

Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)*

Responding State:

The Czech Republic

I. General Feedback

1. How does your State rate the general operation of the Service Convention?
 - (b) Good.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?
 - (b) Good.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?
 - (f) Other.
"The Czech Central Authority (Ministry of Justice) has got the electronic register of the incoming requests under the Service Convention. After the registration the incoming requests are forwarded to the competent Czech courts to be served."
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.
 - (d) Other.
"Outgoing requests are usually transmitted directly from a judicial authority to the CA of the requested State. However, in some cases, the Letters of Request are transmitted via Central Authority or via diplomatic channels. In these cases, Letters of Request are registered by means of electronic case management. The CA maintains an electronic file service (a case management) in which incoming/outgoing requests for legal aid are registered. The case management enables to monitor the status of their processing."

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention? *More than one answer is possible.*

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (a) Yes, regarding the interpretation of "civil or commercial matters" (Art. 1).
"Some requesting authorities try to include in the material scope of the Service Convention also administrative or financial proceedings."

A. Extrajudicial documents

6. Is the concept of “extrajudicial documents” (Art. 17) defined in the internal law of your State?

(b) No.

7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

“There is not any internal definition of „extrajudicial documents“ in the Czech civil law; however, the Czech Courts shall take into account the concept of „extrajudicial documents“ within the meaning of the Service of Documents Regulation and the interpretation of this concept done by the Court of Justice of the European Union (judgement of 11 November 2015 in case C -223/14 Tecom Mican and Arias Domínguez).”

III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)

(a) Yes.

“The Czech competent courts provide some kind of assistance to requesting authorities to locate a person (an addressee) to be served – we mean the correcting or clarifying an incorrect address. For this purpose the Czech requested authorities need to know the date of birth and the last known address of the person to be served in the Czech Republic. However, the Service Convention shall not be abused for address searching.”

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

(b) The Service Convention would apply, through:

(i) Main channel of transmission (Art. 5);

(iv) Indirect diplomatic channel (Art. 9(2));

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

“The requests for service on the Czech State, State official or State-owned company are executed according to the Service Convention as the standard requests addressed to any private subject.”

11. Does your State serve judicial and extrajudicial documents in the same way?

(a) Yes.

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(a) Courts / Tribunals.

(f) Central Authority(ies).

(g) Other.

“Outgoing requests are usually transmitted directly from a judicial authority to the CA of the requested State. However, in some cases, the Letters of Request are transmitted via Central Authority or via diplomatic channels. In these cases, Letters of Request are registered by means of electronic case management. The CA maintains an electronic file service (a case management) in which incoming/outgoing requests for legal aid are registered. The case management enables to monitor the status of their processing.”

13. Do outgoing requests for service have to be transmitted through your State’s Central Authority?

(b) No.

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(g) Other.

“If the documents shall be served by the way of the primary / default method of service (Art. 5(1)(a), the Czech Court chooses the appropriate method of service (by electronic means, by Court summon, via standard post) according to § 45 Czech Civil Procedural Code.”

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

15.1. If yes, what method of service was requested?

(a) Personal service.

15.2. If yes, was the requested method of service able to be executed?

(c) Unknown.

16. In the previous five years*, as the **requesting State**, has your State’s forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

16.1. If yes, what particular method of service was requested?

(a) Personal service.

16.2. If yes, was the requested method of service able to be executed?

(c) Unknown.

16.3. If yes, were there costs associated with this method of service?

(c) Unknown.

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the "Warning" and "Summary" sections of the Model Form when transmitting a request through alternative channels?

(b) Sometimes.

"However, the Czech requesting authorities (Czech Courts) are instructed to use both sections of the Model Form."

18. As the **State of destination**, does your State use the "Certificate" section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(a) Always.

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

“Letters of Request are usually transmitted directly from a judicial authority to the CA of the requested State. However, there are Contracted Parties that have not designated their CA, or that do not have a direct postal connection with the Czech Republic. In that case, the Letters of Request are transmitted via diplomatic channels.”

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(a) Yes.

23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

(a) Yes.

23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

N/A

23.3. If no objection has been made, which of the following categories does your State recognise as a “postal channel” under Article 10(a)?

N/A

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

N/A

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State’s official languages?

N/A

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(a) Yes.

24.1. If no objection has been made, which of the following categories does your State recognise as a “judicial officer, official or other competent person” under Article 10(b), either for sending or receiving?

