The Supreme Court Yearbook

2024

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FOREWORD BY THE PRESIDENT OF THE SUPREME COURT

Dear Readers,

The past year brought numerous professional activities, foreign business trips, and meetings at the Supreme Court. A more detailed summary of these events can be found in Chapter 5 of the Yearbook. One of the key topics we focused on was artificial intelligence (AI). This area represents one of the most dynamic challenges not only for the judiciary but for the society as a whole. The Discussion Seminar we held last November featured several leading experts who discussed both the opportunities, and the risks associated with implementing AI in judicial practice. They agreed that AI is not a substitute for judges but can effectively assist with administrative tasks and speed up court processes. There is no doubt that further discussions and decisions in this regard await us.

Looking back at the statistics from the past year, I am pleased to observe that the Supreme Court has managed to maintain a very good average length of court proceedings. For example, in the civil extraordinary appeals agenda, it took on average 150 days for a court decision to be issued. In incidental disputes in insolvency proceedings, the length of proceedings has been kept at 10 months for the second year in a row. In the agenda of criminal extraordinary appeals, court decisions continued to be issued within 40 to 50 days, which is an exceptionally good result in European comparison. For complaints on the violation of the law, it took 80 days to process the cases.

The favourable state of the Czech judiciary has repeatedly been demonstrated by the European Commission's EU Justice Scoreboard, a comparative study that provides an annual overview of the condition of judiciary in various countries. The Czech Republic has consistently been at the top of the ranking in terms of the speed of proceedings. The report shows that Czech courts perform well at relatively low financial costs.

The issue of inadequate remuneration, especially for staff in judicial administration, whose functioning is crucial for the smooth and efficient running of judicial proceedings, has been the subject of many discussions over the past year. There was even a historic step – a strike by judicial administration staff lasting several days, which significantly limited the operation of courts across the country.

On the issue of salary increases for administrative staff, a delicate compromise was found, which will hopefully be maintained and fulfilled in

the current year. The aim of the negotiations on the salaries of support staff in the judiciary, without whom it is impossible to ensure quality and speedy judiciary, should be to gradually bring the remuneration of judicial administration up to the level of the average salary of a civil servant, excluded the armed forces and education, as promised by the political leaders.

Like every year, this Yearbook also presents an overview of the key decisions of the Supreme Court that have influenced the development of the case law. For the Civil and Commercial Division, for example, we can point out the decision on whether and under what conditions post-traumatic stress disorder can itself be regarded as harm to health caused by an accident at work or whether, in the case of the marketing of so-called smart mobile phones, authors are entitled to a compensatory royalty.

The Criminal Division had to deal with questions such as whether the offence of fraud could be committed through the courts, or it had to comment on the criminal liability of a legal entity in the absence of a specific individual who had neglected their duties.

Finally, I would like to mention one of the biggest challenges we are currently facing – the new form of disciplinary proceedings. At the beginning of this year, a major conceptual change came into life, the full impact of which will only be assessed over the next few months. I believe, however, that the professionalism and expertise of the Supreme Court judges will ensure the smooth implementation of this new system, which introduces the possibility of a proper remedy – a mechanism that has long been lacking in our legal system and whose absence has often been criticized by international organizations.

Thank you for your attention and I wish you inspiring reading.

Petr Angyalossy

1. THE SUPREME COURT AS THE HIGHEST JUDICIAL AUTHORITY IN CIVIL AND CRIMINAL MATTERS

The Supreme Court is the highest judicial authority in matters within the courts' jurisdiction in civil court proceedings and in criminal proceedings. Its Panels decide on extraordinary remedies, except for matters that fall within the competence of the Constitutional Court and the Supreme Administrative Court.

Extraordinary remedies are extraordinary appeals against decisions of courts of second instance and complaints on the violation of the law which can be filed in criminal cases by the Minister of Justice. The Supreme Court decides in cases prescribed by law, on the determination of the local and subject-matter jurisdiction of the courts, recognition of foreign decisions, permission to transit persons on the grounds of European arrest warrants, review of wiretapping orders and in the case of doubts about immunity from criminal law enforcement.

The Supreme Court plays a vital role in unifying the case law. It achieves this in particular by deciding on extraordinary appeals and issuing Opinions on a uniform interpretation of the law. The most important decisions of the Supreme Court, or lower instance courts, and Opinions of the Divisions or Plenary Session of the Supreme Court are published in the Collection of Decisions and Opinions of the Supreme Court (hereinafter referred to as the "Collection").

Since 1 September 2017, under Act No 159/2006 Coll., on Conflict of Interest, as amended, (hereinafter referred to as the "Conflict of Interest Act") the Supreme Court has also been entrusted with receiving and recording notifications concerning the activities, assets, income, gifts and obligations of more than 3,000 judges in the Czech Republic. These records are not made public.

1. 1. Composition of the Supreme Court

The Supreme Court is headed by a President and a Vice-President. On 20 May 2020, the President of the Czech Republic Miloš Zeman appointed **Petr Angyalossy** as the President of the Supreme Court for a 10-year term. As of 17 February 2021, the Vice-President of the Supreme Court has been **Petr Šuk**, who was also appointed by the President of the Czech Republic Miloš Zeman for a 10-year term.

Furthermore, the Supreme Court consists of Presidents of Divisions, Presidents of Panels and other judges.

The President of the Supreme Court has a managerial and administrative role. In addition, the President also participates in decision-making, appoints Presidents of Divisions, Presidents of Panels, judicial assistants and court employees to managerial positions. The President issues the Organisational Rules and Office and File Rules and, following discussions at the meeting of the Plenary Session, the Rules of Procedure. Upon consultation with the Council of Judges, the President issues a Work Schedule for every calendar year. The President of the Supreme Court determines the agenda for the meeting of the Plenary Session and proposes Opinions on courts' decision-making to the Plenary Session and to the Divisions.

The Vice-President of the Supreme Court acts as a Deputy for the President when the latter is absent. When the latter is present, the Vice-President exercises the powers conferred by the President. The Vice-President oversees the handling of complaints, in particular those concerning proceedings before courts at all levels of the judiciary, collects comments from the Supreme Court judges on forthcoming Acts of Parliament and, in co-operation with the Judicial Academy, takes care of the training courses for judicial assistants, advisers and employees of the Supreme Court.

The Supreme Court has two Divisions, namely the Civil and Commercial Division and the Criminal Division. They are headed by the Presidents of Divisions, who manage and organise their activities. **Pavlína Brzobohatá** has been the President of the Civil and Commercial Division since 1 January 2024, replacing Jan Eliáš, whose term of office ended on 31 December 2023; the President of the Criminal Division from 1 January 2016 until now has been **František Púry,** who has been entrusted with the management of this Division since 1 September 2015 and who is now serving his second five-year term. As of 31 December 2020, František Púry's first five-year term ended, but the President of the Supreme Court has renewed his term from 1 January 2021 for another 5 years. The Divisions adopt Opinions on courts' decision-making practice, monitor and evaluate their final decisions and generalise the findings. Upon proposals by the President of the Supreme Court, Presidents of Divisions and Presidents of Grand Panels, the Divisions adopt Opinions, and select and decide to include seminal decisions in the Collection.

All Opinions of the Plenary Session, Civil and Commercial Division, Criminal Division, selected decisions of the individual Panels and selected decisions of lower courts are published in the Collection.

The Plenary Session, composed of the President of the Supreme Court, the Vice-President of the Supreme Court, Presidents of Divisions, Presidents of Panels and other Supreme Court judges, is the most important collective body of the Supreme Court. It discusses the Rules of Procedure of the Supreme Court and adopts Opinions on courts' decision-making on issues concerning the Divisions or issues on which the Divisions differ in their views.

Grand Panels are composed of at least nine judges from the respective Division of the Supreme Court. The Grand Panel of the Division decides a case when any Panel of the Supreme Court refers the case to it on the ground that it reached a legal opinion which differs from a legal opinion already expressed in a decision of the Supreme Court.

Three-member Panels decide, in particular, on extraordinary appeals and on the recognition and enforceability of decisions of foreign courts in the Czech Republic, and in criminal cases they also decide on complaints on the violation of the law. Each Panel of the Supreme Court is headed by a President who organises the work of the Panel, including assigning cases to Panel members.

The Council of Judges was established at the Supreme Court as an advisory body for the President of the Supreme Court. Members are elected at the assembly of all Supreme Court judges for a term of five years. The last elections to the Council of Judges were held on 10 November 2022. The Council of Judges consists of the President and four other members. Since 1 May 2019, the President has been **Lubomír Ptáček.**

1. 2. Seat of the Supreme Court, Contacts

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Since 1993, the Supreme Court has been located in a listed building of the former General Pension Institute, which was built based on a design by Emil Králík, a professor at the Czech Technical University in Brno, between 1931 and 1932.

After World War II, several institutions were located in the building. From the 1960s, the Secretariat of the Regional Committee of the Czechoslovak Communist Party had its offices there and for its needs, in 1986, an insensitive extension, a mansard floor, was built to a design by Milan Steinhauser, along with a courtyard wing with a stepped hall, built into the courtyard.

For a short period of time at the beginning of the 1990s, the Rector's Office and the Institute of Computer Science of Masaryk University were located there. Part of the building was used by the Technical University and the Janáček Academy of Music and Performing Arts, up to 1996.

On 1 October 2019, after many years of waiting, the Supreme Court's new wing was opened – adjacent to the original historical functionalist building in Bayerova Street. The new office building has seven floors above ground and three floors below ground. The lowest level of the new building holds technological facilities, as well as the new archive of the Supreme Court. Above the new archive, there is an underground garage consisting of two floors with 20 parking spaces. Offices accommodate 143 employees, mainly judicial assistants. Finally, 26 years after its establishment, the Supreme Court acquired decent premises for its vast library on the ground floor of the new wing of the building. A new courtroom was built on the first floor, which can additionally function as a small multipurpose hall. The adjacent terrace was designed as a relaxation zone. The extension of the new wing of the Supreme Court building won second place in the Building of the Year 2019 competition of the South Moravian Region, namely in the category of Public Amenities.

On 13 October 2022, the Supreme Court opened the renovated hall named after František Vážný, the Vice-President of the Supreme Court during the First Czechoslovak Republic and founder of the collections of court decisions. The original hall dates back to 1986 and its reconstruction was already necessary. After the library, which was previously located there, was moved to a new annex, the Supreme Court was able to renovate the hall and expand its capacity to more than 130 people.

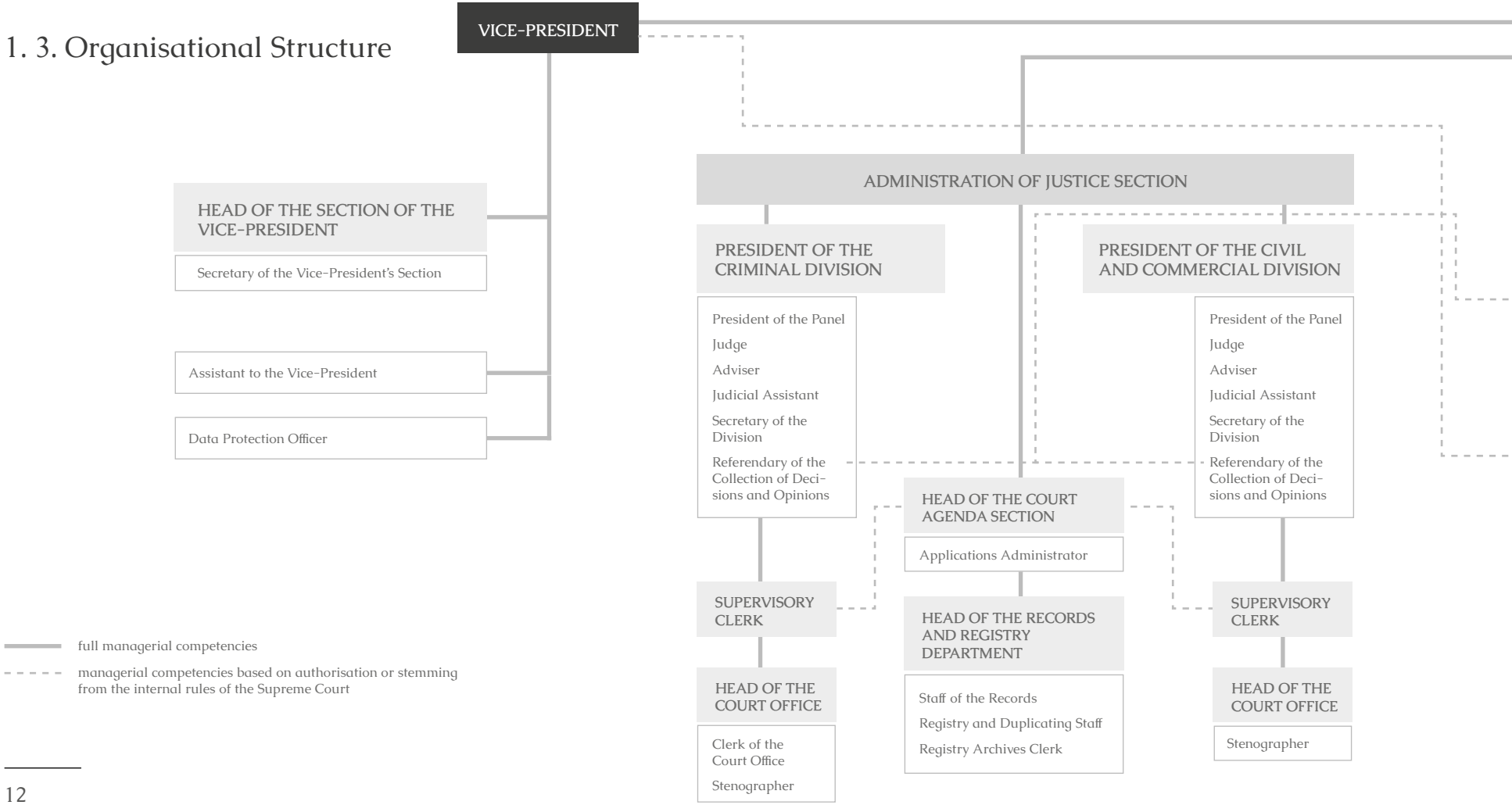
The František Vážný Hall is used for meetings of Divisions, Plenary Session, colloquia or conferences, trainings and lectures; if necessary, it can also be used as a large courtroom.

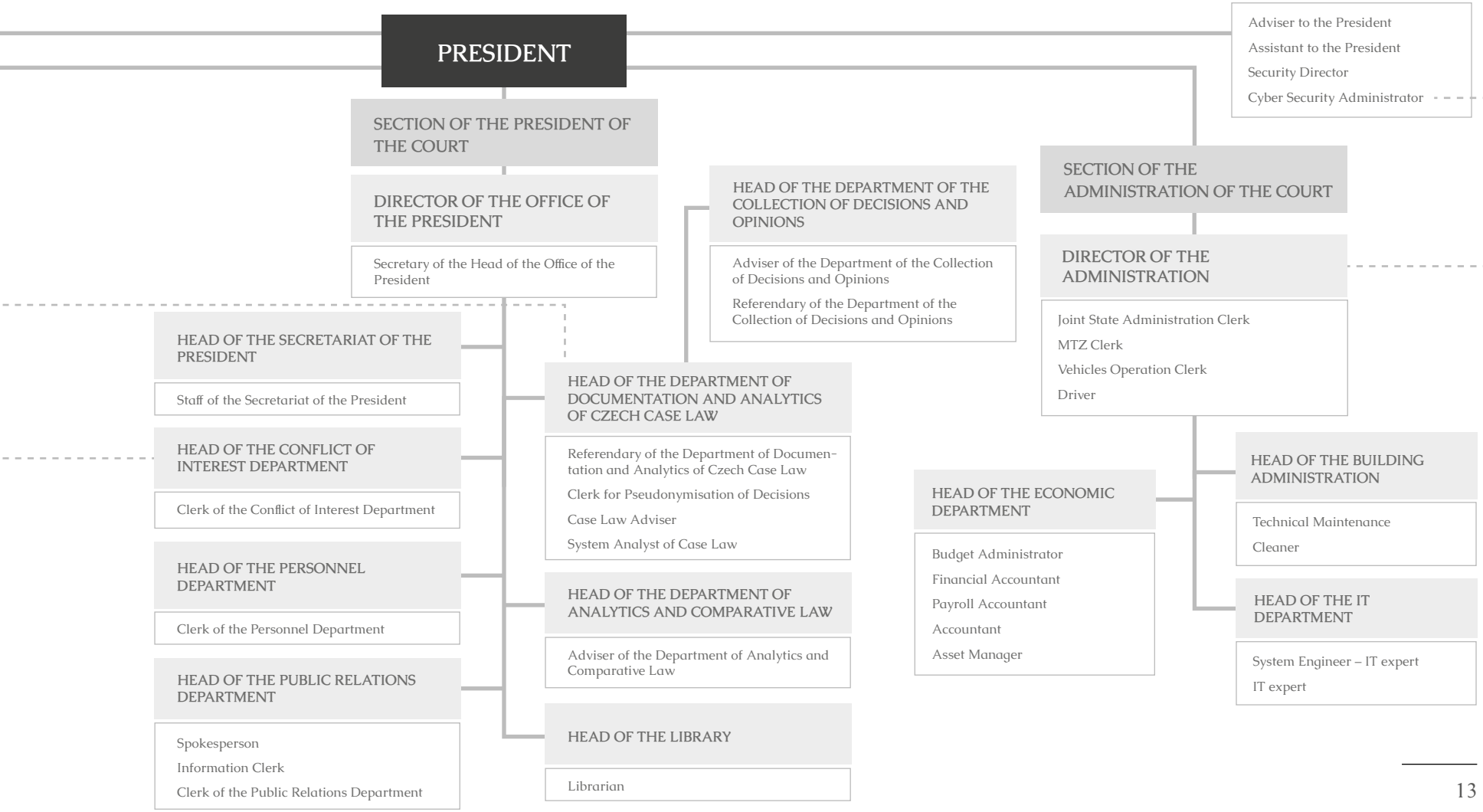
On 14 September 2023, on the occasion of an international conference, a photo gallery of former Supreme Court judges since its establishment in 1993 was presented in the foyer of the František Vážný Hall. The photo gallery matches the renovated space and creates an inspiring space for conducting debates and conversations at various professional and social events. The combination of the photo gallery and the renovated František Vážný Hall creates a unique *genius loci* of the Supreme Court.

In the second half of 2024, the Supreme Court's conference room on the second floor was reconstructed. Smaller trainings, meetings and other events organized by the Supreme Court are held here. Since the conference room had never been renovated before, this was a complete, rather extensive and technically demanding renovation.

However, the Supreme Court wanted the opportunity to renovate the conference room not only to create new and more functional space, but also an aesthetically pleasing one. The interior is based on the functionalist style of the building and also newly incorporates the typical blue colour of the Supreme Court. The colour of the interior of the room relates to the windows, which are a prominent feature of the listed building.

1. 3. Organisational Structure




PRESIDENT
Adviser to the President
Assistant to the President
Security Director
Cyber Security Administrator
SECTION OF THE PRESIDENT OF THE COURT
DIRECTOR OF THE OFFICE OF THE PRESIDENT
Secretary of the Head of the Office of the President
HEAD OF THE SECRETARIAT OF THE PRESIDENT
Staff of the Secretariat of the President
HEAD OF THE CONFLICT OF INTEREST DEPARTMENT
Clerk of the Conflict of Interest Department
HEAD OF THE PERSONNEL DEPARTMENT
Clerk of the Personnel Department
HEAD OF THE PUBLIC RELATIONS DEPARTMENT
Spokesperson
Information Clerk
Clerk of the Public Relations Department
HEAD OF THE DEPARTMENT OF THE COLLECTION OF DECISIONS AND OPINIONS
Adviser of the Department of the Collection of Decisions and Opinions
Referendary of the Department of the Collection of Decisions and Opinions
HEAD OF THE DEPARTMENT OF DOCUMENTATION AND ANALYTICS OF CZECH CASE LAW
Referendary of the Department of Documentation and Analytics of Czech Case Law
Clerk for Pseudonymisation of Decisions
Case Law Adviser
System Analyst of Case Law
HEAD OF THE DEPARTMENT OF ANALYTICS AND COMPARATIVE LAW
Adviser of the Department of Analytics and Comparative Law
HEAD OF THE LIBRARY
Librarian
SECTION OF THE ADMINISTRATION OF THE COURT
DIRECTOR OF THE ADMINISTRATION
Joint State Administration Clerk
MTZ Clerk
Vehicles Operation Clerk
Driver
HEAD OF THE ECONOMIC DEPARTMENT
Budget Administrator
Financial Accountant
Payroll Accountant
Accountant
Asset Manager
HEAD OF THE BUILDING ADMINISTRATION
Technical Maintenance
Cleaner
HEAD OF THE IT DEPARTMENT
System Engineer – IT expert
IT expert

1. 4. Supreme Court Judges in 2024

Criminal Division

Petr Angyalossy
Ondřej Círek
Radek Doležel
Antonín Draštík
Tomáš Durdík
Jan Engelmann
Pavel Göth
Bohuslav Horký
František Hrabec
Aleš Kolář
Ivo Kouřil
Věra Kůrková
Josef Mazák
Marta Ondrušová
Jiří Pácal
František Púry
Blanka Roušalová
Jiří Říha
Petr Šabata
Milada Šámalová
Petr Škvain
Vladimír Veselý
Roman Vicherek

Civil and Commercial Division

Vít Bičák
Pavlína Brzobohatá
Marek Cigánek
Filip Cileček
Marek Doležal
Jiří Doležílek
Václav Duda
Bohumil Dvořák
Jitka Dýšková
Jan Eliáš
Roman Fiala
Petr Gemmel
David Havlík
Pavel Horák
Pavel Horňák
Miroslav Hromada
Lucie Jackwerthová
Miroslava Jirmanová
Michal Králík
Petr Kraus
Pavel Krbek
Zdeněk Krčmář
Pavel Malý
Helena Myšková
Jiří Němec

Michael Pažitný
Milan Polášek
Hana Polášková Wincorová
Zbyněk Poledna
Lubomír Ptáček
Zdeněk Sajdl
Viktor Sedlák
Pavel Simon
Karel Svoboda
Petr Šuk
Hana Tichá
Pavel Tůma
David Vláčil
Petr Vojtek
Martina Vršanská
Robert Waltr
Jiří Zavázal
Aleš Zezula
Ivana Zlatohlávková
Hynek Zoubek

1. 4. 1. Trainee Judges

Criminal Division

Ondřej Círek
Martin Lýsek
Ondřej Vítů

Civil and Commercial Division

Lenka Broučková
Radek Kopsa
Iva Krejčířová
Petra Kubáčová
Tomáš Lichovník
Jana Misiačková
Helena Nováková
Hana Polášková Wincorová
Roman Šebek
Tomáš Zadražil

1. 4. 2. Curricula Vitae of the Newly Assigned Judges

*Ondřej Círek (*1972)*
Judge of the Criminal Division

- he graduated from the Faculty of Law of Charles University in Prague
- he also passed the Advanced Master's state examination at the Faculty of Law of the University of West Bohemia in Pilsen and earned the academic degree "Doctor of Laws" – JUDr.
- from 1999 he served as the President of the Panel at the District Court in Karlovy Vary, from 2002 as the President of the Panel at the District Court in Český Krumlov
- since 2016 he served as a judge and since 2017 as the President of the Panel of the Regional Court in České Budějovice
- from 2012 to 2016 he served as the President of the District Court in Český Krumlov and from 2020 to 2023 as the Vice-President of the Regional Court in České Budějovice for the Criminal Section
- in 2022 and 2023 he completed an internship at the High Court in Prague and in 2023 and 2024 an internship at the Supreme Court
- from 2022 he is a lecturer at the Judicial Academy of the Czech Republic
- he became a judge of the Supreme Court on 1 July 2024

*Hana Polášková Wincorová (*1977)*
Judge of the Civil and Commercial Division

- graduated from the Faculty of Law of Palacký University in Olomouc and also passed the Advanced Master's state examination at the Faculty of Law of Charles University in Prague and earned the academic degree "Doctor of Laws" – JUDr.
- from 2000 she worked as an articled clerk to an attorney-at-law and after passing the bar exams she served as a general practice attorney-at-law from 2005
- in 2009 she briefly worked as a judicial assistant at the High Court in Olomouc
- since 2010 she served as the President of the Panel of the District Court in Olomouc
- in 2018 she was temporarily assigned and from 2019 permanently transferred to the Regional Court in Ostrava, Olomouc branch, where she became a member of the Appellate Panel
- she has been a judge of the Supreme Court since 1 April 2024

2. DECISION-MAKING

2. 1. Plenary Session of the Supreme Court

The Plenary Session of the Supreme Court, composed of the President, the Vice-President, Presidents of Divisions, Presidents of Panels and other judges of the Supreme Court, is the most important collective body of the Supreme Court. In the interest of the uniform decision-making of the courts, it adopts unifying Opinions on the decision-making activity of the courts in matters which concern both Divisions or which are disputed between the Divisions. It also discusses the Court's Rules of Procedure and decides on merging or splitting the Divisions. The meetings are closed to the public and convened and presided by the President of the Court; the President must always convene a meeting if at least one third of all the judges so request. The Plenary Session has a quorum in the presence of at least two thirds of all judges; a simple majority of those present is required to pass a resolution, but in matters of unifying Opinions and merging or splitting the Divisions, a majority of all judges is needed (Section 23 of the Act No 6/2002 Coll., on Courts and Judges, as amended, hereinafter referred to as the "Act on Courts and Judges"). In 2024, one meeting of a Plenary Session of the Supreme Court was held to discuss amendments to the Rules of Procedure of the Supreme Court.

