

Página principal > Repercusión de la pandemia de COVID-19 en la justicia > **Efecto de la COVID-19 en los asuntos civiles y concursales**

### Efecto de la COVID-19 en los asuntos civiles y concursales

El coronavirus ha dado lugar a una crisis que no se detiene en las fronteras y que afecta a todos los aspectos de nuestra vida. La justicia civil europea no es una excepción a este respecto.

La pandemia de COVID-19 ha afectado al poder judicial, a las autoridades nacionales y a los profesionales del Derecho, así como a las empresas y a los ciudadanos. Esta página tiene por objeto ofrecer una visión general de las medidas pertinentes adoptadas en la Unión Europea en respuesta a la pandemia en relación con los procedimientos de Derecho civil, incluido el Derecho de familia y el mercantil, y el Derecho concursal.

Dado que la situación está cambiando rápidamente y la información sobre este tema sigue evolucionando, esta página se actualizará de forma periódica para reflejar los nuevos avances. Los puntos de contacto nacionales de la Red Judicial Europea en materia civil y mercantil facilitan y actualizan la información facilitada en esta página.

Para obtener información sobre las medidas adoptadas en relación con otros ámbitos del Derecho, puede consultar la página siguiente: [Repercusión de la pandemia de COVID-19 en la justicia](#).

El Consejo de Europa también ha creado una página web sobre las medidas nacionales en el ámbito de la justicia a raíz de la pandemia de COVID-19.

Puede consultar la página [aquí](#).

### DERECHO CIVIL

Puede haber situaciones en las que los ciudadanos y las empresas necesiten realizar una acción procesal en un asunto transfronterizo, pero no puedan hacerlo debido a las medidas de emergencia adoptadas en un Estado miembro de la UE a fin de contrarrestar la propagación de la COVID-19. Estas medidas pueden dar lugar a: La suspensión total o parcial de la actividad de los órganos jurisdiccionales y las autoridades que pudieran necesitar los ciudadanos y las empresas; la imposibilidad temporal de obtener asistencia jurídica gratuita; dificultades para recibir la información que normalmente proporcionan las autoridades competentes; otros problemas prácticos, por ejemplo, retrasos en la ejecución de una resolución en un contexto transfronterizo o en la notificación o el traslado de un documento judicial, o ajustes temporales en términos de comunicación con los ciudadanos (por correo electrónico, por teléfono o por correo postal).

Si necesita información adicional, consulte la página web del Ministerio de Justicia del Estado miembro sobre el que necesite información.

### EFFECTO DE LA PANDEMIA DE COVID-19 EN LOS PLAZOS

Las medidas especiales adoptadas por los Estados miembros no afectan directamente a los plazos establecidos en la normativa de la UE en materia judicial civil y mercantil.

La mayoría de los plazos que se rigen por el Derecho de la Unión no tienen consecuencias directas cuando llega su fecha de vencimiento [1] y, en la mayoría de los casos, su vencimiento no tendrá ninguna consecuencia directa para las autoridades, los órganos jurisdiccionales o los ciudadanos, a lo sumo podrán ocasionar algún retraso.

En otros casos, los instrumentos de la UE que establecen plazos fijos también pueden contemplar exenciones en circunstancias excepcionales [2], que podrían comprender la situación extraordinaria actual, por ejemplo, cuando las actividades de las autoridades o los órganos jurisdiccionales se vean gravemente perturbadas o incluso se paralicen.

Sin embargo, el vencimiento de otros plazos establecidos por los instrumentos de la UE puede privar a los ciudadanos o a los órganos jurisdiccionales de la posibilidad de realizar actuaciones procesales, como interponer un recurso contra una resolución, con consecuencias irreversibles dentro del proceso [3] y sin que pueda aplicarse una prórroga o exención contemplada en el instrumento concreto de la UE. En tales casos de efecto preclusivo, no puede presuponerse desde un primer momento que las circunstancias derivadas de esta crisis justifican una excepción del Derecho de la Unión aplicable en materia de plazos. Al mismo tiempo, es obvio que la crisis de la COVID-19 crea una situación excepcional que plantea dificultades importantes tanto para los ciudadanos como para las autoridades y que puede originar situaciones en las que no sea posible temporalmente, o sea excesivamente difícil, respetar las obligaciones establecidas por el Derecho de la Unión.

Por esta razón, la protección del acceso efectivo a la justicia debe ser un criterio importante a la hora de valorar: si ha vencido un plazo, qué consecuencias procesales pueden derivarse de su vencimiento.

