7 As 146/2021 - 26 CZECH REPUBLIC DIFFERENT COURTS OF THE M R E P U B L I K Y The Supreme Administrative Court decided in a panel composed of the chairman JUDr. Tomáš Foltas and judges Mgr. David Hipšr and Mgr. Lenka Krupičková in the plaintiff's legal matter: SMS finance, a. s., with registered office at Hvězdova 1716/2b, Prague 4, represented by Mgr. Richard Koliba, a lawyer based in nám. Svobody 527/0, Třinec, against the defendant: Office for the Protection of Personal Data, with registered office Pplk. Sochora 27, Prague 7, with the participation of: P. D., in the proceedings on the cassation appeal of the plaintiff against the judgment of the Municipal Court in Prague dated 21 April 2021, no. 9 A 153/2019 - 48, as follows: I. The appeal rejects. II. None of the participants is entitled to compensation for the costs of the proceedings. III. A person participating in the proceedings does not have the right to compensation for the costs of the proceedings. Justification: I. [1] By the decision of the Office for the Protection of Personal Data (hereinafter also "the Office") of 26 June 2019, no. UOOU-09633/18-30, the plaintiff was ordered to: I. ensure the deletion of personal data of data on the subject of the data – P. D., apartment K. 350, M. (in the present case, the person involved in the proceedings, note NSS); II. ensure legal titles for the processing of personal data of all data subjects with respect to whom the plaintiff is in the position of personal data administrator, i.e. where he himself determined the purpose and means of processing, according to Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 of April 2016 on the protection of natural persons in connection with the processing of personal data and on the free movement of such data and on the repeal of Directive 95/46/EC (hereinafter also the "general regulation on the protection of personal data"); and III. conclude a processing contract in the sense of Article 28, paragraph 3 of Regulation (EU) 2016/679 with Ing. L. Š. as a bonded representative within the meaning of § 15 of Act No. 170/2018 Coll., on the distribution of insurance and reinsurance, and further with the company Securing s. r. o., in order to ensure that the aforementioned processors who perform tasks related to with the processing of personal data, they will have a proper legal title. Statements IV. and V. the plaintiff was required to submit a 7 As 146/2021 report on the implemented corrective measures listed in statements I to III. and reimburse the costs of the proceedings. [2] The plaintiff contested the recapitulated decision by means of a resolution, in which he in particular argued against the Office's conclusion that the plaintiff is a personal data administrator pursuant to Article 4, paragraph 7 of the General Regulation on the Processing of Personal Data. By decision of the Chairperson of the Office for the Protection of Personal Data dated 24/09/2019, no. UOOU-09633/18-35, the plaintiff's motion was rejected and the first-instance decision was confirmed. II. [3] The plaintiff contested the dissolution decision with an administrative action. By the above-mentioned judgment, the Municipal

Court in Prague (hereinafter also the "Regional Court") dismissed the claim. He agreed with the administrative authorities that the plaintiff was in the given case in the position of a personal data administrator according to Article 4 paragraph 7 of the General Regulation on the processing of personal data, which considers the person who determines the purposes and means of personal data processing to be the administrator. At the same time, it was proven in the proceedings that the plaintiff determined the purpose and means of personal data processing, including against Ing. L. Š., which is a bonded representative within the meaning of § 15 of Act No. 170/2018 Coll., on the distribution of insurance and reinsurance, as amended (hereinafter also the "Act on the Distribution of Insurance"). The argumentation of the plaintiff pointing to the nature of the relationship between the mentioned subjects, the nature of their activity, the position of Ing. L. Š. as a business woman, etc. The administrative authorities were also not mistaken in that the plaintiffs (as data controllers) also imposed the measures in question, including the obligation to ensure the erasure of data on the data subject (a person participating in the proceedings). The court did not find the objection in which the plaintiff objected to the vagueness and generality of statement II to be justified. of the first-instance decision, causing its unenforceability, illegality and unreviewability. According to the regional court, the said statement does not suffer from such defects. The regional court did not find any other objections to be justified and therefore dismissed the lawsuit as unfounded. The judgment of the regional court (as well as all decisions of the Supreme Administrative Court cited below) is available in full at www.nssoud.cz and the court refers to it here for brevity. III. [4] Against the judgment of the regional court, the plaintiff (hereinafter also "complainant") filed a cassation complaint for reasons subordinated in content to § 103 paragraph 1 letter a), b) and d) of Act No. 150/2002 Coll., Administrative Code of Court, as amended (hereinafter also "s. ř. s."). The complainant primarily pointed to the non-reviewability of the judgment of the regional court. He criticized him for the insufficiency of the justification for the conclusion that the complainant was a data controller pursuant to Article 4, paragraph 7 of the General Regulation on the Protection of Personal Data. He further criticized him for not properly justifying why he did not apply the judgment of the Supreme Administrative Court of 12 February 2009, no. 9 As 34/2008 - 68 (hereinafter also "judgment in the case file no. 9 As 34 /2008"). Subsequently, the complainant also argued the illegality of the regional court's conclusion that the complainant should be considered a data controller. This question was considered by the regional court in violation of the judgment of the Supreme Administrative Court, no. stamp 9 As 34/2008. In the cassation complaint, the complainant also extensively described the nature of his activity, the nature of the activity of Ing. L. Š., as well as the process of approaching clients. Based on this, he concluded that he could not be a data controller. He added that he