2. 2. Collection of Decisions and Opinions of the Supreme Court

In terms of providing information about the Supreme Court's unifying activity and also promoting legal awareness of both the legal experts and the general public, an important activity of the Supreme Court is the publication of the Collection (Section 24(1) of the Act on Courts and Judges). This is the only official collection of court decisions on cases falling within the scope of the Courts' jurisdiction in civil and criminal matters. The Collection contains all the Opinions of both Divisions of the Supreme Court, as well as selected and approved decisions of various Panels of the Divisions, including the Grand Panel, and also selected and approved decisions of lower courts. The Collection is divided into civil and criminal sections.

Once the decisions selected for potential publication in the Collection have been assessed by the Records Panel of the relevant Supreme Court Division, they are sent for comments to the relevant authorities, i.e. regional and high courts, law faculties of universities, the Czech Bar Association, the Ministry of Justice, for criminal matters to the Prosecutor General's

Office and potentially, depending on the nature and importance of the questions being addressed, other bodies and institutions. The proposed decisions and the comments received are then considered and approved at a meeting of the relevant Supreme Court Division, which constitutes a quorum of a simple majority of its members who are present. At the Division meeting the proposed decisions may be adjusted if necessary, and then all the judges of the Division attending the meeting vote to approve them for publication. A simple majority of votes of all the judges of the Division is required to approve a decision for publication in the Collection.

The Collection is published in individual volumes, which were published ten times a year in printed form until volume No 10/2021. Since 2017, a more user-friendly electronic form has also been available to the public. Similarly, the so-called "Blue Collection", containing a selection of important decisions of the European Court of Human Rights, has been available in electronic form since 2017. The Supreme Court also published this collection as a printed book until the end of 2021 under the official title Selection of the Decisions of the European Court of Human Rights for Judicial Practice. From 2022 onwards, both collections are created and new volumes published only in electronic form, at https://sbirka.nsoud.cz/; https://eslp.nsoud.cz.

Individual judgments from the Collection can also be found, along with legal sentence (e. g., sentence containing a brief summary of the most important part of the decision; in German *"Rechtssatz"*), on the Supreme Court website www.nsoud.cz, where the content of the next issue of the Collection is also announced in advance on the homepage.

2. 3. The Supreme Court Civil and Commercial Division

2. 3. 1. Overview of the Decision-Making Activities of the Civil and Commercial Division of the Supreme Court

The Supreme Court, as follows from Article 92 of the Constitution of the Czech Republic and Section 14(1) of the Act on Courts and Judges is the supreme judicial authority, *inter alia,* in matters falling within the civil competence of courts, and it is called upon to ensure the unity and legality of court decisions in civil court proceedings through its Civil and Commercial Division. It fulfils this role primarily by deciding on extraordinary remedies in cases provided for by the laws governing proceedings before courts, namely on extraordinary appeals against decisions of the courts of appeal, as well as – as regards its extra-judicial competence – by adopting Opinions to overcome diverging decision-making by courts in certain types of cases, and finally by publishing selected decisions in the Collection of the Supreme Court.

At the end of 2024, the Civil and Commercial Division consisted of a President and fifty-two judges (nine of whom were assigned temporarily) assigned to twelve judicial departments (the 32 Cdo Department was abolished as of 1 June 2021), based on the Work Schedule issued by the President of the Supreme Court for that year, or on changes made to the Work Schedule during the year. In principle, the Work Schedule

is based on aspects of specialisation, reflecting the existence of separable and relatively independent agendas of civil and commercial law. Simply put, the specialisations of the various judicial departments are as follows: extraordinary appeals in matters of enforcement of judgments – Department 20; in labour law and other matters – Department 21; in matters of property rights and community property – Department 22; in matters of obligations and others – Department 23; in matters of inheritance, family law and others – Department 24; in matters of compensation for damages and protection of personality rights – Department 25; in tenancy matters – Department 26; in matters of legal persons and capital market – Department 27; in restitution and unjust enrichment matters – Department 28; in insolvency matters and matters regarding promissory notes – Department 29; in matters of compensation for damage and non-material harm caused by the exercise of public authority – Department 30; in matters of obligations, protection of consumers and others – Department 33. Department 31 then consists of the Grand Panel, which decides in accordance with Section 20 of the Act on Courts and Judges.

The composition of the individual procedural (three-member) Panels used to be determined directly by the Work Schedule. The schedule established the mechanism by which the contested case was immediately assigned to a particular judge (based on a system of regular rotation) and from which the composition of the three-member Panel was determined (or rather pre-determined by the Work Schedule). The judge to whom the case was assigned drew up a draft decision, which was then put to the vote in the Panel thus constituted. At the end of 2022, the new Rules of Procedure of the Supreme Court, effective as of 1 January 2023, were adopted, which, among other things, returned the matter of composition of the individual Panels called to hear and decide a specific case to the hands of the managing President of the relevant judicial department (as determined by the Work Schedule); the managing Presidents compose the Panels primarily according to the criteria of internal specialisations, expertise of individual judges and their individual workload.

2. 3. 1. 1. Deciding on Extraordinary Remedies

The focus of the decision-making activity of the Division's Panels lies in deciding on extraordinary appeals against final decisions of courts of appeal, which is one of the extraordinary remedies according to the wording of the Code of Civil Procedure and dominates the others in terms of its importance. Since 1 January 2013, the procedure has been regulated in Sections 236 to 243g of the Code of Civil Procedure.

An extraordinary appeal is a remedial measure against final decisions of courts of appeal, i.e. against decisions of regional or high courts (in Prague against the decision of the Municipal Court) which terminate the appeal proceedings, as well as against certain specific procedural decisions of courts of appeal listed in Section 238a of the Code of Civil Procedure, and may be filed within two months of the delivery of the contested decision (Section 240(1) of the Code of Civil Procedure).

In accordance with Section 241(1) of the Code of Civil Procedure, the applicant, if they or the person acting on their behalf lack legal training,

must be represented by a lawyer (a person who has been admitted to the Bar having their name recorded in the Register of Lawyers maintained by the Czech Bar Association) when applying for extraordinary appeal (in some cases, they may also be represented by a notary).

An extraordinary appeal is admissible only in cases provided for by the law (Section 237 of the Code of Civil Procedure, *a contrario* Section 238 of the Code of Civil Procedure and Section 238a of the Code of Civil Procedure). If the extraordinary appeal is not legally admissible, it does not become admissible even if the court of appeal incorrectly instructs the party that an extraordinary appeal is admissible.

The amendment to the Code of Civil Procedure implemented by the Act No 404/2012 Coll. has also significantly affected the rules on the admissibility of extraordinary appeals. Extraordinary appeal is henceforth admissible against all decisions of the courts of appeal terminating the appeal proceedings, regardless of the wording of the contested operative part of the decision. Therefore, it is irrelevant whether the decision of the court of appeal changes or confirms the decision of the court of first instance, nor is it a condition that the application for extraordinary appeal must be directed against decisions on the merits, as was previously the case (the admissibility of extraordinary appeal against annulling decisions of the courts of appeal was removed by the Act No 296/2017 Coll.).

An extraordinary appeal is admissible (Section 237 of the Code of Civil Procedure) if the contested decision of the court of appeal depends on the resolution of a question of substantive or procedural law, and at the same time:

a) the court of appeal deviated from the established decision-making practice of the Supreme Court;

b) this question has not yet been resolved in the decision-making of the Supreme Court;

c) this question is decided differently by the Supreme Court; or

d) such a question is to be assessed differently by the Supreme Court.

Section 238 of the Code of Civil Procedure stipulates when an extraordinary appeal is not admissible against a decision of the court of appeal terminating the appeal proceedings (relevant here is the property census – an extraordinary appeal is not admissible against judgments and resolutions issued in proceedings the subject of which at the time the decision containing the contested verdict was issued was a monetary performance not exceeding 50,000 CZK, including proceedings for enforcement of a decision, unless the proceedings concern relationships under consumer contracts and labour-law relationships).

Notwithstanding the limitations laid down in Section 238 of the Code of Civil Procedure, an extraordinary appeal in accordance with Section 238a of the Code of Civil Procedure is admissible against the decisions

of the courts of appeal which have decided in the course of the appeal proceedings:

a) on who is the procedural successor of a party;

b) on the entry of a party into the proceedings in place of an existing party (Section 107a of the Code of Civil Procedure);

c) on the accession of another party (Section 92(1) of the Code of Civil Procedure); or

d) on the substitution of a party (Section 92(2) of the Code of Civil Procedure).

An extraordinary appeal may be brought only on the grounds that the decision of the court of appeal is based on an error of substantive or procedural law, which was decisive for the contested decision (Section 241a(1) of the Code of Civil Procedure). No other grounds for an extraordinary appeal may be effectively invoked, which is worth emphasising, especially in relation to the not infrequent efforts of applicants to challenge the contested decision by means of extraordinary appeals while objecting to the incompleteness or incorrectness of the facts of the case. This does not apply, in the opinion of the Constitutional Court, to situations of extreme inconsistency between the evidence produced and what the court ascertained as the facts of the case on that basis.

Since 1 January 2013, the Code of Civil Procedure has also made the conditions for the formal and substantive requirements of an extraordinary appeal stricter; in addition to the general requirements (Section 42(4)) and the information on the decision against which it is directed, the extent to which the decision is contested and what the applicant seeks, it must also contain a statement of the grounds for an extraordinary appeal and an indication of what the applicant sees as fulfilling the prerequisites for the admissibility of the extraordinary appeal, as set out in Section 237 of the Code of Civil Procedure. The lack of these requirements then constitutes an error in the application for extraordinary appeal, often with fatal consequences, as it can only be remedied during the time limit for applying for the extraordinary appeal. In the proceedings before the Supreme Court, the procedure specified in Section 43 of the Code of Civil Procedure does not apply, which means that the applicant is not called upon to correct or supplement the application for extraordinary appeal. If the error in the application for extraordinary appeal is not remedied, the Supreme Court will reject the extraordinary appeal without being able to deal with the merits of the case.

Therefore, the failure to state what the appellant considers to be the fulfilment of the prerequisites for the admissibility of the extraordinary appeal is also a ground for rejection of the extraordinary appeal, and it is possible for the Supreme Court to rule in such cases through the President of the Panel or the judge in charge (Section 243f(2) of the Code of Civil Procedure). If, for example, the applicant argues that the court of appeal deviated from the decision-making practice of the Su-

preme Court, it must specify in the extraordinary appeal which judicial conclusions the court of appeal failed to respect, which clearly places considerable demands on the applicant.

However, these demands are not disproportionate with regard to the statutory mandatory (expert) representation (in particular by a lawyer – i.e. a person who has been admitted to the Bar having their name recorded in the Register of Lawyers maintained by the Czech Bar Association). The legal regulation of the extraordinary appeal proceedings requires that the application for extraordinary appeal must be drawn up by a lawyer or notary (Section 241(4) of the Code of Civil Procedure); the contents of a submission in which the applicant indicated the extent to which they challenge the decision of the court of appeal or in which they have set out the grounds for the extraordinary appeal without complying with the condition of mandatory representation shall not be taken into account (Section 241a(5) of the Code of Civil Procedure).

The Supreme Court shall, as a matter of principle, review the contested decision only to the extent to which the applicant has contested it and from the point of view of the grounds of extraordinary appeal which the applicant has defined in the extraordinary appeal. Exceptions to the binding nature of the scope of the application for extraordinary appeal are laid down in Section 242(2) of the Code of Civil Procedure; the binding nature of the content of the extraordinary appeal argumentation is overruled in exceptional cases by the second sentence of Section 242(3) of the Code of Civil Procedure.

The Supreme Court decides on extraordinary appeals without a hearing in the vast majority of cases (Section 243a(1) of the Code of Civil Procedure).

The Supreme Court discontinues the extraordinary appeal proceedings if the applicant is not legally represented in the manner required by law or if the applicant has withdrawn the application (Section 243c(3) of the Code of Civil Procedure).

If the extraordinary appeal is not admissible or if it suffers from errors which make it impossible to continue the extraordinary appeal proceedings, or if it is manifestly unfounded, the Supreme Court rejects it (Section 243c(1) of the Code of Civil Procedure). If the application for extraordinary appeal is rejected for inadmissibility in accordance with Section 237 of the Code of Civil Procedure, all members of the Panel must agree (Article 243c(2) of the Code of Civil Procedure).

If the extraordinary appeal is admissible but the Supreme Court concludes that the contested decision of the court of appeal is correct, it dismisses the extraordinary appeal as unfounded (Section 243d(1)(a) of the Code of Civil Procedure).

However, if it concludes that the decision of the court of appeal is incorrect, it may (under the new rules effective from 1 January 2013) change it if the results of the proceedings so far show that the case can be decided (Section 243d(1)(b) of the Code of Civil Procedure).

Otherwise, the Supreme Court annuls the decision of the court of appeal and refers the case back to the court of appeal for further proceedings; if the reasons for which the decision of the court of appeal was annulled also apply to the decision of the court of first instance, it will also annul that decision and refer the case back to the court of first instance for further proceedings (Section 243e(2) of the Code of Civil Procedure).

The Supreme Court does not rule only in three-member Panels; the institution of the Grand Panel serves to ensure the unity of its decision-making practice (see Sections 19 and 20 of the Act on Courts and Judges), which the procedural Panel addresses if it reaches a legal opinion, which is different from the view expressed earlier in a decision of the Supreme Court. It is then obliged to refer the case to this Grand Panel, composed of the representatives of the various judicial departments, which is called upon to decide the case; in 2016 this was the case in 8 cases, in 2017 in 8 cases, in 2018 in 3 cases, in 2019 in 6 cases, in 2020 in 10 cases, in 2021 in 4 cases, in 2022 in 6 cases (in one of which the case was referred to a three-member Panel of the Supreme Court), in 2023 in 6 cases and in 2024 in 4 cases (in one of which the case was referred to a three-member Panel of the Supreme Court).

The extraordinary appeal proceedings can be monitored in the InfoSoud application, which is available on the website of the Supreme Court and on the website of the Ministry of Justice of the Czech Republic www.justice.cz; all final and enforceable decisions are then published in an anonymised form on the website www.nsoud.cz.

2. 3. 1. 2. Other Agendas Handled by the Judges of the Civil and Commercial Division

Although the extraordinary appeal agenda is crucial for the Supreme Court and constitutes the main focus of its activities, the Supreme Court also decides on other matters as required by the Code of Civil Procedure or other acts. It is worth noting here that it decides disputes about local and subject-matter jurisdiction between courts, determines the court with local jurisdiction if the matter falls within the competence of the Czech courts but the conditions for local jurisdiction are lacking or cannot be ascertained (Section 11(3) of the Code of Civil Procedure), decides on applications for removal and referral of a case if the competent court cannot hear the case because its judges are excluded or for reasons of convenience (Section 12(3) of the Code of Civil Procedure), it further decides on objections questioning impartiality of high courts judges (first sentence of Section 16(1) of the Code of Civil Procedure), or on the exclusion of its own judges (by another Panel in accordance with the second sentence of the same provision), and finally, it acts in proceedings on applications to set a time limit for the performance of a procedural act in accordance with Section 174a of the Act on Courts and Judges.

In accordance with Section 51(2) and Section 55 of the Act No 91/2012 Coll., on Private International Law, as amended, the Supreme Court is called upon to decide on the recognition of final and enforceable foreign judgements in matters of divorce, legal separation, declaration of nullity of marriage and determination of the existence of marriage, if at least one of the parties to the proceedings was a citizen of the Czech Republic,

and also on the recognition of final and enforceable foreign decisions in matters of determination and denial of parenthood, if at least one of the parties to the proceedings was a citizen of the Czech Republic.

The Division also performs its unifying role by adopting Opinions. It also strengthens the uniform decision-making of the courts by publishing the Collection with important decisions of the Supreme Court and other courts (see Chapter 2.3.2. and 2.3.4.).

2. 3. 1. 3. Agendas of the Civil and Commercial Division of the Supreme Court According to the Relevant Registers

Cdo
– extraordinary appeals against final decisions of the courts of appeal in civil and commercial matters;

Cul
– in civil and commercial matters, applications to set a time limit for the performance of a procedural act in accordance with Section 174a of Act on Courts and Judges;

ICdo
– incidental disputes arising from insolvency proceedings;

Ncu
– applications for recognition of foreign judgments in matrimonial matters and in matters concerning determination and denial of parenthood;

Nd
– conflicts of jurisdiction between courts;
– application to refer a case to another court of the same level for the reasons specified in Section 12(1), (2) and (3) of the Code of Civil Procedure if one of the courts is within the scope of competence of the High Court in Prague and the other within the scope of competence of the High Court in Olomouc;
– applications to exclude Supreme Court judges from hearing and deciding a case;
– applications for determination of the court that will hear and decide a case if the case falls within the territorial competence of Czech courts but the conditions of local jurisdiction are lacking or cannot be ascertained (Section 11(3) of the Code of Civil Procedure);
– other cases where a procedural decision is required;

NSČR
– cases referred to a court for decision in insolvency proceedings.

2. 3. 2. Unifying Activities of the Civil and Commercial Division of the Supreme Court

The Civil and Commercial Division performs its unifying role by adopting Opinions on the case law of lower instance courts in certain types of cases (Section 14(3) of the Act on Courts and Judges), on the basis of an evaluation of final decisions that are mutually contradictory in terms of the legal opinions thereby expressed. In 2024, the Civil and Commercial Division issued one unifying Opinion. The Supreme Court also pursues

the same interest, i.e., to strengthen unified decision-making, by publishing in its Collection the relevant or otherwise important decisions (not only its own), based on the decisions of a majority of all the judges of the relevant Division. The Civil and Commercial Division met a total of 10 times, among other matters to select key cases to be published in the Collection.

Every approved Opinion of the Civil and Commercial Division of the Supreme Court is published in the Collection and is also posted in electronic form on the website of the Supreme Court www.nsoud.cz.

2. 3. 3. Statistical Data on the Activities of the Civil and Commercial Division of the Supreme Court

It is a fact that the ratio of the quantity of new cases to the decision-making capacity of the Supreme Court necessarily causes a situation where decisions on extraordinary appeals are issued with a certain delay. In some cases, this delay was as long as one or two years, especially in the past years. However, this is currently improving, mainly as a result of the favourable development of incidence. In principle, individual cases are dealt with in the order in which they are delivered to the Supreme Court, taking into account the overall length of the (previous) court proceedings; the particular individual or public importance of the case may also play a role.

Between 2016 and 2024, the number of pending cases older than two years was reduced significantly – while there were 82 such cases in 2015, by the end of 2022 only 7 were registered. At the end of 2024, there were only 15 pending cases older than two years. The reasons why cases older than two years have not been concluded are mostly objective, and they mainly occur because a bankruptcy was declared, a procedural successor must be identified, the case is referred to the Grand Panel, an outcome of proceedings pending before the Constitutional Court is needed, or a preliminary question is submitted to the Court of Justice of the European Union. Moreover, such cases are often expected to be finalised in the near future.

The purpose of judicial assistants is to shorten the length of proceedings, increase the quantitative performance of judges and focus attention on the actual decision-making. Currently, there are between one and three judicial assistants per judge, and at the beginning of 2024 the total number of the assistants in the Civil and Commercial Division was 119.

Year 2024	Pending from earlier periods	Newly received cases	Decided	Pending
Cdo	1,470	3,610	3,701	1,379
Cul	0	4	4	0
ICdo (ICm)	154	202	177	179
Ncu	38	198	189	47
Nd	59	573	572	60
NSČR (INS)	65	117	122	60

Summary of the development of the Civil and Commercial Division's agenda

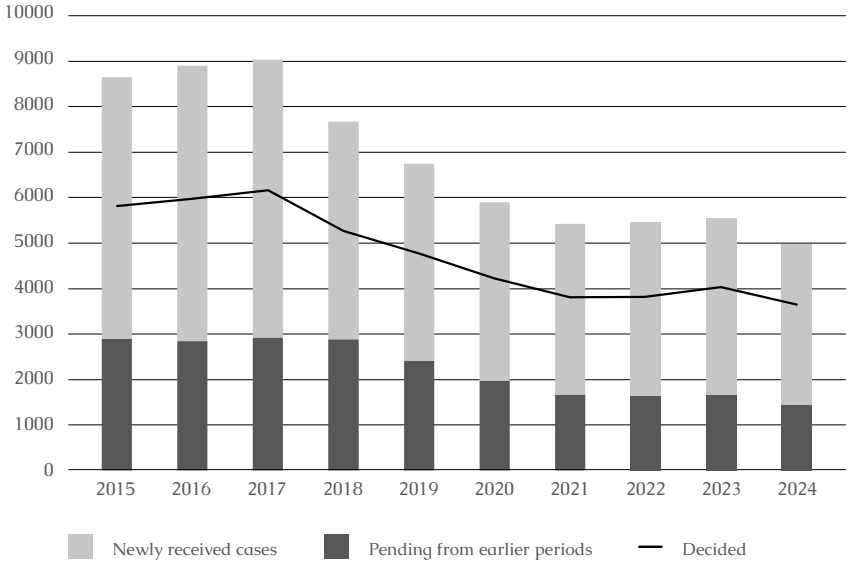
A significant increase in incidence was observed in connection with the amendment to the Code of Civil Procedure introduced by the Act No 404/2012 Coll., which expanded the decision-making competences of the Supreme Court and brought a large number of applications for extraordinary appeal, the subject of which were mainly procedural issues lacking the potential for broader case law overlap, rarely requiring individual review by the court of highest instance. Act No 296/2017 Coll., in effect from 30 September 2017, was supposed to bring the solution to the undesirable overloading of the Supreme Court, whose mission is primarily to unify the case law on generally applicable issues, at the moment when it was faced with another challenge (interpretation of new private law regulations). This amendment to the Code of Civil Procedure brought with it fundamental changes in the admissibility of extraordinary appeals, more specifically the extension of the admissibility exclusions in Section 238 of the Code of Civil Procedure. Namely, decisions on a party's request for exemption from court fees, decisions dismissing a party's request for the appointment of a representative, or decisions by which the court of appeal annulled the decision of the court of first instance and referred the case back for further proceedings were excluded from extraordinary appeal proceedings. It should be added that usually in neither of these cases are legally relevant questions raised for the purposes of developing the case law. The amendment also eliminated the six-month period for rejecting an extraordinary appeal (second sentence of Section 243c(1) of the Code of Civil Procedure, as in effect until 29 September 2017). This provision led to increased efforts to deal with inadmissible extraordinary appeals, but it has complicated the timely resolution of cases which were open to substantive review and, as a rule, more important in terms of case law, if non-compliance with the six moth period could result in the activation of the liability regime of the State in accordance with Section 13(1) of the Act No 82/1998 Coll., on Liability for Damage Caused in the Exercise of Public Authority by Decision or Maladministration, on the grounds of maladministration, which also covers situations in which a decision was not issued "within the time limit prescribed by law". The most recent amendment to the Code of Civil Procedure (as regards the extraordinary appeal proceedings) included among the exclusions in Section 238 of the Code of Civil Procedure also the resolutions which decided on the exemption from the deposit or the withdrawal of the exemption from the deposit in accordance with the Enforcement Procedure Code (Act No 286/2021 Coll.).

From the Supreme Court's point of view, the application of the amendment to the Code of Civil Procedure and the Act No 549/1991 Coll., on Court Fees, as amended, brought in 2018 the desired reversal of the earlier (not always justified) tendency to increase the decision-making burden. The resulting reduction in the incidence has helped to shorten the extraordinary appeal proceedings and to create space for a greater focus on issues with significant case law overlap.

The following overview of statistical data in the Cdo register shows that while until 2017, despite the efforts made and the undeniable progress, the backlog could not be substantially reduced for a long time, the situation has changed markedly for the better in the following years:

Year	Pending from earlier periods	Newly received cases	Decided	Pending
2015	2,893	5,757	5,812	2,838
2016	2,838	6,065	5,971	2,930
2017	2,930	6,105	6,151	2,884
2018	2,884	4,784	5,264	2,404
2019	2,404	4,340	4,774	1,970
2020	1,970	3,927	4,234	1,663
2021	1,662*	3,762	3,855	1,569
2022	1,568*	3,893	3,875	1,586
2023	1,583	3,973	4,085	1,471
2024	1,470	3,610	3,701	1,379

Overview of the development of the Cdo agenda
*Due to a case contested in 2020 being ruled a mistake in the Cdo agenda in May 2021, an additional adjustment has been made to the 2020 statement in the number of pending cases – the correct number is 1,662. Similarly, there is also a "disparity" in the statistic of pending from previous years for 2021 and those pending from earlier periods as of 1 January 2022.



The obvious reason for the earlier negative trend was that the number of extraordinary appeals received by the Supreme Court was increasing significantly; in 2015, it reached 5,757 cases, 47% more than in 2012, and although in 2015 the judges of the Civil and Commercial Division decided the highest number of cases (5,812), the number of pending cases was still 2,838. Similarly, in 2016, the number of newly received cases rose to 6,065, and although even more cases were decided than in 2015 (5,971), the number of pending cases rose by 92 cases to 2,930.