Por ejemplo, las restricciones generales a la vida social que afectan a los órganos jurisdiccionales, pero también a los servicios postales, así como a la posibilidad de consultar a un abogado y preparar escritos o alegaciones judiciales podrían poner en peligro el acceso de los ciudadanos a la justicia. Como resultado, en función de las circunstancias específicas, puede estar justificado que la duración de la crisis no cuente a efectos de los plazos procesales.

Esto puede variar en función de diferentes situaciones: si los órganos jurisdiccionales operan con normalidad respecto de asuntos urgentes de Derecho de familia, debido a que tienen carácter prioritario, también se pueden mantener los mismos plazos.

Al realizar esta valoración, la decisión del Estado miembro sobre la interrupción de los plazos en el ámbito nacional puede servir como punto de referencia importante (incluso si no afecta directamente a los plazos establecidos por el Derecho de la Unión, desde el punto de vista jurídico) a fin de tener en cuenta si el acceso efectivo a la justicia se ve obstaculizado de tal manera que la suspensión de los plazos también pueda considerarse justificada para los plazos establecidos por el Derecho de la Unión.

[1] En particular con respecto a la cooperación entre autoridades u órganos jurisdiccionales, por ejemplo, los plazos establecidos en el artículo 6 del Reglamento (CE) n.º 1393/2007, para que el organismo receptor remita el acuse de recibo, o en el artículo 13, apartado 4, de la [Directiva 2003/8/CE](#), sobre la justicia gratuita.

[2] Véanse el artículo 11, apartado 3, del [Reglamento Bruselas II bis](#) o el artículo 18 del [Reglamento relativo a la orden europea de retención de cuentas](#).

[3] Véanse, por ejemplo, el artículo 15, apartado 5, del [Reglamento Bruselas II bis](#), que establece un plazo de seis semanas para que otro órgano jurisdiccional se declare competente; de lo contrario, es competente el primer órgano jurisdiccional al que se presentó la demanda; el artículo 8 del [Reglamento relativo a la notificación y el traslado de documentos](#), que establece un plazo de una semana para que el organismo receptor se niegue a aceptar el documento que deba notificarse o trasladarse, y el artículo 19, apartado 2, del [Reglamento en materia de obligaciones de alimentos](#), que establece un plazo de 45 días para solicitar el reexamen de una resolución en materia de alimentos, etc.

### DERECHO CONCURSAL

La pandemia de COVID-19 y la paralización de grandes sectores de la economía han ocasionado una caída drástica en el flujo de efectivo de las empresas y un peligro de insolvencia generalizada. El cuadro que figura a continuación ofrece una visión general de las medidas adoptadas por los Estados miembros

para hacer frente a esta situación y prevenir la insolvencia de empresas viables ocasionada por esta crisis temporal. Estas medidas pueden estar relacionadas con: el Derecho concursal sustantivo, incluida la suspensión de la obligación (de los deudores) y la facultad (de los acreedores) de solicitar la declaración del concurso de acreedores o moratorias de la ejecución de deudas o la rescisión de contratos, el Derecho concursal procesal en relación con la interrupción de los procedimientos judiciales, los plazos ordinarios y varios tipos de plazos de prescripción, y medidas adicionales directa o indirectamente relacionadas con situaciones de insolvencia de empresas, incluidas, cuando así lo indiquen los Estados miembros, medidas más amplias para ayudar a los empresarios a superar las dificultades económicas causadas por la pandemia de COVID-19.

**Para obtener información detallada de ámbito nacional, se debe seleccionar la bandera del país pertinente.**

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## **Covid-19 impact on civil and insolvency matters - Belgium**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

**Limitation periods and deadlines for introducing judicial remedies** that expire between the 8th of April 2020 and the 17th of May 2020 are extended by one month after the expiration of this period (i.e. postponed to the 17th of June 2020). If need be, the government may extend the final date of this period.

**Deadlines in judicial proceedings** in civil matters that expire between the 8th of April 2020 and the 17th of May 2020 and the expiration of which could lead to forfeiture or any other damage, are extended by one month after the expiration of the crisis period (i.e. postponed to the 17th of June 2020). If need be, the government may extend the final date of the crisis period. This doesn't apply to urgent matters.

Extension by 6 months of the deadlines in the context of **judicial sales of immovable properties** that expire between the 18th of March 2020 and the 3rd of June 2020.

Suspension of some **enforcement proceedings** against companies between the 24th of April 2020 and the 17th of May 2020.

#### **1.2 Judicial organization and Judiciary**

In civil matters, **judicial hearings** that were supposed to occur between the 10th of April 2020 and the 17th of June 2020 (this may be extended by the government) are cancelled when all parties have already sent their written conclusions. The judge shall take a decision without hearing, solely on the basis of the written conclusions, unless the parties oppose. If the parties oppose, the case will be postponed.

