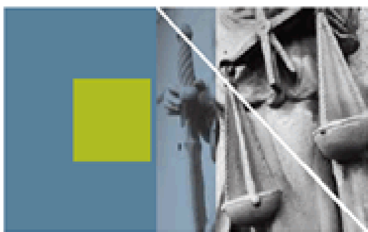


European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

Response questionnaire project group Timeliness

Ministry of Justice Czech Republic

1. The Court System and Available Statistics

1.1. The Court System

The court system in the Czech Republic has 4 tiers:
District Courts,
Regional Courts,
High Courts
The Supreme Courts.

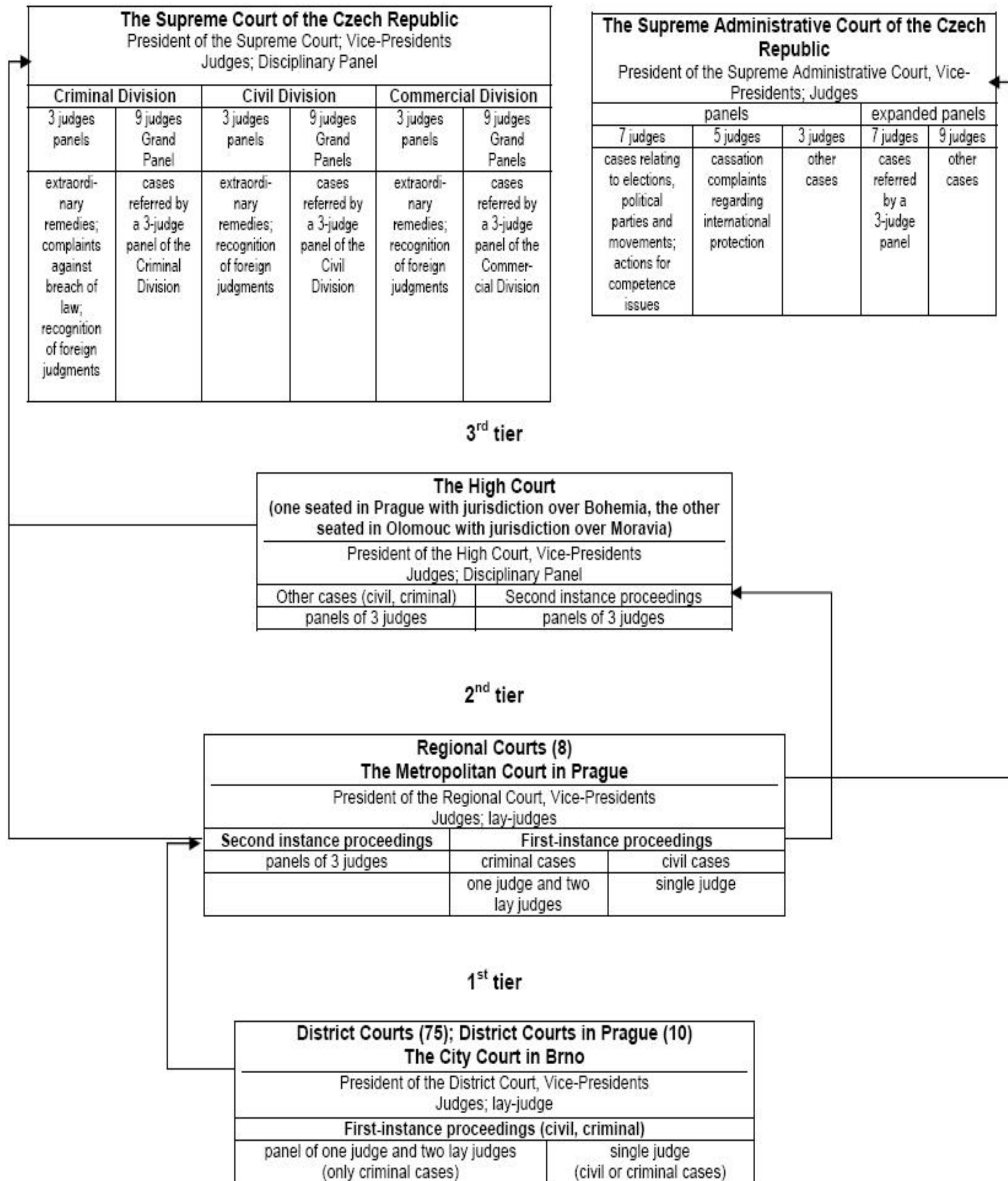
The courts of the **first instance** (originating jurisdiction) are 86 **District Courts** and 9 Regional Courts (in some cases). District courts hear civil, family, employment and criminal cases, and may impose sentences of up to five years' imprisonment. Cases are usually heard by one judge. Serious criminal and labour relations cases are heard by a tribunal comprised of a judge and two associate justices.

