



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

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

10287189

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

	Amount
State level	51188666900
Regional / entity level	

3) Per capita GDP (in €)

11067

4) Average gross annual salary (in €)

8808

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

1 EUR = 27,530 CZK

Please indicate the sources for the questions 1 to 4

Czech Statistical Office
Czech National Bank

1. 2. Budgetary data concerning judicial system

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

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

308769378

7) Please specify

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

Annual public budget allocated to (gross) salaries Yes 256650345

Annual public budget allocated to Yes

computerisation (equipment, investments, maintenance)		2148275
Annual public budget allocated to justice expenses	<input type="checkbox"/> Yes	
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	2429132
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	549546
Other (please specify):	<input type="checkbox"/> Yes	

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)

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 €)

3125972

12) Total annual approved budget allocated to the whole justice system (in €)

410508681

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

15672575

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	13692699	1979876

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 €)**

69619179

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:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Ministry of Finance

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **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 the questions 6, 7, 13 et 16

Ministry of Justice

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

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

If yes, please specify:

The waiver of the court fees (see question 22.) could refer to the whole proceedings including execution of judicial decisions.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	not recorded
Criminal cases	
Other than criminal cases	

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:

	No	Yes	Amount
for criminal cases?	yes		
for other than criminal cases?	yes		

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

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:

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

	yes	no
criminal cases?		

	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

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

Please indicate the sources for the questions 24 and 26

Ministry of Justice

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 (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.mvcz.cz
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.nsoud.cz
other documents (for example forms)?	<input checked="" type="checkbox"/> 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:

There is a special section in the internet site 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?
 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 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 yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

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)

	Total number
First instance courts of general jurisdiction (legal entities)	86
Specialised first instance courts (legal entities)	
All the courts (geographic locations)	98

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

We no special courts, but the judges 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 of 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:

	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

changed compared to the previous evaluation round):

Please indicate the sources for the question 45

Ministry of Justice

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

2995

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

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

6 893 lay judges, who sit usually 20 calendar days in one calendar year.

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

Yes

No

If yes, for which type of case(s)?

The above mentioned lay judges participate for example in district courts in employment cases and in regional courts as courts of first instance in criminal cases where the law provides that the minimum term of imprisonment exceeds five years.

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

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

8.911

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	1637
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	<input checked="" type="checkbox"/> Yes	4420
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)	<input checked="" type="checkbox"/> Yes	1867
technical staff	<input checked="" type="checkbox"/> Yes	987

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Ministry of Justice
Regional, High and Supreme Courts

3. 1. 3. Prosecutors**57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

1.201

58) Do any other persons have similar duties as public prosecutors?

- Yes
 No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the

information in full time equivalent and for permanent posts)

1.599

Please indicate the sources for the questions 57 and 59

Ministry of Justice and Public Prosecutor's Offices

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

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

62) 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

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 above

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Ministry of Justice

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

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

Yes

No

67) 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:

postponed cases = pending cases

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

- Yes
 No

Please specify:

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are 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
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
 No

72) Are there performance targets defined at the level of the courts?

- 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

Please specify

74) Please specify the main targets applied:**75) Which authority is responsible for the evaluation of the performances of the courts:**

- the High Council of judiciary
 the Ministry of Justice
 an Inspection authority
 the Supreme Court
 an external audit body
 other?

Other, please specify:

76) 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:

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

- Yes
 No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
 criminal cases?
 administrative cases?

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

- Yes
 No

If yes, please specify:

80) 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):

The Ministry of Justice prepares the plan of the checks according to the results of the annual reports.

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

- Yes
 No

If 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

Please indicate the sources for the the question 70,71, 72 and 76

Ministry of Justice

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) 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) ?

83) 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):

not recorded

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	3	23	22	0
Civil proceedings - Article 6§1 (non-execution)	1	0	0	0
Criminal proceedings - Article 6§1 (duration)	0	2	4	0

Please indicate the sources for the questions 82 and 84

Ministry of Justice

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

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

87) 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

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law	344612	1339889	1353285	331216

cases (1-7)				
1 Civil (and commercial) litigious cases*	169208	327964	332478	164694
2 Civil (and commercial) non-litigious cases*	34692	100232	103012	31912
3 Enforcement cases	22987	308612	313105	18494
4 Land registry cases**	-	-	-	-
5 Business register cases**	3656	129251	128710	4197
6 Administrative law cases	7927	11901	11631	8197
7 Other	106142	461929	464349	103722
Total criminal cases (8+9)	25323	100233	101252	24304
8 Criminal cases (severe criminal offences)	-	-	-	-
9 Misdemeanour cases (minor offences)	-	-	-	-