Civil courts have resorted to **using video conference tools** when continuing to proceed with handling cases in court.

Oaths may be received remotely between the 4th of May and the 3rd of June 2020.

Legal deadlines for meetings foreseen in the **notarial law** and that expire between the 18th of March 2020 and the 4th of August 2020 are postponed by three months.

**Notarized powers** may be received remotely and electronically (on electronic support and with an electronic identification and signature).

Removal of the requirement for witnesses and the presence of several notaries in an authentic will between the 4th of May 2020 and the 3rd of June 2020.

Notarized powers received from March 13, 2020 to June 30, 2020 and which take effect only from March 13 until June 30, 2020 will be free of charge.

#### **1.3 EU Judicial Cooperation**

Following the COVID-19 outbreak, the modality of work and the organisation of the **Belgian Central Authorities** in civil matters have not changed, with the exception that most Belgian Central Authority caseworkers only operate via telework. A few agents continue to be present 1 day per week, to check incoming post and secure outgoing post, for instance with regard to service of documents.

A message has been sent out via the European judicial network to all contact points indicating that communications can continue to be sent exclusively by e-mail to the caseworkers. The Belgian Central Authorities remain available by telephone and e-mail. It has been advised to send new requests to the functional mailboxes with regard to child abduction, taking of evidence, legal aid, maintenance obligations, and child protection.

The treatment of individual cases could be delayed as a result of lower staffing. So far, all agents remain active and cases continue to be handled on a daily basis as before the COVID-19 outbreak.

### **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)**

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

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##### **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**

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

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

Deadlines in the framework of judicial sales and private sales in judicial form that expire between 1st November 2020 and 31st March 2021 are automatically extended by 6 months.

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

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

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## **Covid-19 impact on civil and insolvency matters - Bulgaria**

### **1 Covid-19 impact on civil proceedings**

## 1.1 Time limits in civil proceedings

### Specific legislation:

- Law on the measures and actions during the state of emergency declared by a decision of the National Assembly of 13 March 2020 and on overcoming the consequences. – referred below as “*State of Emergency Law*”

Two periods according to the measures and actions are distinguished as follows: the period of the state of emergency ( 13.03-13.05.2020 ) and the period of two months after the lifting of the state of emergency (as from 14.05.2020):

#### A/ Measures and actions for the period of the state of emergency: 13 March – 13 May 2020

(Initially, the period of the state of emergency was fixed from March 13th till April 13th, 2020. This period has been prolonged till May 13th, 2020).

#### Procedural deadlines:

##### - *Suspension of deadlines:*

**A II procedural deadlines** in civil judicial, arbitration and enforcement proceedings are suspended except in the following civil and commercial litigation cases:

Cases for exercising parental rights only in respect of provisional measures;

Cases under the Domestic Violence Protection Act only concerning an order for immediate protection or amendment thereof, as well as in cases where the request for protection is rejected;

Permits for withdrawal of funds from children's deposits;

Interim proceedings;

Evidence preservation cases;

Requests under the Electronic Communications Act and in connection with termination of registry proceedings on the basis of an act of the court under the Law on the Commercial Register and the Register of Non-Profit Legal Entities;

The cases under Art. 62, para. 3 of the Credit Institutions Act. concerning signing a declaration pledging to safeguard bank secrecy;

The prescription periods upon the lapse whereof rights are extinguished or acquired for private entities are suspended.

B/ Measures and actions for the period of two months after the lifting of the State of emergency ( as from 14.05.2020):

##### - *Suspension of deadlines:*

Within two months after the lifting of the state of emergency, all announced public sales and coercive seizures of possession, announced against individuals by public and private enforcement agents, shall be suspended and rescheduled, without fees nor expenses. At the request of the individual, made before the expiration of the term under sentence one, the public sales, respectively the coercive seizures of possession shall be rescheduled, without fees and expenses being due.

##### - *Extension of deadlines:*

Deadlines established by law (**except in the cases mentioned above**), expiring during the times of the state of emergency and which are related to the exercise of rights and obligations of private persons and entities, are extended by 1 month as of the end of the state of emergency.

##### - *Specific cases:*

During the state of emergency and for up to two months thereafter, bank accounts of individuals and medical establishments, salaries and pensions, medical apparatus and equipment shall be exempted from preservation/ protective measures. No inventory of movable property and real estate owned by individuals shall be made, except for liabilities for maintenance, for damage caused by tort/delict and for claims for maintenance, for damage caused by tort/delict and for claims for salaries. No seizures of bank accounts of municipalities are imposed for two months after the lifting of the state of emergency.