As for 2017, even though 40 more cases were received by the Supreme Court than in the previous year, an even higher number of cases were decided, and the number of pending cases fell slightly to 2,884 cases. Only in 2018, under the influence of the aforementioned amendment to the Code of Civil Procedure introduced by the Act No 296/2017 Coll., was there a substantial reduction in newly received cases (4,784 new cases), which had a positive effect on the number of pending cases, which as of 31 December 2018 amounted to 2,404. The year 2019 then brought a continuation of the mentioned decreasing tendency of newly received cases (4,340) as well as the number of pending cases (an 18 % decrease compared to 2018). In 2020, there was once again a decrease in newly received cases (3,927), which affected the number of pending cases, of which there were only 1,663 at the end of the year, i.e. almost 16% less than on the last day of 2019. The declining trend did not stop in 2021, which saw 3,762 new cases and ended with 1,569 pending cases. Years 2020 and 2021 also saw a decline in newly received cases caused by the coronavirus pandemic, but this has also been reflected in the pending cases, which stood at just 1,569 at the end of the year, about 6% lower than on the last day of 2020. During 2022, the number of received cases increased slightly; there were about 3,5% more new cases than in 2021 (3,893), and 3,875 cases were decided, so there was a slight increase in the number of pending cases, taking the number to 1,586. In 2023, the Supreme Court received 3,973 new cases, whereas 4,085 cases were decided. In 2024, not only the trend of the declining number of newly received cases (3,610) but also the declining number of pending cases (1,379) continued.

The expected sharp increase in the agenda related to the end of the coronavirus pandemic and the resumption of activity of the courts of appeal without restrictions in 2022 has not occurred, and the effects of the coronavirus pandemic and its end are likely to be more pronounced in the coming years. From the point of view of the Civil and Commercial Division, an increase in litigation can be expected, particularly in the area of compensation for damage, both for breach of contractual obligations and for liability of the State for damage caused by the adoption of anti-epidemic measures. In the context of the pandemic, the Supreme Court has so far mostly decided on extraordinary appeals raising the issue of waiver of the time limit for the performance of a procedural act in accordance with the Act No 191/2020 Coll., the so called "Lex Covid" (e.g. resolution of the Supreme Court of 24 August 2022, Case No 27 Cdo 2076/2021).

2. 3. 4. Selection of Important Decisions of the Civil and Commercial Division of the Supreme Court

2. 3. 4. 1. Opinions of the Civil and Commercial Division of the Supreme Court

In 2024, the Civil and Commercial Division issued a unifying Opinion on the question of the purposefulness of the procedure under Section 198(2) of the Civil Code in the case of impecunious legal persons (Case No Cpjn 203/2023).

2. 3. 4. 2. Decisions of the Grand Panel of the Civil and Commercial Division of the Supreme Court

Referral to the Grand Panel

In its resolution of 14 February 2024, Case No **31 Cdo 3810/2023,** published under No 96/2024 of the Collection, the Grand Panel of the Civil and Commercial Division of the Supreme Court concluded that the fact that a legal opinion expressed in a decision of a Panel of the Supreme Court is inconsistent with a legal opinion expressed in an earlier decision of the Grand Panel of the respective Division of the Supreme Court does not constitute a reason for referring a subsequently pending case in which a Panel of the Supreme Court has reached a legal opinion different from the one expressed in a decision of a Panel of the Supreme Court to the Grand Panel.

2. 3. 4. 3. Selected Decisions Approved by the Civil and Commercial Division of the Supreme Court for Publication in the Collection

Withdrawal for Material and Immaterial Default

In its judgment of 15 May 2024, Case No **31 Cdo 3823/2023,** which was approved for publication in the Collection on 11 December 2024, the Grand Panel of the Civil and Commercial Division of the Supreme Court held that in the event of a material default by the debtor, it is up to the creditor whether to withdraw from the contract under the provisions for material default (Section 1977 of the Civil Code) or for immaterial de-

fault (Sections 1978 and 1979 of the Civil Code). Upon expiry of the time limit "without undue delay" under Section 1977 of the Civil Code, the creditor may no longer withdraw from the contract under the provisions for material default. If the debtor's default continues, the creditor may still withdraw from the contract under the provisions for immaterial default. If, in such a case, the creditor notifies the debtor that they are withdrawing from the contract without first granting the debtor additional time limit to perform, the effects of the withdrawal will only take effect after the expiry of the reasonable additional time limit which should have been granted to the debtor to perform their obligations. That time limit starts to run when the withdrawal reaches the debtor's disposal.

Notarial Act

In its resolution of 10 April 2024, Case No **31 Cdo 225/2024,** which was approved for publication in the Collection on 11 December 2024, the Grand Panel of the Civil and Commercial Division of the Supreme Court held that a directly enforceable notarial act whereby the obligation to vacate property is to be enforced constitutes a notarial act within the meaning of Section 71b of the Notarial Code and may constitute an enforcement order.

Further Enforcement Pursuant to Section 336m(1) of the Code of Civil Procedure Even Without a Motion of the Creditor

The possibility for the bailiff to take further enforcement action pursuant to Section 336m(1) of the Code of Civil Procedure even without a motion of the creditor was addressed by the Supreme Court in its resolution of 21 June 2023, Case No **20 Cdo 1058/2023,** published under No 46/2023 of the Collection. Therein, the Supreme Court opined that if the method of enforcement in the enforcement proceedings is determined by the authorized bailiff [Section 58(3), first sentence of the Enforcement Procedure Code], who is obliged under Section 46 of the Enforcement Procedure Code to conduct the enforcement in the interest of the creditor promptly and efficiently even without a motion, their actions in ordering another auction within three months to one year after the previous unsuccessful auction cannot be made conditional on the filing of a motion by the creditor within the meaning of Section 336m(1) of the Code of Civil Procedure, unless the creditor has expressed (made it unmistakably clear to the bailiff) that they no longer agree to the further auction.

Post-Traumatic Stress Disorder

In its judgment of 26 January 2024, Case No **21 Cdo 3408/2022,** approved for publication in the Collection on 13 November 2024, the Supreme Court considered whether and under what conditions post-traumatic stress disorder can itself be regarded as harm to health caused by an accident at work. It concluded that post-traumatic stress disorder, which the affected employee developed as a result of an extremely intense stressful experience triggered by an event at the workplace, to which the employee, as a direct participant or bystander (witness), was exposed in the performance of their work tasks or in direct connection therewith, and which was at the same time extremely deviant from the

ordinary conditions of the employee's daily work performance, constitutes harm to health caused by an accident at work, for which the employer is liable pursuant to Section 366(1) [now Section 269(1)] of the Labor Code. On the other hand, the perception of mere side (secondary) effects of such an incident, the emotional processing of which led to harm to the employee's mental health, does not meet the statutory definition of an accident at work within the meaning of Section 380(1) [now Section 271k(1)] of the Labor Code.

Liquidation of Marital Community Property

The Supreme Court addressed the issue of marital community property liquidation in its judgment of 25 March 2024, Case No **22 Cdo 925/2023,** published under No 8/2025 of the Collection. It concluded that marital community property may be liquidated under the Act No 89/2012 Coll., Civil Code, by ordering the sale of a joint asset and dividing the proceeds thereof. It explained that, in the context of the Act No 89/2012 Coll., Civil Code, Section 1147 of the Civil Code, which provides for the methods of joint ownership liquidation, may be applied in the alternative pursuant to Section 712 of the Civil Code. This solution is to enable judicial practice, by means of a broader range of methods of liquidation, to meet the generally emphasized requirement of a reasonable and just settlement of the legal relations of the former spouses regarding their community property and to accommodate the individual circumstances of particular cases.

Annulment of an Arbitral Award Pursuant to Section 31(e) of the Act on Arbitration Proceedings

In its judgment of 17 April 2024, Case No **23 Cdo 2848/2022,** published under No 9/2025 of the Collection, the Supreme Court found admissible the extraordinary appeal to resolve an issue that has been contested in practice and has not yet been resolved in the case law of the Supreme Court, namely the power of a court to annul an arbitral award pursuant to Section 31(e) of the Act on Arbitration Proceedings only with respect to the part of the award concerning the reimbursement of the costs of the arbitration proceedings. The Supreme Court concluded that a motion to annul an arbitral award pursuant to Section 31(e) of the Act on Arbitration Proceedings may also challenge the arbitral award only with respect to the award of costs. However, the prerequisites for the annulment of an arbitral award must be examined in each individual case.

Insurance Against Liability for Damage Caused by the Use of a Motor Vehicle

In its judgment of 12 March 2024, Case No **23 Cdo 2700/2023,** published under No 2/2025 of the Collection, the Supreme Court considered whether, in the event that the insured leaves the scene of a traffic accident without good cause, the insurer must, in connection with a recourse claim under Section 10(1)(c) of the Act No 168/1999 Coll., on Insurance Against Liability for Damage Caused by the Use of a Motor Vehicle and on the Amendment of Certain Related Acts, in effect from

23 September 2016, prove that this has prevented the investigation of the actual cause of the accident. In its judgment, the Supreme Court held that the grammatical, historical and teleological reading of Section 10(1)(c) of the Act supports the conclusion that the leaving of the scene of the accident by the insured without good cause constitutes unacceptable unlawful conduct which in itself makes it impossible to establish the actual cause of the accident and which therefore gives rise to the insurer's right to claim from the insured what it has paid on their behalf.

Hearing of the Person Assessed in Legal Capacity Proceedings

In its judgment of 13 February 2024, Case No **24 Cdo 3777/2023,** published under No 3/2025 of the Collection, the Supreme Court concluded that a court may, under the conditions set out in the first sentence before the semicolon of Section 38(2) of the Act on Special Court Proceedings, refrain from hearing the person assessed only when that person does not insist on being heard (does not expressly request it). The court must always hear the person assessed at the express request of that person [second sentence of Section 38(2) of the Act on Special Court Proceedings], even if it appears from the course of the proceedings and the evidence adduced so far (e.g. the statements of an expert or attending doctor) that conducting the hearing will be burdensome or that the hearing is likely to cause harm to the person assessed. In such a case, the court is obliged to at least attempt to conduct the hearing and to record its result as accurately as possible. The court shall adapt the place, time and circumstances in which the attempted hearing is to be conducted to the risk of harm to the person assessed. If the particular circumstances of the case so require, the court may hear the person assessed outside court session [Section 122(2) of the Code of Civil Procedure]. As a rule, the hearing shall be conducted by a judge.

Obligation of the Association of Property Owners to Supply Services to Its Members

In its judgment of 20 February 2024, Case No **26 Cdo 3535/2022,** published under No 97/2024 of the Collection, the Supreme Court concluded that an association of property owners may decide to disrupt the supply of heat and hot water where a member does not duly pay for such services. It further considered the transfer of the unit proprietor's debts pursuant to Section 1186(2), (3) of the Civil Code and concluded that these debts are transferred even when the unit is acquired in a public voluntary auction pursuant to the Act No 26/2000 Coll.

Unilateral Change of the Place of Performance of a Debt

In its judgment of 27 March 2024, Case No **27 Cdo 544/2023,** which was approved for publication in the Collection on 11 December 2024, the Supreme Court addressed the possibility of a unilateral change of the place of performance of a debt, namely to an account of the creditor other than the one agreed in the contract. Therein (using, *inter alia,* the so-called supplementary interpretation of a legal rule), the Supreme Court thoroughly argued that, when applying the principle of fairness (Section 6 of the Civil Code), a unilateral change of the place of perfor-

mance may be permitted, by analogy to Section 1956 of the Civil Code, even when the creditor's account is changed.

Unjust Enrichment by Performance for Another

Unjust enrichment incurred by performance for another was addressed by the Supreme Court in its judgment of 17 October 2023, Case No **28 Cdo 1214/2023,** published under No 78/2024 of the Collection. Therein, the Supreme Court ruled that the debtor's consent to the performance of their debt by a third party is not necessary for incurring unjust enrichment by performance for another within the meaning of Section 2991(2) of the Civil Code and for recourse against the debtor.

Ineffective Legal Act of the Debtor Following Bankruptcy Declaration

In its judgment of 31 January 2024, Case No **29 ICdo 29/2022,** published under No 4/2025 of the Collection, the Supreme Court addressed the one-year prescription period granted to the insolvency administrator for filing an action to set a transaction aside, the beginning of which is defined by the Insolvency Act as the date on which the bankruptcy declaration came into effect.

In this judgment, the Supreme Court clarified that in those cases where the debtor performs an ineffective legal act (only) sanctionable by an action to set it aside filed after the bankruptcy declaration has become effective, the insolvency administrator may file such an action within a one-year period which starts to run "only" from the date on which such legal act of the debtor took effect (when its legal effects occurred).

Arising of a Claim for Which a Gratuitous Legal Act of the Debtor Can be Set Aside

The Supreme Court considered the arising of a claim for which a gratuitous legal act of the debtor may be set aside in its judgment of 29 February 2024, Case No **29 Cdo 2329/2023,** published under No 5/2025 of the Collection. In this judgment, the Supreme Court clarified that an enforceable claim for which a creditor seeks to set aside a gratuitous legal act of the debtor may arise even after the legal act to which the creditor opposes has become effective (has been performed); what is essential is that the legal act is not older than two years (having occurred within the last two years).

Time Limit for Bringing an Action in Annulment on the Grounds of a Criminal Offence Committed by a Judge

The time limit for filing an action in annulment on the grounds of a criminal offence committed by a judge was considered by the Supreme Court in its resolution of 30 April 2024, Case No **29 Cdo 1845/2023,** published under No 13/2025 of the Collection. In this case, relying on an analysis of the legislative history of this institute, the Supreme Court concluded that in cases where the prosecution of a judge or a lay judge is not inadmissible, the person who brings an action in annulment becomes aware [within the meaning of Section 234(4) of the Code of Civil Procedure] of

the ground for annulment referred to in Section 229(1)(g) of the Code of Civil Procedure, i.e. that a decision has been taken against a party due to a criminal offence committed by the judge or lay judge, at the earliest on the date when the court decision finding the judge or lay judge guilty of such an offence becomes final.

State Liability for Non-Material Harm Caused by Incorrect Transposition of EU Directive

In a case between a data journalist and the Czech Republic, the Supreme Court, in its judgment of 27 March 2024, Case No **30 Cdo 3909/2023,** which was approved for publication in the Collection on 11 December 2024, recognized the State's liability for non-material harm caused by an alleged violation of EU law and also commented on related issues of proving its occurrence.

2. 3. 4. 4. Other Selected Decisions

Health Insurance

In its judgment of 12 June 2024, Case No **31 Cdo 881/2024,** the Grand Panel of the Civil and Commercial Division of the Supreme Court held that the conclusion of a contract between a health service provider and a health insurance company, or between a social service provider and a health insurance company, for the provision and reimbursement of covered services [Sections 17(1) and 17a of the Act No 48/1997 Coll., in effect until 4 August 2013] does not exclude potential unconstitutional interference with the provider's right to conduct business if the agreed method of determining the price of health services does not even cover the necessary costs of providing them. It cannot be *a priori* ruled out that the specific circumstances of the concluded contract may exceptionally override the consequences of the *pacta sunt servanda* principle with respect to the agreed reimbursement for the care provided.

Continued Futile Enforcement

In its resolution of 26 June 2024, Case No **20 Cdo 598/2024,** the Supreme Court addressed the interpretation of Section 55(11) of the Enforcement Procedure Code, where the law no longer provides for a notice to the creditor in the context of the expiry of 12 years during which no performance for the benefit of the creditor has been recovered. The Supreme Court concluded that the enforcement proceedings cannot be discontinued without the creditor having an opportunity to comment on the expiry of the 12-year period. It held that even in the case of a continued futile enforcement where, pursuant to Article IV(11) of the transitional provisions of the Act No 286/2021 Coll., the entire maximum period of 12 years of the enforcement proceedings is to be counted, it is necessary to invite the creditor to comment on the discontinuation of the enforcement proceedings, including its continued futility to date, and on the actual (counted) duration of the futile enforcement proceedings within the meaning of Section 55(7) of the Enforcement Procedure Code as in effect from 1 January 2022, before a decision is taken on the discontinuation of the enforcement proceedings [Section 55(11) of the Enforcement Procedure Code as in effect from 1 January 2022].

Indirect Claim

In its judgment of 22 July 2024, Case No **20 Cdo 3481/2023,** the Supreme Court addressed the plaintiff's standing in indirect claim proceedings where the obliged legal person had ceased to exist without any legal successor, which is a ground for discontinuation of enforcement. It concluded that if the obliged legal person ceases to exist without any legal successor, the enforcement proceedings cannot be continued and must be discontinued, and the plaintiff's standing to claim from the defendant (as a third-party debtor of the legal person which has ceased to exist) payment of the enforced amount by means of an indirect claim also ceases.

Right of an Employee Caring for a Close Person to Wage Compensation

In its judgment of 27 March 2024, Case No **21 Cdo 3147/2023,** the Supreme Court ruled that an employee whose employment has been wrongfully terminated by the employer by way of dismissal, declaration of termination or termination during the trial period and to whom the employer does not assign work, despite the fact that the employee has notified the employer that they insist on their continued employment, does not forfeit the right to wage compensation pursuant to Section 69(1) of the Labor Code merely because they care for a person who is deemed, pursuant to the Act No 108/2006 Coll., on Social Services (as amended), to be dependent on the assistance of another person and that for this reason they have requested the Labor Office to terminate their registration as a jobseeker.

Equal Treatment in Employee Remuneration

The Supreme Court addressed the obligation of employers to ensure equal treatment in remuneration for all employees in its judgment of 29 August 2024, Case No **21 Cdo 2559/2023.** It concluded that the transfer of rights and obligations under labor law does not constitute a justifiable reason for the different treatment of the transferred employees by the transferee employer by means of their permanent placement in a more favorable salary grade and step (determination of a more favorable salary tariff within the meaning of Section 123 of the Labor Code) compared to other employees of the same employer.

Usacaption of Right of Ownership

The Supreme Court addressed the issue of usucaption of ownership of a property acquired by a third party at an auction in its decision of 15 May 2024, Case No **22 Cdo 3664/2023.** It concluded that the acquisition of ownership rights to land based on a decision granting the auction bid does not terminate the possession capable of leading to usucaption of ownership rights to such land or its part; the decision on the auction bid also does not affect the running of the usucaption period.

Pre-Emptive Right to Co-Ownership Share

The Supreme Court discussed the issue of the conflict between a co-owner's pre-emptive right and the statutory pre-emptive right under Section 3056(1) of the Civil Code in its judgment of 28 August 2024,

Case No **22 Cdo 3248/2023.** It concluded that if, after 1 July 2020, a co-ownership share of land or a building erected on it is transferred, a pre-emptive right exists under Section 3056(1) of the Civil Code, even if the acquisition of the relevant co-ownership share does not directly lead to the unification of ownership of the land and the building; this does not apply in the case of an existing pre-emptive right of a co-owner under Section 1124 of the Civil Code, as in effect from 1 July 2020, which leads to the unification of ownership of the land or the building.

Royalties

In its judgment of 31 October 2024, Case No **23 Cdo 1048/2023,** the Supreme Court considered whether, in the case of the marketing of so-called smart mobile phones, authors are entitled to a compensatory royalty in connection with the reproduction of recordings of works for personal use pursuant to Section 25(1)(b) of the Copyright Act and Section 6(2) of the Implementing Decree No 488/2006 Coll.

The Supreme Court concluded that the exception for "mobile phones" set out in Section 6(2) of the Decree No 488/2006 Coll. from the scope of devices for making reproductions of recordings of works must be interpreted in such a way as to achieve a comparable result when dealing with comparable types of products. In view of the way in which the scope of the apparatus for making reproductions of recordings and unrecorded media carriers is defined under Section 25(3)(a) and (c) of the Copyright Act and Sections 5 and 6 of Decree No 488/2006 Coll. this exception may only apply to such products which, in their normal use, serve to make copies of works for personal use [in accordance with Section 30(2) of the Copyright Act] only to a minimal extent, with the result that the harm caused to authors (or their legitimate interests) by such use (taking into account a certain unavoidable degree of generalisation of such connection) is also minimal, as is usually the case with the original form of (so-called button) mobile phones. Therefore, the marketing of so-called smart mobile phones is subject to the payment of a royalty under Section 25(1)(b) of the Copyright Act.

Distribution Contract

In the judgment of 17 April 2024, Case No **23 Cdo 3400/2022,** the Supreme Court assessed the basis on which a distribution relationship could be established, allowing the operator of the distribution system to charge the electricity producer, whose power-generating facility was connected to the distribution system, a component of the electricity distribution price to cover costs associated with electricity support. The Supreme Court concluded that a private contractual relationship, within which the electricity producer could be required to pay a component of the electricity distribution price to cover costs associated with electricity support under Section 28(1) of the Act No 165/2012 Coll., in the version in force from 1 January 2013 to 1 October 2013, could also be established by an agreement between the regional distribution system operator and the electricity producer regarding the operation of the power-generating facility connected to the regional distribution system of this operator, even if a distribution contract pursuant to Section 50(6) of the Energy Act had not (yet) been concluded.

Succession Law

In its judgment of 1 August 2024, Case No **24 Cdo 1477/2024,** the Supreme Court stated that under the legal framework effective from 1 January 2014, a legitimate (true) heir may assert their succession right in court using similar legal remedies as those (otherwise) available to a property owner.

Notary's Duty of Confidentiality

The notary's duty of confidentiality and the cancellation of a contract of mutual performance for gross disproportion was dealt with by the Supreme Court in its judgment of 7 August 2024, Case No **24 Cdo 1000/2024.** It stated that a notary may be exempted from the duty of confidentiality pursuant to Section 56(2) of the Act No 358/1992 Coll., Notarial Code, also by implicit conduct (Section 546 of the Civil Code). However, the mere participation of the person authorized to release the notary from the duty of confidentiality during the notary's interrogation conducted by a public authority cannot as such be considered a complete release from the duty of confidentiality.

In proceedings before the court for the cancellation of a contract of mutual performance for gross disproportionality (first sentence of Section 1793(1) and Section 1795 of the Civil Code), it is for the plaintiff to allege and prove that the agreed performance is grossly disproportionate and that they brought the action in time; on the other hand, it is for the defendant to allege and prove the facts in their defence that they did not know of the gross disproportionality at the time the contract was concluded (second sentence of Section 173(1) of the Civil Code), that the disproportion resulted from a special relationship between the parties, that the amount of the detriment can no longer be ascertained, or that the plaintiff expressly declared that they accepted the performance at an extraordinary price out of special consideration or agreed to the disproportionate price, although the actual price of the performance was or must have been known to them [Section 1794(2) of the Civil Code].

Compensation for Damage Caused in Part by the Injured Party

In its judgment of 20 February 2024, Case No **25 Cdo 405/2023,** the Supreme Court addressed the question of whether the perpetrator may be ordered to compensate for the damage by restoring it to its original state if the damage is also partly attributable to the injured party. It concluded that if the injured party seeks compensation for damage by restoring the damaged item to its original condition by performing specific indivisible actions, the action cannot be upheld if the damage was caused or increased as a result of circumstances attributable to the injured party, unless they contributed to the damage in a negligible way. Imposing an obligation on the perpetrator to compensate for damage by restoring the damaged item to its original state within the meaning of Section 442(2) of the Civil Code is not possible if the injured party's contribution to the damage is not negligible, as the defendant cannot be held liable for damage not caused by their unlawful conduct (Section 420 of the Civil Code).

Liability for Damage Caused by the Use of Means of Transport

The long-standing problem of traffic accidents involving a collision with forest animals was resolved by the judgment of 25 April 2024, Case No **25 Cdo 3742/2023,** by classifying damage caused to a motor vehicle by the impact of a deer thrown by another moving vehicle as damage caused by the special nature of the traffic and circumstances which originate in the traffic (Sections 2927 and 2932 of the Civil Code). The starting point was the consistently applied conclusion that the very movement of a means of transport, coupled with its speed and kinetic energy, is a specific characteristic of traffic. If, in connection with these physical phenomena, an object in the vehicle's path is ejected (e.g. a stone which causes damage to the windscreen of another car, or a loose sewer manhole, or a column, scaffolding and similar structures are knocked down onto another vehicle), such damage occurs in connection with the use of the motor vehicle, i.e. its activity and movement. Even if the object causing the damage is outside the vehicle which set it in motion, without the special characteristics of its use it would have remained in place and its transmission, and the damage would not have occurred. The use of a motor vehicle is therefore the cause of the movement of the object which, by striking another vehicle, causes the damage. Even if a living animal is a creature endowed with senses and is regarded as a thing (by analogy) only if this does not contradict the nature of the matter (Section 494 of the Civil Code), and in this case it was not immobile before it struck the vehicle, these differences are not decisive, since here too the movement and speed of the vehicle itself were a distinctive and specific feature of its use, without which the animal would not have been thrown and the damage would not have been caused. Moreover, from the moment of the first collision, the animal was no longer in control of its actions and, as a result of the impact of the vehicle, began to act like an inanimate flying object. The animal's behaviour was therefore interrupted by the collision with the vehicle and its further movement was already dependent on the circumstances of the use of the motor vehicle which hit it (speed, direction of movement of the vehicle, etc.).

Injury from Operational Activity

The judgment of 22 August 2024, Case No **25 Cdo 227/2024,** which had received media coverage and comment, concerned the practical problem of the liability of a shop operator for customer´s injury caused while shopping. The case concerned a fall caused by slipping on a vegetable leaf thrown on the floor of the fruit and vegetable section of a grocery store. The Supreme Court concluded that the cause of the fall was an object used in the course of the business activity, which fulfilled the prerequisite for the liability of the shop operator for injury caused by the operational activity (Section 2924 of the Civil Code), i.e. strict liability regardless of unlawfulness and fault. However, in the present case, the operator has exempted himself from obligation to pay for the harm to the customer's health by successfully applying the so-called liberalisation plea, since they had proved that the cleaning of the floor of vegetable residues on the day of the accident was not merely carried out mechanically at the latest prescribed time intervals, but that the relevant employee in that department, with an almost continuous pres-

ence, carried out the cleaning immediately if necessary. In the words of the law, the operator has shown that they exercised all the care that could reasonably be required to prevent the injury. The occasional occurrence of waste from the vegetables sold on the floor of the shop in the section in question is clearly not practically preventable, since it is a circumstance which ultimately depends on the conduct of the customers, not on the conduct of the defendant's employees, who cleaned up the waste which fell on the floor in the section in question as required. Thus, the operator cannot reasonably be required to monitor every customer who buys vegetables every minute to see whether a few leaves have fallen, but only to take appropriate measures to minimise the risk.