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Other - e. g. probate cases and payment orders.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	16191	70963	69977	17177
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)	1613	13545	13584	1574
8 Criminal cases (Severe criminal offences)	-	-	-	-
9 Misdemeanour cases (minor offences)	-	-	-	-

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	7150	11700	10731	6789
1 Civil (and commercial) litigious cases*	3916	7507	6002	4091
2 Civil (and commercial) non-litigious cases*	-	-	-	-
3 Enforcement cases	-	-	-	-
4 Land registry cases**	-	-	-	-
5 Business register cases**	-	-	-	-
6 Administrative law cases	3234	4193	4729	2698
7 Other	-	-	-	-
Total criminal cases (8+9)	204	2351	2350	199
8 Criminal cases (Severe criminal offences)	-	-	-	-
9 Misdemeanour cases (minor offences)	-	-	-	-

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	18663	35735	38820	15886
Employment dismissal cases	-	-	231	-
Robbery cases	-	-	-	-
Intentional homicide case	-	-	-	-

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	-	-	-	-	602*
Employment dismissal cases	-	-	-	-	284**
Robbery cases	-	-	365	48	206,5
Intentional homicide	-	-	289	34	161,5

94) 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 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.

95) 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 legal effective.

96) 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 the 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:

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

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

- Yes
- No

If yes, 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.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	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	83319	0*	94	10965	0	58863

You can indicate below:

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

Question 90. - Appellate courts - regional courts - decide as courts of first instance on various other cases, e. g. Business Register cases and administrative law cases (see question 88.), cases concerning rights to intellectual and industrial property, business cases where the value of the claim is higher than 100.000,- Czech crowns, bankruptcy and composition cases and protection of competition cases. The above mentioned numbers refer only to appellate cases.

Question 91. - Number of cases in the highest instance court - cases of the Supreme Court and the Supreme Administrative Court.

Question 93. * - all disputes according to the Family Act

** - all labour disputes

Question 98. * - cases where the offender could not be identified are discontinued by the Police.

Please indicate the sources for the questions 92 to 94 and question 98

Ministry of Justice

Statistics of the Supreme Court and the Supreme Administrative Court

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) 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

If other, please specify:

100) 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?

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

- Yes
- No

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

The judges are nominated by President of the Republic. The Minister of Justice is competent for the promotion of judges.

102) 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.

103) 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

If other, please specify:

104) 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?

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

- Yes
- No

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

The prosecutors are nominated by the Minister of Justice. The Minister of Justice is also competent for the promotion of prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

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 the professional qualifications of the respective prosecutor (applicant) is taken in account.

107) 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.

108) 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.

109) If no, what is the length of the mandate?**Is it renewable?**

for judges

yes, please specify the length

for prosecutors

yes, please specify the length

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 and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) 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, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. 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

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to 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 have been implemented over the last two years

The training for judges and prosecutor is not compulsory, but it takes place regularly according to the needs.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	21838	
Judge of the Supreme Court or the Highest Appellate Court	42760	
Public prosecutor at the beginning of his/her career	18438	
Public prosecutor of the Supreme Court or the Highest Appellate Instance	39579	

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input type="checkbox"/>

116) 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 - expenses for representation and expenses for specialist law books the amount of 5,5% of the salary.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) 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.

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

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

They can also produce literary and artistic work.

121) 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 the question 114

Ministry of Justice

5. 2. 2. Disciplinary procedures

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

The 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.

123) 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.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	40	10
1. Breach of professional ethics	3	5
2. Criminal offence	-	-
3. Professional inadequacy	36	5
4. Other	1	-

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	22	6
1. Reprimand	5	1
2. Suspension	-	-
3. Withdrawal of cases	-	-
4. Fine	-	-
5. Temporary reduction of salary	16	3
6. Degradation of post	-	-
7. Transfer to another geographical (court) location	-	-
8. Dismissal	1	2
9. Other	-	-

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 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

126) Total number of lawyers practising in your country

8.405

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

- Yes
 No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- 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, 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) 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 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 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. 150/1961 Coll., as subsequently amended), a party in the proceedings according to the Judicial Administrative Procedure Code may be represented by a lawyer or possibly by another person practising 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 practise 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 subsequently 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).