Up to two months after the lifting of the state of emergency, no interest and penalties are charged in case of delay in payment of obligations of private entities, debtors under credit agreements and other forms of financing provided by financial institutions under Art. 3 of the Credit Institutions Act, with the exception of the subsidiaries of the banks, including when the receivables are acquired by banks, financial institutions or third parties. The obligation cannot be declared earlier due/payable on demand and the contract cannot be terminated for default.

## 1.2 Judicial organization and Judiciary

### Court hearings

Until the state of emergency is lifted, court hearings, may be held remotely, ensuring direct and virtual participation of the parties and participants in the proceedings. Minutes shall be drawn up for the meetings held and shall be published without delay and the minutes of the meeting shall be kept until the deadline for amendment and completion of the minutes. The court shall inform the parties when the hearing will be held at a distance.

The Supreme Judicial Council has issued orders for the provision of the necessary precautionary measures to prevent the spread of the virus in court buildings, for filing documents to courts by mail or electronically, as well as for consultation on the phone or electronically. For the mentioned hearings, summons is served by telephone or electronically.

### Registry proceedings

The services provided by the Commercial Register and Register of non-profit legal entities and other registers are accessible online.

### Notarial procedures

Notarial procedures are limited only to the emergency ones. Notarial proceedings shall be limited to urgent matters while complying with the hygiene requirements. The Notary Chamber shall provide notaries on duty in a proportion of at least one notary per 50,000 residents for the area of practice concerned.

## 1.3 EU Judicial Cooperation

International legal assistance is still provided by the Ministry of Justice and by the courts but might be delayed.

## 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 Bulgarian national legislation provides for an obligation to file for insolvency by the debtor (its management) within 30 days of the occurrence of the insolvency/over-indebtedness (Art. 626 (1) of the Commercial Act).

The state of emergency had been terminated on 13th of May, 2020 for the whole territory of the Republic of Bulgaria. The deadlines for the implementation of all specific measures taken with the State of Emergency Law had expired. Respectively, the specific measures are no longer applicable.

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

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#### 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 state of emergency had been terminated on 13th of May, 2020 for the whole territory of the Republic of Bulgaria. The deadlines for the implementation of all specific measures taken with the State of Emergency Law had expired. Respectively, the specific measures are no longer applicable.

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

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

The state of emergency had been terminated on 13 May 2020 for the whole territory of the Republic of Bulgaria. The deadlines for the implementation of all specific measures taken with the State of Emergency Law had expired. Respectively, the specific measures are no longer applicable.

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

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

In case of default on payment of obligations under bank loans and other forms of financing (factoring, forfeiting, etc.) provided by banks and financial institutions, as well as under lease contracts, interest and penalties shall not be imposed until the lifting of the state of emergency. Moreover, an obligation /payment cannot be required earlier and the contract cannot be terminated due to default (Art. 6 of the State of Emergency Law as amended and supplemented on 6th of April 2020).

The above measure has been revised with amendments to the State of Emergency Law as follows:

Within two months after the lifting of the state of emergency, in case of delay in payment of obligations of private entities, debtors under credit agreements and other forms of financing provided by financial institutions, with the exception of the subsidiaries of the banks, including when the receivables are acquired by banks, financial institutions or third parties, no interest and penalties shall be imposed, the obligation cannot be declared prematurely due and the contract cannot be annulled for non-compliance.

According to a new provision under the State of Emergency Law, entered into force on 17 of February 2021, precautionary measures shall not be imposed and enforcement actions shall not be carried out within two months after the cancellation of the emergency epidemic situation on funds paid to employees as compensations on the basis of an act of the Council of Ministers in connection with overcoming the occurred consequences of COVID-19; Distraint orders on the claims of employees under the first sentence, including those received on their bank or other payment accounts shall not be subject to execution (Art. 5, para 5 under the State of Emergency Law as amended and supplemented on 17 of February 2021).

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### **Covid-19 impact on civil and insolvency matters - Czechia**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

Several measures have been taken to alleviate the most urgent difficulties of citizens with regard to court proceedings, executions or insolvency proceedings. Extensive use of existing provisions of the codes of procedure on waiver of missed time limits in court proceedings, if the time limit was missed due to limitations resulting from the extraordinary measures (mandatory quarantines, restrictions on movement and gathering of persons).

##### **1.2 Judicial organization and Judiciary**


The Ministry of Justice recommended postponing **all court hearings**. If postponement not possible, it must be carried out strictly in line with the Government Regulation on State of Emergency. Public is excluded in court hearings and its movement within the court building restricted.

Information provided by courts via telephone/email.