cannot be the data controller also for the reason that Ing. L. Š. was an entrepreneur and carried out the activities in question independently. The complainant concluded that he cannot be considered a data controller within the meaning of Article 4, Paragraph 7 of the General Regulation on the Processing of Personal Data. He also pointed out that bound representatives can, subject to certain restrictions, perform other intermediary activities for other entities as well. In the next round of objections, the complainant objected to statement II. decision of the Office. First of all, he objected that the statement had no basis in the administrative procedure carried out. He further pointed to the vagueness, generality and unenforceability of the said 7 As 146/2021 - 27 continuation of the statement. The complainant also expressed concern that the remedial measures mentioned in statement II. may be used by the defendant in the future (in violation of the principles of administrative criminal law) in the imposition of possible additional sanctions, which will lead to the limitation of a significant part of the complainant's rights in further proceedings (proceedings on the imposition of a possible sanction). In support, the complainant also pointed to his argument presented in the previous stages of the proceedings. For the stated reasons, the complainant proposed that the Supreme Administrative Court annul the judgment of the regional court and return the matter to him for further proceedings. IV. [5] In his statement to the cassation complaint, the defendant summarized and elaborated on the arguments presented in the contested decision, or his previous decision. He agreed with the conclusions expressed in the contested judgment of the regional court and added that the complainant basically only repeats arguments that have already been properly settled. He continued to conclude that the complainant was in the position of a personal data administrator. He did not consider the reference to the jurisprudence emphasized by the complainant to be appropriate. For the stated reasons, he suggested that the Supreme Administrative Court reject the cassation complaint. V. [6] The Supreme Administrative Court assessed the cassation complaint within the limits of its scope and the reasons applied, while examining whether the challenged decision does not suffer from defects that it would have to take into account as an official duty (§ 109 par. 3 and 4 s. ř. s.). [7] The cassation complaint is unfounded. [8] In the cassation complaint, the complainant also pointed to the non-reviewability of the judgment of the regional court in the sense of § 103 paragraph 1 letter d) s. r. s. [9] Pursuant to § 103 paragraph 1 letter d) s. r. s., a cassation complaint can be filed on the grounds of alleged unreviewability consisting in the lack of clarity or lack of reasons for the decision, or in another defect in the proceedings before the court, if such a defect could have resulted in an illegal decision on the merits. [10] According to established jurisprudence, if a court decision is to be reviewable, it must be clear from it what state of facts the administrative court considered decisive, how it considered the fundamental and essential

