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Impacto da pandemia de Covid-19 nos processos cíveis e de insolvência

Covid-19 impact on civil and insolvency matters

Áustria

## 1 Covid-19 impact on civil proceedings

### 1.1 Time limits in civil proceedings

[Law of 22 March 2020](#), as amended

**Procedural deadlines** which begin on 22 March 2020 or which under normal circumstances would start to run after this date are interrupted and are suspended until 30 April 2020. They will then start running afresh. This means that a 14-day deadline will end on 15 May 2020 and a 4-week deadline will end on 29 May 2020.

**Exceptions (inter alia):** Payment deadlines, forced psychiatric admissions. In the event of imminent danger to safety or personal freedom or of irretrievable damages, the court can end the interruption earlier.

**Time-limits / limitation periods** are suspended between 22 March 2020 and 30 April 2020.

**Negotiations online:** Exceptionally, technical measures for the transmission of images and sound may enable participation in a hearing for certain groups and subject to certain provisions.

**Enforcement proceedings:** The forced sale of movable and immovable property can be suspended if the debtor is in economic difficulties due to the COVID-19 pandemic. Evictions can be suspended upon request if the debtor would otherwise become homeless.

### 1.2 Judicial organization and Judiciary

Restriction of contacts between courts and parties, depending on the situation of the COVID-19 pandemic.

**General shutdown of some courts** if need be, with the option of transferring urgent cases to other courts.

### 1.3 EU Judicial Cooperation

Officials at central authorities will work from home depending on the situation of the COVID-19 pandemic. Communication by email is recommended.

## 2 Insolvency related measures adopted or planned for adoption in member states after the outbreak of the pandemic

### 2.1 Substantive insolvency measures and related contracts affecting measure

#### 2.1.1 Insolvency suspension

##### 2.1.1.1 Suspension of duty to file for insolvency (debtors)

The duty of debtors to file for insolvency proceedings in the event of over-indebtedness has been suspended until 30 June 2021.

The duty of debtors to file for insolvency proceedings within 60 days of becoming unable to pay has been extended to 120 days if the inability to pay occurred because of COVID-19.

##### 2.1.1.2 Protection of debtors about insolvency filing from creditors

The right of creditors to file for insolvency of a debtor due to over-indebtedness has been suspended until 30 June 2021.

#### 2.1.2 Claim enforcement suspension and contract termination suspension

##### 2.1.2.1 General / specific moratoria on claims enforcement / certain types of claims enforcement

The **stay of a forced sale** of movable and immovable property can be requested if a debtor faces economic difficulties due to the current COVID-19 pandemic and these difficulties have led to the initiation of the enforcement proceedings.

##### 2.1.2.2 Suspension of contract termination (general / specific contracts)

The insolvency court can **prolong the period in which third parties may not terminate contracts** or exercise their right to separation or separate satisfaction (in force until 30 June 2021).

**Residential leases** (tenancy law) cannot be terminated because of rent arrears between April and June 2020 which arose due to a significant impairment of economic performance caused by COVID-19. Landlords may sue for such arrears in court only after 31 December 2020, albeit with interest on arrears of no more than 4% per annum.

### 2.2 Civil, including insolvency courts suspension and procedural suspensions

The court can extend procedural deadlines in insolvency proceedings by up to 90 days (in force until 31 December 2020).

### 2.3 Other insolvency measures (those relating to avoidance actions, reorganization plans, informal agreements, and others if appropriate)

Debtors in arrears as part of a **payment schedule** can ask for a moratorium for a maximum of nine months (in force until 30 June 2021).

### 2.4 Related non-insolvency measures (payment deferrals, bank loans, social security, health insurance, business subsidies)

**Loan instalments** of consumers or microenterprises due between April and June 2020 will be deferred if the borrower has suffered a loss of income due to COVID-19 which makes it unreasonable to expect repayment of the instalments on time. The repayment term is automatically extended by three months, unless the borrower wants the loan to continue as normal.

**No interest on arrears** is due for arrears from April to June.

**No contractual penalties are due** if a contract was concluded prior to 1 April 2020 and the debtor is in default due to a significant impairment of their economic performance resulting from the COVID-19 situation or if COVID-19 has resulted in restrictions on their working life.

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