Delay in legal proceedings resulting of the application of this recommendations will not be considered by MoJ as delays in the exercise of its supervisory powers.

**Notarial service still available** to the public, but work carried out in restricted mode.

##### **1.3 EU Judicial Cooperation**

 **Office for International Legal Protection of Children** (Brussels IIa & Maintenance Regulation): The Office's agenda will be carried out in the state of emergency mode; all personal contact with the Office shall be replaced by written (written or electronic) and telephone contact; Office hours shall be limited to Mondays and Wednesdays from 9 am to 12 pm.

**Czech Ministry of Justice (Central authority for Service of Document & Taking of Evidence Regulations)**: Staff members (including all contact points) are currently mostly working from home. Electronic communication/distance communication are strongly recommended. All time limits should be kept.

The only complication is the increasing restrictions on postal services in some States, which we try, in agreement with the Ministry of Foreign Affairs, to overcome by use of diplomatic channel for

**service of judicial documents**. Foreign Central authorities should advise the courts/competent authorities to send all requests on service of documents and taking of evidence directly to the competent courts and not via Central Authority (Ministry of Justice) as this will currently significantly shorten the time limits for successful execution of the request.

#### **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)**

Suspension of debtor's duty to file for insolvency (in case of COVID-related bankruptcy occurred within 6 months from the end of governmental extraordinary measures).

Suspension expiration date prolonged till 30-06-2021.

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

Creditor's right to file for insolvency of a debtor suspended until 31-08-2020.

###### **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**

Extraordinary moratorium suspends enforcement orders and realization of collateral rights. It is easily accessible for debtors as it does not require a consent of creditors needed for first 3 months; then creditors' consent needed for a further 3 months' extension.

Second stage for extraordinary moratorium applications opened on 13-11-2020 (until 30-06-2021 and just for first-time applicants). The extension of first stage extraordinary moratorium does not require consent of creditors.

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

Extraordinary moratorium also protects the debtor from the termination of contracts for the supply of energy, raw materials, goods and services, and allows the debtor to pay the obligations directly related to the maintenance of the business preferentially over older debts.

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

Ministry of Justice recommended postponing all court hearings, when possible. Waiver of missed time limits in court proceedings, if the time limit was missed due to current limitations (such as mandatory quarantines or restrictions on movement).

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

As long as the debtors' obligation to file for insolvency is suspended, the running of claw-back periods relevant to actions for the avoidance of antecedent transactions will also be suspended. Enhanced protection of debtors against cancellation of on-going discharge proceedings due to drop in income has been enacted.

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

Loan instalments from April to October 2020 can be deferred and term of contracts would be automatically extended. No penalties or interest on arrears can arise during the period of protection.

Most of individual enforcement actions types conducted by bailiffs suspended until 31-01-2021.

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### **Covid-19 impact on civil and insolvency matters - Denmark**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

No measures directed at legal proceedings have been introduced so far.

##### **1.2 Judicial organization and Judiciary**

The Danish courts have initiated an emergency procedure in order to handle certain critical areas. The critical areas, which continue to be dealt with locally by the courts, are particularly by law time-bound cases or are particularly intrusive.

It is up to the courts to make an assessment in each case whether a case fulfills the conditions to be 'critical', and it is also up to the courts to organize the work taking into account the circumstances.

The decision to prioritize critical cases entails that a number of significant case types, including cases with physical court meetings, will not be prioritized. These cases are postponed until further notice.

The Danish Courts seek to handle as much work as possible from home workplaces during the emergency period. The Danish Court Administration has secured the possibility of establishing home workplaces for all employees. In addition, court employees can (to a limited extent) be physically present in the courts in order to ensure that they themselves and others can solve tasks from home.

As far as possible, the courts use telephone conferences to prepare cases in several areas of law, including civil cases and bailiff cases. The family courts handle cases as far as possible without physical attendance. There are also certain probate cases that can be processed by phone.

The Crisis Committee (consisting of The Danish Court Administration and a group of Presidents of the courts) have also called for the courts to consider, as far as possible, whether the current situation gives rise to further use of video conferencing, if it is deemed sound from a rule of law perspective.

##### **1.3 EU Judicial Cooperation**

In general, the Danish Courts seek to handle as much work as possible from home workplaces during the emergency period.

#### **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)**

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

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###### **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**

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

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

The Danish courts have initiated an emergency procedure in order to handle certain critical areas. The critical areas, which continue to be dealt with locally by the courts, are particularly by law time-bound cases or are particularly intrusive.

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

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

The Danish parliament has adopted a series of economic stimulus packages.

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Nuestros traductores trabajan en una versión en la lengua que está consultando.