Medical Liability for Harm to Health

In its judgment of 11 June 2024, Case No **25 Cdo 2613/2022,** the Supreme Court further clarified the interpretation of Section 2914 of the Civil Code. It built on its jurisprudence, particularly the judgments of 26 October 2021, Case No 25 Cdo 1029/2021 (published under No 51/2022 of the Collection), and of 14 December 2022, Case No 25 Cdo 1319/2022, and dealt with the liability of a doctor for harm to health caused to a patient by the procedure during the treatment, if the doctor in question is also a partner and statutory representative of the healthcare provider. The Supreme Court concluded that even though the doctor in this position performs professional activities (treats the patient) as an assistant to the healthcare provider, nothing prevents them from being personally liable under Section 2910 of the Civil Code for whether they proceed *lege artis* during treatment. The decisive factor is the degree of their autonomy concerning the main person – the healthcare provider. If they are also in the position of the subject whose instructions they should follow (as an assistant), the protection provided mainly to employees dependent on instructions and rules given by employers does not apply to them in terms of liability for harm.

Essentials of a Notice of Tenancy Termination

In its judgment of 15 April 2024, Case No **26 Cdo 2029/2023,** the Supreme Court concluded that the landlord's notice of termination shall include not only an instruction to the tenant of the apartment about the right to apply for a judicial review of the validity of the termination, but also an instruction about the time limit within which to bring the action. The possibility for the tenant to seek a review of the validity of the notice is one of the key provisions of the housing law, as not only the limitation of the grounds for termination of the tenancy by the landlord, but also the existence of the possibility of a judicial review of the alleged grounds for termination is important for the guarantee of the right of the tenant (as a weaker party). In the absence of proper instructions, the termination notice is therefore void.

Review of Resolutions of the Assembly of the Association of Property Owners after the Effectiveness of the Act No 163/2020 Coll.

With the interpretation of Section 1209 (1) and (2) of the Civil Code, as in effect from 1 July 2020, dealt the Supreme Court in the resolution of 20 November 2024, Case No **26 Cdo 2201/2023.** It referred to the

interpretation of the regulation of the review of the decisions of the assembly of association of property owners before the amendment of the Civil Code by the Act No 163/2020 Coll. and concluded that even under the conditions of Section 1209 (2) and (3) of the Civil Code, as in effect from 1 July 2020, the court primarily examines whether the assembly adopted the resolution validly (i.e., in accordance with legal regulations and the statutes of the association). If it concludes that it did not, it declares it invalid. Exceptionally, it can also intervene in the relations of the association and arrange the relations of the owners according to fair consideration. It also pointed out that the proceedings under Section 1209 (1) and (2) of the Civil Code are proceedings in which a certain way of settling the relationship between the participants results from the legal regulation [Section 153(2) of the Code of Civil Procedure].

Non-Applicability of Statutory Limitation on a Corporation's Property Right to Fulfil Contribution Obligations

In the resolution of the Supreme Court dated 27 June 2024, Case No **27 Cdo 1606/2022,** it was thoroughly reasoned for the conditions of a joint-stock company that the right of a joint-stock company to fulfil a shareholder's contribution obligation does not expire. Although this conclusion was adopted under the legal regime of the Commercial Code effective until 31 December 2013, the arguments supporting the conclusion of the non-applicability of statutory limitation on a corporation's property right to fulfil the contribution obligation (in case of a shareholder's delay in paying the issue price of subscribed shares) are also applicable under the legal regime of the Business Corporations Act. At the same time, the Supreme Court commented on the possibility of assessing the validity of the board's decision to exclude a defaulting shareholder as a preliminary question in another proceeding (under the legal regime effective until 31 December 2020).

Jurisdiction of the Court

In its judgment of 27 March 2024, Case No **27 Cdo 1993/2023,** the Supreme Court dealt with the procedural issue of the court's jurisdiction to hear in civil proceedings a claim for payment of a sum of money on account of the liability of a member of the statutory body of a commercial corporation [pursuant to Section 159(3) of the Civil Code] for tax arrears. The Supreme Court concluded that the courts do not have jurisdiction to hear and decide a dispute over the payment of a sum of money claimed by the State against a member of an elected body of a corporation on account of statutory liability for a debt of the corporation consisting of an unpaid fine for a gambling offence, the costs of proceedings and the costs of tax enforcement. That conclusion was subsequently confirmed by a decision of the Special Panel on Conflicts of Jurisdiction.

Unjust Enrichment on Account of a Void or Cancelled Obligation

The Supreme Court's judgment of 22 May 2024, Case No **28 Cdo 771/2024,** dealt with the issue of Section 3002(1) of the Civil Code, concerning unjust enrichment on account of an invalid or cancelled obligation - a contract for pecuniary interest - in the field of restitution. The

Court concluded that the provision of Section 3002(1) of the Civil Code, that precludes the application of Sections 3000 and 3001 of the Civil Code to invalid or cancelled contracts for pecuniary interest, applies even if the final court decision on the replacement of an expression of will aimed (under the Act No 229/1991 Coll., as amended) at the transfer of the replacement agricultural land to the beneficiary has been annulled on the basis of an extraordinary appeal.

Prerequisites for the Transfer of Property from State to Municipal Ownership

The judgment of the Supreme Court of 4 December 2024, Case No **28 Cdo 2590/2024,** concerns the question of the prerequisites for the transfer of property from the ownership of the State to the ownership of municipalities under the Act No 172/1991 Coll., with the conclusion that built-on land not only in the case of the so-called historical property of municipalities (pursuant to Section 2 of the aforementioned Act), but also in the case of the so-called allotment property (under Section 2a of the aforementioned Act) does not transfer to the ownership of municipalities. The legal sentence of the judgment reads as follows: Section 2(2) of the Act No 172/1991 Coll., as amended, defining built-on land, also applies when assessing the conditions for the transfer of immovable property from the ownership of the State to the ownership of a municipality pursuant to Section 2a, in conjunction with Section 2(1)(a) of that Act.

Redemption Proceedings Conducted About a Blank Promissory Note

The question whether a blank promissory note can be redeemed was dealt with by the Supreme Court in its resolution of 29 August 2024, Case No **29 Cdo 2073/2022,** in which it concluded, on the basis of an analysis of the literature and case law of "the First Republic", that it is possible.

Existence of an International Element as a Condition for the Applicability of the Brussels I bis Regulation

In its resolution of 9 April 2024, Case No **30 Nd 674/2021,** the Supreme Court addressed the question of the applicability of the Brussels I bis Regulation in terms of the existence of an international element in a dispute where two persons domiciled in Slovakia had agreed on the international jurisdiction of the Czech courts, with this prorogation agreement being the only circumstance from which the existence of an international element could be inferred. The Supreme Court ruled following the answer of the Court of Justice of the European Union to a preliminary question referred by the Supreme Court.

Liability of the State for Exceptional Measures Taken by the Ministry of Health under the Crisis Act

In the course of the COVID-19 epidemic, the State abandoned the practice of issuing emergency measures and replaced them with exceptional measures of the Ministry of Health. In its judgment of 13 No-

vember 2024, Case No **30 Cdo 1101/2024,** the Supreme Court addressed the question whether those exceptional measures remain emergency measures and whether the State is still liable for the harm caused by them under the Crisis Act.

The Intermediary's Right to Receive a Commission

In its judgment of 17 December 2024, Case No **33 Cdo 1879/2024,** the Supreme Court concluded that the intermediary's right to receive a commission, subject to the conditions laid down in the intermediary contract, continues even after the intermediary's obligation to carry out the mediation ceases as a result of dissolution. Thus, the mere fact that the obligation to carry out the mediation has ceased does not affect the intermediary's right to a commission. The obligation of the interested party to pay the commission to the intermediary will then only be extinguished by performance or otherwise as provided for by law.

Assignment Agreement

In the judgment of 28 August 2024, Case No **33 Cdo 1788/2023,** the Supreme Court stated that if a creditor assigns its claim to several assignees, only the assignee to whom the claim was first assigned becomes its creditor; the assignor could not assign the claim to the other (later) assignees due to the lack of dispositive authority (the assignment contract is valid in relation to them, but it is not capable of producing the relevant effects in the sphere of law, i.e. transferring the claim).

Section 1882 of the Civil Code protects the debtor in that they can effectively perform even to a non-creditor; it does not change the fact that the assignor can only effectively assign its claim once. If the assignor has assigned the same claim more than once, only the person to whom the claim was assigned first becomes the true creditor. The second assignee in line has the right (or obligation) to accept the performance from the debtor to whom the assignment of the claim was notified by the assignor but is not entitled (lacking the legal title) to retain what they had received. If they retained the performance, they were enriched without just cause, since the legal basis for the performance existed, but the claim was not transferred on that basis because the assignor (the original creditor) no longer owned the claim at the time of the assignment.

Gross Disproportion

In its judgment of 28 May 2024, Case No **33 Cdo 2313/2023,** the Supreme Court concluded that gross disproportion [Section 1793(1) of the Civil Code] must be examined (compared) in relation to what the parties undertook in the contract. The comparison is made between the performances to which the parties undertook in the contract. In the case of a sales contract, the challenge is typically to the purchase price agreed in the contract because the purchase price is grossly disproportionate to the value of the item sold.

2. 4. The Criminal Division of the Supreme Court

2. 4. 1. Overview of the Decision-Making Activities of the Criminal Division of the Supreme Court

In 2024, the Criminal Division of the Supreme Court (hereinafter also referred to as "the Criminal Division") was composed of the President of the Division and 22 other judges; in addition, two judges were temporarily assigned to the Supreme Court, one of whom became a judge of the Supreme Court on 1 July 2024 and the other started a one-year internship from that date. The Criminal Division judges are divided into seven Panels that constitute seven Court Departments. There is also a Grand Panel of the Criminal Division, a Records Panel and a separate Panel for appeals against decisions of the Supreme Audit Office's Disciplinary Chamber.

The President of the Criminal Division assigns each of the criminal cases to the seven Panels (hereinafter referred to as the "Panels") under the rules contained in the Supreme Court's Work Schedule. The managing President of the Panel assigns particular judges within the Panel to cases, also under the rules contained in the Work Schedule, which combine the principle of the specialised expertise of certain Panels with the principle of regular rotation. Three specialised Panels operate within the Criminal Division – one (No 8) considers cases heard under the Act No 218/2003 Coll., on Juvenile Justice, as amended, the second (No 5) specialises in economic and property crimes and the third (No 11) specialises in drug-related criminal offences and cases concerning international judicial cooperation in criminal matters. However, each of these Panels also decides to some extent in criminal cases that do not fall within their specialisation. The Criminal Division's Panels usually decide in closed hearings, i.e., the accused, the defence counsel and the prosecutor are not present; they decide in a public hearing, where the parties are present, only in certain matters. In addition to decisions handed down by Panels of three judges in criminal cases, the Criminal Division also includes a Grand Panel of nine judges, with at least one member from each of the three-judge Panels.

The Supreme Court's key task is to unify the adjudicating practice of lower courts. In criminal matters, the Criminal Division of the Supreme Court is in charge of pursuing this task. To this end, the Act on Courts and Judges provides the Supreme Court with several tools. They primarily include decision-making on extraordinary remedies in the three-member Panels of the Criminal Division, and also decision-making in the Grand Panel of the Criminal Division, the adoption of Opinions by the Criminal Division and, finally, also the publication of the Collection.

2. 4. 1. 1. Deciding on Extraordinary Remedies

The Supreme Court is the most significant body among the ordinary courts of the Czech Republic (Article 92 of the Constitution of the Czech Republic). It is therefore empowered to decide on the most important extraordinary remedies; in criminal proceedings, these are extraordinary appeals and complaints on the violation of the law.

An extraordinary appeal is an extraordinary remedial measure which can be used to dispute a final and effective decision of a court of second instance on merits (Section 265a of the Code of Criminal Procedure), but only with reference to one of the grounds for extraordinary appeal listed exhaustively in Section 265b(1) and (2) of the Code of Criminal Procedure. The subject-matter of the extraordinary appeal proceedings is not a review of the facts in general, but only an examination of certain substantive legal and procedural issues in the contested decision or in the proceedings preceding it, including certain fundamental issues relating to taking of evidence. An extraordinary appeal may be lodged by the Prosecutor General and the competent authority of the European Public Prosecutor's Office – for the incorrectness of any operative part of a court's decision, both in favour of or against the accused, and also by the accused for the incorrectness of the operative part of a court's decision that directly affects them. An extraordinary appeal against the accused cannot be filed solely on the grounds that the court acted in accordance with Sections 259(4), 264(2), 273 or 289(b) of the Code of Criminal Procedure. The accused may file an extraordinary appeal only through a defence counsel; a submission made by the accused otherwise than through a defence counsel shall not be deemed to be an extraordinary appeal – if applicable, it will be treated differently based on its content. An extraordinary appeal must be lodged with the court which decided the case in the first instance within two months of receipt of a copy of the decision against which the extraordinary appeal is directed. The President of the Panel of the court of first instance shall deliver a copy of an extraordinary appeal of the accused to the Prosecutor General or to the competent authority of the European Public Prosecutor's Office and a copy of an extraordinary appeal of the Prosecutor General or of the competent authority of the European Public Prosecutor's Office to the defence counsel of the accused and to the accused with a notice that they may comment on the extraordinary appeal in writing and agree to the extraordinary appeal being tried in a closed hearing at the Supreme Court. Once the time limit for filing an extraordinary appeal has expired for all persons entitled to file such appeal, the court of first instance shall submit the file to the Supreme Court. The Supreme Court shall reject an extraordinary appeal on the grounds set out exhaustively in Section 265i(1) of the Code of Criminal Procedure, in particular, if certain formal conditions are not met, if the extraordinary appeal is brought on grounds other than those set out in the grounds for extraordinary appeal, or if the applicant repeats in the extraordinary appeal objections which have already been fully and substantively correctly dealt with by the courts of lower instances; the Supreme Court shall, in the reasoning of the resolution that rejected the extraordinary appeal, only briefly state the reason for the rejection of the extraordinary appeal by referring to the circumstances relating to the statutory ground for rejection. The Supreme Court shall, after a review, dismiss the extraordinary appeal if it finds that it is unsubstantiated (Section 265j of the Code of Criminal Procedure). If the Supreme Court does not reject or dismiss the extraordinary appeal, it shall review the contested decision and the proceedings preceding it only to the extent and on the grounds stated in the extraordinary appeal. Upon review, the Supreme Court shall annul the contested decision or part thereof, or, where appropriate, the erroneous proceedings preceding it, if it finds that the extraordinary appeal is substantiated. If, after an-

nulling the contested decision or part thereof, it is necessary to make a new decision in the case, the Supreme Court shall, in principal, order the court whose decision is at hand to reconsider and decide the case to the extent necessary (Section 265k of the Code of Criminal Procedure). The court or other investigative and prosecuting authorities to which the case has been referred to a new hearing and decision is bound by the legal opinion of the Supreme Court (Section 265s(1) of the Code of Criminal Procedure). If the contested decision has been annulled only as a result of an extraordinary appeal brought in favour of the accused, the decision cannot be changed to their disadvantage in the new proceedings (Section 265s(2) of the Code of Criminal Procedure). However, the Supreme Court may also immediately decide on the case by judgment if it annuls the contested decision, unless there are obstacles to do so (Section 265m of the Code of Criminal Procedure).

The other extraordinary remedy admissible before the Supreme Court is a complaint on the violation of the law. Only the Minister of Justice is entitled to file this extraordinary remedy, directed against a court's or a prosecutor's final decision which violated the law or which was made on the basis of an erroneous course of action in the proceedings, or if the sentence is manifestly disproportionate to the nature and gravity of the offence or to the perpetrator's personal state of affairs, or if the nature of the imposed sentence is manifestly contrary to the purpose of punishment (Section 266(1) and (2) of the Code of Criminal Procedure). A complaint on the violation of the law against a final court decision to the detriment of the accused may not be filed solely on the grounds that the court proceeded in line with Section 259(4), Section 264(2), Section 273 or Section 289(b) of the Code of Criminal Procedure. In the event of a complaint on the violation of the law being filed to the detriment of the accused and following the finding that the law was violated, but not in disfavour of the accused, only the so-called "academic ruling" can be issued, but the contested decision or the preceding proceedings which violated the law cannot be annulled. The Supreme Court dismisses the complaints on the violation of the law if they are inadmissible or unfounded (Section 268(1) of the Code of Criminal Procedure). If the Supreme Court finds that the law was violated, it holds so in its judgment (Section 268(2) of the Code of Criminal Procedure). If the law was violated in disfavour of the accused, the Supreme Court annuls, simultaneously with holding as above under Section 268(2) Code of Criminal Procedure, the challenged decision or a part thereof and potentially also the erroneous proceedings preceding the decision. If only one of the operative parts in the challenged decision is unlawful, and if such operative part can be separated from the other operative parts, the Supreme Court annuls only that operative part of the decision (Section 269 of the Code of Criminal Procedure). Where a new decision has to be issued following the challenged decision or any of its operative parts after their annulment, the Supreme Court orders the authority, usually the one whose decision is in question, to hear the case again in the required scope and to decide. The authority to which the case is referred to is bound by the Supreme Court's legal opinion (Section 270 of the Code of Criminal Procedure). When annulling the challenged decision, the Supreme Court itself can decide on the merits if a decision can be issued on the basis of the facts that were correctly established in the challenged decision (Section 271 of the Code of Criminal Procedure). Where the Su-

preme Court holds that the law was violated in disfavour of the accused, in the new proceedings the decision must not be modified in disfavour of the accused (Section 273 of the Code of Criminal Procedure).

2. 4. 1. 2. Agendas of the Criminal Division of the Supreme Court According to the Relevant Registers

The judges of the Criminal Division of the Supreme Court are empowered by the legislation mentioned below to take decisions within the scope of the following agendas in Panels mainly composed of the President of the Panel and two judges:

Tdo

– decisions on extraordinary appeals against final decisions of courts of second instance on the merits (Section 265a *et seq.* of the Code of Criminal Procedure);

Tcu

– decisions on applications to record data on the conviction of a Czech citizen by a foreign court in the Criminal Records (Section 4(2), (3), (4) and Section 4a(3) of the Act No 269/1994 Coll., on the Criminal Records, as amended),
– decisions on applications in accordance with the Act No 104/2013 Coll., on International Judicial Cooperation in Criminal Matters, as amended (e.g., on applications of the Ministry of Justice to review decisions on the exclusion of the extradited person from the competence of the investigative, prosecuting and adjudicating authorities in accordance with Section 89(2) of the above Act; on applications for a decision on whether the extradited person is exempted from the competence of the investigative, prosecuting and adjudicating authorities in accordance with Sections 92(6) and 95(2) of the above Act; on applications of the Minister of Justice to review a decision on the admissibility of extradition of a person for prosecution to a foreign State in accordance with Section 95(5), (6) of the above Act; on applications for a decision on whether the person against whom a recognised foreign decision is directed is exempted from the competence of the investigative, prosecuting and adjudicating authorities in accordance with Section 120(5) of the above Act; on applications of the Minister of Justice to review a court decision on the recognition and enforcement of a foreign decision imposing an unconditional sentence of imprisonment or a protective measure involving deprivation of liberty in accordance with Section 128 of the above Act; on applications to take a surrendered person into transit detention for the period of transit through the territory of the Czech Republic in accordance with Section 143(4) of the above Act; on refusals to hand over information classified under the Classified Information Protection Act to an international court in accordance with Section 158(1), (2) of the above Act, etc.),
– decisions on applications for decision whether a certain person is excluded from the competence of the investigative, prosecuting and adjudicating authorities, if there is any doubt about it (Section 10(2) of the Code of Criminal Procedure);

Tz

– decisions on complaints on the violation of the law, filed by the Minister of Justice against prosecutors' and courts' decisions in proceedings

held under the rules of the Code of Criminal Procedure (Section 266 *et seq.* of the Code of Criminal Procedure);

Td

– resolution of disputes over jurisdiction between lower courts, if the Supreme Court is the nearest jointly superior court in relation thereto (Section 24 of the Code of Criminal Procedure),
– decisions on applications for removal and referral of a case, if the Supreme Court is the nearest jointly superior court (Section 25 of the Code of Criminal Procedure),
– decisions on applications to exclude Supreme Court judges from hearing and deciding on a case (Section 31(1) of the Code of Criminal Procedure);

Tvo

– decisions on complaints against high courts' decisions to extend custody pursuant to Section 74 of the Code of Criminal Procedure and against other decisions of high courts handing down decisions as a court of first instance (e.g., on complaints against decisions to exclude high court judges from the execution of acts in criminal proceedings pursuant to Sections 30 and 31 of the Code of Criminal Procedure);

Tul

– decisions on applications for a time limit to be set for the performance of a procedural act (Section 174a of the Act on Courts and Judges);

Zp

– decisions on appeals against decisions of the Disciplinary Chamber of the Supreme Audit Office (Section 43(2) of the Act No 166/1993 Coll., on the Supreme Audit Office, as amended);

Pzo

– decisions on applications for a review of the legality of an order to intercept and record telecommunications traffic and an order to obtain data on telecommunications traffic (Sections 314l to 314n of the Code of Criminal Procedure).

2. 4. 2. Unifying Activities of the Criminal Division of the Supreme Court

The lower courts' adjudicating practice is unified primarily through decisions on the above-mentioned extraordinary remedies in specific criminal cases, with the Supreme Court setting forth binding legal opinions in its decisions; lower courts and other investigating or prosecuting authorities are bound by such legal opinions and these authorities follow such opinions, if applicable, in other similar cases. The Supreme Court usually decides on extraordinary appeals and complaints on the violation of the law in three-member Panels composed of the President of the Panel and another two professional judges, exceptionally, it is the Criminal Division's Grand Panel that decides the case.

A case will be referred to the Grand Panel when, in its decision-making, a three-member Panel has arrived at a legal opinion differing from the opinion already expressed in any of the Supreme Court's earlier deci-

sions; the Panel must justify such different legal opinion (Section 20 of the Act on Courts and Judges).

The above procedure should be used to refer a case to the Criminal Division's Grand Panel, in particular, where the contentious issue concerns substantive law. Where a legal opinion on procedural law is at issue, the three-member Panel may only refer the case to the Criminal Division's Grand Panel if it has concluded unanimously (by votes of all Panel members) that the procedural question at issue is of fundamental importance. However, a referral to the Criminal Division's Grand Panel is out of the question if the issue at hand has already been resolved by the Opinion of the Criminal Division or of the Plenary Session of the Supreme Court. The Criminal Division's Grand Panel always decides on the merits of the case, i.e., on the extraordinary remedy filed, unless it exceptionally concludes that no reason for referring the case to the Criminal Division's Grand Panel existed; in such cases, it refers back the case without deciding on the merits to the Panel that (groundlessly) referred the case to it. It is debatable whether this practice should be preserved. An alternative to this practice is the opinion that the Criminal Division's Grand Panel should decide only on the solution of the submitted legal question at hand and that any subsequent decisions on the merits should be made by the competent three-member Panel which had originally been assigned the case. Moreover, there is no explicit provision as to whether and how the Criminal Division's Grand Panel may change its existing legal opinion expressed in an earlier decision.

The Grand Panel of the Criminal Division issued two decisions in the Tdo agenda and one decision in the Tz agenda in 2024. All three decisions of the Grand Panel of the Criminal Division of the Supreme Court have been approved for publication in the Collection. The resolution of 21 February 2024, Case No 15 Tz 81/2023, was published under No 22/2024 of the Collection, the resolution of 19 March 2024, Case No 15 Tdo 960/2023, was published under No 44/2024 of the Collection, and the resolution of 28 May 2024, Case No 15 Tdo 50/2024, published under No 45/2024 of the Collection. For these decisions of the Grand Panel, see below under 2. 4. 4. 2. In addition, a case filed under Case No 15 Tdo 1111/2024 was submitted to the Grand Panel for decision in 2024.

All decisions of the Grand Panel of the Criminal Division of the Supreme Court, as well as all decisions of the three-member Panels, are published in an anonymised form on the Supreme Court's website www.nsoud.cz, which also contributes to the unification of decision-making practice in criminal cases.

The Criminal Division of the Supreme Court also has a Records Panel, which is composed of its President and eight other judges of the Criminal Division. The Records Panel meets to discuss the proposals for the decisions of Panels of the Criminal Division of the Supreme Court and decisions of lower courts in criminal cases that have been recommended to be generalised and to be discussed by the Criminal Division regarding the approval of their publication in the Collection. The Records Panel decides which of the decisions it discusses will be referred to the next approval process, i.e., sent to the relevant authorities and institutions for comments and then submitted at a meeting of the Criminal Division. The Records Panel of the Criminal Division also considers

other materials on the proposal of the President of the Criminal Division or the President of the Records Panel, in particular applications for the Criminal Division to adopt an Opinion on the decision-making activities of courts and drafts of such Opinions. In 2024, a total of eight meetings of the Records Panel of the Criminal Division were held, at which about 152 decisions of the Supreme Court and lower courts, and some other materials and applications were discussed (sometimes repeatedly).

