

Effects of the COVID-19 pandemic on the functioning of court systems in different jurisdictions

Austria

as of: 8 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect as of 16 March until 30 April 2020)

General measures taken by courts and other authorities

Postponement of hearings

The Austrian legislator has passed several new laws on provisional measures to prevent the spreading of COVID-19. Based thereon the Federal Ministry of Justice issued a decree instructing all courts to reduce their office hours as far as possible and to hold hearings only if it is absolutely necessary for the maintenance of an orderly administration of justice.

Dates of postponed hearings

Most civil court hearings have been postponed and no new dates have been set. The parties will be informed about the re-scheduled hearings via written court summons.

Work of courts

The courts will, where applicable, continue to work in closed sessions and continue to issue decisions. This includes written judgments after closed hearings or judgments of appellate courts.

Filing of submissions

On 22 March 2020 a new law to prevent the spreading of the COVID-19 pandemic came into effect. This law was revised on 5 April 2020. It establishes a so-called moratorium on time limits for civil, criminal and administrative proceedings. This law does not prohibit parties from submitting writs in ongoing proceedings or from lodging new claims.

Court submissions in Austria are (irrespective of the COVID-19 pandemic) to be filed primarily electronically via attorneys or (when the party is not and does not have to be represented by an attorney) in writing via post, fax or drop-off boxes in court houses.

Preclusive deadlines

Interruptions or suspensions of preclusive deadlines due to the COVID-19 pandemic have been in effect since 22 March 2020. In general, **procedural time limits in civil and administrative proceedings and certain time limits in criminal proceedings are interrupted until 30 April 2020 (for more details see below)**. A further extension of the suspension is possible should this be necessary to contain the COVID-19 pandemic.

Applicable specific measures

Civil proceedings

Most civil proceedings have been adjourned or cancelled and the civil courts have not yet scheduled new dates. However, urgent civil court proceedings (e.g. proceedings to review the legality of custodial measures) and proceedings on interim measures are expected to continue to be held as closed sessions.

All **procedural (judicial and statutory) time limits** (including preclusive deadlines) in civil proceedings are **interrupted** as of 22 March 2020 **until 30 April 2020. These deadlines will start to run anew on Friday 1 May 2020.**

Exceptions to this rule may be made by judges in individual proceedings if the continuation of the proceedings is urgently required (i) to avert a danger to life and limb, security and freedom or (ii) to prevent substantial and irreparable damage to a party to the proceedings (e.g. proceedings on interim measures).

Substantive law time limits – particularly the **statute of limitations** – are suspended until 30 April 2020. In contrast to the procedural time limits described above, these time limits do not begin to run completely anew on 1 May 2020. They do not continue to run or do not begin to run between 22 March and 30 April 2020.

Enforcement proceedings

Court enforcements of judgments **are discontinued for the time being**, unless enforcement is urgently required and irreparable damage is imminent. The assessment of urgency is at the discretion of the competent Higher Regional Courts.

Insolvency proceedings

The suspension of procedural time limits does not apply to insolvency proceedings. In individual cases judges may extend time limits by a maximum of 90 days, either ex officio or at a party's request.

However, the period for **filing an insolvency petition is extended to 120 days** (instead of the normal period of 60 days) and it starts with the occurrence of inability to pay or of being overindebted. The period remains a maximum period, thus, an application can be deemed delayed if the application should have been objectively filed earlier (e.g. because restructuring is impossible).

In addition, debtors are not obliged to file a petition for opening insolvency proceedings if overindebtedness occurs between 1 March 2020 and 30 June 2020 (unless the debtor simultaneously becomes illiquid). During this period applications by creditors based on overindebtedness do not lead to the initiation of insolvency proceedings.

During ongoing **restructuring proceedings** a qualified reminder sent after 22 March 2020 by a creditor to a debtor in default with the fulfilment of the restructuring plan will not trigger any legal effects (in particular it will not lead to the revival of the full claims) until 30 April 2020.

Criminal proceedings

Criminal proceedings **in connection with detention and accommodation measures are still being held but as closed sessions**. Hearings related to the imposition and extension of a provisional detention as well as trials can be held via video conference until 30 April 2020.

On 24 March 2020 the Federal Ministry of Justice issued a decree on **the interruption of time limits regarding certain statutory time limits for criminal proceedings** until **30 April 2020**. It interrupts for example (i) the deadlines for complaints against court decisions, (ii) appeals against violations of procedural rights by the public prosecutor's office, (iii) requests for justification and continuation after dismissal of case, (iv) objections against the criminal charges, (v) complaints of nullity, (vi) appeals against criminal convictions or the maximum duration of investigation proceedings, (vii) request for retrial and (viii) payment terms for fines. These deadlines will start to run anew on 1 May 2020. The interruption of deadlines **does not apply** in cases where the defendant is in custody.

Misdemeanour/administrative proceedings

Hearings or other acts in the presence of the parties in administrative proceedings are only held insofar as it is absolutely necessary.