The courts of the the **second instance** (appeal courts) include the **Regional courts**, which have jurisdiction over the District Courts and 2 **High Courts** have jurisdiction over the Regional Courts. Cases (including administrative law cases) heard by the Regional Courts are usually decided by a senate composed of three judges. Where District Courts hear the case in the first instance, a Regional Court is the second instance court. Where Regional Courts hear the case in the first instance, the High Court is the second instance court (for criminal and commercial law matters); for administrative law cases it is the Supreme Administrative Court.

The courts of the **third instance** work on the principles of cassation and appeal are the **Supreme Administrative Court** and the **Supreme Court**. The Supreme Administrative Court is the administrative court of the last instance, and is composed of the President of the Supreme Administrative Court, the vice-presidents and judges. Cases are generally heard by a panel of three judges.

In general, there are **no specialised courts** in the Czech Republic, though there are specialised chambers in the ordinary courts (for employment law), except of the administrative courts. The role of administrative justice is performed by administrative courts. These are specialised chambers within the regional court system and act as administrative courts of first instance. The administrative courts are composed of the presiding judge, deputy presiding judges, as well as other judges. Individual cases are heard by a tribunal comprised of three judges.

The Constitutional Court of the Czech Republic stands outside the general court structure. It is headed by the President of the Constitutional Court and two Vice-Presidents, and is composed of 12 constitutional justices. Depending on the nature of a case the Court may hear cases in plenary or in one of four chambers composed of 3 justices each.


The System of Courts in the Czech Republic
(four-tier system of courts; two-instance proceedings)
4th tier
The Supreme Court of the Czech Republic
President of the Supreme Court; Vice-Presidents
Judges; Disciplinary Panel
Criminal Division
Civil Division
Commercial Division
3 judges panels
9 judges Grand Panel
9 judges Grand Panels
extraordinary remedies; complaints against breach of law; recognition of foreign judgments
cases referred by a 3-judge panel of the Criminal Division
extraordinary remedies; recognition of foreign judgments
cases referred by a 3-judge panel of the Civil Division
cases referred by a 3-judge panel of the Commercial Division
The Supreme Administrative Court of the Czech Republic
President of the Supreme Administrative Court, Vice-Presidents; Judges
panels
expanded panels
7 judges
5 judges
3 judges
9 judges
cases relating to elections, political parties and movements; actions for competence issues
cassation complaints regarding international protection
other cases
cases referred by a 3-judge panel
3rd tier
The High Court
(one seated in Prague with jurisdiction over Bohemia, the other seated in Olomouc with jurisdiction over Moravia)
President of the High Court, Vice-Presidents
Judges; Disciplinary Panel
Other cases (civil, criminal)
Second instance proceedings
panels of 3 judges
2nd tier
Regional Courts (8)
The Metropolitan Court in Prague
President of the Regional Court, Vice-Presidents
Judges; lay-judges
Second instance proceedings
First-instance proceedings
panels of 3 judges
criminal cases
civil cases
one judge and two lay judges
single judge
1st tier
District Courts (75); District Courts in Prague (10)
The City Court in Brno
President of the District Court, Vice-Presidents
Judges; lay-judge
First-instance proceedings (civil, criminal)
panel of one judge and two lay judges (only criminal cases)
single judge (civil or criminal cases)

1.2. Statistic information on Courts, judges and cases

The statistics are published on the public portal:
http://cslav.justice.cz/portal/page/portal/cslav_public/cslav_public_prehledy

1.3. Statistic information on processing time

See the annex, the Excel table with three sheets with processing time statistics, as an example in English. More information, but in Czech, is accessible on the webpage written above.