130) Is the lawyer profession organised through:

a national Bar?

a regional Bar?

a local Bar?

Please specify:

The Czech Bar Association was established on the basis of the law (§ 40 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 mentioned Act and according to the Administrative Procedure Code.

Please indicate the source for the question 126

Czech Bar Association

6. 1. 2. Training

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

Yes

No

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

Yes

No

133) 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

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

- Yes
 No

135) Are lawyers fees:

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

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

136) Have quality standards been formulated for lawyers?

- Yes
 No

137) 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):

The following person may become a lawyer: a person fully capable to perform acts in law program in a university in the Czech Republic or having completed education in law

in a university abroad (if international treaty binding the Czech Republic stipulates so, or if such education is recognized according to special legal regulations), and exercising legal practice of and 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 an employment relationship (except for work of a university trachtet) and if such person made a lawyer´s promise. Judiciary examinations and public prosecutor´s examinations may be recognized as the bar examination.

138) Is it possible to complain about :

- the performance of lawyers?
 the amount of fees?

Please specify:

139) Which authority is responsible for disciplinary procedures:

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

Please specify:

See points 140 and 141 below. 3-members (lawyers, members of the Disciplinary Comission 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.

**140) Disciplinary proceedings and sanctions against lawyers:
Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
--	-------------------------------	-------------------------	------------------	-------

Annual number	132			
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141) Disciplinary proceedings and sanctions against lawyers:

Sanctions pronounced

	Reprimand	Suspension	Removal	Fine	Other
Annual number	12	7		26	

You can indicate below:

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

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 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.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Yes

No

If yes, please specify:

Legal and procedural advice from Mediator (Probation Officer), information leaflet etc.

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals?	<input type="checkbox"/> yes, number:	
criminal cases?	<input checked="" type="checkbox"/> yes, number:	700

Please indicate the source for the question 145

Statistic of Probation and Mediation Service

7. 1. 2. Other forms of alternative dispute resolution**146) 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 Act No. 216/1994 Sb. on arbitration procedure and enforcement of arbitral awards, which came into effect on 1st 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 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

147) Number of enforcement agents

539

148) Are enforcement agents:

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

Please specify their status:

We have bailiffs working at courts (419) and private executors - private individuals licensed by the State (120).

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

- Yes
- No

150) Is the profession of enforcement agent organised by?

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

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

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Ministry of Justice

Chamber of Private Executors

8. 1. 2. Supervision

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

Yes

No

154) 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 Private 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.

155) Have quality standards been formulated for enforcement agents?

Yes

No

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

The Chamber of Private Executors

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Ministry of Justice

8. 1. 3. Complaints and sanctions

157) 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:

158) 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:

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

- for civil cases?
 for administrative cases?

160) 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:

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

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	7
Professional inadequacy	<input checked="" type="checkbox"/> yes, number:	11
Criminal offence	<input type="checkbox"/> yes, number:	0
Other	<input type="checkbox"/> yes, number:	0

162) Sanctions pronounced against enforcement agents:

Reprimand	<input type="checkbox"/> yes, number:	0
Suspension	<input type="checkbox"/> yes, number:	0
Dismissal	<input type="checkbox"/> yes, number:	0
Fine	<input type="checkbox"/> yes, number:	0
Other	<input type="checkbox"/> yes, number:	0

You can indicate below:

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

7 disciplinary proceeding was closed: in 5 cases the disciplinary proceedings were discontinued and in 2 cases the enforcement agents were acquitted from disciplinary charges.

Please indicate the sources for the questions 157 and 160

Ministry of Justice

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) 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.

164) 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 above
- 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

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | | |
|---|---|-----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,
number: | 450 |
| a public one? | <input type="checkbox"/> yes,
number: | |
| other? | <input type="checkbox"/> yes,
number and
specify: | |

167) 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 the question 166

Ministry of Justice, Chamber of Public Notaries

9. 1. 2. Supervision

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

Yes

No

169) 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?

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 and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

New Czech Law - Insolvency Act will become effective on January 1, 2008. It introduces the new concept in the Czech law - personal bankruptcy discharge. The natural individuals have two possibilities of solving their insolvency: bankruptcy and discharge from debts.