Procedural (judicial and statutory) time limits (including preclusive deadlines) in administrative proceedings (including misdemeanour proceedings, proceedings in front of Highest Administrative and Constitutional Courts and tax proceedings) are **interrupted** as of 22 March 2020 **until 30 April 2020**. These deadlines will start to run anew on Friday 1 May 2020.

Exceptions to this rule may be made by the competent authority in individual proceedings if the continuation of the proceedings is urgently required (i) to avert a danger to life and limb, security and freedom or (ii) to prevent substantial and irreparable damage to a party to the proceedings.

Payment terms for certain administrative penalties (e.g. traffic tickets) are prolonged by two weeks if they have been imposed between 22 March and 30 April 2020.

Bosnia and Herzegovina

as of: 7 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect for the duration of the COVID-19 pandemic – as of 24 March 2020 until further notice)

General measures taken by courts and other authorities

Postponement of hearings

All non-urgent court hearings have been postponed, without further need for the parties or their representatives to appear in front of the courts.

It is, nonetheless, advisable to address the court before the hearing in a timely manner via written submission by fax or phone in order to clarify that there is no need for the parties or their representatives to be present at the scheduled hearing.

Dates of postponed hearings

Some courts have postponed hearings and already set specific replacement dates later in the year (i.e. May 2020 or later). Many other hearings are postponed indefinitely, in those cases the parties will be informed about the re-scheduled dates via written court summons.

Work of courts

The courts will work at a reduced capacity and continue to work only on urgent matters and with a lower number of on-duty judges. Delays in the issuing of decisions (when the oral proceedings have already been closed) are to be expected. It is at the courts own discretion to adopt even more restrictive measures if they consider them necessary. In Republika Srpska, court summons, decisions, etc. that must be served in person shall not be issued. Exceptions to this rule include (i) employment proceedings regarding discrimination or abuse at work, (ii) proceedings regarding the status of business companies, (iii) the registration of companies, (iv) interim measures and injunctions and (v) court-ordered levies on bank accounts. In addition, hearings in Republika Srpska may be held in closed sessions.

Filing of submissions

The parties are encouraged to file their submissions via registered post or by fax, as the court registrars may work at a reduced capacity (reduced hours and personnel) and are subject to special working conditions.

Preclusive deadlines

Please note that the preclusive deadlines (such as deadlines to file the response to the claim, appeals etc.) are **not** suspended, therefore it is our advice to meet all deadlines.

However, in Republika Srpska all deadlines for filing submissions are suspended during the state of emergency. This includes the deadlines for the submission of statements of claim and the answers to the statements of claim. The suspension of deadlines does not apply to (i) employment proceedings regarding discrimination or abuse at work, (ii) proceedings regarding the status of business companies, (iii) the registration of companies, (iv) interim measures and injunctions and (v) proceedings regarding court-ordered levies on bank accounts. All deadlines for submitting ordinary (e.g. appeals) or extraordinary legal remedies are suspended as well.

In addition, in Republika Srpska the statutes of limitation for civil law matters are suspended during the state of emergency.

Applicable specific measures

Civil proceedings

All hearings in civil proceedings have been postponed until further notice, except for proceedings on interim measures (to order, extend or terminate the measure).

Note: *On-duty judges can also individually decide to proceed with civil proceedings if they consider the case/circumstances to be urgent.*

Enforcement and insolvency proceedings

All hearings and actions in enforcement and insolvency proceedings, being a part of civil proceedings, are postponed.

Note: *On-duty judges can also individually decide to proceed with enforcement and insolvency proceedings if they consider the case/circumstances to be urgent.*

Criminal proceedings

All main hearings/trials in criminal cases have been postponed, except for the following:

- Proceedings in connection with detention being ordered or requested
- Proceedings where the risk of the statutes of limitations for the prosecution of the criminal offence is imminent
- Other proceedings considered urgent by law (e.g. cases against minors)

Misdemeanour proceedings

The court will continue with misdemeanour proceedings only if these were initiated because persons failed to act in accordance with the orders given by the competent authorities during the COVID-19 pandemic.

Note: *On-duty judges can also individually decide to proceed with misdemeanour proceedings if they consider the case/circumstances to be urgent.*

Bulgaria

as of: 6 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect until 13 April 2020 or until further notice)

General measures taken by courts and other authorities

Postponement of hearings

Due to the COVID-19 pandemic Bulgaria has declared a state of emergency as of 13 March 2020 and on 23 March 2020 the Bulgarian Parliament adopted the Law on the Measures and Actions during the State of Emergency.

In addition, the Judicial Board of the Supreme Judicial Council adopted decisions imposing certain prevention measures for the courts regarding COVID-19. They will be in effect **between 16 March 2020 and 13 April 2020 or until further notice**. According to this decision **the review of the following cases shall be suspended for the period of the declared state of emergency**: (i) all criminal cases with the exception of some explicitly enumerated cases, (ii) all types of civil and commercial cases with the exception of some explicitly enumerated cases, e.g. interim measures to secure future and pending claims or evidence (iii) all administrative cases with the exception of some explicitly enumerated cases.

