



Czech Republic

e-manual appendix





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What is enforced

Enforcement is a procedure which aims to enforce an imposed obligation in the event that it has not been voluntarily recovered by the debtor. Execution is the forced enforcement of a decision, which is carried out by judicial officers or court clerks.

Most often this obligation is to pay a monetary debt (loans, rent etc.), but there are also non-monetary obligations such as the obligation to evict the apartment or house, attachment on shares, patents, industrial designs, trademarks etc.

Therefore, the existence of the debt itself is not enough, the creditor must have a public document (mostly court decision) to start an enforcement procedure against debtor.

Who enforces

Only the judicial officer with a licence from the Minister of Justice can enforce in the Czech Republic. Other possibilities include court clerks (district court employees) in cases of taking children away from their parents.

To become a private judicial officer, an individual must meet these conditions:

- be a citizen of the Czech Republic
- have full legal capacity and be older than 18 years
- have completed university education in the Czech Republic in the field of law
- have no criminal record
- have at least three years of experience in the field of enforcement,
- have passed the judicial officer's exam.

Anyone who meets all above conditions may register in a tender announced by the Chamber of Judicial Officers. The winner of the tender must take an oath at the Minister of Justice, which will give him a license to perform his execution activities.

Enforcement procedure

The enforcement procedure is initiated only by creditor's petition. There is a nationwide list of competent judicial officers in the Czech Republic and the creditor can choose any judicial officer from that list to carry out the enforcement. The list is published by the chamber on the website www.ekcr.cz.

The judicial officer (whom the creditor chooses) shall apply to the court for authorisation to conduct the enforcement. After receipt of the authorisation, the judicial officer shall send a notice of enforcement to the debtor within 15 days. At the same time the judicial officer begins searching the debtor's assets and demands assistance from authorities, which are

obliged to comply (e.g. courts, banks, insurance bodies, social securities, car register etc.).

The judicial officer shall send the notice to the debtor and request “voluntary” fulfilment of the enforced obligation within 30 days after service of the notice.

Duration of enforcement procedure

The enforcement, which has been ordered by an enforcement court, which authorised a specific judicial officer to carry it out, shall be terminated for the following reasons:

- the claim and costs are recovered – this is the best method of termination of enforcement from the creditor's perspective. The creditor's claim must be recovered, together with full recovery of expenses (legal costs, attorney's fees, interest, etc.) and of enforcement costs. The enforcement will be terminated by payment of the financial performance to the creditor, together with payment of all enforcement costs, including the judicial officer's fee by the tariff.
- the enforcement is suspended –sometimes enforcement is terminated by decision of the court, or of the judicial officer, when it cannot be successfully completed. In such a case, the enforcement is not successfully terminated.

Cost of enforcement procedure

Execution costs include fees, compensation of time, service of documents fees, reimbursement of costs, and VAT. The enforcement and the creditor's costs must be paid by the debtor.

In case of enforcement of monetary claims, the fee is:

- up to the base amount of CZK 3,000,000 (EUR 120,000): 15%
- from CZK3,000,000 (EUR 120,000) to CZK40,000,000 (EUR 1.6 million): 10%,
- from CZK40,000,000 (EUR 1.6million) to CZK50,000,000 (EUR 2million): 5%,
- from CZK50,000,000 (EUR 2million) to CZK250,000,000 (EUR 10million): 1%
- The minimum fee is CZK 2,000 (EUR 80).

In case of non-monetary performance, the fee depends on the method of the enforcement.

For example, for eviction, the fee is CZK 10,000 (EUR 400) for each vacated immovable property, building, apartment, or room.

For enforcement by taking movable items, the fee is 15% of the value of each removed thing or set of things, but no less than CZK 2,000 (EUR 80).

In case of enforcement of performance of works the fee is CZK 6,000 (EUR 240) for each enforcement title ordering the performance of works.

