Summary

Name of the text, you are holding in your hands, could be well translated as „*Decesion making of Czech Constitutional Court and its influence on civil procedure*.“ It consist of three very separate parts, each of them following its own topic, linked up together only with major role of Constitutional Court (further „CC“). First chapter is dedicated to a slightly controversial case, which has been widely publicly discussed. The topic is strictly procedural, it refers to the possibilty of higher courts to remove and assign single cases to different judge/panel of judges. Although under certain circumstances allowed, in this case it seemed to be an unjustifed violation of art. 38 par. 1 of Letter of human rights and I conclude arguments, which could justify such restrictive process.

Second one is following last ten years of interventions in Code of Civil Procedure, namely in regulation of review of appeal. In the first part are described reasons, why CC consider decision with missing justification unconstitutional and accordingly declares corresponding part of Code of Civil Procedure unconstitutional. In second part I analyze long-term contrary judgements of CC and Czech supreme court on admissibility of review of appeal which resulted in major part of regulation being declared unconstitutional. I summarize the judgements, chalange the arguments and finally I consider brand new regulation.

Last part is dedicated to executory procedure, more likely to a part of it – reimbursement of costs in case of halted proceedings. I describe development of decision making at general courts, including supreme court, which had alone been pretty divergent since the regulation became effective (2001). The view had even been partly united by the standpoint of supreme court published in law report, at the point of CC interference. I follow the reversal of CC opinion from ruling app. no. II. ÚS 372/04 to plenary standpoint nr. Pl. ÚS-st. 23/06 and carry on matching changes brought by new regulation and describing progress in decision making.