However, the decision of the Supreme Judicial Council authorises all court presidents to put – at their own discretion – more urgent proceedings on the list of exceptions from the general suspension rule. Each court administration has issued its own orders in this regard.

Dates of postponed hearings

Most civil court hearings have been postponed and no new dates have been set. In these cases the parties will be informed about the re-scheduled date via written court summons. In any case, the new hearings shall be scheduled for the period after the end of the state of emergency, but before the recess in Bulgaria in August.

Work of courts

Citizens, parties to cases, experts, translators, attorneys and all other persons, except for the summoned parties and scheduled cases, are either generally prohibited from accessing court buildings or their access is considerably limited.

The courts are obliged to organise their work based on approved schedules for the on-duty judges and court clerks present in the court buildings. Judges and court clerks other than those on duty in accordance with the work schedule are prohibited from accessing the building.

Judges work remotely on the cases that have been declared as resolved. They do so in accordance with the established workflow, which has been established by each court.

The serving of court documents, communications and papers is suspended with the exception of proceedings continuing as per the Supreme Judicial Council's decision. Summons and messages shall be preferably served by phone or electronically.

Filing of submissions

The Supreme Judicial Council's decision does not prohibit parties from submitting writs in ongoing proceedings or from lodging new claims. However, the courts will not initiate court proceedings, except for the proceedings explicitly enumerated in the Supreme Judicial Council's decision.

Submission of any type of documents shall be done via post or electronically.

The checks for the court case files shall be done only by phone (the numbers can be found on the websites of the courts) or electronically using the e-mail addresses they have announced.

Preclusive deadlines

From 13 March 2020 until the end of the declared state of emergency all procedural court time limits, arbitral and enforcement cases (penal cases and some specific criminal procedures are excluded), all statutory limitation periods (except in penal proceedings), terms for fulfilment of obligations given by an administrative body (except in relation to EU funding) are suspended.

Applicable specific measures

Civil proceedings

All hearings in civil proceedings have been postponed until further notice with the exception of proceedings regarding interim measures (e.g. furnishing securities of future and pending claims, cases of securing evidence).

Enforcement proceedings

All initiated public auctions by state or private bailiffs are suspended as of 24 March 2020 until the end of the state of emergency. They shall be re-scheduled after the end of the state of emergency and no new fees shall be charged.

As of 24 March 2020 until the end of the state of emergency no bank account foreclosures, remuneration and pension foreclosures for natural persons as well as no enforcement of movable and immovable assets owned by natural persons shall be imposed/undertaken with the exception of the collection of receivables from torts, remuneration and maintenance.

Insolvency proceedings

According to the Supreme Judicial Council's decision all insolvency proceedings are suspended as of 16 March until 13 April 2020. However, some courts have decided to continue with some urgent actions regarding pending insolvency cases. At the Sofia City Court (one of the largest courts in Bulgaria) the judges will continue to handle and rule on (i) applications from trustees to separate the trust property from the insolvency estate, (ii) applications for the payment of employment remunerations and/or (iii) other urgent payments upon discretion of the judge.

Criminal proceedings

All criminal cases with the exception of some explicitly enumerated cases shall not be reviewed during the current state of emergency.

All main hearings in criminal cases have been postponed with the exception of cases explicitly named in the Supreme Judicial Council's decision.

Misdemeanour/administrative proceedings

All administrative cases with the exception of some explicitly enumerated cases shall not be reviewed during the state of emergency.

All main hearings in administrative cases have been postponed until further notice.

During the state of emergency the time limits for the implementation of instructions given by an administrative authority to parties or participants in proceedings are interrupted. An exception applies to proceedings under the Law on the Management of Funds from the European Structural and Investment Funds.

The validity of all administrative acts with expiry dates is prolonged by one month as of the date of the cancellation of the current state of emergency.

Croatia

as of: 6 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect for the duration of the COVID-19 pandemic or until further notice)

General measures taken by courts and other authorities

Postponement of hearings

Croatia has still not yet declared a state of emergency; however, certain measures have been adopted in response to the COVID-19 pandemic, i.e. prohibition to leave the place of residence, closure of borders, museums, schools, stores etc. There is **no unified decision regarding the work of courts yet and each court has published its own** decisions on working hours, hearings taking place etc. However, on 18 March 2020 the Croatian Bar Association submitted a draft proposal of a law on intervention measures in court and administrative proceedings due to the coronavirus COVID-19 epidemic to the Ministry of Justice. It includes regulations regarding the functioning of courts and public authorities.

This law has not yet been passed by the Croatian parliament. **Based on their own adopted measures courts are currently postponing hearings with the exception of urgent cases.**

The president of the Supreme Court of Croatia issued a recommendation to all courts that the **absence of parties in the proceedings due to the current situation should not negatively affect their procedural rights.**

Note: *It is advisable to check the online status of the proceedings and to contact the court if hearings were not postponed.*

Dates of postponed hearings

Some hearings are postponed indefinitely. In these cases the parties will be informed about the re-scheduled date via written court summons. However, some courts have postponed hearings until a certain date (most of them until 1 May 2020).