facts for the case, or how did he proceed when assessing the decisive facts, why does he consider the legal conclusions of the parties to the proceedings to be incorrect and for what reasons does he consider the fundamental argumentation of the parties to the proceedings to be odd (see findings of the Constitutional Court of 20 June 1996, file no. III. ÚS 84/ 94, dated 26/06/1997, file no. III. ÚS 94/97, and dated 11/04/2007, file no. I. ÚS 741/06, all available at http://nalus. usoud.cz, or judgments of the Supreme Administrative Court dated 4 December 2003, No. 2 Azs 47/2003 - 130, No. 244/2004 Coll. NSS, dated 29 July 2004, no. 4 As 5/2003 - 52, dated 1 June 2005, No. 2 Azs 391/2004 - 62, and dated 21 August 2008, No 7 As 28/2008 - 76, all the decisions of the Supreme Administrative Court cited here are available at www.nssoud.cz). [11] The challenged judgment met these requirements. The regional court duly justified its conclusions and stated why it considers the claims to be odd, or unreasonable. From the judgment, it is clear from which state of facts the regional court was based, how it took into account the essential factual circumstances, or how he applied the decisive legal regulation to the facts. The Regional Court duly justified why the complainant is a data controller in the sense of No. 4, paragraph 7 of the General Regulation on the Processing of Personal Data, as well as other supporting objections incl. objections implying the illegality of the statement II. first-instance decision. After all, the complainant himself, with argumentation 7 As 146/2021 of the regional court, quite specifically disputes and refutes its conclusions. Therefore, it is not a situation where it is not clear from the judgment what considerations the regional court was guided by. The complainant's disagreement with the reasoning and conclusions of the contested judgment does not render it unreviewable (see judgments of the Supreme Administrative Court of 12 November 2013, No. 2 As 47/2013 - 30, dated 29 April 2010, No. 8 As 11/2010 - 163 etc.). In a situation where, due to factual and legal differences, even the judgment of the Supreme Administrative Court of 12/02/2009, no. 9 As 34/2008 - 68 (see below) did not apply to the matter in question, the regional court cannot be criticized for not justifying, why didn't he apply it to the matter at hand. Even on the basis of no other argumentation, the court did not find a reason to annul the decision on the grounds of non-reviewability. The annulment of a decision due to unreviewability is reserved for the most serious defects in the decision, when, due to the absence of reasons or lack of understanding, the decision cannot be reviewed on its merits (cf. judgments of the Supreme Administrative Court of 17 January 2013, No. 1 Afs 92/2012 - 45, or from 29 June 2017, No. 2 As 337/2016 - 64). The judgment of the regional court does not suffer from such defects. [12] The Supreme Administrative Court then proceeded to assess the core of the matter. This raises the question of whether the administrative authorities rightly considered the complainant to be a personal data administrator according to Article 4 point 7 of the General Regulation on the Protection of

Personal Data. In this regard, the Supreme Administrative Court agreed with the assessment made by the regional court and fully adopts its conclusions. Beyond these conclusions, he adds the following to the complaint's argumentation. [13] Pursuant to Article 4(7) of the General Regulation on the Protection of Personal Data for the purposes of this Regulation, "controller" means a natural or legal person, public authority, agency or other entity that alone or jointly with others determines the purposes and means of processing personal data; if the purposes and means of this processing are determined by the law of the Union or a Member State, this law may determine the controller concerned or special criteria for its determination. [14] According to Article 4, paragraph 8 of the aforementioned Regulation, for the purposes of this Regulation, "processor" means a natural or legal person, public authority, agency or other entity that processes personal data for the controller. [15] According to Article 28, paragraph 3, first sentence of the General Regulation on the Protection of Personal Data, the processing by the processor is governed by a contract or other legal act under the law of the Union or a Member State, which binds the processor towards the controller and in which the subject and duration of the processing are determined, nature and purpose of processing, type of personal data and categories of data subjects, obligations and rights of the controller. [16] According to § 2 letter e) of the Act on Insurance Distribution, for the purposes of this Act, insurance mediation is understood as an action on behalf of an insurer or a customer different from the provision of insurance, which consists in 1. offering the possibility to arrange, change or terminate insurance, including comparing insurance, 2. submitting proposals for arranging, changing or termination of insurance, 3. carrying out other preparatory work aimed at the conclusion, change or termination of insurance, including providing recommendations leading to the conclusion, change or termination of insurance, 4. conclusion or change of insurance, or 5. assistance in the administration of insurance and in the exercise of rights from insurance. [17] Pursuant to Section 6 of the Act on Insurance Distribution, an independent intermediary for the purposes of this Act means a person who is authorized to mediate insurance or reinsurance on the basis of an authorization for the activity of an independent intermediary granted by the Czech National Bank. 7 As 146/2021 - 28 continued [18] Pursuant to § 15, paragraph 1 of the Insurance Distribution Act, a bonded representative for the purposes of this law means a person who is authorized to mediate insurance or reinsurance based on the registration of a bonded representative in the register. Pursuant to Section 15, Paragraph 2 of the same Act, a bonded representative concludes a contract with the represented person for the performance of activities consisting in mediation of insurance or reinsurance on the basis of authorization pursuant to Paragraph 1, which must be in writing. The contract can only be concluded with one representative. [19] The Supreme Administrative Court agrees with the