Decisions of the Supreme Court and of other criminal courts, which have been considered and recommended for publication in the Collection by the Criminal Division's Records Panel, are submitted for consideration and approval at a meeting of the judges of the Criminal Division of the Supreme Court, which is convened and chaired by the President of the Criminal Division for that purpose. Prior to the meeting, comments are made on the proposals for the publication of the decision by commenting entities, which are the regional and high courts (the Municipal Court in Prague), the Prosecutor General's Office, the law faculties of universities, the Czech Bar Association, the Ministry of Justice, the Ministry of the Interior, the Institute of State and Law of the Academy of Sciences, the Institute for Criminology and Social Prevention, the Supreme Administrative Court and, depending on the nature of the decision, certain other institutions and bodies. Publication of a decision in the Collection requires the approval of a majority of all judges of the Criminal Division. In 2024, a total of six meetings of the Criminal Division of the Supreme Court were held, at which a total of 73 decisions were discussed (some of them repeatedly), of which the judges of the Criminal Division approved a total of 57 decisions for publication in the Collection. In 2024, no suggestions to adopt an Opinion were discussed.

Another important tool for unifying the practice of lower courts and other investigating and prosecuting authorities is the adoption of the Supreme Court Criminal Division's Opinions on court decisions on matters of a certain nature (Section 14(3) of the Act on Courts and Judges). Debate on an Opinion in the Criminal Division is preceded by drafting the Opinion by the mandated member(s) of the Criminal Division; then followed by a commenting procedure to collect comments on the draft Opinion from the commenting entities, which are the same entities as those mentioned above in relation to the deciding on publication of the decisions in the Collection, or, depending on the nature and importance of the issues at stake, other bodies or institutions. The draft Opinion is then considered and approved at a Criminal Division meeting, which is quorate if attended by a two-thirds majority of all members of the Supreme Court's Criminal Division. A simple majority of votes of all Criminal Division members is required to pass an Opinion of the Supreme Court's Criminal Division and then publish it in the Collection.

Every approved Opinion of the Supreme Court's Criminal Division is published in the Collection and is also posted in electronic form on the Supreme Court's website.

2. 4. 3. Statistical Data on the Activities of the Criminal Division of the Supreme Court

The first table represents an overview of the decision-making activity of the Criminal Division of the Supreme Court in 2024 in all of its agendas. The first column points out the amount of cases in each particular agenda allocated for adjudicating from the previous year 2023. Similarly, the last column shows the number of cases that were not resolved by 31 December 2024.

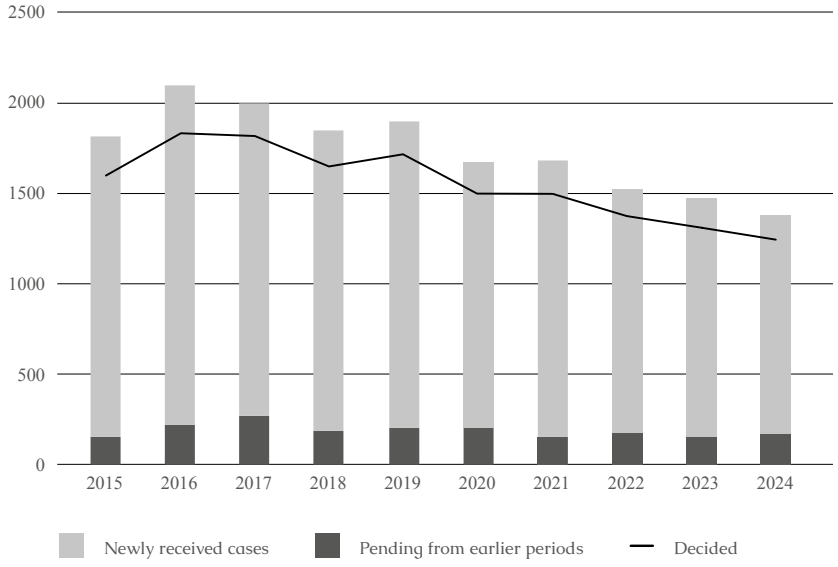
	Pending from earlier periods	Newly received cases	Decided	Pending
Tdo	155	1,141	1,158	138
Tcu	8	122	120	10
Tz	12	65	71	6
Td	4	52	53	3
Tvo	3	25	26	2
Tul	0	1	1	0
Zp	0	0	0	0
Pzo	1	7	4	4

Overview of the development of the agenda of the Criminal Division

The following table and the following graph trace the development of statistical data of the Criminal Division of the Supreme Court over a longer period of time.

Year	Pending from earlier periods	Newly received cases	Decided	Pending
2015	159	1,662	1,597	224
2016	224	1,877	1,829	272
2017	272	1,722	1,815	179
2018	179	1,676	1,651	204
2019	204	1,699	1,706	197
2020	197	1,459	1,498	158
2021	158	1,519	1,505	172
2022	172	1,343	1,364	151
2023	151	1,315	1,299	167
2024	167	1,206	1,229	144

The sum of the Tdo and Tz agendas 2015–2024



The graph illustrates the statistical development of cases received in all the agendas of the Criminal Division of the Supreme Court over a relatively long period of time of 2015 to 2024. It clearly indicates that the total number of cases pending from previous periods has been relatively stable, but at the same time the graph shows that the highest number of submissions to the Criminal Division of the Supreme Court over the entire period under review were received in 2016 and 2017, the situation calmed down a little in 2018. From 2020 to 2022, there is a certain decrease in the total number of cases submitted and dealt with and this tendency continued even in 2024. It should be noted that the graph simply adds all the agendas, although the complexity of the different agendas differs significantly.

2. 4. 4. Selection of Important Decisions of the Criminal Division of the Supreme Court

2. 4. 4. 1. Opinions of the Criminal Division of the Supreme Court

No Opinion was issued in 2024.

2. 4. 4. 2. Decisions of the Criminal Division's Grand Panel

In 2024, the Grand Panel of the Criminal Division of the Supreme Court issued the following three decisions.

On the Fulfilment of the Circumstance Conditioning the Application of a Higher Maximum Penalty Consisting in the Commission of the Act by a Member of an Organised Group for the Criminal Offences of Unauthorised Procurement, Counterfeiting and Alteration of Means of Payment Pursuant to Section 234(1), (4)(a) of the Criminal Code and Theft Pursuant to Section 205(1), (4)(a) of the Criminal Code

The resolution of the Grand Panel of the Criminal Division of the Supreme Court of 21 February 2024, Case No **15 Tz 81/2023,** published

under No 22/2024 of the Collection, deals with the question of the fulfilment of a circumstance conditioning the application of a higher maximum penalty, which consists in the commission of the act by a member of an organised group, in the case of the criminal offence of Unauthorised Procurement, Counterfeiting and Alteration of Means of Payment pursuant to Section 234(1), (4)(a) of the Criminal Code and the criminal offence of Theft pursuant to Section 205(1), (4)(a) of the Criminal Code. According to its legal sentence, the act consisting in the fact that the accomplices, as members of an organised group, stole the victim's wallet containing a payment card, money and other items, must in principle be assessed as the criminal offences of Theft pursuant to Section 205(1), (4)(a) of the Criminal Code and Unauthorised Procurement, Counterfeiting and Alteration of Means of Payment pursuant to Section 234(1),(4)(a) of the Criminal Code, committed as several criminal offences by means of a single act. The circumstance conditioning the application of a higher maximum penalty for the second of these criminal offences pursuant to Section 234(4)(a) of the Criminal Code, i.e., the commission of this criminal offence by a member of an organised group, is fulfilled here even if the aim of the perpetrators' actions was not to seize a payment card which they did not even use after they stole it. In such a case, mitigation of the criminal sentence can be achieved only by an exceptional reduction of the prison sentence under the conditions laid down in Section 58 of the Criminal Code, but not by disregarding the above-mentioned particularly aggravating circumstance in the legal qualification of the act. This is a departure from the view expressed in this respect in the Supreme Court's resolution of 27 July 2016, Case No 8 Tdo 1149/2015.

On the Question of Whether the Criminal Offence of Fraud under Section 209(1) of the Criminal Code Can Be Committed through a Court

The legal sentence of the resolution of the Grand Panel of the Criminal Division of the Supreme Court of 19 March 2024, Case No **15 Tdo 960/2023,** published under No 44/2024 of the Collection, states that the criminal offence of Fraud under Section 209(1) of the Criminal Code can be committed even through a court that may be misled. This legal opinion overcame the conclusion contained in the decision published under No 24/2006 of the Collection. In the cited resolution of the Grand Panel of the Criminal Division, the facts of the case were that the cadastral office had rejected the application for the entry of the ownership right in the Cadastre of Real Estate pursuant to a sales contract on the transfer of immovable property, the seller being a commercial company (the victim), and subsequently the competent regional court upheld the action brought by the accused as the purchaser against this decision of the cadastral office and by judgment granted the entry of the ownership right of the accused to the said immovable property. The injured company appealed against the judgment and the High Court in Prague confirmed the judgment of the regional court. However, it later transpired that the sales contract was not concluded on the date stated therein, when the accused was still the managing director of the injured company, but later, when he was no longer the managing director and could not act on behalf of the injured company. In the criminal proceedings, the courts then had to deal with the question of whom the accused had actually misled, whether it was the cadastral office or the regional court, and concluded that it was indeed the regional court, because the

registration of the change of the owner's person occurred only after the final authorisation of the entry of the accused's ownership right into the Cadastre of Real Estate, i.e., by the judgment of that court, which replaced the decision of the cadastral office rejecting the application for entry of the ownership right, and which was confirmed by a judgment of the High Court in Prague.

On the Definition of the Type of Concurrence of the Criminal Offence of Participation in an Organised Criminal Group Pursuant to Section 361(1) of the Criminal Code and the So-Called Realisation Criminal Offence and on the Question of the Formation of a New Organised Criminal Group by Transforming an Existing Group

Resolution of the Grand Panel of the Criminal Division of the Supreme Court of 28 May 2024, Case No **15 Tdo 50/2024,** was published under No 45/2024 of the Collection with two legal sentences. The first of these defines the type of concurrence of the criminal offence of Participation in an Organised Criminal Group pursuant to Section 361(1) of the Criminal Code and the so-called realisation criminal offence, concluding that such concurrence must be assessed as multiple offences. Here, the Grand Panel of the Criminal Division took a different legal opinion than that contained in the reasoning of some earlier decisions (e.g. in the Supreme Court's resolutions of 12 August 2015, Case No 7 Tdo 400/2015, and of 13 August 2014, Case No 5 Tdo 769/2013). The second legal sentence of the cited decision of the Grand Panel of the Criminal Division then states that a significant transformation of an already existing organised criminal group, consisting in a substantial change in the personnel composition, internal organisation and focus of the intended and committed criminal activity, must be considered as a formation of a new organised criminal group.

2. 4. 4. 3. Selected Decisions Approved by the Criminal Division of the Supreme Court for Publication in the Collection

Of the important decisions approved for publication by the Criminal Division of the Supreme Court, which were issued and/or published in 2024 in the criminal part of the Collection, the following can be mentioned.

On the Question of Whether the Hallway of a Family House, Which is Shared by Several Apartments, Is a Dwelling within the Meaning of Section 133 of the Criminal Code

The Supreme Court's resolution of 25 May 2023, Case No **11 Tdo 214/2023,** published under No 1/2024 of the Collection, states the opinion that the hallway of a family house shared by several apartments is a dwelling within the meaning of Section 133 of the Criminal Code if it is an enclosed space providing the occupants of the house with similar privacy as the apartments located therein. If the perpetrator enters such a hallway without the consent of the authorized occupants of the house, they commit the criminal offence of Trespassing under Section 178(1) of the Criminal Code, provided that the other legal conditions are met.

On the Question of Whether a Cellar Cubicle in an Apartment Building is an Accessory to an Apartment within the Meaning of Section 133 of the Criminal Code

The resolution of the Supreme Court of 16 August 2023, Case No **6 Tdo 765/2023,** published under No 2/2024 of the Collection, deals with the question of whether a cellar cubicle in an apartment building can be considered an accessory to an apartment within the meaning of Section 133 of the Criminal Code. In this decision, the Supreme Court concluded that this is possible only if the cellar cubicle – just like the apartment itself – serves to satisfy the housing needs of the authorized user and is in fact intended to be used together with the apartment. In assessing whether the objective elements of the criminal offence of Trespassing pursuant to Section 178(1) and (2) of the Criminal Code have been fulfilled, it is important whether, at the time of the criminal offence, the injured party was actually using the apartment unit in the house for the purpose of living and was also using the cellar cubicle together with it in the usual way. The victim's ownership of the housing unit is not decisive.

On the Relationship between the Criminal Offence of Approval of a Criminal Offence Pursuant to Section 365(1) of the Criminal Code and the Criminal Offence of Denying, Questioning, Approving and Justifying Genocide Pursuant to Section 405 of the Criminal Code

In the Supreme Court's resolution of 16 August 2023, Case No **8 Tdo 418/2023,** published under No 6/2024 of the Collection, it was concluded that it cannot be considered as committing several criminal offences by means of a single act in case of the criminal offence of Approval of a Criminal Offence under Section 365(1) of the Criminal Code and the criminal offence of Denying, Questioning, Approving and Justifying Genocide under Section 405 of the Criminal Code in the alternative according to which the perpetrator "publicly approves criminal offences against peace". This is because the alternative of the perpetrator "publicly approving criminal offences against peace" is *lex specialis*.

On the Preliminary Question in Proceedings for the Criminal Offence of Obstruction of the Enforcement of an Official Decision and Eviction Pursuant to Section 337(1)(a) of the Criminal Code

The resolution of the Supreme Court of 5 December 2023, Case No **6 Tdo 1035/2023,** published under No 7/2024 of the Collection, deals with the topic of which questions are to be considered by the court as preliminary pursuant to Article 9(1) of the Code of Criminal Procedure in proceedings for the criminal offence of Obstruction of the Enforcement of an Official Decision and Eviction pursuant to Article 337(1)(a) of the Criminal Code, which the perpetrator was to commit by carrying out an activity that was prohibited by a decision of another public authority. The Supreme Court has held that in such a case the court does not examine the substantive correctness of the decision whose execution the offender obstructed, but only the question whether the decision was issued by a public authority within the scope of its competence, whether it became final and enforceable.

On the Excluding of a Judge Pursuant to Section 30(1) of the Code of Criminal Procedure in the Case of Separate Decisions on Guilt of Several Accused Persons and on the Simplified Announcement of a Judgment Pursuant to Section 128(1), (2) of the Code of Criminal Procedure

Resolution of the Supreme Court of 7 June 2023, Case No **5 Tdo 459/2023,** was published under No 10/2024 of the Collection with two legal sentences. The first of them deals with the question whether the fact that a judge has previously found another person guilty of the same act qualified as a criminal offence is a ground for excluding of a judge under Section 30(1) of the Code of Criminal Procedure. The Supreme Court came to a negative conclusion, concluding that there is no violation of the principle of presumption of innocence [Section 2(2) of the Code of Criminal Procedure], if in its previous judgment in a case involving another person the court mentioned the accused whose guilt it is now to decide on in the description of the act, if this was necessary for the correct legal qualification of the act, while making it clear that this accused is being prosecuted in separate criminal proceedings, his guilt has not yet been legally established and this judgment does not concern him. It is the words used and the context in which they were used, both in the operative part of the previous judgment and in the grounds for it, which are of importance. The second legal sentence of the cited decision concerns the manner in which the full text of the operative part of the judgment is pronounced by the President of the Panel pursuant to Section 128(1) and (2) of the Code of Criminal Procedure. According to the Supreme Court, this means, in particular, its oral delivery. However, the pronouncement of the operative part of the judgment may also be carried out in a different manner, by which the parties and the public may familiarise themselves with its content in the courtroom, in particular by using technical equipment (e.g. a reading device, displaying the operative part of the judgment on a screen in the courtroom) or by presenting a written copy of the operative part of the judgment.

On the Question of Who Can Be Considered an Accomplice to the Criminal Offence under Section 23 of the Criminal Code and on the Question of Substantial Benefit in the Case of Unauthorized Entrepreneurship within the Meaning of Section 251(2)(b) of the Criminal Code

The Supreme Court's resolution of 30 August 2023, Case No **5 Tdo 720/2023,** was published under No 11/2024 of the Collection also with two legal sentences. The first of these deals with the issue of complicity to the crime and concludes that only criminally liable persons may be accomplices, some of whom may also act as direct perpetrators [Section 22(1) of the Criminal Code] and some as indirect perpetrators [Section 22(2) of the Criminal Code], provided that they themselves partly carry out the activity in the aggregate constituting the conduct required by the relevant criminal offence, and partly use another person as a so-called living instrument to do so. The second legal sentence of the decision provides an interpretation of the substantial benefit in the criminal offence of Unauthorized Entrepreneurship within the meaning of Section 251(2)(b) of the Criminal Code. According to the Supreme Court, this term must be interpreted as a so-called net benefit, i.e., as the profit from the criminal activity reduced by the costs incurred to achieve it (see Opinion No 1/1990 of the Collection), the amount of which must

reach the threshold under Section 138(1)(d), (2) of the Criminal Code. Therefore, in order to determine the total net benefit of the criminal offence of Unauthorized Entrepreneurship consisting of several component acts included in a continuous course of conduct, the sum of the net gains from the successful component acts must be reduced by the sum of the losses from the unsuccessful component acts (consisting, for example, in the loss of money due to the unpaid principal of loans granted by the perpetrator). The determination of the total benefit cannot be based solely on the perpetrator's bookkeeping or on the tax return filed, but on all identified activities of the unauthorized entrepreneur, both successful and loss-making.

On Extinguishing Criminal Liability for Preparation of a Criminal Offence by Eliminating Danger within the Meaning of Section 20(3)(a) of the Criminal Code

In the Supreme Court's resolution of 31 May 2023, Case No **5 Tdo 1023/2022,** published under No 12/2024 of the Collection, the Supreme Court concludes that the temporary disabling of access to websites through which the perpetrator misled other persons in order to extort money from them for the purchase of non-existent bonds to the extent of causing large-scale damage [Section 138(1)(e) of the Criminal Code] cannot be considered as the elimination of danger within the meaning of Section 20(3)(a) of the Criminal Code. Therefore, such conduct does not justify the extinguishment of criminal liability for the preparation of the criminal offence of Fraud pursuant to Section 20(1) and Section 209(1), (5)(a) of the Criminal Code.

On the Start of the Period for Detention within the Meaning of Section 77(1) of the Code of Criminal Procedure

In the judgment of the Supreme Court of 20 September 2023, Case No **7 Tz 71/2023,** published under No 13/2024 of the Collection, the opinion is expressed that if in the same case the accused pursuant to Section 75 of the Code of Criminal Procedure or the suspect pursuant to Section 76 of the Code of Criminal Procedure is repeatedly detained due to a substantial change of circumstances (e.g. in the event of the commission of another criminal offence), a new period of 48 hours within the meaning of Section 77(1) of the Code of Criminal Procedure begins to run at the moment of the new detention.

On the Termination of the Attempt to Commit the Criminal Offence of Murder Pursuant to Sections 21(1) and 140(1) of the Criminal Code and on the Fact that Its Criminality Is Not Extinguished within the Meaning of Section 21(3) of the Criminal Code

In the Supreme Court's resolution of 12 April 2023, Case No **7 Tdo 258/2023,** published under No 15/2024 of the Collection, the Supreme Court concluded that a terminated attempt of the criminal offence of Murder pursuant to Sections 21(1) and 140(1) of the Criminal Code is also committed by a perpetrator who abandons their assault against the injured party at the moment when the latter falls unconscious, which the perpetrator perceives as the injured party's death. Since the perpetrator perceives the offence to be completed, the abandonment of their further assault cannot be regarded as a voluntary abandon-

ment of the attempt within the meaning of Section 21(3) of the Criminal Code.

To the Moment of the Notification of the Resolution Imposing Institutional Protective Treatment

The resolution of the Supreme Court of 9 August 2023, Case No **7 Tdo 607/2023,** published under No 16/2024 of the Collection, states in the legal sentence that the resolution imposing institutional protective treatment is deemed to have been notified only after a copy of it has been delivered.

On the Status of the Insolvency Administrator Who Was Appointed in the Insolvency Proceedings Concerning the Bankruptcy of the Accused Legal Entity and on the Fact that the Insolvency Practitioner Is Not Entitled to File an Extraordinary Appeal on Its Behalf

The resolution of the Supreme Court of 15 November 2023, Case No **5 Tdo 1027/2023,** published under No 17/2024 of the Collection, deals with the question of the status of the insolvency practitioner who was appointed in the insolvency proceedings related to the bankruptcy of the accused legal person. As it follows from the legal sentence of this decision, the insolvency practitioner is not a person who may perform acts on behalf of the accused legal entity pursuant to Section 21(1) of the Code of Civil Procedure and Section 34(1) of the Act on Criminal Liability of Legal Entities, nor can they represent the accused legal entity as an agent pursuant to Section 34(2) of the Act on Criminal Liability of Legal Entities or as a guardian pursuant to Section 34 (5) of the Act on Criminal Liability of Legal Entities. Therefore, they cannot even choose a defence counsel for the accused legal entity (debtor) and thus initiate an extraordinary appeal on its behalf.

As to When It Is Serious Bodily Harm within the Meaning of Section 122(2) of the Criminal Code

In the Supreme Court's resolution of 26 April 2023, Case No **8 Tdo 254/2023,** published under No 21/2024 of the Collection, the Supreme Court stated that the conclusion that there is serious bodily harm within the meaning of Section 122(2) of the Criminal Code is not conditional on the fact that the serious health impairment or other serious illness corresponding to one of the alternatives listed under (a) to (h) would also need to last for more than six weeks. That period constitutes the additional alternative under (i), defining the disorder or illness as one whose severity is reflected in the length of time during which the injured party has been substantially restricted in their normal way of life.

On the Status of the Injured Party and the Determination of the Amount of Damages in Case of the Criminal Offence of Damage to the Financial Interests of the European Union Pursuant to Section 260 of the Criminal Code

The resolution of the Supreme Court of 19 April 2023, Case No **5 Tdo 225/2023,** published under No 23/2024 of the Collection, deals with issues relating to the criminal offence of Damage to the Financial In-

terests of the European Union pursuant to Section 260 of the Criminal Code. The first legal sentence of this decision expresses the view that even the Czech Republic may be an injured party when the criminal offence of Damage to the Financial Interests of the European Union under Section 260(1) of the Criminal Code is committed. According to the second legal sentence, the damage in the case of the criminal offence of Damage to the Financial Interests of the European Union pursuant to Section 260(3), (4)(c) or (5) of the Criminal Code is the entire amount of the subsidy granted, provided that, in view of the seriousness of the infringement of the subsidy rules, the subsidy should not have been granted at all or the provider could reasonably have demanded its full repayment. This also applies if the subsidy was used in principle for the declared purpose but not under the conditions laid down.

On the Interpretation of the Term "Abuse of the State of Distress" in the Criminal Offence of Usury under Section 218(1) of the Criminal Code

In the Supreme Court's resolution of 15 June 2023, Case No **6 Tdo 269/2023,** published under No 24/2024 of the Collection, a legal opinion was adopted that a state of distress within the meaning of Section 218(1) of the Criminal Code is established in the case of a shareholder of a general partnership which, in the course of its long-running business, has run into serious financial problems that threatened its functioning, and without the provision of a loan, which, despite its best efforts, it has not been able to obtain from standard entities engaged in the provision of credits and loans (both bank and non-bank), there was a real threat of non-payment of its debts, the closure of the business of the general partnership and the dismissal of its employees. If, in that situation, which the shareholder reasonably perceived as a very serious personal problem in view of the extent to which they were liable for the obligations of the general partnership with his own assets, he borrowed funds from the perpetrator on highly unfavourable terms, he acted under the pressure of those circumstances and not with an unrealistic investment intention.

On the Use of a Telephone Recording Made by the Prison Service of the Czech Republic as Evidence in Criminal Proceedings

According to the conclusion contained in the Supreme Court's resolution of 21 April 2022, Case No **11 Tdo 298/2022,** published under No 25/2024 of the Collection, the recording of a telephone call made by the Prison Service of the Czech Republic pursuant to Section 18(5) of the Act No 169/1999 Coll., on the Execution of Sentences of Imprisonment, as amended, may serve as evidence in criminal proceedings within the meaning of Section 89(2) of the Code of Criminal Procedure.

On Certain Questions Relating to Jurisdiction of a Court over a Matter Excluded from the Joint Proceedings

The resolution of the Supreme Court of 31 December 2023, Case No **7 Td 55/2023,** published under No 27/2024 of the Collection, expresses the opinion that the rule set out in the first sentence of Section 23(2) of the Code of Criminal Procedure, according to which the jurisdiction of a court which has excluded a case from joint proceedings is

not changed, applies only to exclusions made in proceedings before the court. Therefore, it cannot be applied to the exclusion of a case decided in pre-trial proceedings by the public prosecutor or the police authority to determine the court with local jurisdiction to hold the proceedings. Even in such a case, the local jurisdiction of the court must be determined in accordance with the criteria set out in Section 18 of the Code of Criminal Procedure.

On Complicity or Participation in the Criminal Offence of Conferring an Advantage in Public Procurement, Public Tender and Public Auction Pursuant to Section 256(1) of the Criminal Code

In the Supreme Court's resolution of 9 November 2022, Case No **5 Tdo 156/2022,** published under No 34/2024 of the Collection, it was concluded that in the event that the contracting entity of a public procurement and the recipient of a subsidy from the European Union budget entrusted the administration of this contract and the organisation of the tender procedure to an intermediary who did not ensure compliance with the rules of the tender procedure and selected a pre-arranged tenderer for the public contract, this tenderer may, subject to other conditions, commit the criminal offence of Negotiating Advantages During Public Procurement, Public Tender and Public Auction pursuant to Section 256(1) of the Criminal Code as an accomplice or participant. In such a case, their criminal liability for the criminal offence of Damage to the Financial Interests of the European Union pursuant to Section 260(1) of the Criminal Code will not normally be incurred.