2. Statistics, Requirements and Transparency

2.1. What statistics are provided for on a regular basis?

Regularly are worked-out the statistics about criminal, civil, custodial, commercial and insolvency information. The Ministry of Justice keeps at disposal

- Statistical data from reports, completed on the basement of registers from district, regional and high courts and special registers on the Supreme Court and the Supreme Administration Court, which are finalised monthly
- statistical data from the statistic sheets, which are completed in different agendas always after the closing of proceedings after the final judgement

2.2. Are provided statistics published?

Yes, the statistics are published on the public portal
http:/cslav.justice.cz/portal/page/portal/cslav_public_uvod.
More information is accessible from the internet pages of the Ministry of Justice,
http://portal.justice.cz/justice2/ms/ms.aspx?j=33&o=23&k=3397&d=47145
Bench marking is not developed.

2.3. Is processing time of individual cases transparent?

It is possible to find the information about the processing time of the individual cases by means of the databases InfoSoud and InfoJednání. The information about each proceeding is accessible after entering a specification of the court and a reference number of the case.

2.4. Are requirements for processing time stipulated?

Not exactly, but it is expected a reasonable long time for proceedings.

2.5. What are the consequences of exceeding required/reasonable processing time according to national rules or practice?

Please see answer to question 2.6.

2.6. Can the parties and others make a complaint about the processing time?

Due to the Act on Courts of Judges, (No. 6/2002 Coll**.**) the complaints can be made this way:

Lodging a Complaint

§ 164

(1) Natural and legal persons (hereinafter the “complainant”) shall be entitled to lodge complaints with the bodies of state administration of courts only in relation to delays in proceedings or inappropriate behavior of judicial persons or infringement upon the dignity of court proceedings. It shall be assessed whether a certain petition is a complaint or not on the basis of the content of the petition without regard to its designation.

(2) It shall not be admissible to claim in a complaint that the procedure of a court in performance of its independent decision-making powers be reviewed.

(3) Anonymous complaints shall not be dealt with.

§ 165

Lodging a complaint must not lead to any harm to the complainant; this shall not apply if (s)he commits a crime or misdemeanor through the content of the complaint.

§ 166

(1) A complaint may be lodged in writing or orally; if a complaint is lodged orally and cannot be dealt with immediately, the body of state administration of courts shall make a written record thereof.

(2) A complaint shall be lodged with the body of state administration of courts that is competent to deal with the complaint. If a complaint is lodged with a body of state administration of courts that is not competent to deal with it, this body shall forward it promptly to the competent body.

Procedure in Dealing with Complaints

§ 167

The Ministry shall deal with

a) complaints concerned with the procedure of a Superior and Regional Court if the relevant petition includes a complaint concerned with delays in proceedings or inappropriate behavior or infringement upon the dignity by the Chairman of the court.
b) a petition that consists in disagreement with the manner of dealing with a complaint in the same matter that has been dealt with by the Chairman of the Supreme Court, Chairman of a Superior Court or Chairman of a Regional Court,
c) complaints that fall within the competence of some other body of state administration of courts pursuant to § 168 to 171 if the Ministry has reserved the dealing with the complaint.

§ 168

The Chairman of the Supreme Court shall deal with complaints concerned with delays in proceedings, inappropriate behavior or infringement upon the dignity of proceedings by the Vice-Chairman of the court, chairmen of senates, judges, judicial assistants and other employees active at the Supreme Court or the Chairman of a Superior Court.

