

Home>Impact of COVID-19 on the justice field>Covid-19 Impact on civil and insolvency matters

Covid-19 impact on civil and insolvency matters

The coronavirus has brought forth a crisis, which does not stop at borders and affects all areas of our life. European civil justice is not an exception in this regard.

The COVID-19 pandemic has affected the judiciary, national authorities and legal practitioners, as well as businesses and citizens. This page is dedicated to giving an overview of the relevant measures taken within the European Union in response to the pandemic in relation to civil law procedures, including family law and commercial law, and insolvency law.

As the situation is changing rapidly and information on this topic is still evolving, this page will be updated regularly to reflect new developments. The information given in this page is provided and maintained by the national Contact Points of the European Judicial Network in civil and commercial matters. To obtain information on the measures undertaken in relation to other areas of law, you can consult the following page: [Impact of COVID-19 on the justice field](#).

The Council of Europe has also created a webpage on national measures in the justice area in view of the COVID-19 pandemic. You can consult the page [here](#).

CIVIL LAW

There may be situations where citizens and businesses need to take procedural action in a cross-border case, but are unable to do so due to emergency measures taken in an EU Member State in order to counter the spread of COVID-19. These measures may result in: complete or partial suspension of the work of courts and authorities that citizens and businesses might need, temporary inability to obtain legal aid, difficulty to access information normally provided by the competent authorities, Other practical issues, for instance delays in enforcing a decision in a cross-border context or in serving a judicial document, or temporary adjustments in terms of communication with the public (by email, by phone or by postal mail).

For additional information, please consult the webpages of the Ministry of Justice of the Member State for which you need information.

EFFECT OF COVID-19 PANDEMIC ON TIME LIMITS

Time limits laid down in the EU legislation on civil judicial and commercial matters are not directly affected by special measures adopted by Member States. Most deadlines governed by EU law do not have direct consequences when they expire [1], and their expiry in most cases will not lead to any direct consequences for authorities, courts, and citizens except causing potential delays.

In a number of other cases, the EU instruments establishing fixed time limits may also provide exemptions in exceptional circumstances [2], which could cover the current extraordinary situation, when for instance authorities or courts activities are seriously disturbed or even came to a standstill.

However, the expiry of other deadlines provided by EU instruments may deprive citizens or courts from the possibility to take procedural steps, such as appealing against a decision, with irreversible consequences in the judicial proceedings [3] and with no scope for an extension or derogation provided in that particular EU instrument. In such cases, it cannot be presumed from the outset that the circumstances resulting from this crisis justify a derogation from applicable Union law on time limits. At the same time it is clear that the COVID-19 crisis creates an exceptional situation which presents significant challenges for citizens and authorities alike, and may create situations where respecting the obligations set out by Union law is temporarily not possible, or is excessively difficult.

For this reason, the preservation of effective access to justice should be an important criterion when assessing: whether a time limit has expired, which procedural consequences may arise from its expiry.

For instance, overall restrictions on societal life affecting courts but also postal services as well as the possibility to consult a lawyer and prepare submissions to a court could jeopardize the access of citizens to justice. As a result, depending on the specific circumstances, it may be justified to not count the duration of the crisis towards procedural time limits. This may vary for different situations: if courts operate normally for urgent family law matters because they are a priority, one may insist also on the same deadlines.

In carrying out this assessment, a Member State's decision on time limits being interrupted under national law may serve as an important point of reference (even if not directly legally affecting deadlines provided by EU law) in order to consider whether effective access to justice is hindered to such an extent that the suspension of deadlines may also be considered justified for deadlines provided by EU law.

[1] In particular as regards the cooperation between authorities or courts, for instance deadlines set by Article 6 of [1393/2007 Regulation](#) for the acknowledgement of receipt by the receiving agency or Article 13(4) of [Directive 2002/08](#) on legal aid.

[2] See Article 11(3) of [Brussels II a Regulation](#), or Art 18 of the [EAPO Regulation](#).

[3] See for example Article 15(5) of the [Brussels II a Regulation](#) sets a 6 weeks time limit for another court to accept jurisdiction, resulting otherwise in the court first seized to continue to exercise jurisdiction, Article 6 of the [Service of documents Regulation](#) sets a one week time limit for the recipient to refuse the service of a document, Article 19(2) of the [Maintenance Regulation](#) establishes a 45 days time limit to apply for a review of a maintenance decision etc.

INSOLVENCY LAW

The COVID-19 pandemic and the shutdown of large parts of the economy has led to a drastic drop in the cash-flow of companies and to a threat of mass insolvencies. The table below provides an overview of measures taken by Member States in order to cope with this situation and to prevent insolvencies of viable businesses caused by this temporary shock. Such measures may concern: substantive insolvency law, including the suspension of the duty (for debtors) and the possibility (for creditors) to file for insolvency or moratoria on the enforcement of claims or the termination of contracts, procedural insolvency law relating to the interruption of court proceedings, time-periods and various types of time-limitations, and additional measures directly or indirectly related to insolvency situations of businesses, including, where indicated by Member States, wider measures helping entrepreneurs to get over economic difficulties caused by the COVID-19 pandemic.

Please select the relevant country's flag to obtain detailed national information.

Last update: 21/06/2023

This page is maintained by the European Commission. The information on this page does not necessarily reflect the official position of the European Commission. The Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice with regard to copyright rules for European pages.