Work of courts

The courts are expected to continue with proceedings, to issue decisions and to hold hearings that have not been postponed. However, some courts, e.g. the Municipal Courts in Zaprëšić and Jastrebarsko are closed until further notice. In addition, the Commercial Court in Zagreb is closed until further notice due to the damage caused by the earthquake that took place on 22 March 2020.

Filing of submissions

The parties can file submission as usual, via post or the e-communication system. In some cases submissions can be filed directly at the entrance to the court, e.g. matters relating to the court registry.

Preclusive deadlines

Preclusive deadlines (e.g. deadlines for filing a statement of defence, an appeal etc.) are not affected by the current situation, as the parties can still file submissions to the courts.

According to the draft proposal of a law on intervention measures in court and administrative proceedings due to the coronavirus COVID-19 epidemic, preclusive deadlines should be interrupted. However, this law is not in effect yet.

Applicable specific measures

Civil proceedings

In majority of the cases the presidents of courts have decided to postpone all hearings. In only a few courts it is at the respective judge's discretion to act in line with the presidents' recommendations for postponement.

From the decisions made by the courts at large, it appears that the courts will proceed only in urgent cases. Which cases are deemed urgent has not yet been uniformly specified.

The measures envisaged by the draft proposal of a law on intervention measures are to interrupt all substantive law and procedural deadlines. The law also stipulates that default interest will not accrue during ongoing court and administrative proceedings.

Enforcement and insolvency proceedings

The enforcement of judgements has not been postponed on the national level, although the government has announced such steps.

However, certain local governments have adopted decisions on the postponement of enforcements and the Municipal Court in Osijek adopted a decision to postpone enforcement and eviction proceedings.

Note: *The Croatian Association of Banks has adopted the decision that banks will not initiate enforcement actions when three instalments or annuities are not paid for three months as of April 2020.*

No specific recommendations or decisions were adopted for insolvency proceedings.

Criminal proceedings

Criminal courts continue to hold hearings in urgent matters (i.e. detention cases or cases in which the statute of limitation for criminal prosecution may expire). Also, the prosecutor's office continues to work and conduct all urgent matters; other non-urgent matters are postponed.

According to the draft proposal of a law on intervention measures defendants in criminal proceedings can participate via audio/video devices.

Misdemeanour proceedings

Misdemeanour hearings are postponed with the exception of urgent cases, which have not yet been uniformly defined.

Montenegro

as of: 6 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect as of 16 March 2020 until further notice)

General measures taken by courts and other authorities

Postponement of hearings

During the state of emergency, all court hearings regarding urgent matters will be held, while the judges will have the discretion to postpone other non-urgent court hearings. They will consider the circumstance of each case individually. Thus far, the practice of the courts was to postpone all hearings.

Note: *Regardless of this practice by the courts it is advisable to address the court before the hearing in a timely manner via written submission by fax or phone in order to clarify whether the parties or their representatives need to be present at the scheduled hearing.*

Dates of postponed hearings

So far, hearings have been postponed indefinitely and the parties will be informed about the re-scheduled dates via written court summons.

Work of courts

The courts will, where applicable, continue to work in closed sessions and will continue to issue decisions.

Filing of submissions

The parties are encouraged to file their submissions either via post, fax, telegram or e-mail (where applicable) because the office hours and operations of the court registrars are subject to special working conditions.

Preclusive deadlines

Please note that the preclusive deadlines (e.g. deadlines to file the response to the complaint, appeals etc.) are **not** suspended, therefore we advise to make sure that all deadlines are duly met.

Applicable specific measures

Civil proceedings

The courts will proceed with civil proceedings only in urgent cases (e.g. decisions on interim measures; decisions in insolvency proceedings; possession disputes).

Enforcement proceedings

Based on the approach taken in civil proceedings it is expected that a similar approach will be taken in enforcement proceedings as well, namely that action will be taken only in urgent cases. Thus far the public enforcement officers have only issued a notice on limited interactions with the parties and on limited working hours.

Insolvency proceedings

The courts will continue to act in insolvency proceedings, although it is expected that such action will be taken in a limited manner.

Criminal proceedings

The court/public prosecutor will proceed with criminal proceedings, if they concern urgent matters (e.g. when detention is being ordered or requested, when proceedings in relation to domestic violence are initiated).

Misdemeanour proceedings

The court will also act in misdemeanour proceedings only in urgent cases. The definition of such cases is still pending (although they will probably include misdemeanours referring to persons who failed to comply with the orders given by the competent bodies during the COVID-19 pandemic).

North Macedonia

as of: 8 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect for the duration of the state of emergency declared for a period of 30 days starting on 18 March 2020)

General measures taken by courts and other authorities

Postponement of hearings

Scheduled non-urgent court hearings may be held only if the mandatory safety requirements are being met and if the president of the court and the judges determine that the risk of endangering the health of judges, officials, parties and other participants is not high. In general, however, only urgent court hearings are held.