### **Covid-19 impact on civil and insolvency matters - Germany**

#### **1 Covid-19 impact on civil proceedings**



### 1.1 Time limits in civil proceedings

To date, no measures have been adopted on civil-law time limits; the only provisions relate to prolonged interruptions to criminal proceedings. German law on civil procedure contains flexible provisions on the extension of time limits, stay of proceedings and *restitutio in integrum*, which help in the case of litigation during the COVID-19 crisis.

Further information on legislative measures can be found on the Federal Ministry of Justice and Consumer Protection's [website](#)

### 1.2 Judicial organization and Judiciary

Statutory provisions for civil proceedings already provide the courts with a broad scope to react flexibly to the current exceptional situation. It is for the relevant courts and judges to decide what measures to take on a case-by-case basis, e.g. written procedure, dispensing with the taking of evidence, or taking evidence via videoconference. Judicial independence is maintained.

### 1.3 EU Judicial Cooperation

Cooperation in family matters (Regulation (EC) No 2201/2003):

The central authority is fully operational in accordance with Regulation (EC) No 2201/2003. Applications can be submitted in paper form.

Cooperation in matters relating to maintenance obligations (Regulation (EC) No 4/2009):

The central authority is fully operational in accordance with Regulation (EC) No 4/2009. Applications can be submitted in paper form.

The taking of evidence (Regulation (EC) No 1206/2001) and the service of documents (Regulation (EC) No 1393/2007):

There are no restrictions on the operation of the judiciary. Requests for service and taking of evidence are executed.

## 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 suspension of the duty to file for insolvency in the case of companies, partnerships in which no partners have unlimited liability, and associations and foundations was lifted on 1 May 2021. However, certain legal consequences of the suspension still apply, in particular the extended protection against appeals under Section 2(1) Nos 2 to 5 of the current version of the COVID-19 Insolvency Suspension Act (*COVID-19-Insolvenzaussetzungsgesetz – COVInsAG*).

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

The limitation of a creditor's right to file for insolvency applied only until 28 June 2020. Since 29 June 2020, the right to file a creditor's application has been fully reinstated if the creditor has a legal interest in opening insolvency proceedings and demonstrates that their claim and the reason for opening the proceedings are credible.

#### 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

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

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

To date, there are no measures on time limits in civil proceedings. There is no need for specific measures because the legal situation in Germany allows judges to respond appropriately to the effects of COVID-19 on ongoing court proceedings.

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

For the duration of the suspension of the obligation to file for insolvency, the liability risks for managers, creditors and contractual partners of insolvent companies were mitigated in order to promote the provision of additional capital and the continuation of business relations; see Section 2 COVInsAG. Individual facilities continue to apply, such as the clarification that the repayment of new loans granted during the suspension period will continue to be considered non-detrimental to creditors until 30 September 2023 (Section 2(1) No 2 COVInsAG). Payments on claims which were deferred until 28 February 2021 were also deemed until 31 March 2022 to be non-detrimental to creditors, unless insolvency proceedings had been opened before 18 February 2021 (Section 2(1) No 5 COVInsAG). Section 4 COVInsAG shortened the forecast period for the over-indebtedness test until 31 December 2021 and various forms of access facilitation applied during the same period to 'self-administrative' and 'shield' procedures (cf. Sections 5 and 6 COVInsAG).

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

Consumers' credit obligations in relation to consumer loans were – under certain conditions – deferred for three months effective from 1 April 2020; this rule expired on 30 June 2020.

Deadlines under company law for holding general meetings were extended; the right of shareholders or their proxies to attend in person can temporarily be suspended by the Management Board (stock corporations).

Consumers and microenterprises unable to make payments as a consequence of the crisis were granted the right to refuse to perform 'essential contracts for the performance of a continuing obligation' (including but not limited to the supply of gas, water, power and telecommunications services), provided such contracts were concluded prior to 8 March 2020. This rule expired on 30 June 2020.

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## Covid-19 impact on civil and insolvency matters - Estonia

### 1 Covid-19 impact on civil proceedings

#### 1.1 Time limits in civil proceedings

General information in English can be found on the Government's [website](#).

**Procedural time limits** are extended by courts on a case-by-case basis. Courts will take into account the additional burden, tasks or difficulties for parties to a proceeding due to the crisis.

No legislation on the extension of deadlines, judges have the discretionary power to set longer deadlines in the future or to extend existing deadlines.

However, in order to prevent the spread of the COVID-19 virus by avoiding physical human contacts in care facilities **the amount of time or terms for which mentally ill persons are placed in** a psychiatric hospital or a social welfare institution have been suspended:

in the case of extended provisional protection, for the duration of the emergency situation;

in the case of placement, for the duration of the emergency situation and up to two months after termination of the emergency situation.