regional court that the administrative authorities correctly considered the complainant to be a data controller within the meaning of Article 4, Paragraph 7 of the General Regulation on the Protection of Personal Data, as the complainant designated Ing. L. Š. purpose and means of personal data processing. It follows from the administrative file that Ing. L. Š. was a bound representative of the complainant pursuant to § 15 of the Insurance Distribution Act, and as such she was authorized to mediate the services of the complainant pursuant to § 2 letter e) of the Insurance Distribution Act. Pursuant to Section 15, Paragraph 2 of the Insurance Distribution Act, she could be a bound representative for the complainant. Ing. As part of its activity, L. Š. mediated the services of the complainant, which included the collection of personal data of potential clients, which it collected and processed precisely for the purpose specified by the complainant. It should be added that the complainant did not specifically challenge the above-mentioned conclusions of the administrative authorities even in the cassation appeal proceedings. He persisted in the argument, which had already been thoroughly dealt with by the administrative authorities and subsequently by the regional court. At the same time, proceedings on cassation complaints are governed by the principle of disposition. The content, scope and quality of the cassation complaint predetermine the content, scope and quality of the subsequent court decision. Therefore, if the cassation complaint is fully justified, not only the scope of the court's review activity, but also the content of the court's judgment is predetermined. The court is neither obliged nor entitled to invent arguments for the complainant. With such a procedure, he would cease to be an impartial arbiter of the dispute, but would take on the role of a lawyer (cf. the judgment of the extended senate of the Supreme Administrative Court of 24 August 2010, no. 4 As 3/2008 - 78, the resolution of the Constitutional Court of 6 1. 2020, file stamp II. ÚS 875/20, etc.).

[20] The complainant based his cassation argument on the alleged identity of his case with the case considered in the judgment of the Supreme Administrative Court of 12 February 2009, No. 9 As 34/2008 - 68. He is of the opinion that in the said case the same questions. Therefore, the regional court should have proceeded from the said judgment without further ado. However, the regional court did not proceed in this way, which is why its judgment must be annulled. To this argument, the court submits that the same factual and legal situation was not assessed in the said judgment. This judgment does not deal with the interpretation of Article 4, Paragraph 7 of the General Regulation on the Protection of Personal Data, but with the issue of the fulfillment of obligations pursuant to § 12 of Act No. 101/2000 Coll., or the legality of the subsequent fine for the delict in the sense of § 45 paragraph 1 letter g) of this Act. After all, even with regard to the date of the said judgment, it is clear that in it the Supreme Administrative Court could not deal with the legality of the procedure according to the general regulation

on the protection of personal data, or the question of whether the complainant is a data controller according to Article 4, paragraph 7 of the aforementioned regulation. Therefore, the court considers the comparison of partial sentences (moreover taken out of context) with which the complainant tried to create a parallel between his case and the case dealt with in the judgment in case sp. stamp 9 As 34/2008. Nor a general description of the nature of the complainant's activities, the nature of the activities of Ing. L. Š., respectively of the process of addressing clients does not change the correctness of the conclusion of the administrative authorities and the regional court that the complainant was a data controller. The law does not stipulate that the complainant cannot be considered a data controller with regard to the description given by the complainant (moreover, in general and without relation to the matter at hand) of the usual activities of the complainant, the bound representative, the way of building a client network, etc. Although the Supreme Administrative Court generally agrees that the bound representative offers his own intermediary services (and not the services of the represented one) when he addresses a potential client, he does not agree that this fact would have relevant consequences for the case under consideration. As the regional court correctly stated, a bonded representative addresses a potential client in order to offer the services of the represented person, because precisely in that mediation according to § 2 letter e) of the Act on Distribution 7 As 146/2021 insurance exists. Moreover, it is not clear to the Court of Cassation for what reason mediation services should be offered "only" as such (by themselves). In order for anyone to be able to offer their own intermediary services, they must have "something to mediate". It is clear from the content of the file (especially from the content of inspection findings) that Ing. L. Š. mediated the complainant's services, within which she collected and processed personal data of potential clients for the purpose specified by the complainant. The processing of personal data before the presentation of the offer of the complainant's services is conducted for the purpose of offering these services. In connection with the aforementioned, the Supreme Administrative Court emphasizes the statement of a person participating in the proceedings (which the complainant did not dispute), according to which Ing. When contacting the mentioned person, L. Š. presented incl. designation (part of name) of the complainant. [21] Even the argument that Ing. L. Š. was an independent entrepreneur. The reason for adjusting the relationship between the administrator and the processor (mainly on the basis of a specific contract pursuant to Article 28, paragraph 3 of the General Regulation on the Processing of Personal Data) is precisely the fact that it is a relationship between two otherwise independent entities. However, this does not change the fulfillment of the definition of administrator according to Article 4, paragraph 7 of the General Regulation on the Protection of Personal Data. From the point of view of the definition given there, it is not