Dates of postponed hearings

In general, replacement dates are not determined. The dates of re-scheduled hearings are subject to an individual assessment and the parties will be informed about the dates of postponed hearings via court summons.

Work of courts

The work of the courts is limited to urgent matters and to receiving submissions.

Parties are advised not to appear in court buildings without a justified reason. Persons who must attend the court in urgent cases are advised to wear adequate protective gear.

Filing of submissions

The parties are encouraged to, where technically possible, file submissions electronically and via post.

Preclusive deadlines

On 30 March 2020, the government has adopted a decree. This decree suspends the deadlines in proceedings before the courts and public prosecutor's offices during the state of emergency. The following statutory and preclusive deadlines are suspended: Time limits (i) for submission of claims in civil proceedings, (ii) for submission of a joinder of civil law claims in criminal proceedings, (iii) regarding the initiation of criminal prosecutions, (iv) regarding the initiation of non-contentious proceedings, (v) regarding requests for enforcement of enforcement orders, (vi) regarding interim measures for securing claims, (vii) for applications in the area of administrative law, and (viii) for the initiation of any other court proceedings.

The statutory and preclusive deadlines for the submission of legal remedies or for undertaking procedural actions in the proceedings are suspended for the duration of the state of emergency. Furthermore, the deadlines for submitting appeals or objections to decisions as well as submissions of extraordinary legal remedies in criminal and misdemeanour proceedings are suspended for the duration of the state of emergency.

Applicable specific measures

Civil proceedings

In general, civil courts handle civil cases only if they are related to the following matters:

- Application of interim measures
- Disputes regarding the publishing of corrections regarding previously published statements
- Non-contentious and enforcement proceedings regarding the upbringing and protection of children as well as cases regarding child support
- Political party registrations
- Non-contentious proceedings for keeping people in a health facility
- Inventory of the deceased's estate and preparation of wills
- Lawsuits regarding a bill of exchange
- Receipt of submissions and other matters that must be handled within preclusive deadlines

Enforcement and insolvency proceedings

The enforcement of enforcement orders is suspended until 30 June 2020, except for the enforcement in certain cases, as stipulated by the decree issued on 30 March 2020.

The government adopted a resolution that prohibits the conducting of bankruptcy proceedings during the state of emergency. All already initiated procedures have been postponed for the duration of the state of emergency.

Criminal proceedings

The following matters are considered urgent and continue to be handled by the Criminal Court Skopje and by the public prosecutors' offices:

- Cases where one of the defendants in custody or in home detention
- Cases related to health hazards
- Cases related to the violation of the imposed curfew and the measures adopted to prevent the spreading of COVID-19
- Other urgent matters, where closed sessions can be held.

Note: On 1 April 2020, the Criminal Court Skopje has published an announcement on the above criteria for handling criminal cases and has listed the individual cases that meet these criteria. Some of the other courts in North Macedonia may have broader criteria for the matters that are considered urgent during the state of emergency.

Misdemeanour proceedings

It appears that misdemeanour proceedings are not handled by the Criminal Court Skopje. Such proceedings may continue to be handled by other courts in North Macedonia. However, some of these courts have not made any announcement on this subject.

Serbia

as of: 6 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect for the duration of the state of emergency declared on 15 March 2020 or until further notice)

General measures taken by courts and other authorities

Postponement of hearings

As a rule, during the state of emergency, all court hearings are postponed without the need for the parties or their representatives to appear in front of courts.

Note: *Nonetheless, it is advisable to address the court before the hearing in a timely manner via written submission, by fax/telegram or via phone call in order to clarify that the parties or their representatives do not need to be present at the scheduled hearing.*

Dates of postponed hearings

Some courts have postponed hearings to specific dates later in the year (June 2020 or later) while many other hearings have been postponed indefinitely. In these cases, the parties will be informed about the re-scheduled date via written court summons.

Work of courts

The courts will, where applicable, continue to work in closed sessions and will continue to issue decisions.

Filing of submissions

The parties are encouraged to file their submissions either via post, fax, telegram or e-mail (where applicable) as the working hours and operations of the court registrar are subject to special working conditions.

Preclusive deadlines

Preclusive deadlines for filing (i) civil complaints, (ii) motions for initiating extrajudicial or enforcement and security proceedings, (iii) private criminal complaints, (iv) administrative lawsuits, (v) constitutional appeals as well as any preclusive deadlines for filing legal remedy in the above-referred cases **are deemed suspended as of 15 March 2020.**

Applicable specific measures

Civil and insolvency proceedings

The court will continue to hold civil proceedings only with regard to:

- Interim measures (to order, extend or terminate the measures)
- Urgent proceedings (e.g. insolvency, possession disputes etc.)
- Protection measures in cases of domestic violence
- Bans on the distribution of the press and the distribution of information by the media
- Retention in healthcare institutions in the field of neuropsychiatry
- Enforcement regarding enforceable documents related to family relations

Note: *In cases where courts hold hearings, they are advised to accept the request for postponement of the hearing if the party or the party's representative is older than 60 years, has chronic health problems or is or has a child under the age of 12 years.*

The request for postponement shall be accompanied by written proof and by the written consent to the postponement given by the party itself (if the submission is drafted by the representative). The request and enclosures can be submitted to the court via fax/telegram and/or e-mail.