This is without prejudice to the obligation to terminate any placement and any application of provisional legal protection after the prerequisites for placement have ceased to exist or it becomes evident that the prerequisites were not fulfilled.

In the area of the **law of obligations**, currently no fundamental changes. The Ministry of Justice has analysed different legal options that are already provided in Estonian law and which could be used during this difficult time. The focus has been on providing explanations and on answering information requests. There have also been proposals for amending certain rules in the area of law of obligations, but these discussions are still ongoing.

## 1.2 Judicial organization and Judiciary

State of emergency from 12/03 to 17/05.

Virtual meeting rooms have been created to raise the capacity of the Ministry of Justice, courts, prosecution offices and prisons to hold video conferences. This solution can also be used to hold oral hearings with parties to proceedings. In addition, available video conference equipment has been relocated to support the increase in demand within courthouses and prisons.

**No legislative change regarding court proceedings.** The Council for Administration of Courts has issued recommendations. The work of Estonian courts has been reorganized: opening hours of the chancelleries 9.00–13.00 and of the courthouses on working days until 14.00.

Where possible, cases are handled in writing through the Courts Information System and by means of a digital court file application.

**Urgent hearings are held and proceedings are conducted by electronic means of communication.** If this is not possible, the Court decides on a case-by-case basis whether a hearing or proceedings will be held in court. The following matters can be considered as urgent: placing a person in a closed institution; separating a child from his or her family; establishing guardianship for an adult. In non-urgent cases, electronic means of communication can be used by the court (or any other means necessary), but generally it is recommended that the courts opt to postpone hearings and/or proceedings.

Under the Code of Civil Procedure, the court in exceptional and urgent cases related to children can issue a preliminary / protective order without hearing the child, and many judges have used this possibility.

It is recommended that procedural **documents be served** preferably by e-File and e-mail.

The **Chamber of notaries** authorized notaries to take all measures necessary, such as use of the remote authentication service e-Notar which allows for the performance of notarial acts using a video bridge. Whereas up until 6 April only certain types of acts could be done remotely (issuing a power of attorney, the sale of shares of private limited companies and a few more) then as of 6 April 6, almost all acts can be authenticated remotely, with the exception of concluding a marriage or a divorce). Thus, even real property can be sold and transferred via online authentication. This will also be the case after the emergency situation is terminated. The **Estonian Bar Association** has also encouraged its members to work remotely and to use all technical means of communication to continue providing legal counsel. It has also stressed the need to ensure attorney-client confidentiality. The Bar Association has further emphasized that limitations on rights imposed due to the emergency situation must be justified and should be challenged if this is called for in a particular case. Attorneys also have a duty to adapt quickly to changes in the working environment, show flexibility and innovation and to ensure that the possibilities for requesting extensions for time limits are not abused.

The Chamber of **Bailiffs and Trustees in Bankruptcy** has also announced that bailiffs and trustees in bankruptcy have reorganized their work in order to work remotely.

## 1.3 EU Judicial Cooperation

The Estonian Central Authority has been teleworking as of 13 March. **Communications (messages and documents) are established by email** (in civil matters and most criminal matters). If needed, original documents will be sent via airmail after the emergency situation ends.

## 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)

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

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#### 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

-

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

-

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

-

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

The need for **further amendments** in the area of insolvency (e.g. regarding reorganisation plans) that might help to endorse the overcoming of the crisis are currently being analysed.

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

-

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## Covid-19 impact on civil and insolvency matters - Ireland

### 1 Covid-19 impact on civil proceedings

#### 1.1 Time limits in civil proceedings

**No specific legislation on time limits.** Issue of proceedings where the statutory time limit to issue will expire before the end of the “restriction” period are considered essential business (see second column).

#### 1.2 Judicial organization and Judiciary

**Court offices will remain open, and are accepting urgent papers.** Drop boxes are being provided for documents to be left in, reducing the need to interact with staff at the public counter. Court offices can continue to be contacted by email or by post.

**Civil matters can be adjourned by consent via e-mail.** Only urgent cases will go ahead in the coming weeks.

Applications relating to **urgent Family Law** matters are allowed, including protection orders, interim barring orders, emergency barring orders, extension of orders.

Applications can also be filed for essential business such as urgent wardship matters or urgent judicial review applications.

Videolink appearances are being facilitated from prisons for all people currently in custody following order of President of the High Court. Piloting underway to facilitate courts hearings remotely and by video with the consent of the parties.

### **1.3 EU Judicial Cooperation**

Staff of the Ministry of Justice and Equality and the Central Authorities are mostly working from home. Communication by email only is preferred.