important whether Ing. L. Š. and a businesswoman. The legal regulation considers the person who determines the purposes and means of personal data processing to be the administrator. The processor is the person who processes personal data for the administrator (see above). With regard to the above-mentioned wording of Section 15, Paragraph 2 of the Insurance Distribution Act, the complaint's assertion that a bonded representative can, subject to certain restrictions, perform other intermediary activities for other entities is also irrelevant. After all, the complainant did not even claim for which entities Ing. L. Š. should have performed such activities. At the same time, he did not dispute the supporting conclusion that she performed them for the complainant. From the point of view of the overall context of the matter, it must be added that Ing. Although L. Š. had a commercial agency contract with the complainant, it was not a contract for the processing of personal data pursuant to § 6 of Act No. 101/2000 Coll., or according to Article 28, Paragraph 3 of the General Regulation on the Processing of Personal Data. At the same time, it is only to the detriment of the complainant that he did not effectively ensure that Ing. L. Š. passed on personal data. For the reasons stated, the court finds it inappropriate and general considerations that tied representatives in the initial phase of approaching the client process personal data of data subjects in order to build their own customer network, which will subsequently offer their own services as part of their business activity (financial consulting services), while the complainant's services are offered only afterwards, and not always. It cannot be overlooked that the complainant did not support the above-mentioned claims with any documents, while he did not relevantly dispute the documents on which the administrative authorities relied. Even in the cassation complaint, he remained at the level of general (unsubstantiated) assertions. Nor did any other argumentation have the potential to cause the regional court's judgment to be annulled, or decision of administrative authorities due to an alleged incorrect assessment of Article 4, paragraph 7 of the General Regulation on the Protection of Personal Data. The Supreme Administrative Court therefore concludes that the administrative authorities and the regional court came to the correct conclusion that the complainant was in the position of a data administrator with the resulting consequences. In the details, the court of cassation refers to the decisions of the administrative authorities and the judgment of the regional court, which dealt with the issue in detail. [22] The complainant further objected that the statement II. the decision of the Office has no basis in the administrative procedure carried out and he further pointed to the generality of the said statement. The complainant also expressed concern that the remedial measures mentioned in statement II. may be used by the defendant in the future (in violation of the principles of administrative criminal law) in the imposition of possible additional sanctions, which will lead to a limitation of the complainant's rights in further proceedings

(proceedings on the imposition of a possible sanction). [23] The Supreme Administrative Court did not acquit him. In his opinion, the said statement is supported in the administrative file and cannot be considered so vague that it would be necessary to cancel it. It follows from the file that the Office found a violation of the obligations laid down by the legal regulation (general regulation on the processing of personal data) and, following them, ordered the complainant to take corrective measures, specifically the obligation to ensure legal titles for the processing of personal data of all data subjects against whom he is a party to the proceedings (the complainant) in the position of a personal data controller, i.e. where he himself determined the purpose and means of processing, in accordance with Article 6 of the General Regulation on the Protection of Personal Data, while in the event that such security would not be possible for any data subject, then he should carry out erasure of the personal data of such a data subject within 3 months from the legal effect of this decision. At the same time, this statement was accepted following the findings regarding statement I., respectively. to follow-up control findings. At the same time, it is the complainant who must logically have knowledge of the subjects for whom he himself determined the purpose and means of processing. The Supreme Administrative Court adds that the said statement is also specified in the justification of both administrative decisions (which must be viewed as a single unit - judgments of the Supreme Administrative Court of 28 December 2007, no. 4 As 48/2007 - 80 , dated 26 March 2008, No. 9 As 64/2007 - 98, or dated 29 November 2012, No 4 Ads 97/2012 - 66). Overall, it is clear from the decision of the administrative authorities (and the content of the file) for what reasons the statement was made, what it is based on and what considerations were used when it was adopted. It is also clear from the statement how the complainant has to fulfill statement II. to substantiate. After all, the defendant specified this to the complainant (following his objection) and in the justification of his decision. [24] Regarding the complainant's claims based on concerns about the further progress of the defendant and the violation of rights in the proceedings on sanction, then the court states that the subject of judicial review is not the decision imposing a sanction on the complainant, but the above-mentioned decision imposing the obligation to fulfill the measures specified above. The court was authorized to review this decision and found that it was a legal, sufficiently definite and enforceable decision (see above). At the same time, the court cannot comment on the defendant's future course of action, as well as hypothetically reviewing (or future) decisions. It can only be stated in general terms that almost every decision of an administrative body can be subject to judicial review, except for the exceptions established by the administrative court code (or other legal regulations). As part of this procedure, objections pointing to a violation of the principles of administrative punishment can be applied, among other things. The Supreme