Enforcement proceedings

Public enforcement officers, who are competent to handle most of the enforcement proceedings, are instructed not to decide on proposals for enforcement and not to perform actions in enforcement proceedings during the state of emergency (exceptions apply, e.g. in statutory alimony procedures).

Criminal proceedings

The court/public prosecutor will continue to hold criminal proceedings only in the following cases:

- Detention being ordered or requested
- Specific criminal offences (illicit trade, failure to comply with health regulations during the pandemic, transmission of contagious diseases)
- Prosecution of juvenile offenders or cases in which juveniles are the injured party in crimes against sexual freedom
- Initiation of domestic violence proceedings
- Criminal offences where the risk of the expiry of the statute of limitation is imminent
- Criminal offences committed during a state of emergency and in connection with a state of emergency

Misdemeanour / administrative proceedings

The court will hold misdemeanour proceedings only in the following cases:

- Prosecution of juvenile offenders or cases where juveniles are the injured party in crimes against sexual freedom
- Domestic violence proceedings
- Initiation of proceedings in relation to public law and order
- Misdemeanour offences where the risk of the expiry of the statute of limitation is imminent
- When a large number of requests for initiating misdemeanour proceedings for misdemeanours performed during the state of emergency and in connection with the state of emergency are submitted.

The deadlines to act in **administrative procedures** before a competent authority have been suspended. This includes tax procedures, customs procedures and various types of inspections. The deadlines shall be extended for 30 days from the date when the state of emergency ends.

Slovakia

as of: 7 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (effective as of 27 March until 30 April 2020)

General measures taken by courts and other authorities

Postponement of hearings

On 27 March 2020 a new law on provisional measures to prevent the spreading of COVID-19 came into force. The courts shall hold hearings, main hearings and public meetings only to the extent that is absolutely necessary. Others have been postponed. Protecting the health of persons is a reason for excluding the public from hearings.

Dates of postponed hearings

The hearings in non-urgent proceedings are postponed. As of yet, it remains unclear whether replacement dates will be set for these hearings.

Work of courts

The courts will, where applicable, continue to work in closed sessions and they will continue to issue decisions, e.g. written judgments after closed hearings or judgments of appellate courts.

Filing of submissions

The statutory periods or periods ordered by court are interrupted until 30 April 2020. This also applies to the execution of the procedural acts in the proceedings.

The filing of writs is not subjected to universal regulations. However, each court issues recommendations for filing writs electronically or via post. When submissions are filed in person, the person must stand at a distance of 1.5 metres from the court staff.

Preclusive deadlines

On 27 March 2020 the interruption or suspension of preclusive deadlines due to the COVID-19 pandemic came into effect. In general, procedural time limits in civil proceedings are interrupted until 30 April 2020 and the periods that expired between 12 March 2020 and 27 March 2020 shall not expire earlier than within 30 days after 27 March 2020.

Applicable specific measures

Civil proceedings

All procedural (judicial and statutory) time limits (including preclusive deadlines) in civil proceedings are interrupted as of 27 March 2020 until 30 April 2020. However, if the case cannot be delayed because it would cause a threat to life and limb, safety, freedom or the risk of a substantial damage to a party, courts may decide that the interruption of the period shall not apply in certain cases and set new reasonable periods.

No lien shall be exercised until 30 April 2020. All acts leading to the exercise of liens are ineffective between 27 March 2020 and 30 April 2020.

Insolvency proceedings

When the inability to pay or overindebtedness occur between 12 March 2020 and 30 April 2020 the period for filing an insolvency petition is 60 days.

Enforcement proceedings

The auctioneer, bailiff and trustee are obliged to refrain from auctioning until 30 April 2020. Auctions between 27 March 2020 and 30 April 2020 are invalid.

Criminal proceedings

The procedural (judicial and statutory) time limits for appeals of the accused or its representative, the injured person or any other person involved in criminal proceedings are interrupted as of 27 March 2020 until 30 April 2020.

Misdemeanour proceedings

The misdemeanour proceedings have not been addressed by the new legislation; however, regulations in this field are expected to follow soon.

Slovenia

as of: 8 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect for the duration of the state of emergency declared on 16 March 2020 until further notice, but no longer than until 1 July 2020)

General measures taken by courts and other authorities

Postponement of hearings

From 16 March 2020 onwards, the courts only hold hearings and issue judgments in urgent matters. Scheduled hearings in non-urgent matters are being cancelled.

Date of postponed hearings

These measures shall be valid until annulled but in any event no longer than until 1 July 2020. The scheduled hearings have been cancelled and will take place once the measures are withdrawn.

Work of courts

While the COVID-19 intervention measures are in force, no access to the court buildings is allowed, unless for the purpose of urgent matters. If possible, hearings in urgent matters could be conducted via videoconferences. It is at the discretion of the judge to exclude the public from ongoing proceedings if that is necessary to prevent the spreading of the disease.