§ 169

The Chairman of a Superior Court shall deal with complaints concerned with delays in proceedings, inappropriate behavior or infringement upon the dignity of proceedings by the Vice-Chairman of the court, chairmen of senates, judges, judicial officers, court secretaries and other employees active at the Superior Court or the Chairman of a Regional Court within the jurisdiction of such Court.

§ 170

The Chairman of a Regional Court shall deal with

a) complaints concerned with delays in proceedings or inappropriate behavior or infringement upon the dignity of proceedings by the Vice-Chairman of the court, chairmen of senates, judges, lay judges, judicial officers, court secretaries and other employees active at the Regional Court.
b) a petition that consists in disagreement with the manner of dealing with a complaint in the same matter that has been dealt with by the Chairman of a District Court except for complaints relating to delays in the court proceedings
c) complaints concerned with the procedure of a District Court if the relevant petition includes a complaint concerned with delays in proceedings or inappropriate behavior or infringement upon the dignity by the Chairman of the court.
d) complaints that fall within the competence of the Chairman of a District Court pursuant to § 171 if the petition also includes a complaint that falls within his/her competence pursuant to subparagraph a) or c).

§ 171

The Chairman of a District Court shall deal with complaints concerned with delays in proceedings, inappropriate behavior or infringement upon the dignity of proceedings by the Vice-Chairman of the court, chairmen of senates, judges, lay judges, judicial officers, court secretaries, judicial executors and other employees active at the District Court.

Dealing with a Complaint

§ 172

The body of state administration of courts shall be obliged to investigate facts stated in the complaint. If it considers it appropriate, it shall hear the complainant, persons with whom the complaint is concerned, as well as other persons that could contribute to clarification of the given matter.

§ 173

(1) Any complaint must be dealt with within 2 months and in case of a complaint against delays in the court proceedings within 1 month from delivery of the complaint to the relevant court state administration body that is competent to deal with such complaint. The complainant must be notified of dealing with the complaint within this deadline.

(2) The deadline specified in paragraph 1 above may be exceeded only if basic documents required for dealing with the complaint cannot be acquired within the deadline. The complainant must be notified in writing of the fact that the complaint cannot be dealt with within the set deadline.

(3) If a complaint is found to be justified or partly justified, the complainant must be notified of the measures taken to remedy the shortcomings found. If a duty was breached by a judge, the provisions of § 128 (1) shall apply.

(4) Notifications shall be sent to the complainant to the address specified in the complaint or to a different address that is familiar to the competent body of state administration of courts, as appropriate.

§ 174

(1) If the complainant believes that a complaint regarding inappropriate behavior of judicial officials or infringement of the proceedings dignity that has been lodged with the competent body of state administration of the court has not been dealt with properly, (s)he may request

a) the Ministry to investigate the manner of dealing with the complaint that has been dealt with by the Chairman of the Supreme Court, Chairman of a Superior Court or Chairman of a Regional Court,

b) the Chairman of a Regional court to investigate the manner of dealing with a complaint that has been dealt with by the Chairman of a District Court.

(1) If the complainant lodges another complaint in the same manner without stating any new facts, it is not necessary to investigate it.

§174a

Petitions to determine the deadline to perform a procedural act

(1) Should a party to the proceedings believe that his/her complaint regarding delays in court proceedings which he/she has filed with the relevant court state administration body has not been dealt with properly, he/she may file a petition asking the court to fix a deadline until when the specific procedural act which is allegedly delayed (hereinafter "petition to determine the deadline") must be performed.

(2) Such petition to determine the deadline shall be filed with the court against which such objections due to delays have been raised. The petition must identify the petitioner, the case and which procedural act is concerned, the reasons why the petitioner believes that there are delays and what the petitioner seeks to achieve by the petition; the petition must indicate the court concerned by the petition, must be signed and dated.