On the Question of What Constitutes a False Document in the Criminal Offence of Damage to the Financial Interests of the European Union Pursuant to Section 260(1) of the Criminal Code

The resolution of the Supreme Court of 22 November 2023, Case No **5 Tdo 59/2022,** published under No 35/2024 of the Collection, deals with the question of what constitutes a false document in the criminal offence of Damage to the Financial Interests of the European Union pursuant to Section 260(1) of the Criminal Code, and states that such a document may be any document, the submission of which is required to obtain funds from the budget of the European Union or budgets administered by or on behalf of the European Union (e.g. an application for a subsidy, an application for a payment, an excerpt from the commercial register or the criminal records register, etc.), which does not correspond in its content to an objective reality. A false document may also be an objectively incorrect affidavit made by a person convinced of its truthfulness and acting as a so-called living instrument due to a factual error induced by the indirect perpetrator who used them to carry out his or her offence [Section 22(2) of the Criminal Code].

On the Criminal Liability of a Legal Entity Even If No Specific Natural Person Who Has Neglected Their Duties Has Been Identified

In the Supreme Court's resolution of 26 September 2023, Case No **6 Tdo 472/2023,** published under No 31/2024 of the Collection, the Supreme Court concluded that the conduct of a natural person, even if not specifically identified [Section 8(3) of the Act on Criminal Liability of Le-

gal Entities], may be attributed to a legal entity within the meaning of Section 8(2)(a) or (b) of the Act on Criminal Liability of Legal Entities, if it has been established that a criminally significant consequence has resulted from the omission (Section 112 of the Criminal Code) of a person in a leading position within the legal entity who performs management or control activities for the legal entity [Section 8(1)(b) of the Act on Criminal Liability of Legal Entities] or of an employee of the legal entity [Section 8(1)(d) of the Act on Criminal Liability of Legal Entities]. If the natural person had relevant information about a very real danger (for example, a tree falling on the roadway in the administration of the legal entity) and at the same time had a duty to prevent such danger, and failed to fulfil this duty, so that a person was killed as a result of the tree falling on the roadway, the legal entity may be held guilty of such culpable omission of the natural person and found guilty of the criminal offence of Negligent Manslaughter under Section 143(1) of the Criminal Code, applying Section 7 of the Act on Criminal Liability of Legal Entities.

On the Relevance of Objections Raised After the Expiry of the Period for Filing an Extraordinary Appeal

The resolution of the Supreme Court of 24 July 2024, Case No **4 Tdo 555/2024,** published under No 40/2024 of the Collection, concerns the assessment of extraordinary appeal objections raised subsequently by the accused (in the so-called reply to the statement of the prosecutor of the Prosecutor General's Office on the accused's extraordinary appeal). The Supreme Court notes here that an amendment to the grounds of extraordinary appeal within the meaning of Section 265f(2) of the Code of Criminal Procedure, which is inadmissible after the expiry of period for filing an extraordinary appeal, is not only an introduction of a further ground of extraordinary appeal, but also an addition to the extraordinary appeal argumentation in the sense of raising other, additional objections, albeit substantively subordinate to the ground of extraordinary appeal raised within the statutory time limit.

On the Assessment of the Long-Term Continuous Conduct of the Perpetrator and the Culpability of Gross Negligence in the Criminal Offence of Violation of Fiduciary Duties out of Negligence pursuant to Section 221(1) of the Criminal Code

In the Supreme Court's resolution of 29 November 2023, Case No **5 Tdo 903/2023,** published under No 37/2024 of the Collection, the case of an accused who, as the director of an organisational unit of a State organisation (the injured party), signed forms entitled "Cash purchase" for a prolonged period of time, thereby confirming the legitimacy of cash purchases made by two subordinate employees who had already been convicted, without verifying the individual expenditures, relying on the assertion that he had correctly given his approval for all expenditures to be used for the benefit of the injured party, whereupon the two subordinate employees successively presented receipts, tax documents and gift certificates for reimbursement at the injured party's seat without the funds actually being used for the injured party's operations. In the first legal sentence of its decision, the Supreme Court concluded that the accused's conduct could not be regarded as a continuous criminal offence, as it constituted an uninterrupted act in terms of substantive

and procedural criminal law. Provided other conditions are met, such conduct may also be punishable as a criminal offence committed out of negligence, e.g. as a Violation of Fiduciary Duties out of Negligence pursuant to Section 221(1) of the Criminal Code. In the second legal sentence it is then stated, in connection with the above, that an approach to the requirement of due care indicating a clear disregard for the interests protected by the criminal law within the meaning of Section 16(2) of the Criminal Code may also be the uncritical trust of the perpetrator, who has a duty to look after or manage the employer's property, in subordinate employees, coupled with a resignation to supervise their work activities.

On the Use of Criminal Intelligence Means and the Interpretation of the Term "Serious Harm" in the Criminal Offence of Abuse of Competence of a Public Official Pursuant to Section 329(1) of the Criminal Code

The resolution of the Supreme Court of 28 May 2024, Case No **7 Tdo 380/2024,** was published under No 42/2024 of the Collection with two legal sentences. The first addresses the procedural issue of the use of criminal intelligence means. In this case, it concerned a so-called spatial interception in a prison, which had been authorised in another criminal case concerning the area of the prison guards' office. This interception also captured the prison guards' conduct towards a prisoner in other adjacent rooms (corridor and cell). The Supreme Court did not accept the objection of one of the accused guards alleging the illegality of this interception and stated in the first legal sentence that recordings made during the surveillance of persons and things authorised under Section 158d(2) and (3) of the Code of Criminal Procedure for a certain area may be lawful evidence even if they capture sounds or events taking place in another (adjacent) area to which the authorisation did not formally apply. However, it is necessary to assess whether the taking of the recordings did not circumvent the provisions of Section 158d(2) and (3) of the Code of Criminal Procedure on the authorisation of surveillance. The second legal sentence of the decision deals with the interpretation of the concept of "serious harm" in the criminal offence of Abuse of Competence of a Public Official pursuant to Section 329(1) of the Criminal Code and states that it refers to such harm which is characterised by a higher intensity (severity) of the interference with the non-material sphere of the injured party. It cannot, therefore, be merely a negligible and transitory effect on the injured party or the creation of a temporary subjective discomfort. If the interference is of sufficient intensity, such harm may be, for example, harm to health, moral harm, harm to family life, harm to employment, deterioration in the injured party's position in society, reduction in the chances of promotion, harm connected with the initiation of criminal proceedings against the injured party, deterioration in the procedural position in the proceedings, etc.

2. 4. 4. 4. Other Selected Decisions of the Panels of the Criminal Division of the Supreme Court

In 2024, the Panels of the Criminal Division of the Supreme Court also issued some other important decisions that have not yet been published in the Collection or have not yet been approved for publication. Of these, the following can be highlighted.

On Representation by a Guardian in an Act Pursuant to Section 163(1) of the Code of Criminal Procedure for an Injured Party over 15 Years of Age and under 18 Years of Age

The resolution of the Supreme Court of 26 March 2024, Case No **11 Tdo 8/2024,** addresses the issue of consent to prosecution under Section 163(1) of the Code of Criminal Procedure in the case of an injured party who is over the age of 15 but under the age of 18 and is the accused's own child. The competent Panel of the Supreme Court held that such an injured party must be represented by a guardian [Section 45(1) of the Code of Criminal Procedure] when giving consent to prosecution under Section 163(1) of the Code of Criminal Procedure, whose acts are not, however, subject to the approval of a court dealing with the matters of guardianship.

On the Interpretation of the Element of Committing the Criminal Offence of Intentional Bodily Harm under Section 146(1) of the Criminal Code on a Pregnant Woman

The resolution of the Supreme Court of 17 May 2023, Case No **8 Tdo 391/2023,** interprets the qualifying element of the criminal offence of Intentional Bodily Harm pursuant to Section 146(1) of the Criminal Code consisting in its "perpetration on a pregnant woman" pursuant to Section 146(2)(a) of the Criminal Code. The Supreme Court concluded that in order to fulfil this qualifying element, it is not necessary for the perpetrator to attack the fetus, nor that the pregnancy of the injured woman is the reason for their attack.

On the Interpretation of the Term "Gross Obstruction of the Performance of the Duties of an Insolvency Administrator" within the Meaning of Section 225 of the Criminal Code

The resolution of the Supreme Court of 21 August 2024, Case No **5 Tdo 551/2024,** focuses on the interpretation of the concept of "gross obstruction of the performance of the duties of an insolvency administrator" in the criminal offence of Breach of Duty in Insolvency Proceedings under Section 225 of the Criminal Code and concludes in the legal sentence that such gross obstruction includes an act causing the need for substantially increased activity or extraordinary efforts than those normally carried out by the insolvency administrator in the performance of their duties. It further states that the normal duties of an insolvency administrator include, *inter alia,* the filing of a petition with the insolvency court for a decision ordering an interim measure concerning the further disposal of immovable property by a certain person.

On the Service of a Judgment on an Accused Legal Person and on the Commission of the Criminal Offence of Unauthorised Entrepreneurship under Section 251(1) of the Criminal Code in the Case of the Provision of Legal Services

The resolution of the Supreme Court of 30 May 2024, Case No **5 Tdo 409/2024,** contains two legal sentences, one procedural and one substantive. The first sentence deals with the issue of service of a judgment on an accused legal person and states that, pursuant to Section 34(8) of the Act on Criminal Liability of Legal Entities and Section 130(2)

of the Code of Criminal Procedure, the judgment shall be served both on the accused legal person and on its guardian, if one has been appointed. Service on a guardian is sufficient if the accused legal person is non-functional, has no statutory body or employees and no one acts on its behalf. The second legal sentence states that the criminal offence of Unauthorised Entrepreneurship under Section 251(1) of the Criminal Code is also committed by a perpetrator who, contrary to the provision of Section 2(2)(b) of Act No 85/1996 Coll., on Attorneys, as amended, provides legal services as an employee of a cooperative not only to the cooperative but also to its members, in particular, if the cooperative was established with the aim of the perpetrator, as an employee, providing such services to its members.

On the Interpretation of the Term "Unauthorised Use of Funds" in the Criminal Offence of Damage to the Financial Interests of the European Union Pursuant to Section 260(2) of the Criminal Code

Another interesting decision in the field of economic crime is the resolution of the Supreme Court of 30 October 2024, Case No **5 Tdo 766/2024**. In this resolution, it was concluded that the unauthorised use of funds in the criminal offence of Damage to the Financial Interests of the European Union within the meaning of Section 260(2) of the Criminal Code includes the perpetrator's conduct which resulted either in expenditure from one of the European budgets for a purpose for which it was not intended or in the property purchased from the European budget being used in a different way than intended. Such a situation may also arise in a case in which it is not established for what purpose the funds were used, if it is clear that they were not used for the intended purpose, or in a case in which the funds (or the property purchased with them) were not used for any purpose (they were not used at all). Unauthorised use may also include conduct where the perpetrator first proceeded in accordance with the intended purpose, e.g. reconstruction of real estate, acquisition of movable property, etc., but then used them contrary to the intended purpose, even if the use was of general benefit or did not directly bring the perpetrator a direct material benefit; however, the court may take such circumstances into account when imposing a sentence on the perpetrator. The same conclusions apply to the interpretation of the term "use of funds for other than the intended purpose" in the case of the criminal offence of Subsidy Fraud within the meaning of Section 212(2) of the Criminal Code.

On the Commission of the Criminal Offence of Bribery under Section 332(1), (2) of the Criminal Code by Offering Certain Advantageous Positions in Return for Renouncing the Mandate of a Deputy of the Parliament of the Czech Republic

Also interesting is the resolution of the Supreme Court of 3 September 2024, Case No **8 Tdo 336/2024,** in which an extraordinary appeal of two accused persons against a resolution of a court of appeal rejecting as unfounded an appeal of both accused persons against a convicting judgment of a court of first instance was dismissed. In that judgment, both accused persons were found guilty of the criminal offence of Bribery pursuant to Section 332(1) alinea (1), (2)(b) of the Criminal Code, committed in complicity pursuant to Section 23 of the Criminal

Code. They committed this criminal offence by, in an unknown period of time, at least from 18 September 2012 to 6 November 2012 in Prague and Brno, at a total of nine different locations, the first accused, as the Prime Minister of the Czech Republic, in cooperation and in common intention with the second accused and another co-accused, promising a bribe to three persons, deputies of the Chamber of Deputies of the Parliament of the Czech Republic, conducting, through the co-accused persons, secret and conspiratorial negotiations with one of the deputies representing the other two, with possible participation of other persons, and on the basis of these negotiations, which did not have the nature of political agreements, but aimed at securing unjustified personal benefit for the three deputies, an agreement was reached by 6 November 2012. According to that agreement, the first accused, through the co-accused persons, promised the three deputies who had accepted such a promise an unjustified personal advantage consisting in the fact that they themselves or persons designated by them would obtain membership in the bodies – the board of directors or the supervisory board – and possibly also in the management of the commercial companies, in which the Czech Republic is the majority shareholder, or in State bodies, even though they were not legally entitled to obtain these positions and, without the aforementioned actions and promise of the Prime Minister, they or persons designated by them might not have obtained them. The abovementioned negotiations were conducted, and the abovementioned promise was made and accepted in the context of a discussion of the government's draft bill on amendments to tax, insurance and other laws prepared for the purpose of reducing public budget deficits, which was submitted by the government to the Chamber of Deputies on 6 September 2012 and circulated to the deputies on the same day as Document No 801/0, to which the government attached a request for a vote of confidence. These negotiations then resulted in:

- on 20 December 2012, one of the deputies was elected a member of the supervisory board of a commercial company – joint stock company and subsequently, on 31 January 2013, its chairman,

- on 11 January 2013, the second deputy was elected as a member of the board of directors of another commercial company, also a joint stock company, and on 11 January 2013, he became the vice-chairman of the board of directors of that company, and on 11 January 2013, he became the chief strategy and development manager of that company; and

- on 25 January 2013, with effect from 26 January 2013, another person, as a person designated by the third deputy, was elected as a member of the supervisory board of another commercial company, also a joint stock company, and on 14 March 2013 as chairman of the supervisory board of that company, while the third deputy was not elected or appointed to any position, as the first accused and those acting on his behalf feared that this would cause a negative reaction from the public, the mass media and possibly political parties.

In his extraordinary appeal, the first accused argued that the charges have been brought by an incompetent prosecutor, that the equality of parties in the criminal proceedings and the rights of defence had been violated, in particular the right to propose and conduct evidence

in favour of the accused. He also criticised the incompleteness of the findings of fact, their internal inconsistency, the assessment of evidence contrary to Section 2(6) of the Code of Criminal Procedure, the inconsistency between the grounds for the judgment and the operative part of the judgment, the lack of reasoning as to what evidence the court relied on in reaching its factual conclusion and what considerations it followed when assessing the evidence, as well as the incorrect legal qualification of the offence, the application of the wrong law and the incorrect legal assessment. The second accused argued that the contested decision incorrectly assessed the nature of the offer of work to the former deputies as a bribe within the meaning of Section 334(1) of the Criminal Code, since the offer of work could not be interpreted in the light of all the facts as an unjustified advantage to which the deputies were not entitled. He considered that the courts had overlooked in their reasoning the crucial circumstances, namely the sphere of social relations in which the offer of work was made, since the first accused was merely exercising State power and enforcing the political will of the coalition, and the allocation of positions in legal entities with State participation was a legitimate means of exercising executive power. He also raised other objections. The Supreme Court has carefully examined all of the accused persons' objections and found that they were manifestly unfounded. The lower courts decided on the basis of properly established facts, correctly assessed the law and gave proper reasoning for their decisions. The Supreme Court also found that the offer of the aforementioned posts in exchange for the renouncing of the mandate of a deputy constituted an offer of a bribe in connection with the procurement of matters of general interest.

On the Criminal Offence of Speculation under Section 134a of the Act No 86/1950 Coll., Criminal Code, as in Effect until 31 December 1961, and the Fact That It Was Not Committed by Those Who Sold Large Quantities of the So-Called Protectorate Postage Stamps

Lastly, it is also interesting to note the judgment of the Supreme Court of 27 November 2024, Case No **4 Tz 59/2024,** in which the Supreme Court, on the basis of a complaint on the violation of the law lodged by the Minister of Justice in favour of the accused, ruled that the decisions of the lower courts (the judgment of the court of first instance and the resolution of the court of appeal), which were issued in 1962, had violated the law to the detriment of the accused, annulled both of these decisions in relation to the accused and ordered the court of first instance to rehear the case to the extent necessary and decide. The court of first instance found the accused, who died in 1976, guilty of the criminal offence of Speculation under Section 134a of the Act No 86/1950 Coll., Criminal Code, as in effect until 31 December 1961. He was to commit the criminal offence by storing 1,031 series of postage stamps from the period of the former Protectorate in his flat in Prague and in the deposit box of the then State Savings Bank between at least 1 January 1957 and 1961, with the intention of selling them later for a profit. Of these stamps, he sold 200 series at CSK 50 per series, i.e. for a total of CSK 10,000, to another person – a co-accused. He also lent 200 series to another person in 1959, and the rest of the 631 series, worth CSK 31 500, was found in his safety deposit box. For this criminal offence, the accused was sentenced under Section 134a of the Act No 86/1950 Coll., Criminal Code, as in effect until 31 December 1961, to

imprisonment of 2 and a half years. Under the same Criminal Code, the accused was also sentenced to forfeiture of all his assets to the State. In the reasoning for its decision, the Supreme Court first stated that, pursuant to Section 275(1) of the Code of Criminal Procedure, if the law has been violated to the detriment of the accused, his death does not prevent the proceedings from being conducted on the basis of a complaint on the violation of the law; prosecution cannot be discontinued because the accused has died. This is a special provision to Section 11(1)(e) of the Code of Criminal Procedure. If the law had been violated to the detriment of the accused, further proceedings may be conducted despite the death of the accused. Furthermore, the Supreme Court dealt thoroughly with the applicant's arguments, in the reasoning of its decision it carried out a very detailed analysis of the criminal offence of Endangering Supply pursuant to Section 134 of the Act No 86/1950 Coll., Criminal Code, subsequently replaced by the criminal offence of Speculation pursuant to Section 134a of the same law, using the available contemporary expert literature and case law and taking into account the economic and general situation in society at the time, and then confronted this analysis with the conduct of the accused. In doing so, the Supreme Court concluded that the complaint on the violation of the law was well-founded, although it did not agree with some of the applicant's objections and arguments, in particular, that the so-called "protectorate stamps" in question could not be classified under the term "articles of necessity". However, the facts of the case were not sufficiently established in the original proceedings, as required by Section 2(5) of the Code of Criminal Procedure in effect until 31 July 1965. In order to assess the criminality of the accused's conduct, it was necessary to prove the amount of the profit obtained or intended, but it is clear from the decisions of both the court of first instance and the court of appeal that they did not deal at all with the accused's possible profit or his profit-seeking motive. In other words, the courts did not address whether it was possible to identify an unjustified profit in the sale of one series of stamps for the sum of CSK 50, taking into account the interval since the time of purchase, and whether this profit reached such a level that it would be possible to speak of the commission of a criminal offence in relation to the social harmfulness, or whether it was merely a sale to cover the current financial distress, as the accused argued in his appeal.

2. 5. Adjudication of the Special Panel on Conflicts of Jurisdiction

The Special Panel, established under the Act No 131/2002 Coll., on Adjudicating Certain Conflicts of Jurisdiction, as amended, is composed of three Supreme Court judges and three Supreme Administrative Court judges. The Presidents of the Supreme Court and the Supreme Administrative Court appoint six members and six substitutes for a three-year term. The President of the Special Panel changes in the middle of the three-year term. The first half of the term is presided by a judge of the Supreme Administrative Court and the second half by a judge of the Supreme Court. The first session of the Special Panel is convened and chaired by the most senior member of the Special Panel.

The Special Panel sits and decides at the seat of the Supreme Administrative Court in Brno.

The Special Panel rules on certain conflicts between courts and executive bodies, territorial, interest or professional self-governments, and on conflicts between civil courts and administrative courts, concerning competence or subject-matter jurisdiction to issue decisions. The Special Panel determines which party to the dispute has jurisdiction to deliver a decision.

Although the Special Panel is neither part of the Supreme Court nor the Supreme Administrative Court, it may annul the decisions of both courts if they are parties to a jurisdictional dispute.

No remedies are admissible against the Special Panel's decisions. Its decisions are final and binding on the parties to the jurisdictional dispute, the parties to the proceedings, as well as on all executive bodies, local self-government bodies and courts.

	Newly received cases	Decided in a given year	Percentage of that year's newly received cases	Pending as of 31 December
2023	18	21	117 %	9
2024	13	16	123 %	6
2003 – 2024	1,355			

Statistics of the Special Panel for the last two years

In 2024, the members of the Special Panel, established in accordance with the Act No 131/2002 Coll., were Supreme Court Judges Vít Bičák, Roman Fiala, and Pavel Simon. The substitutes appointed for the Supreme Court were judges Radek Doležel, David Havlík, and Petr Škvain.

Radovan Havelec who has presided over the Special Panel since 1 January 2024, Tomáš Rychlý, and Jitka Zavřelová were appointed for the Supreme Administrative Court. The substitutes appointed for the Supreme Administrative Court were Filip Dienstbier, Ondřej Mrákota, and Karel Šimka.

2. 6. Awards for Supreme Court Judges

A new tradition, which was being prepared during the year 2023, is the presentation of an award, in the form of a statuette made of Czech glass, to retiring judges for their long-term service not only at the Supreme Court. In most cases, Supreme Court judges retire upon reaching the statutory limit of 70 years of age. At the end of 2024, the tenure of the judge František Hrabec ended and he was awarded, by the President of the Supreme Court, a statuette representing scales as a symbol of justice.

At the XXXI International Conference Karlovy Vary Law Days, held from 13 to 15 June 2024 in Karlovy Vary, the award "Pocta judikátu" was presented to the judgment of the Grand Panel of the Criminal Division of the Supreme Court of 21 June 2023, Case No 15 Tz 9/2023, which was published under No 31/2023 of the Collection.

2. 7. Additional Activities of the Supreme Court Judges

Apart from the decision-making and unification activities of the Supreme Court, its judges were also substantially engaged in other professional activities in 2024. These included, in particular, legislative, educational and publishing activities, participation in professional conferences and foreign internships.

2. 7. 1. Legislative Activities

Pursuant to the Legislative Rules of the Government, the judges of the Supreme Court actively participated in commenting on draft laws. For a long time, drafts of new legislation regulating the activities of the Supreme Court or affecting matters falling within its competence are sent to them as part of the interdepartmental comment procedure.

The Supreme Court's expert comments are often taken up by others and serve as a basis for expert discussion in the further consideration of legislation. The importance of the comments made and their subsequent settlement in the legislative bodies demonstrates the importance of the participation of judicial institutions in the legislative process, as they can provide invaluable experience in the daily application of the law, where they can also predict possible application problems that the proposed legislation entails.

2. 7. 2. Educational Activities of Judges and Their Participation in Professional Examinations

In accordance with the Act on Courts and Judges, the judges of the Supreme Court contribute to the professional training and education of judges, prosecutors, judicial candidates, and other judiciary staff as part of the programmes organised mainly by the Judicial Academy of the Czech Republic, the Ministry of Justice, courts and prosecutors' offices. Furthermore, Supreme Court judges also participate in the professional training of lawyers and articled clerks organised by the Czech Bar Association. Some of the judges also hold visiting teaching posts at the Judicial Academy of the Slovak Republic.

Some of the judges are also involved in teaching law students at universities or other higher education institutions, either as internal or visiting lecturers. They are also members of the scientific boards of university faculties or universities themselves. Other than that, the judges of the Supreme Court also participate in professional legal examinations, in particular professional judicial and bar examinations.

2. 7. 3. Publishing Activities

Supreme Court judges have also participated in publishing activities, particularly by drafting articles in journals or conference proceedings, commentaries, textbooks, and some serve as members of editorial boards of professional journals. Publishing houses or periodicals themselves often approach Supreme Court judges with requests for contributions.

2. 8. Administrative Staff in the Administration of Justice Section

The internal organisation of the Administration of Justice Section is centred around judicial departments ("Panels"), which are constituted in accordance with the applicable Work Schedule. The administrative and other clerical work for one or more judicial departments or Panels is carried out by the Court Offices, which consist of a Head of the Court Office and three or four stenographers. In the Court Offices of the Criminal Division of the Supreme Court, in addition to the stenographers, there are mainly clerks of the Court Office.

Stenographers and clerks of the Court Office perform professional, qualified, responsible and demanding administrative activities that require active knowledge of various information systems.

Many of the activities of the stenographers and clerks of the Court Office are carried out independently in accordance with the applicable legislation and the internal rules of the Supreme Court, or as instructed by judges, judicial assistants, or the Head of the Court Office. Part of their daily activities is the administrative processing of all court agenda, including the compilation of documents into often very lengthy files.

At the Criminal Division of the Supreme Court, the clerks of the Court Office organise and subsequently draw up protocols both of videoconferences, through which, for example, the interrogation of the defendant takes place, and of public hearings.

The Head of the Court Office organises, directs, and supervises the work of the administrative staff and ensures the smooth operation of the Court Office for the individual judicial departments (Panels) and their judges and judicial assistants. They are fully responsible for the proper maintenance of the court registers and court files. Part of their daily work is also the announcement of decisions by posting a written copy of the full judgment or a shortened version thereof with supporting reasoning on the official notice board and the electronic notice board of the Supreme Court.