Filing of submissions

Claims are to be filed via post or the court website (eSodstvo) (where possible). Communication with the courts can be done via e-mail or phone during office hours.

Submissions in non-urgent matters are not taking place. Should submissions have nevertheless been served any deadlines initiated thereby (i.e. procedural deadlines such as the period for submitting an answer to a claim) shall begin to run on the first day following the annulment of intervention measures.

Preclusive deadlines

Statutory deadlines for exercising rights before courts and court deadlines in non-urgent matters are currently suspended.

Applicable specific measures

Civil and insolvency proceedings

The court will generally act in civil proceedings only in the following cases:

- Interim measures proceedings
- Enforcement matters related to childcare and statutory maintenance payment obligations
- Non-contentious matters concerning persons in custody in mental health institutions
- Inventories of a deceased's property with the exception of the cause of death being an infection with the novel coronavirus or the cause of death being unknown
- Disputes concerning publication of corrected information

Enforcement proceedings

The enforcement of already issued enforcement decisions is halted until 31 May 2020 (with a possible extension until 30 June 2020). Exceptions apply to child support payments.

Insolvency proceedings

If a company becomes insolvent due to the COVID-19 epidemic, the obligation of its management to file for an insolvency proceeding (i.e. bankruptcy or compulsory settlement proceeding) is suspended until 31 August 2020 (with a possible extension until 30 September 2020). Certain other deadlines related to insolvency proceedings are also prolonged.

Criminal proceedings

The court/public prosecutor will generally act in criminal proceedings only in the following cases:

- Investigations and trials in criminal matters, where the accused party is in custody or has otherwise been deprived of its liberty
- In criminal matters concerning foreigners who are not residents of the Republic of Slovenia.

Pending proceedings pertaining to the commencement of the enforcement of a sentence of imprisonment shall be interrupted and new proceedings must not be initiated. The measures also include the possibility of early release of up to six months prior to the end of the convicts' sentences.

Misdemeanour proceedings

The court will generally act in minor offence proceedings only in matters involving:

- Detention
- Foreigners
- Confiscation of perishable goods

Turkey

as of: 28 April 2020

Measures and Effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect as of 13 March 2020 until 15 June 2020)

General Measures taken by courts and other authorities

Postponement of hearings

As of 13 March 2020, the Council of Judges and Public Prosecutors published a letter regarding the measures to be taken against COVID-19 and recommended courts postpone all hearings except urgent issues and criminal investigations and prosecutions related to detained suspects.

As of 25 March 2020, via a legislative package approved by the Grand National Assembly of Turkey, it had been decided that the Council of Judges and Public Prosecutors will further regulate the procedures and principles as to the postponement of hearings before the courts of first instance and regional courts of justice.

As of 30 March 2020, the Council of Judges and Public Prosecutors announced that unless it is urgent, civil and criminal hearings (other than criminal proceedings related to detained suspects) due to be held until 30 April 2020 will be postponed. The parties will not be required to submit any further petitions to the courts in this respect.

A similar announcement by the Council of Judges and Public Prosecutors is expected to be made as to the postponement of hearings until 15 June 2020.

However, each court should be contacted in advance of a scheduled hearing within the mentioned period. In order to be on the safe side, check with the court (i) whether the hearings are postponed and in the case of postponement (ii) whether they require a petition requesting postponement and whether this petition is to be submitted via the online judicial system ("UYAP"). The new hearing date shall be obtained via UYAP.

Dates of postponed hearings

The courts are likely to postpone hearings at least for two (2) to four (4) months as of the already scheduled hearing dates. As to the postponed hearings, the courts will notify of the new hearing dates via UYAP.

Work of courts

The courts will, where applicable, continue to work, hold hearings and issue decisions.

However, as of 23 March 2020, a presidential decision had been published announcing that all the employees in the public sector will work in shifts and/or will be granted administrative leave. The work distribution and organization will be conducted by the relevant authorities; i.e. the Ministry of Justice for the courthouses. Accordingly, such regulation in the public sector will affect the work of the courts, where it is likely that the work to be conducted by the courts will be reduced significantly which, in turn, will also cause the courts not located in Istanbul to postpone the hearings in order to overcome the workload.

Furthermore, as of 22 March 2020, four (4) criminal courts at Istanbul's Anadolu Courthouse have been closed after a court clerk tested positive for COVID-19; all the judges and the court staff of these courts have been granted an administrative leave.

Filing of submissions

The parties are encouraged to file their submissions through UYAP.

Preclusive deadlines

As of 25 March 2020, the preclusive deadlines (such as deadlines to file the complaints/response to the complaints, the appeals etc.) have been **suspended** via a legislative package approved by the Grand National Assembly of Turkey, to be effective retrospectively **from 13 March 2020 until 30 April 2020**; the president of the Republic of Turkey is entitled to extend such period up to six (6) months. As of 28 April 2020, **the president extended such period; it will be effective until 15 June 2020.**

Applicable specific measures

Civil proceedings

The court will act in civil proceedings only in the following cases:

- Urgent proceedings (e.g. regarding interim measures, which are aimed at ordering, extending or terminating measures, etc. which at the court's discretion are deemed urgent).

