is a self-governing organization performing public administration in the area of the Legal Profession and, as such, it protects and guarantees the quality of the provision of the legal services by lawyers.

see www.cak.cz

Please indicate the source for answering the questions 130 and 132:

Czech Bar Association

6. 1. 2. Training

135) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

136) Is there a mandatory general system for lawyers requiring continuing professional training?

Yes

No

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

Yes

No

If yes, please specify:

6. 1. 3. Fees

138) Can users establish easily what the lawyers' fees will be?

Yes

No

Please provide comments to explain the answer under question 138

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

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 Code of Ethic).

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.

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
 No

141) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the legislature?
 other?

Please specify (including a description of the quality criteria used):

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

143) Which authority is responsible for disciplinary procedures

- the judge?
 the Ministry of justice?
 a professional authority or other?

Please specify:

Minister of justice and chairman of the Disciplinary Commission of the Czech Bar Association could file a disciplinary motion against lawyers.

3-members (lawyers, members of the Disciplinary Commission of the Czech Bar Association) of the Disciplinary senate decide on the disciplinary offence and a disciplinary measures, specified in the § 32 of the Law of Legal Profession. President of the Bar decides about the event. appeal, Court decides in the last instance.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	63	-	-	-

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	14	1	2	32	14

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	No	Yes	No	No	No
Family law cases (ex. Divorce)	No	Yes	No	No	No
Administrative cases	No	Yes	No	No	No
Employment dismissals	No	Yes	No	No	No
Criminal cases	Yes	Yes	Yes	No	No

148) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

Mediation in criminal cases provided by Czech Probation and Mediation Service is free of charge.

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

188

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NA
criminal cases?	<input checked="" type="checkbox"/> Yes 25465

Please indicate the source for answering the question 150:

Statistics of the Czech Probation and Mediation Service; the number under Q150 means flow of new cases from 1-1-2008 to 31-12-2008

7. 1. 2. Other forms of alternative dispute resolution

151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:

Arbitration procedure is regulated in the Czech Republic by Law No. 216/1994 Sb., on arbitration procedure and enforcement of arbitral awards, as amended. Current 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).

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

539

154) Are enforcement agents (multiple options are possible):

- judges?
 bailiff practising as private profession ruled by public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

We have bailiffs working at courts (409) and private executors - private individuals licensed by the State and organized under The Chamber of Executors (125).

155) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

157) Can users establish easily what the fees of the enforcement agents will be?

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
- freely negotiated?
- not applicable

Please indicate the source for answering the question 153:

Ministry of Justice; Chamber of Executors.

Q 158: the enforcement costs are mainly regulated by law, however they may also be negotiated between the enforcement agent and the creditor.

8. 1. 2. Supervision

159) Is there a body entrusted with the supervision and the control of the enforcement agents?

- Yes
- No
- Not applicable

160) 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:

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

161) Have quality standards been formulated for enforcement agents?

- Yes
- No
- Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The Chamber of Executors

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

Yes

No

if yes, please specify

163) Is there a system for monitoring the execution?

Yes

No

If yes, please specify

Department of Supervision of the Ministry of Justice carries out inspections.

8. 1. 3. Complaints and sanctions

**164) What are the main complaints of users concerning the enforcement procedure?
Please indicate a maximum of 3.**

no execution at all?

non execution of court decisions against public authorities?

lack of information?

excessive length?

unlawful practices?

insufficient supervision?

excessive cost?

other?

Please specify:

In the cases where smaller claims are executed the costs of the execution may severalfold exceed the value of the execution.

165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

166) Is there a system measuring the timeframes of the enforcement of decisions :

for civil cases?

for administrative cases?

167) 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 sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input checked="" type="checkbox"/> number:	12
for breach of professional ethics	<input checked="" type="checkbox"/> number:	12
for professional inadequacy	<input type="checkbox"/> yes, number:	
for criminal offence	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input checked="" type="checkbox"/> number:	2
Reprimand	<input checked="" type="checkbox"/> number:	1
Suspension	<input checked="" type="checkbox"/> number:	1
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

10 disciplinary proceedings have not been ended; 3 criminal proceedings (one ended with a final conviction and the office of the executor became automatically extinct)

Please indicate the source for answering the questions 167, 168 and 169:

Ministry of Justice

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****170) Is there a judge who is in charge of the enforcement of judgments?**

- Yes

No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

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

171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

Yes

No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input checked="" type="checkbox"/> number	451
a public one?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

Numerus clausu applies for the Czech Republic.

174) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

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.

Please indicate the source for answering the question 173

Ministry of Justice; Chamber of Public Notaries

9. 1. 2. Supervision

175) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

176) 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?
- not applicable

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

550

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

Law No. 36/1967 Coll., on Sworn Experts and Interpreters, as amended;
Regulation of the Ministry of Justice No. 37/1967 Coll. to implement Law on Sworn Experts and Interpreters, as amended.

Interpreters are appointed by minister of justice or chairpersons of regional courts, if the ministers vests his/her power to them;

The Law regulates conditions for appointment, the activity itself, remuneration and callback of interpreters;

Lists of certified/appointed interpreters are publicly available (www.justice.cz) and are administered by regional courts.

The role of the sworn interpreter in the criminal proceeding is defined in § 28 and 29 of Law No. 141/1961 Coll., Code of Criminal Procedure, as amended.

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

New Criminal Code, Law No. 40/2009 Coll., entered into force on 1 January 2010.

The Criminal Code should be followed by new Code of Criminal Procedure and a Law on Mutual Legal Assistance in Criminal matters and Extradition but these codes are in preparatory stage.

Electronization of all the various registers (e.g Criminal Register, Insolvency Register, Companies register) is in process.

The service of summons has been made electronic for public and legal entities.

Financing of the judicial system is being debated.