The supervisory clerk is responsible for the operation of all the judicial offices of the Division, which they organise, manage, and continuously monitor. The supervisory clerk prepares statistics on the performance of the Division, drafts guidelines for administrative staff, judges, and judicial assistants, cooperates with other sections of the Court, such as the Public Relations Department, for which they prepare documents needed to process requests pursuant to the Act No 106/1999 Coll., on Free Access to Information, as amended (hereinafter referred to as the "Information Act"), etc.

The supervisory clerk is also involved in the implementation of new applications at the Supreme Court that should facilitate and streamline make the work of the administrative staff of the judicial offices more effective.

Administrative Staff of the Civil and Commercial Division	
Supervisory Clerk	1
Head of the Court Office	4
Stenographer	12
Secretary of the Division	1
Referendary of the Department of the Collection of Decisions and Opinions	1
Total	19

Administrative Staff of the Criminal Division	
Supervisory clerk	1
Head of the Court Office	3
Clerk of the Court Office	8
Stenographer	1
Secretary of the Division	1
Referendary of the Department of the Collection of Decisions and Opinions	1
Total	15

2. 9. Court Agenda Section

The Court Agenda Section is a separate section, although it is structurally integrated into the Administration of Justice Section, and the Head of the Court Agenda Section is directly subordinate to the President of the Court. The employees of the Court Agenda Section must be very knowledgeable about the Supreme Court's agendas and structure, and their activities cannot be carried out without active knowledge of all court registers.

Staff of the Court Agenda Section	
Head of the Court Agenda Section	1
Head of the Records and Registry Department	1
Staff of the Records	4
Registry and Duplicating Staff	2
Registry Archives Clerk	1
Applications Administrator	1
Total	10

The Head of the Court Agenda Section directs and supervises the staff of the Records and Registry Department, the registry archives clerk and the applications administrator. They also, as mandated by the Presi-

dent of the Court, manage and supervise the supervisory clerks who ensure the operation of the Court Offices, carry out professional supervision, and comprehensively coordinate and monitor the filing service and the pre-archival care of the Supreme Court's files and documents in all sections and departments of the Court in accordance with the Act No 499/2004 Coll., on Archiving and Filing Services and on Amendments to Certain Acts, as amended (hereinafter referred to as the "Archives Act"), and the Supreme Court's Office and File Rules. They also implement projects concerning the development of the digitalisation of the judiciary at the Supreme Court, carry out system analyses of user requests for the development of information systems (not only) of the Supreme Court, for example, they initiated the creation of a new module "Registry Archives for Court Information Systems" and are currently actively involved in its implementation. They ensure and coordinate cooperation related to the administration and development of information systems used at the Supreme Court, both within the Supreme Court and with State administration bodies in the field of justice and contractors involved in the technical implementation of the administration and development of these information systems.

Part of the Court Agenda Section is the Records and Registry Department, which is divided into the Records, Registry and Duplicating, and Registry Archives. The Records and Registry Department is managed, monitored and supervised by the Head of the Records and Registry Department, who is responsible for the proper operation of the Department.

The Records staff receives and processes all electronic filings received by the Supreme Court and records all filings and files received by the Supreme Court in paper and electronic form in the Supreme Court Information System (ISNS), in accordance with the rules set out in the Work Schedule and the Office and File Rules of the Supreme Court. In 2024, the Records staff processed 16,294 data messages received by the Supreme Court's electronic registry and recorded 9,520 new filings and files in the respective registers.

The Registry and Duplicating staff ensures the initial registration of all documentary consignments and files delivered to the Supreme Court, the delivery service of all documents and files sent from the Supreme Court, the recording and sale of fee stamps to the parties to proceedings and, if necessary, the duplicating (printing of copies) of documents for the Supreme Court staff. In 2024, the Registry and Duplicating staff processed and entered into the Supreme Court Information System (ISNS) 7,850 documentary filings delivered to the Supreme Court and delivered (dispatched from the Supreme Court) 8,680 documentary consignments and files up to 2 kg and 3,892 over 2 kg (parcels).

The Registry Archives Clerk ensures the professional management of files and documents (pre-archival care) stored in the Supreme Court Registry Archives and, in accordance with the Archives Act and the Office and File Rules of the Supreme Court, prepares and conducts shredding procedures, including the transfer of selected archival materials to the National Archives and the disposal of files and documents that have not been selected as archival materials by the National Archives.

The Registry Archives Clerk keeps a record of the files and documents deposited in the Supreme Court Registry Archives, and in 2024 received and registered 16,078 files and documents of the court administration, which are stored in 649 archive boxes or binders in the Registry Archives.

The seamless functioning of the Supreme Court applications (ISNS, ISIR, IRES) is ensured by the applications administrator. Their activities further include, for example, the training and provision of guidance to the users of the applications, as well as setting access permissions to the applications for individual users in accordance with the Office and File Rules of the Supreme Court. The applications administrator also participates in the implementation of projects relating to the digitalisation of the judiciary.

3. HANDLING OF COMPLAINTS UNDER THE ACT ON COURTS AND JUDGES

Pursuant to the Act on Courts and Judges, natural and legal persons may file complaints with bodies responsible for the State administration of courts about delays in proceedings, the misconduct of court personnel or impairment of the dignity of court proceedings.

In 2024, a total of two complaints were filed with the Supreme Court concerning delays in proceedings before the Supreme Court, and both of them were found to be substantiated. However, the President of the Supreme Court, in his replies to the applicants, pointed out that the longer time taken to deal with the case was caused both by the complexity of the legal issues involved and by the greater workload of the judicial departments concerned. In view of the fact that a decision could be expected shortly, no further action was taken.

Similar to previous years, the Supreme Court again made every effort to meet all the conditions of a fair trial, including the duration thereof.

	Justified	Partially justified	Unfounded
Delays in proceedings	2	0	0
Misconduct of court personnel	0	0	0
Impairment of the dignity of proceedings	0	0	0

Handling of complaints under the Act on Courts and Judges

4. DEPARTMENT OF DOCUMENTATION AND ANALYTICS OF CZECH CASE LAW

Since its foundation on 1 October 2011, the Department of Documentation and Analytics of Czech Case Law (the "Documentation Department") has steadily contributed to the Supreme Court due to the expert work it produces. In terms of its activities, the Documentation Department's name is self-explanatory: it specialises in legal expert analysis focusing primarily on case law and records thereof, specifically in cases falling within the jurisdiction of Czech courts in civil and criminal proceedings.

It carries out extensive background research into case law related to a specific legal issue, evaluates its applicability to the case at hand, and formulates partial conclusions that subsequently serve as a basis for the work of the Records Panels and meetings of both Divisions. Building on the results of the Divisions' meetings, it then draws up short annotations on selected decisions, which are used to acquaint the reader briefly with the issue covered by each of those decisions. This makes it easier to navigate the large number of decisions. The annotations are periodically published on the Supreme Court's website.

In 2024, the Documentation Department continued to process individual decisions provided by lower courts concerning adhesion procedure and claims for compensation for non-material harm in criminal proceedings. Its analysis maps the decision-making practice, both in civil and criminal cases, of the Supreme Court and the Constitutional Court, which formulate fundamental conclusions for adhesion procedure and the assessment of claims for compensation for non-material harm.

On request, the Documentation Department processes underlying documentation for the Supreme Court's comments on newly emerging legislation, or amendments thereto, provides assistance to individual judges and judicial assistants and supports other departments of the Supreme Court.

In 2018, the Documentation Department entered cooperation with the Transport Research Centre on the development of the DATANU project, the primary objective of which was to map out the current decision-making practices of lower courts in cases where there are claims for compensation for non-material harm to health or claims seeking bereavement compensation. The project's secondary objective was to create a software database of court decisions classified by defined criteria, so that specific compensation for non-material damage that had already been granted can be looked up on the basis of input parameters. The Documentation Department's work has contributed to the devel-

opment of the database's content by providing the Transport Research Centre with extensive feedback on its functionality and also by professionally processing materials provided by the courts. In 2024, the Documentation Department continued its work, focusing on the expansion of information contained in the database. DATANU project outputs are publicly available online at www.datanu.cz. The database now contains 2,000 court decisions; decisions newly provided to the Supreme Court are being processed on an ongoing basis.

The increase in the Supreme Court's caseload is inseparably linked to a heavier administrative burden. Led by the idea of a modern and efficient institution, the Documentation Department undertook a complete revision of the Register of Constitutional Complaints (SUS) and, in cooperation with IT experts, devised an automated system that generates relevant data (previously entered manually) on constitutional complaints that have been filed. This allows end users of the Supreme Court's internal systems to automatically access decisions published by the Constitutional Court. This system means that the Supreme Court's administrative burden in this area of the Documentation Department's work can be reduced. It minimizes the possibility of errors in the large amount of processed data and simplifies the orientation in the decisions linked to each other. The data obtained is then made available on the Supreme Court's website for each of its published decisions.

In a similar manner, the Documentation Department has dealt with the assignment of the pseudonymisation agenda of the Supreme Court's decisions since September 2023. This step has led to a significant reduction in the employees involved in pseudonymisation. Thanks to the active cooperation of selected employees of the Documentation Department with external contractors, during 2024 the work on the project of the Ministry of Justice on the creation of a software tool that partially automates the pseudonymisation of decisions was finalised and thus should help simplify and improve the efficiency of work.

As in previous years, in 2024 the Documentation Department prepared a number of different specialised analyses and also prepared research on Czech legislation and application practice on the basis of inquiries from foreign courts, e.g. from Austria or Germany.

In January 2020, a request was addressed to the Supreme Court, on the basis of which the Documentation Department proceeded to continuously monitor and compile register of newly issued decisions of the Supreme Court concerning family law regulation. The Documentation Department continues to monitor the Supreme Court's decision-making activity relating to family law regulation to fulfil the intended purpose articulated in the request.

The Documentation Department not only provides professional legal support, but it also works hard to develop the technical facilities of the Court. For example, it ensures the development and updating of systems used by the Court, it carries out ongoing individual user training of court employees, including in the ASPI and Beck-online legal systems, in order to ensure and maintain the professional level of technical skills of their users.

Also in 2024, as part of the ECLI (European Case Law Identifier) project, the Documentation Department continuously assigned the ECLI identifier to decisions of the Supreme Court, the Constitutional Court and selected high and regional courts. In the course of 2024, the Supreme Administrative Court was added to the above list of courts at which the ECLI implementation process was technically completed. At present, the decisions of all three Czech superior courts, i.e. the Supreme Court, the Supreme Administrative Court and the Constitutional Court, are provided with a uniform ECLI identifier. All indexed decisions are also available to the public online via the ECLI search engine on the e-justice portal, which currently contains 339,000 court decisions from the Czech Republic.

4. 1. Department of the Collection of Decisions and Opinions

In March 2021, the Department of the Collection was established to take over and continue processing the agenda related to the publication of the Collection. However, the essential task for the Department was to oversee the project of the digitalisation of the Collection, i.e. its financing, creation of technical and legal documentation, participation in the development of the Collection application with an external supplier, the Ministry of Justice and other IT experts. The same applies to the periodical Selection of the Decisions of the European Court of Human Rights for Judicial Practice.

Through this project, the Supreme Court is following the current trends of digitisation and tries to ensure easier access to its fundamental decisions, better familiarity of the professional public with the decisions included in the Collection and, finally, its easier, more economical, greener and faster publication.

The successful implementation of the project is evident from the increasing number of experts and professionals interested in obtaining information through electronic communication, but also from the number of regular visitors to the site, which already numbers in the thousands. Representatives of the Department also conducted several initial training sessions focused on the use of the newly created system and presenting the ways of working with the published data.

The Department's aim was to create the easiest and most comfortable environment for visitors to work with the Collection. The reasoning of each decision is thus hyperlinked, the decisions are available for download in several formats (including editable PDF), etc. The database of decisions published in the Collection is gradually being expanded to include both new and older decisions that have not yet been published in this way. The reason for this is the growing demand from the professional public for their availability in digital form. Due to the growing interest, the Department has expanded the website to include the option of subscribing to a newsletter sent to interested parties when a new volume of the Collection is published.

At the turn of 2023 and 2024, the Department of the Collection arranged for the printing and binding of the books of the Colletion, which represent a collection of all the volumes for 2022. Several copies of this comprehensive edition are available in the Supreme Court Library. In view of the positive response, during 2024, the staff of the Department compiled the basis for the next comprehensive edition of the Collection, for the year 2023, which is scheduled to be printed and bound in early 2025.

The Department of the Collection works closely with the Documentation Department to implement its agenda, in which it is fully involved.

5. NATIONAL AND FOREIGN RELATIONS

5. 1. Activities of the Department of Analytics and Comparative Law

As in previous years, the Department of Analytics and Comparative Law of the Supreme Court focused primarily on analytical and research activities in 2024, as far as European and comparative law is concerned, for practical use not only by the Supreme Court, but also by the lower courts in the Czech Republic and their judges.

The Department's activities included the creation of analyses in the area of the decision-making practice of the Court of Justice of the European Union, European Court of Human Rights, European Union legislation and comparison of legislation or case law in other countries, especially EU Member States.

The Department continued to carry out irreplaceable parts of its activities in the past year – it maintained regular contact with foreign courts, as well as with other bodies and international organisations, which it not only managed to keep at current levels, but also actively developed. In this respect, the Supreme Court´s day-to-day participation in several platforms for the cross-border exchange of legal information and experience reflected in the decision-making activities of the Supreme Court, was not left out.

However, the cross-border activities of the Supreme Court, which are externally covered and *de facto* administered by the Department of Analytics and Comparative Law not only in terms of communication, but especially in terms of expertise, were far wider than the above points describe. The Supreme Court, as the supreme judicial institution of a Member State of the European Union and the Council of Europe, continued to participate in a number of activities of various extents; the selection of the most interesting ones follows.

5. 1. 1. Analytical Activities

As already mentioned, the Department of Analytics and Comparative Law is primarily involved in analytical activities related to the issues that the Supreme Court or lower courts encounter in their decision-making practice.

Among the interesting areas on which the analytical work focused in the past year were, for example, questions related to whether there is case law of the Court of Justice of the European Union, or, more generally, whether the question of whether it is possible to compare the situation of two persons who do not work for an employer at the same time, but one is the successor of the other in a position identical at least in its title, when assessing the existence of discrimination. Another interesting issue was, for example, cross-border comparison when it came to questions of the limitation of the lender's right to repayment of a loan.

Another, equally interesting, issue was the question of the possible annulment of surprising arbitral awards by the court. The Department also dealt with the question of determination of the time of transfer of liability for damage to a received consignment in international road transport. The issue of the increased importance of tax proceedings for the injured party when assessing a claim for compensation for unreasonable length of proceedings in the case law of the European Court of Human Rights was not left aside.

The Department was also approached, for example, to check the existence and search for case law on Article 33 of the Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings and Article 26 of the Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings. Last but not least, it was also asked to search the case law of the Court of Justice of the European Union and the case law of the European superior courts on the question of whether a tour organizer from a Member State of the European Union is obliged to inform not only travellers who are citizens of the Member States of the European Union but also other travellers who are not citizens of the Member States of the European Union in the same way and to the same extent about the passport and visa requirements pursuant to Article 5(1)(f) of the Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and the Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC.

5. 1. 2. Selection of the Decisions of the European Court of Human Rights for Judicial Practice and Bulletin

The preparation of the publication Selection of the Decisions of the European Court of Human Rights for Judicial Practice is another activity in which the Department of Analytics and Comparative Law has long been involved. The Selection contains translations of important decisions into the Czech language, which helps make this case law accessible to the wider range of legal professionals.

The Department is also engaged in the preparation of annotations of selected decisions for the Internet database of selected decisions of the European Court of Human Rights, which operates under the auspices of the Office of the Government Representative of the Czech Republic before the European Court of Human Rights. These annotations are

published on the website mezisoudy.cz. The Department continues to make regular annotations that gradually fill the publicly available database, thus helping to popularise and raise awareness of the case law of the Strasbourg court.

Last but not least, it is necessary to mention the Bulletin of the Department of Analytics and Comparative Law, which, as its name suggests, presents the original output of this Department. The Bulletin is published four times a year in electronic form – on the Supreme Court's website – and is also accessible, for example, in the legal information system ASPI. The Bulletin aims to provide information on current decisions of the supreme courts of the Member States of the European Union, the European Court of Human Rights and the Court of Justice of the European Union.

5. 1. 3. Comparative Law Liaison Group

Similarly like in previous years, the Supreme Court participated as much as possible in day-to-day cooperation with partner European courts.

As already mentioned, the Supreme Court, through its Department of Analytics and Comparative Law, participates, *inter alia,* in the Network of the Presidents of the Supreme Judicial Courts of the European Union, which deals mainly with general issues of common interest of presidents of the supreme courts; however, more specific issues are also addressed.

However, the European supreme courts are also daily involved in resolving questions that need to be answered for the needs of their decision-making practice. Aware of this fact, the Comparative Law Liaison Group was established, with the Czech Republic participating from the very beginning. The continuing goal of this international group is to facilitate cooperation in the exchange of legal information. This concerns the content of legislation and case law in matters that are the subject of decision-making by one of the member courts of this Comparative Group. This Comparative Group's activities result in analytical material which presents to the judges of the Supreme Court how the legal matters in question are approached before other cooperating supreme courts.

Among the various interesting topics that have been dealt with by the Department in the past period in the civil field, we can mention, for example, the question of whether or not the lost profits that result from illegal activities are legally protected - and therefore whether they should be compensated by the State. Another query submitted by us concerned the issue of recognition of insolvency proceedings opened in another Member State. The question here was how other superior courts view the possibility to refuse recognition of such proceedings on public policy grounds under Article 33 of the Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings, or Article 26 thereof. Another interesting question concerned the reasonable remuneration of the author within the meaning of the Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and re-

lated rights in the information society, in a situation where national legislation exempts mobile phones from the obligation to pay remuneration.

In the criminal field, queries from other Member States tended to dominate. On the other hand, the members developed an interesting discussion in the area of the judicial system and administration. With the German Federal Court of Justice, for example, we exchanged insights on the organisation of law congresses, their history and their modern concept. After a long pause, these congresses have now been revived in the Czech legal environment.

Representatives of the Department of Analytics and Comparative Law also traditionally participated in the ninth meeting of the Comparative Group in Helsinki last year, which took place on 12-13 September 2024. Those present exchanged experience on the comparative work itself, its nature, staffing and technical support, and analytical outputs:

The discussion focused, for example, on the fact that one of the current major challenges is the growth of cross-border drug criminality, with evidence being used, for example, through the interception of telephone communications and specific services such as Anom, SkyECC and Encrochat. The discussion among the meeting participants thus concerned the legal issues of the admissibility of the use of these methods and consequently of evidence in court proceedings.

During the recent pandemic, many court systems have resorted to the use of videoconferencing facilities and conducting court proceedings online. In some countries, this has led to new criminal procedural legislation. Thus, the meeting also discussed, for example, the practical impact that the experience of online litigation has had on procedural rules and the use of information technology in the judiciary.

5. 1. 4. Judicial Network of the European Union and Superior Courts' Network

The Department of Analytics and Comparative Law participates, among other matters, in the content creation of the Judicial Network of the European Union. This Network was created on the initiative of the President of the Court of Justice of the European Union and the presidents of the constitutional and supreme courts of the Member States. The primary objective of this Network is the facilitation of access to information and documents between the courts of the European Union. To this end, an Internet interface has been set up to reflect efforts to strengthen judicial cooperation by supporting the deepening of dialogue in preliminary ruling proceedings, disseminating national decisions of relevance to the Union and strengthening mutual knowledge of Member States' law and legal systems.

For cooperation between the European Court of Human Rights and national supreme courts, the Superior Courts' Network, set up for the effective exchange of information, plays an important role. The Supreme Court also participates in this Network through the Department of Analytics and Comparative Law.

5. 1. 5. Discussion Seminar on Ethical Issues Related to the Use of Artificial Intelligence in the Judiciary

In the light of the increasing use of artificial intelligence (AI), the Supreme Court held a Discussion Seminar on 20 November 2024 to consider the ethical aspects and challenges connected with this topic. The Discussion Seminar focused on issues relating to the application of AI in the judiciary as well as its impact on the right to a fair trial. The aim of the Discussion Seminar was to strike a balance between technological advances and the ethical standards that are necessary in the judiciary. The discussion contributed to a better understanding of machine learning processes and the risks associated with the use of AI in the judiciary.

The Discussion Seminar, which was opened by the President of the Supreme Court, Petr Angyalossy, and moderated by the Vice-President, Petr Šuk, also had speakers such as Jan Petrov, the Head of the Artificial Intelligence Team at Myriad Technology Inc., Jakub Drápal from the Faculty of Law of Charles University, Jakub Vostoupal and Andrej Krištofík from the Institute of Law and Technology of the Faculty of Law of Masaryk University, Radim Polčák, Professor at the Institute of Law and Technology of the Faculty of Law of Masaryk University, Libor Vávra, President of the Czech Union of Judges, and Ladislav Derka, Judge of the High Court in Prague.

The first discussion panel focused on basic information about AI, how it works and its potential benefits for judicial practice. While AI tools carry the potential to significantly relieve the administrative and, to some extent, research burden of the work of the courts, important questions arise regarding the controllability of the machine learning process, ethics and the human factor in decision-making. The afternoon part of the Discussion Seminar focused on the impact of AI on the rights of parties to proceedings and judges' compliance with ethical standards. The need to preserve judges' independence and accountability in the context of increasing pressure on the speed and efficiency of decision-making was also discussed.

5. 2. Participation at Significant International Events and Conferences

5. 2. 1. Significant Visits of the President of the Supreme Court

On 3 April 2024, the President of the Supreme Court met with the new President of the Supreme Court of Austria, Georg Kodek. The meeting took place in Vienna. The main topics of the first official work meeting between the two representatives of both Supreme Courts included issues of the organisation of the judiciary, human resources management, specialisation of individual criminal and civil Panels and the use of judicial assistants in the decision-making activities of the courts. Both Presidents expressed their common will to deepen the long-standing and excellent relations between the two courts.

In the middle of May 2024, the President of the Supreme Court undertook a two-day working trip to Zagreb, where he participated in work meetings with academics and judges of all levels of courts. He also spoke at the Faculty of Law of the University of Zagreb and discussed current issues of Czech and Croatian criminal law with academics and students.

On 1-3 May 2024, the President of the Supreme Court participated in the extraordinary forum of judges at the Court of Justice of the European Union for the Presidents of the supreme judicial authorities of the Member States. The work session was held on the occasion of the 20th anniversary of the accession of 10 States to the European Union. The work sessions focused on the history of this biggest enlargement of the European Union, but also on the contribution to the development of the European Union and an assessment of how EU law has ensured the cohesion of the economies of the new Member States over the last 20 years.

The President of the Supreme Court attended the 14th meeting of the Presidents of the Supreme Courts of Central and Eastern Europe in June 2024. The two-day work meeting was held in Pristina on the occasion of the 60th anniversary of the establishment of the Supreme Court of Kosovo. The Presidents of the Supreme Courts chose five topics for this year's meeting, on which the heads of the delegations present expressed their views freely in turn. The topic discussed was the attempts of the executive and the legislature to weaken the principle of the independence of the judiciary by freezing or reducing judges' salaries.

On 3-5 October 2024, the President of the Supreme Court attended the regular meeting of the Network of the Presidents of the Supreme Judicial Courts of the European Union in Athens, which this year was also attended by the President of the European Court of Human Rights, Marko Bošnjak. The meeting focused in particular on the impact of EU law on national legal orders and the attractiveness of the judicial profession and judicial work for court staff. In addition to the Presidents of the Supreme Courts of the EU Member States, the Presidents and

representatives of the Supreme Courts of Serbia, Ukraine, Albania and Montenegro participated as observers.

5. 2. 2. Significant Visits Abroad of the Judges of the Supreme Court

On 29-30 January 2024, Petr Vojtek, Robert Waltr, Hana Tichá, Martina Vršanská and Radek Kopsa participated in the international conference on liability arising from the operation of means of transport in Croatia, Slovakia and the Czech Republic. The event was held in Omšenie, Slovakia, with the participation of judges of the Croatian and Slovak Supreme Courts and the participants had the opportunity to discuss the specifics of the individual judicial systems, legislation as well as judicial practice.

In spring 2024, Pavel Horák took part in an internship at the Supreme Court of the Netherlands as part of the exchange programme. During the work internship, he gained experience in Dutch judicial practice, but also established personal ties that he will be able to use in his work. At the same time, he has long been cooperating with the Supreme Court of the Netherlands through the Comparative Group, of which the Supreme Court is a member.

On 2-3 May 2024, Petr Škvain participated in the 20th international conference of the European Criminal Law Academic Network (ECLAN), which took place in Vienna. The main topic of this event was the issue of search and admissibility of evidence in Europe.

On 22-24 May 2024, Pavel Simon participated in the international conference Values of the European Union - The Responsibility of Every National Judge, held at the Supreme Court of Latvia on the occasion of the 20th anniversary of Latvia's accession to the European Union. The event included a series of lectures and the opportunity to exchange new personal contacts.

From 6 to 9 June 2024, Miroslav Hromada attended the annual conference of the European Association of Labour Court Judges (EALCJ). At this event, which provided an opportunity for sharing ideas and experience from different court systems, judge Hromada also made a presentation.

On 9-10 October 2024, Pavel Tůma attended the 2024 WIPO Intellectual Property Judges Forum, held in Geneva. The main purpose of this event was to exchange information on the decision-making practice of national and international courts in the field of intellectual property law.

