

## **CIVIL SUMMONS IN THE CZECH REPUBLIC**

### **(A) What is the applicable law in domestic claims?**

Act No. 99/1963 Coll., Code of Civil Procedure

Act No. 292/2013 Coll., on Special Court Proceedings

### **(B) What is the applicable law in international claims?**

Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I bis)

Regulation (EU) No 2019/1111 of the European Parliament and of the Council of 25 June 2019 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility and international child abduction (Brussels II bis)

Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, concluded on 15 November 1965

Act No 91/2012 Coll., on Private International Law

Bilateral international treaties

### **(C) How can the defendant be summoned?**

-At the hearing - the court may summon directly orally at the hearing, and will make a record of this.

-Via the public data network to a data box - if the addressee has a data box (companies and entrepreneurs are obliged to have a data box - set up by the state, other individuals can set one up), it is necessary to primarily serve a data message to this box.

-To the address or electronic address communicated by the addressee - if the addressee communicates an address or electronic address and it is not possible to deliver to a data box, the court shall deliver to the communicated address in paper or electronic form.

-Through the serving authority (court bailiffs, bailiffs, judicial guards, postal service operators - usually the Czech Post, or in the case of persons in custody or detention, through the Prison Service, the competent institute, in the case of diplomats, service may also be made through the Ministry of Foreign Affairs) - service in paper form.

-By a party to the proceedings or his representative

**(D) Regarding individuals**

The methods are essentially the same for individuals and companies, as set out in C.

If it is not possible to be summoned at the hearing and it is not possible to deliver to a data box, service shall be made to the address provided by the addressee, or, if the addressee has not provided such address, then in documentary form to the address according to the central population register or, in the case of foreigners, to the address of registered residence. Individuals - entrepreneurs are obliged to have a data box, if for some reason it is not possible to deliver to a data box, then service is made in paper form through the serving authority to the address of the registered office.

**(E) Regarding a company**

The methods are substantially the same for individuals and companies, as set out in C. Either by summons to appear at the hearing or by mailed summons in data or paper form. Companies are obliged to have a data box and are served by means of a data box. If for some reason it would not be possible to serve a data box (which is, however, almost impossible), service is made on the address of the company's registered office in paper form through the serving authority.

**(F) What happens if the defendant is not found?**

The law allows for a so-called deposit/replacement delivery.

In the case of a data box, the consignment is deemed to have been delivered on the tenth day from the date of delivery of the data message to the data box, even if the addressee has not logged in to the data box.

In the case of service in paper form by the serving authority, the addressee is then notified of the attempted service (e.g. by a notice dropped into the letterbox) and the mail is deposited for later collection (at the court or at the post office). If the addressee does not pick up it, the mail is also deemed to have been delivered on the 10th day after the notification of its deposit. It is then either placed in the addressee's mailbox or returned to the court..

**(G) Is it possible to notify by edicts?**

Yes, in the case of certain types of documents, service may be effected by posting the document on the court's official notice board and the document is deemed to have been served on the 10th day of posting. This is particularly the case if, for example, it is not possible to give notice of the deposit of the mail by posting a notice (under point F above).

Practical issues:**(H) Should the claim be translated or not?**

Yes, if all procedural rules are followed.

In some exceptional cases, especially in the case of delivery in documentary form, a decision may be taken on the addressee's application that the service is ineffective if it is established that he or she was unable to acquaint himself or herself with the document for an excusable reason.

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