Enforcement and Insolvency Proceedings

As of 22 March 2020, all the enforcement and insolvency proceedings throughout the country (except the enforcement proceedings regarding alimony payments) have been suspended till 30 April 2020. It will also not be possible to initiate any enforcement proceedings within the given period. As of 28 April 2020, such suspension had been extended to be effective until 15 June 2020 via a presidential decree.

Furthermore, even though it is possible to request from courts to issue provisional attachment orders, enforcement of such decisions shall not be possible within the given period.

The execution offices will act in enforcement proceedings if it concerns proceedings in relation to alimony payments.

Criminal proceedings

The court/public prosecutor will act in criminal proceedings only in the following cases:

- Urgent proceedings;
- Where the defendant has already been detained; or
- If detention is being ordered or requested.

Misdemeanor proceedings

The court will act in misdemeanor proceedings only in the following cases:

- If the court decides to keep conducting the proceedings; or
- Urgent proceedings.

Ukraine

as of: 2 April 2020

Measures and effects of the COVID-19 pandemic on the work of courts and public prosecutors' offices (expected to be in effect as of 12 March until at least 24 April 2020)

General measures taken by courts and other authorities

Postponement of hearings

As of 17 March 2020, the Council of Judges of Ukraine issued a set of recommendations regarding the specific operating mode of the courts during the quarantine until 3 April 2020 (in light of the prolongation of the quarantine until 24 April 2020, the specific operating mode of the courts is expected to be prolonged). In particular, the judges are advised (i) to explain the likelihood of postponing the hearings due to the quarantine to the parties, (ii) to restrict access to the court, (iii) to consider cases in written proceedings (if possible), and (iv) to appoint fewer court hearings per day.

A letter with similar recommendations was issued by the State Court Administration of Ukraine. However, none of the state authorities has issued any decision on suspending the courts' operations and in his letter to the government dated 30 March 2020 the Head of the Council of Judges stressed that the courts will continue to function.

According to the Council of Judges the quarantine is a valid reason for postponing a court hearing. The **parties are encouraged to file motions on postponement based on the quarantine**. The website of the judiciary has published a template of the motion on postponing the hearing due to the quarantine.

It should be noted that there are no obligatory regulations applicable to all courts and authorities and that **it is at the discretion of each court (and even each judge)** to decide how to deal with the appointed cases. In general, the appointed hearings are being cancelled if they are not urgent.

Dates of postponed hearings

The courts are likely to postpone the already scheduled hearings by at least two (2) weeks. The postponement may be prolonged in view of the extension of the quarantine. Some judges postpone the hearings indefinitely. The new hearing dates will be communicated via post, e-mail or official website of the court system.

Work of courts

The courts will, where possible, continue to work, hold hearings and issue decisions.

On 30 March 2020, in addition to the specific operating mode of all the courts mentioned above, the Parliament adopted a new law (entered into force on 2 April 2020). It sets additional rules for how courts are to function during the quarantine. In particular, the passed new law (i) allows parties (that cannot be present in the courtroom) to participate in hearings via videoconference using their own technical devices, and (ii) entitles a judge to restrict the access to the courtroom if he or she thinks that the granting of access to certain persons may affect the health of others.

Filing of submissions

The Council of Judges and the Court Administration highly recommend the parties to the proceedings to interact with the courts remotely, i.e. to file all necessary submissions via post, fax, e-mail or specialised electronic systems and to familiarise themselves with the case materials online by reviewing scanned copies.

Preclusive deadlines

The law passed by the Parliament on 30 March extended the statute of limitations and almost all procedural deadlines for the duration of the quarantine.

In particular, the general and the shortened limitation periods are extended, and so are other specific ones, e.g. in the areas of capital construction or product liability. Also, all procedural time limits stipulated by the respective procedural codes have been extended.

Applicable specific measures

Civil proceedings

Civil proceedings The courts are advised to act in civil proceedings only in the following cases:

- If the proceedings are urgent (e.g. interim measures – to order, extend or terminate the measure, etc. of which the court shall decide at its own discretion whether such proceedings are urgent or not)
- If the proceedings can be conducted without parties being present in the courtroom

Insolvency proceedings

There is no official decision regarding the suspension of insolvency proceedings, thus the respective judge decides independently whether to consider the case or not. Usually the hearings are postponed to later dates.

Enforcement proceedings

There is no official decision regarding the suspension of enforcement proceedings, thus the enforcement service should perform the enforcement proceedings without limitations.

Criminal proceedings

The court/public prosecutor will likely act in criminal proceedings only in the following cases:

- If the court adopts a decision on investigatory actions
- If the suspect has already been detained
- If the detention term is going to expire
- If detention is being ordered or requested

Misdemeanour proceedings

The courts are advised to act in misdemeanour proceedings only if the proceedings are urgent and their postponement would lead to failing to meet the statutory deadlines.



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