5. 2. 3. Significant Foreign Visitors to the Supreme Court

On 15-18 April 2024, a delegation of the Supreme Court of Romania led by the President of the Court, Corina-Alina Corbu, visited the Czech Republic. The delegation also had an official meeting with representatives of the Czech Supreme Court. In addition to the President of

the Court, Corina-Alina Corbu, the Supreme Court was also visited by the Vice-President of the Romanian Supreme Court, Mariana Constantinescu, and the Judge of the Criminal Division, Ilie Iulian Dragomir. The main topic of the visit of the Romanian Supreme Court was the strengthening of international cooperation and exchange of experience in the field of justice.

On 4 December 2024, a delegation led by the President of the Constitutional Court of the Republic of Kosovo, Ms Gresa Caka-Nimani, visited the Supreme Court. She visited Brno together with other judges of the Constitutional Court of Kosovo and representatives of the Council of Europe from the Council of Europe Office in Pristina. The meeting focused on the independence of the judiciary, ensuring the fair trial and strengthening the rule of law. During the meeting, key topics such as the independence of the judiciary, the protection of fundamental rights and freedoms, the co-operation of the Constitutional Court and the Supreme Court in the protection of fundamental rights and freedoms, and cooperation with European courts were discussed.

6. ECONOMIC MANAGEMENT (COURT ADMINISTRATION)

The purpose and objective of court administration is to ensure the proper functioning of the judiciary, i.e., to create the conditions for its proper administration. This includes, in particular, ensuring the functioning of the judiciary in terms of material, personnel, economic, financial and organisational aspects.

The Supreme Court's budgetary expenditures consist mainly of the salaries of judges and court employees. Salaries account for more than 90% of annual expenditure. The level of annual increases in expenditure is in line with inflation, the increase in the price level and the increase in public wages.

The operational resources of the Supreme Court are used mainly to ensure the actual operationality of the Court and also for the maintenance and repair of its listed building and its facilities. Same as the previous year, the Supreme Court spent funds in 2024 mainly on restoring the condition and equipment of judges' or employees' offices and other areas in the original historic building. This is a continuous long-term activity given the number of premises that are not yet in satisfactory condition.

The reconstruction of the conference room, where the Supreme Court receives various working visits, conducts professional meetings, seminars or training sessions, and the technologically and time-consuming reconstruction of the judicial guard room were significant in 2024.

Significant funds of the Supreme Court budget are spent on the purchase and renewal of IT technology in the field of improving the technical level of hardware, software, user support, as well as keeping up to date with developments in cyber security and data security.

In 2024, the Supreme Court focused on redesigning and improving the functionality of the website as the main communication channel for information about the Court's activities, and there was a continuing trend towards the widespread use of services enabling communication via remote connections, which is why the necessary IT equipment for this form of work was acquired. A high level of attention was also paid to the field of cyber security and protection against cyber attacks.

Ensuring the professional qualification of judges and employees is another important area, which is why one of the leading items is the expenditure on the acquisition of professional and expert publications for

the Supreme Court Library, which is being expanded and specialises in professional legal publications.

The Supreme Court's economic, IT and operational management are always guided by the basic principles of economy, efficiency and effectiveness in the use of funds from the State budget. In the process of financial operations of the Supreme Court, internal management control is implemented to ensure control and approval from the preparation of transactions until their full approval and settlement, including the evaluation of the results and accuracy of management.

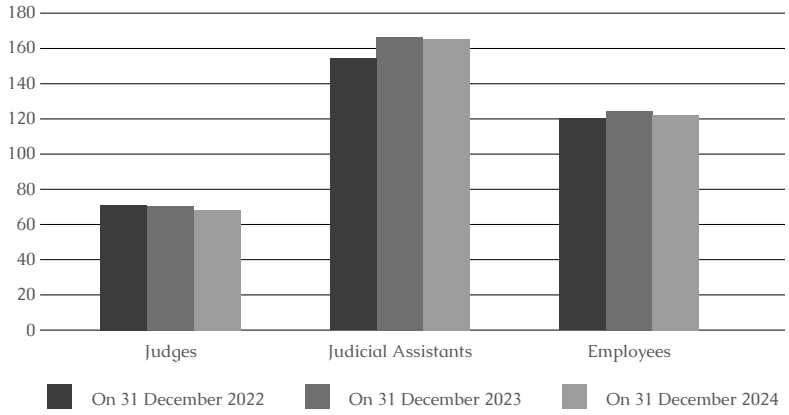
	Approved budget	Adjusted budget	Actual use
2021	416,069	478,415	435,712
2022	430,236	496,712	472,009
2023	435,848	495,393	474,808
2024	446,928	515,946	493,604

The figures in the table of budgets are expressed in thousands of CZK

7. PERSONNEL DEPARTMENT

The number of Supreme Court judges has decreased by two compared to 2023, the number of judicial assistants has also decreased, as has the number of other court employees.

	On 31 December 2022	On 31 December 2023	On 31 December 2024
Judges	71	70	68
Judicial assistants	154	166	165
Employees	120	124	122



The following judges were transferred to the Supreme Court in 2024, namely:

As of 1 April 2024 Hana Polášková Wincorová to the Civil and Commercial Division;
As of 1 July 2024 Ondřej Círek to the Criminal Division.

In 2024, František Hrabec retired from the Supreme Court due to the termination of his judicial term as a judge of the Criminal Division.

8. PUBLIC RELATIONS DEPARTMENT, PROVISION OF INFORMATION

8. 1. Public Relations Department

In 2024, the Public Relations Department, which provides basic information on the status of proceedings to the participants (parties) of the proceedings or their lawyers, or eventually to State institutions or journalists and the media, handled, similarly as in the past, up to 100 telephonic, written or personal enquiries per day. The majority inquiries, 60 to 80 per day, are from parties about the status of proceedings before the Supreme Court. Another 20 to 30 inquiries per day represent various other requests or inquiries from journalists and the public. The Public Relations Department thus handled more than 20,000 requests and enquiries (not only) about proceedings before the Supreme Court in 252 working days in 2024. Requests for information under the Information Act makes a category of its own, for which accurate records are kept.

In addition to handling individual inquiries and requests, one of the essential tasks of the Public Relations Department is to publicize the Supreme Court's decision-making activities. To this end, press releases are issued, statements are made to the media, and in exceptional cases press conferences are held.

The Public Relations Department prepares the Supreme Court Yearbook, publishes the electronic quarterly AEQUITAS, and manages the Supreme Court's social media, including Twitter (now X), LinkedIn and Instagram. In addition, it prepares information materials on the Supreme Court's activities, or guides the implementation of various projects. Furthermore, it participates in various events of both professional and popular-educational nature, such as conferences or the traditional "Night of Law" event.

The Public Relations Department consists of a Head of the Department, a Spokesperson, an Information Clerk and a Clerk of the Public Relations Department.

The task of the Head of the Public Relations Department is mainly to coordinate the activities of the Department and to handle requests filed under the Information Act.

The main duties of the Spokesperson include communicating with the media, issuing press releases, and organizing press conferences, organizing field trips for schools in the Supreme Court building, and providing photo and video documentation of Supreme Court events.

The Information Office, staffed by two clerks, provides information on the status of proceedings, i.e., whether a decision has been made in a particular case. It also provides information on the case numbers of the proceedings before the Supreme Court and informs about the composition of the Panel. It informs about the progress of work on the reasoning of the decision, or whether the decision and the file have (usually) already been sent to the court of first instance, or where the complete file is currently located.

In addition to handling phone enquiries, the Information Clerk manages written enquiries about the status of the proceedings and does press monitoring on daily basis. The Public Relations Department Clerk manages both the internal network and the Supreme Court's external website, which serves as a platform for communication with the public. She is also involved in the creation of the online quarterly AEQUITAS and takes care of technical and organisational issues related to the publication of the quarterly.

Since 1 April 2024 the Information Office can communicate the specific results of the proceedings. The change in the approach was made to achieve a higher degree of transparency, which serves the parties to the proceedings themselves, whose activity now matters as to when they learn the outcome of the proceedings.

The Public Relations Department is very often asked to provide legal advice. However, it is not competent to do so. In such cases, it refers the person to lawyers registered in the Register of Lawyers maintained by the Czech Bar Association. In the interests of its own impartiality, the Supreme Court cannot provide legal advice.

In order to promote legal awareness and to make the Supreme Court more visible to the public, the online quarterly AEQUITAS has been published since 2017 and its main purpose is to introduce judges and other employees to the professional and general public. It also serves to highlight various judicial topics or to inform about the daily functioning of the Supreme Court as well as, for example, about important visits or major judicial events, which are often with international participation. Articles with a historical perspective or articles of a more leisurely nature are no exception. A broader team of authors is involved in the preparation of the quarterly. From the Public Relations Department it is the Spokesperson, the Public Relations Department Clerk and the Head of the Public Relations Department.

In 2024, the Clerk of the Public Relations Department collaborated with an IT company to prepare a new Supreme Court website. The previous version of the website had not been updated for a long time, so the Supreme Court's management decided to create a completely new one. The new website is aimed to fully meet the current needs for public presentation of a superior judicial institution, including video presentations and audio recordings, which were slightly problematic to upload on the old website.

Disadvantages of the previous website included difficulty and poor clarity of text formatting, as well as other technical shortcomings. One

of the tasks of the Clerk of the Public Relations Department was to simplify and clarify the structure of the website, and to clean it from the information overload that had accumulated over the past years. The Clerk therefore proposed a new layout of the website´s categories, emphasizing the removal of undesirable duplicate information. The preparation of the new website layout, the number of content categories and their division, as well as the placement of specific sections on the website, significantly facilitated the work of the supplier company in preparing the website wireframe, which preceded the actual programming of the website.

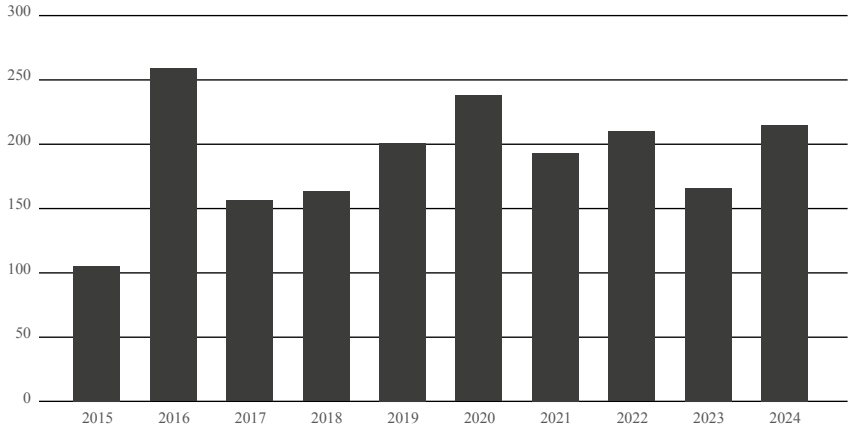
The whole website content has been updated or replaced to create a clearer and more user-friendly environment. The new design of the Supreme Court's website also reflects the functionalist style of the Supreme Court building, emphasizing simplicity and functionality. The new website now also offers the option to subscribe to the quarterly publications of the Supreme Court – "Bulletin" and "AEQUITAS". The predominant colour of the website is now blue, which is the official colour of the Supreme Court.

The new Supreme Court website was launched on 6 January 2025.

8. 2. Providing Information in Accordance with the Information Act

In the last year, the Supreme Court received a total of 215 written requests for information in accordance with the Information Act. Compared to the year before that, the "Zin" agenda has seen an increase by 49 requests. This is a significant shift in the number of applications, but in retrospect it is not a breakthrough figure.

Looking at a longer time series, it is clear that the agenda has gradually stabilised at between 160 and 210 requests for information per year: 2015 – 105 requests, 2016 – 259 requests, 2017 – 156 requests, 2018 – 164 requests, 2019 – 202 requests, 2020 – 237 requests, 2021 – 193 requests, 2022 – 210 requests, 2023 – 166 requests, 2024 – 215 requests.



Number of requests to provide information

In case of 26 requests, these were not processed on their merits. Of this number, 10 requests were withdrawn by their submitters, 16 requests were set aside in their entirety by the obliged entity for lack of competence. In 2 proceedings, the requests were set aside only partially. Thus, the most frequent reason for setting aside a request was the fact that the request for the provision of information did not belong to the obliged entity's scope of competence in accordance with Section 2(1) of the Information Act.

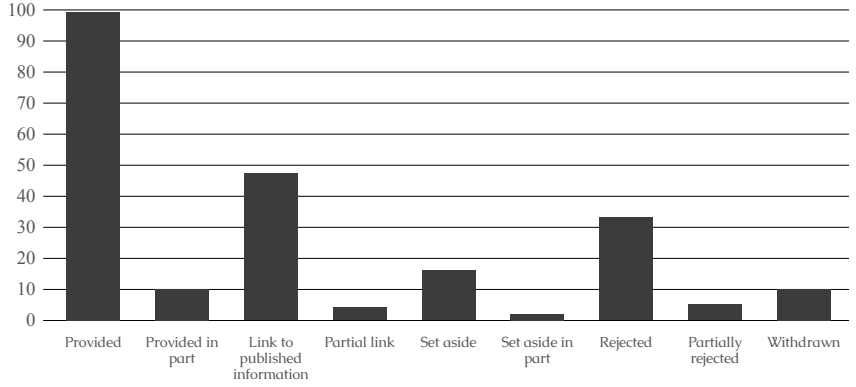
A total of 189 requests were dealt with on merits. In 2024, fees for exceptionally extensive searches pursuant to Section 17(1) of the Information Act were calculated in one case. After payment of the fee, the requested information was provided.

Granted in full were 99 requests, and another 10 cases were granted at least partially. In the case of 47 requests, the submitters were fully referred to published information; in another 4 cases, they were partially referred to published information.

Same as last year, the obliged entity rejected 33 requests in full and 5 in part. The most common reason for rejecting a request in full was that the submitters demanded the provision of new, i.e., non-existent information. Another very common reason for the rejection of requests for information was to protect the Supreme Court's decision-making in accordance with Section 11(4)(b) of the Information Act. There have also been repeated rejections of applications in cases where the applicants sought the opinion of the obliged entity. As a result of the amendment to the Information Act, it is no longer necessary to issue a decision rejecting a request in the case of not providing personal data of parties to proceedings. For this reason, the number of decisions to partially reject a request has significantly decreased.

A total of 3 appeals were lodged by the submitters against the decision to fully or partially reject a request. All appeals were referred to the appellate authority for decision. The appeals filed were not decided in 2024.

A total of 7 complaints were lodged against the way the information request was handled. All complaints were referred to the appellate authority for a decision. In two cases the procedure of the obliged body was confirmed, in one case the decision of the obliged body to postpone the request for information was annulled. A new complaint against the renewed postponement of an information request has already been rejected. The other complaints remained pending in 2024.



Method of processing requests for the provision of information

9. THE CONFLICT OF INTEREST DEPARTMENT

9. 1. Departmental Activities

In accordance with the Conflict of Interest Act, the Supreme Court is responsible for receiving and recording notifications of activities, assets, income, and obligations of judges of the Czech Republic, as well as for storing the data in these notifications and supervising the completeness thereof.

The Conflict of Interest Department of the Supreme Court, which consists of four employees, performs all statutory activities in relation to public officials – judges.

All judges registered in the Central Register of Notifications compiled by the Ministry of Justice are obliged to file notifications when commencing and terminating their duties and periodically at the times prescribed by the Conflict of Interest Act. Notifications are sent to the Supreme Court in writing on a specific form, the structure and format of which are set by the Ministry of Justice in a Decree. These notifications are then kept for a period of five years from the date of termination of a judge's duties. The register of judges' notifications is an autonomous and separate register and is confidential. The information contained cannot even be disclosed under the Information Act. Only entities directly designated in the law have access to the information contained in individual notifications.

Judges who were in office as of 1 January 2024 filed "interim notifications" for the period they were in office in the 2023 calendar year and were required to do this by 1 July 2024. During the procedure for the submission of interim notifications for 2023, issues surrounding methodology were handled in cooperation with the Ministry of Justice. Information was sent to the Presidents of individual courts on an ongoing basis. The Department's members answered telephone and email enquiries and provided personal consultations. All necessary information was published in a specially created section on the Supreme Court's website.

In 2024, the Department also received and recorded entry notification from newly appointed judges and exit notifications from judges who ceased to exercise their functions.

In 2025, the Department will supervise the completeness of the data in the notifications received. These checks will include, in particular,

a formal check that the notifications contain the mandatory information prescribed by the Conflict of Interest Act and Decree No 79/2017 Coll., on Laying Down the Structure and Format of Notifications Pursuant to the Conflict of Interest Act, as amended. The data in the notifications will also be compared with the data provided in other public administration information systems, which the Supreme Court's Conflict of Interest Department is authorised to enter (e.g., the Cadastre of Real Estate and the Registry of Motor Vehicles). In the first half of 2025, the Department is expected to receive interim notifications for the period judges were in office in the 2024 calendar year. In addition, entry and exit notifications will be received and recorded.

9. 2. Statistics on the Departmental Activities

As of 1 January 2024, the Central Register of Notifications maintained by the Ministry of Justice listed 2,991 serving judges. Five of these judges subsequently died, two of whom have filed their interim notifications, so the statutory obligation to file an interim notification for 2023 applied to 2,988 judges.

As of 31 December 2024, 2,987 judges have filed interim notifications for 2023. One judge has filed the notification at the beginning of the next year.

In accordance with the Conflict of Interest Act, 121 judges took office in 2024 and thus had a duty to file an entry notification. All of them fulfilled this duty.

The notification obligation in connection with the termination of office arose in 2024 for 69 judges who submitted their exit notifications, except for two of them. In the case of one of these judges, the Supreme Court in connection with the failure to file an exit notification reported an administrative offence that had been forwarded for hearing before the municipal authority in whose territorial district the person, who was a public official, had residence. The exit notice was then filed. In the case of the second judge, the Supreme Court took steps for the missing notification to be filed.

In 2024, 97 judges were checked for the completeness of the notifications submitted.

10. DATA PROTECTION OFFICER

At the beginning of the year, the main topic at the Supreme Court was the posting of decisions on the official electronic notice board. This was followed by the topic of electronic identification ("eDoklady"), i.e., the electronic ID card, which can be presented to the Judicial Guard when visiting the Supreme Court since 1 July 2024. In the view of the year-long preparation of the new Supreme Court website, the Officer also made adjustments to the texts concerning the protection of personal data on the Supreme Court website. In particular, the published information has been simplified and clarified.

In her capacity as an audit authority in the field of personal data protection, the Officer also audited the High Court in Olomouc and the High Court in Prague. During the audit, the Officer focused on the information published by these courts on their websites. The Officer checked how the High Courts inform data protection subjects about their rights and whether the courts publish all the required information. Any minor deficiencies identified during this audit were promptly corrected by the High Courts.

In the autumn, the Officer, in cooperation with the Cyber Security Administrator and the Adviser to the President of the Supreme Court, started to update the Directive on the Protection of Personal Data. The Directive had not been updated since 2019, so it was necessary to incorporate the organizational changes that had occurred in the meantime (in particular, the creation of the position of Cyber Security Administrator). There was also a requirement to simplify some of the procedures set out in the Directive and to correct the terminology used.

Throughout the year, the Officer acted as an advisory or consultative body in the context of a number of written, telephone and oral inquiries for a wide range of court employees, and also as a party to the consultation process on the development of the Supreme Court's internal regulations.

11. THE SUPREME COURT LIBRARY

The Supreme Court Library serves primarily to judges, judicial assistants, advisers and other employees of the Supreme Court. As information and on-site loans are also provided to experts among members of the general public, the Supreme Court Library has been registered at the Ministry of Culture as a specialised public library since 2002. The library catalogue can be accessed on the Supreme Court's website (www.nsoud.cz).

In addition to the library catalogue, specialised legal literature databases, such as ASPI, Beck Online and other legal databases available online, are also used to answer users' enquiries.

The Library currently has book collection comprising over 32,000 volumes of books, bound annual volumes of journals, and other printed and electronic documents. Although the Library mostly offers legal literature and case law, there are also, to a lesser extent, publications on philosophy, psychology, political science and history.

In 2024, the book collection was expanded to include more than 300 new titles. The library's services are used by approximately 1,000 people. Library staff answered more than 550 internal and external enquiries.

The response from Library visitors to the newly built premises, to which the Library moved in September 2019, continues to be very positive. After many years, *de facto* since the beginning of the functioning of the Supreme Court in Brno in 1993, the Library can finally provide its services to readers in more welcoming conditions.

CLOSING REMARKS BY THE VICE-PRESIDENT OF THE SUPREME COURT

Even King Solomon, in his proverbial wisdom knew, that “the more words, the less sense”. Although the Yearbook cannot fully capture the life and functioning of the institution that publishes it, it contains basically everything that a publication of this type should tell its readers. There is therefore no need for me to add anything to it. I can only wish that the Supreme Court will, in the coming year, fulfil the role for which it was created and which it is supposed to play in society a little better than in the previous year. This is notwithstanding the fact that the current legislation makes it difficult, to put it mildly.

Petr Šuk

Seminar on “How to Write Clear, Concise, and Convincing Supreme Court Decisions,” moderated by Aleš Pavel, Director of the Office of the President of the Supreme Court; with lecturers Martin Kopa, judge of the Regional Court in Brno; and Štěpán Janků, judicial assistant to a Constitutional Court judge. Brno, 15 February 2024.

The afternoon session of the “Night of Law” featured presentations by (from left): Aleš Pavel, Director of the Office of the President of the Supreme Court; Petr Vojtek, judge of the Civil and Commercial Division; Petr Šuk, Vice-President of the Supreme Court; Petr Angyalossy, President of the Supreme Court; and Marta Ondrušová and Radek Doležel, judges of the Criminal Division. Brno, 6 March 2024.

The evening program of the "Night of Law" featured a screening of the movie Woman in Gold, followed by a discussion focusing on related legal issues. In the photo: Ludvík David, emeritus judge of the Supreme Court and the Constitutional Court; and Petr Angyalossy, President of the Supreme Court. Brno, 6 March 2024.

The Discussion Seminar "Superior Courts and the Media" held at the Constitutional Court featured, among others, (from left): Barbara Pořízková, Vice-President of the Supreme Administrative Court; Petr Angyalossy, President of the Supreme Court; and Veronika Křesťanová, Vice-President of the Constitutional Court. Brno, 4 April 2024.

Visit from the Supreme Court of Romania. Brno, 15–18 April 2024.

Meeting of the Board of the Network of the Presidents of the Supreme Judicial Courts of the EU. Dublin, 26–28 May 2024.

Meeting of the Presidents of the Supreme Courts of Central and Eastern Europe on the 60th anniversary of the establishment of the Supreme Court of Kosovo. Pristina, 24–25 June 2024.

Visit from the Supreme Court of Latvia. Brno, 6–8 August 2024.

Brunch with journalists aimed at deepening cooperation in presenting judicial topics to the public. Brno, 29 August 2024.

The ninth meeting of the Comparative Law group organised by the Supreme Court of Finland. The Czech Supreme Court was represented by the members of the Department of Analytics and Comparative Law: Patrik Provazník; Anna Čermáková; Lívia Ivánková; and the Director of the Office of the President of the Supreme Court, Aleš Pavel. Helsinki, 12–13 September 2024.

Members of the Grand Panel of the Criminal Division of the Supreme Court, who were awarded for the best judgment of the year 2023. The award was presented at the 31st annual Karlovy Vary Law Days conference, held in July 2024. Brno, 25 September 2024.

Colloquium of the Network of the Presidents of the Supreme Judicial Courts of the EU, with the participation of Marko Bošnjak, President of the European Court of Human Rights. Athens, 3–4 October 2024.

Discussion Seminar on ethical issues related to the use of artificial intelligence in the judiciary. The event was moderated by Petr Šuk, Vice-President of the Supreme Court, with opening remarks by Petr Angyalossy, President of the Supreme Court. Brno, 20 November 2024.

Interest in participating in the Discussion Seminar was high, as can be seen from the number of participants in the photo of the František Vážný Hall. A total of nine speakers presented their contributions on the topic of artificial intelligence in the judiciary in two sessions, each followed by a discussion. Brno, 20 November 2024.

In the morning session, presentations were given by (from left): Jakub Vostoupal from the Faculty of Law of Masaryk University; Jan Převrátil, Director of the Department of Justice Strategy and Conception of the Ministry of Justice; Jan Petrov, Head of the AI department of Seznam.cz Média; and Jakub Drápal from the Faculty of Law of Charles University. Brno, 20 November 2024.

In the afternoon session, presentations were given by: Radim Polčák, Head of the Institute of Law and Technology at Masaryk University; Libor Vávra, President of the Judges' Union; Andrej Krištofík from the Institute of Law and Technology and the Faculty of Informatics of Masaryk University; Ivo Pospíšil, judge of the Supreme Administrative Court; and Ladislav Derka, judge of the High Court in Prague. Brno, 20 November 2024.

Group photo of Supreme Court judges after the meeting of the Plenary Session of the Supreme Court, which was convened to discuss changes to the Supreme Court's Rules of Procedure. Brno, 26 November 2024.

Visit of the President of the Constitutional Court of Kosovo. The working meeting took place in the newly renovated conference room of the Supreme Court. Brno, 4 December 2024.

Visit of the President of the Constitutional Court of Kosovo. Group photo after the meeting in front of the Supreme Court building. Brno, 4 December 2024.

Appreciation of former judge of the Criminal Division, František Hrabec, whose tenure ended at the end of 2024, at the New Year's meeting of Supreme Court judges, where he received a glass statuette representing scales as a symbol of justice. Brno, 9 January 2025.

Conference room of the Supreme Court after renovation. Brno, 9 January 2025.

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