(3) The court that has been accused of delays in the court proceedings shall submit the petition within 5 working days from delivery at the latest including its opinion to the court competent to rule on the petition; it shall inform the petitioner thereby. The court competent to hear such petition in civil and criminal matters shall be the higher instance court, should the petition concern a district, regional or superior court, and the Supreme Administrative Court should the petition concern a regional court hearing an administrative action; petitions against the Supreme Court or the Supreme Administrative Court shall be heard by another panel of judges of the same court appointed in line with the relevant case schedule (hereinafter only "the competent court").

(4) The petitioner shall act as the party to the proceedings. The petition shall be heard pursuant to the relevant provisions of Section I and Section III of the Civil Procedures Code, unless otherwise provided by this Act.

(5) The competent court shall rule on the petition by a court order. It shall reject the petition if the petitioner has not challenged delays in the court proceedings, or if the petition has been filed by a person who has not been not entitled thereto or if the petitioner has not correct or complete the petition properly within the fixed period; otherwise it shall issue

its ruling without hearing within 20 working days from submission of the case or from submission of a corrected or supplemented petition.

(6) Should the court which has been challenged by the petition and allegedly caused delays in the court proceedings have performed the relevant procedural act, the competent court shall reject the petition; it shall proceed similarly should it believe that no delays have occurred.

(7) Should the competent court establish that the petition has been justified and that with respect to the complexity of the case, relevance of the case for the petitioner, acts and actions of the parties to the proceedings and previous conduct of the proceedings by the court there are delays in the court proceedings, it shall fix a date when the procedural act that has been delayed according to the petition must be performed; this date shall be binding on the court that is competent to perform such procedural act. Should the petition be declared justified, the court proceedings costs shall be paid by the State.

(8) The ruling issued by the competent court with respect to such petition shall be delivered to the petitioner and the court concerned by the petition. No means of remedy shall be acceptable against such ruling by which the competent court has fixed the relevant deadline.

2.7. Are user surveys on processing time carried out? How often?

Not surveys for the public, but generally there are statistic containing this data accessible on the webpages of the Ministry of Justice.

3. Reduction of Caseload and Facilitating Court Procedures

3.1. Which means of reduction of caseload are used?

The reduction of caseload in petty crime cases, reduction of appeals to the third instance, preferring the alternative dispute resolution (for example probation and mediation). In civil family cases where the alternative dispute resolution is possible, it is intended to settle the duty to contact a mediator. Some tasks can solve the higher court official or a notary in heritage cases.

3.2. Are any special easy procedures available?

The accelerated procedure in criminal matters; the payment order and petty disputes up to 80 €.

3.3. What simplifications of ordinary procedures are applied?

Written testimonies are usually not accepted, it is necessary to visit the court. Telephone conferences are not used, videoconferences are rarely used.

3.4. Give examples of practices used within ordinary procedures to speed up ordinary procedures.

The time limitation is settled for the preliminary ruling for the civil administration cases and the custody decision for the penal cases.

4. Increase of Capacity and Improvement of Processing

4.1. Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases?

It is possible to special create mini-teams. Presidents of courts can reallocate judges inside the court.

4.2. Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants?

Presidents of courts decide on distribution of works among judicial trainees, judge assistants, high court officials (according the Act on Courts and Judges) – they can help judges at any stage of process except hearing and deciding.

4.3. Do you try to limit processing time by facilitating processing of cases?

There are only limited possibilities of facilitating the processing time, judges are specialised, written justifications of decisions are obligatory and stipulated by the law. All courts are equipped with IT network and electronic filing system. Hearings are always put on record; penal cases are taped on MP3.

4.4. Do you try to limit processing time by giving secretary or juridical assistance to individual judges?

According to financial possibilities of courts, usually a group of judges shares one secretary and/or a court assistant.

4.5. Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?

The e-justice solutions are being worked out and supported systematically. A number of e-justice projects are running: Interconnection of Electronic Insolvency Registers, E-Codex, Promotion of Videoconferences.

5. <u>Other initiatives</u>

5.1 Have other initiatives concerning timeliness been undertaken or are they contemplated?

No.