N/A

24.2. If no objection has been made, how does this channel of transmission operate in practice?

N/A

24.3. If no objection has been made, are there costs associated with this channel of transmission?

N/A

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(a) Yes.

25.1. If no, which of the following categories does your State recognise as “any person interested in a judicial proceeding” under Article 10(c), either for sending or receiving?

N/A

25.2. If no, how does this channel of transmission operate in practice?

N/A

25.3. If no, are there costs associated with this channel of transmission?

N/A

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(c) Unknown.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(a) Yes.

“The COVID-19 pandemic has improved the communication of Central Authorities and established informal electronic communication (via e-mail).”

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(b) No.

29.1. If yes, what methods of transmission do the forwarding authorities of your State use? *More than one answer is possible.*

N/A

30. Does your State’s Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(b) No.

30.1. If yes, what methods of transmission does your State accept?

N/A

30.2. If no, please provide further information about why this is not yet possible.

“There are internal law limitations to verify the sender of the request (the requesting authority) and integrity of documents.”

31. Does your State permit execution of service via electronic means?

(a) Yes, this is possible via the following means:

(d) Electronic transmission via online platform administered by the government.

31.1. If no, what are your State’s reasons for refusing to execute the requests for service to be performed by using information technology?

N/A

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(b) Internal law limitations.

(d) Implementation challenges (e.g., lack of resources, lack of infrastructure).

(f) System interoperability / compatibility.

- (h) Other.
“There are internal law limitations to verify the sender of the request (the requesting authority) and integrity of documents.”

33. In your State’s opinion, what further work could the PB do on the use of information technology under the Service Convention?

- (b) Development of a Guide to Good Practice.

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

- (a) Yes.

For Parties that answered “yes” to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

- (a) Yes.
“Bilateral and multilateral Agreements/Conventions have been concluded many years ago and, therefore, they are technological neutral. However, in our opinion, they do not prohibit to use of electronic means. Within the EU, as regard the 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 (service of documents) (recast) - see the coordinated answer of the EU.”

V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“Have the contracting Parties got any suggestion how to technically ensure the protection of transmitting documents?”*
2. *“Is there a shift in understanding the material scope of the Service Convention? Is it possible to serve documents in the insolvency proceedings or administrative proceedings under the Service Convention?”*
3. *“Shall the nature of some proceedings come from the legal opinion of the requesting State or is it decisive the legal opinion of the requested State about the nature of documents to be served?”*

35.1. Please indicate whether the information provided in Q35 above may be published.

- (a) Yes.

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

- (a) Yes.
“It would be useful if the Service Handbook (in e-format) is freely accessible on the webpages of the HCCH.”

36.1. If the answer to Q36 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

(a) Yes.

“Is there a shift/change in understanding the material scope of the Service Convention?”

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

(a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Main Channel of Transmission (Art. 5)

A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	66
2018	86
2019	116
2020	77
2021	110
2022	124
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
Russian Federation	128
Switzerland	124
Turkey	86

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017	-	-	-	-	-
2018	-	-	-	-	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022 (if data available)	-	-	-	-	-
Unknown – <i>please explain.</i> <i>“The most of requests for service (3/4) are executed within 2 – 4 months. The rest of them within 6 months.”</i>					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“The Czech Republic does not accept incoming requests received via electronic transmission, only via standard post (on paper form).”</i>	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“There is no special legal rule for the Czech courts to keep records of cases where requests executed via electronic means.”</i>	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(d) Unknown.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – please explain. <i>“The majority of the outgoing requests for service are forwarded (on paper) by the Czech forwarding Authorities (Czech Courts) directly to the Central Authority of the State. No data available. There is no special legal rule for the Czech courts to keep records of cases where the Hague Convention was applied.”</i>	

8. Which three States were the subject of the most requests?

N/A

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – please explain. <i>“The outgoing requests for service are forwarded to the Central Authority of the State addressed only on paper.”</i>	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

“none”

12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

“The Czech Ministry of Justice as the Central Authority has not got any information about the number of Refusal according to the Article 13.”

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

“The Czech Courts are also to proceed to comply with the Case Law concerning the Service of Document Regulation done by the Court of Justice of the – see the coordinated answer of the EU as well the previous Questionnaires of the Hague Conference.”

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

“The Czech Ministry of Justice as the central Authority has prepared for Czech Courts as the forwarding and executing authorities the manual of methodological procedures; it manual is in the Czech language and has got only the internal character. Some information concerning Service of Documents in the Czech Republic are available on the e-Justice Portal.”

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.