Administrative Court generally adds that it follows from the defendant's statement on the cassation complaint that no sanction proceedings were initiated against the complainant; after all, the complainant did not indicate any such proceedings in the cassation complaint. [25] If, in order to support his partial claims, the complainant also referred to his earlier argumentation in the previous stages of the proceedings, the court states that the reasons for the cassation complaint must be directed against the decision of the regional court, since the essence of the proceedings on the cassation complaint is the review of the court decision (§ 102 s. r. s.). A general reference to the argumentation in the previous filing in the proceedings before the regional court or the defendant does not meet the legal requirements for a cassation complaint. It is up to the complainant to specify each reason on which he bases his cassation complaint, both in terms of law and fact. It is not the court's duty to import or trace claims that he made in earlier proceedings or submissions on behalf of the complainant. With this procedure, he would violate the principle of equality of the parties and, to a certain extent, replace the activity of the complainant in formulating objections. However, such a role does not belong to him (cf. the decision of the Constitutional Court of 11/01/2007, file no. II. ÚS 493/05, as well as, for example, the judgment of the extended panel of the Supreme Administrative Court of 20/12/2005, no. j. 2 Azs 92/2005 - 58, and further judgments of the same court dated 16/02/2012, no. 9 As 65/2011 - 104, dated 20/10/2010, no. 8 As 4 /2010 - 94, dated 21.11.2003, No. 7 Azs 20/2003 - 44, dated 17.3.2005, No. 7 Azs 211/2004 - 86, dated 7.4 2011, No. 5 As 7/2011 - 48, dated 20 February 2014, No. 6 As 119/2013 - 70 etc.). 7 As 146/2021 [26] It can thus be concluded that the Supreme Administrative Court did not find a reason to annul the judgment of the regional court based on the cassation objections. The Supreme Administrative Court fully agreed with the assessment and conclusions of the regional court in the contested judgment. At the same time, taking into account the relative detail and comprehensiveness of the reasoning of the contested judgment of the regional court, the Supreme Administrative Court, instead of practically "repeating" the individual partial conclusions in other words, refers even further to the authentic text of the given reasoning, in order to complete the evaluation of the case in individual details, which is known to the parties to the proceedings. The court adds that it did not even find the existence of defects, which it is obliged to take into account ex offo (see, for example, § 109 s. ř. s.). The Supreme Administrative Court therefore rejected the cassation complaint as unfounded (§ 110 para. 1 s. ř. s.). [27] The ruling on reimbursement of legal costs is based on the provisions of § 60, paragraph 1, sentence one, in conjunction with § 120 s. s. s. According to the contents of the file, the successful defendant did not incur any costs in the cassation appeal proceedings before the court. The Supreme Administrative Court therefore decided that none of the participants has the right

to compensation for the costs of the cassation appeal proceedings. [28] The judgment in relation to the person participating in the proceedings is based on § 60, paragraph 5 of the Criminal Procedure Code, according to which the person participating in the proceedings has the right to reimbursement of only those costs incurred by him in connection with the fulfillment of the obligation that he imposed by the court, and for reasons worthy of special consideration, the court may grant her the right to compensation for additional costs of the proceedings upon motion. In the given proceedings, the person participating in the proceedings did not fulfill any obligations imposed on him by the court, and no reasons worthy of special consideration were found. Lesson learned: No appeals are admissible against this judgment. In Brno on October 7, 2021, JUDr. Tomáš Foltas, chairman of the senate