## **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)**

-

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

The Companies (Miscellaneous Provisions) (Covid-19) Act 2020 makes temporary amendments to the The Companies (Miscellaneous Provisions) (Covid-19) Act 2020 makes temporary amendments to the Companies Act 2014 and the Industrial and Provident Societies Acts 1893 – 2014 to address issues arising as a result of Covid-19.

Specifically on examinership (preventative restructuring), it makes provision in respect of business solvency by increasing the period of examinership from 100 to 150 days and increasing the threshold at which a company is deemed unable to pay its debts from €10,000 for a single creditor and €20,000 in the aggregate to €50,000 in respect of each.

Measures under the Act are due to end on 31 December 2020 but consideration is currently being given to an extension of these provisions.

#### **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**

-

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

-

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

Measures to support the smooth operation of the insolvency system have been agreed, including the relaxation of certain court rules and certain payment breaks, where appropriate.

For further information, please see <https://www.courts.ie/covid-19-notice>

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

Banks and non-bank lenders announced coordinated flexible forbearance measures in March to support customers whose income was impacted by COVID-19. This included payment breaks for mortgages and other loans of initially three months (later extended to six months) where an application was made in advance of 30 September 2020.

During October the vast majority of these payment breaks expired.

Since 1 October, forbearance has been based on individual or case-by-case assessment by lenders of borrowers' financial circumstances. Borrowers have been provided with additional financial support/forbearance or are completing a Standard Financial Statement (SFS) to determine the most appropriate type of forbearance for them. This may include short term measures such as further breaks in payment or longer term measures.

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

Financial supports, training and guidance area available to help businesses mitigate the impact of COVID-19 and return to work safely.

The Employment Wage Subsidy Scheme (EWSS), provides a flat-rate subsidy to support employers from the private sector experiencing significant economic disruption. EWSS has replaced the Temporary Wage Subsidy Scheme and will run until 31 March 2021.

A COVID Restrictions Support Scheme (CRSS) is designed to offer a targeted, timely and temporary sector-specific support to businesses forced to close or trade at significantly reduced levels as a result of restrictions imposed on them in response to COVID-19.

The COVID-19 Credit Guarantee Scheme facilitates up to €2 billion in lending to eligible businesses. Loans under the Scheme range from €10,000 to €1 million, for terms of up to five and a half years.

COVID-19 Business Loans up to €25,000 are available through Microfinance Ireland with zero repayments and zero interest for the first 6 months and the equivalent of an additional 6 months interest-free subject to certain terms and conditions.

For further information on the range of business supports in place, please see <https://enterprise.gov.ie/en/What-We-Do/Supports-for-SMEs/COVID-19-supports/>

A Debt Warehousing Scheme in respect of certain taxes has been introduced. The scheme allows VAT and PAYE (Employer) debts incurred by businesses during the period of restricted trading caused by Covid-19 to be 'parked' on an interest free basis for 12 months following the resumption of trading. At the end of the 12-month interest free period, the warehoused debt may be paid in full without incurring an interest charge or paid through a phased payment arrangement at a significantly reduced interest rate of 3% per annum. This compares to the standard rate of 10% per annum that would otherwise apply to such debts.

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## **Covid-19 impact on civil and insolvency matters - Greece**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

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#### **1.2 Judicial organization and Judiciary**

By Ministerial Decision, all procedures carried out before the Greek courts and their services are suspended until 15 May 2020, with the exception of urgent and significant actions and cases.

The procedures carried out before the District Civil Courts and their services were suspended until 10 May 2020.

The operation of the judicial services is limited only to the necessary actions to carry out the necessary work and urgent cases.

Meetings and any other action related to the operation of the judiciary is carried out remotely, if possible, using technological means. IT communication tools and applications have been provided in order to secure video conferencing, and teleworking of judges, prosecutors and other legal actors.



Electronic submission of an application for the issuance of certificates is available in some of the major courts. In that case, citizens and lawyers have the opportunity to receive them electronically through a web portal.

### 1.3 EU Judicial Cooperation

Precautionary and containment measures have been adopted by the Greek Government in order to address the danger of the spread of the coronavirus, its socio-economic impact and to ensure the good functioning of the market and the public sector.

The Ministry of Justice, in its capacity as Central Authority under Civil Law Conventions/Treaties and in compliance with EU Regulations on Judicial Cooperation in Civil and Commercial Matters, has established a mixed system of remote working and physical attendance at the workplace in rotation.

Until now, **the Central Authority is almost fully operational**, although occasional delays in processing some requests are inevitable due to the persisting health crisis.

## 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)

All relevant procedures are suspended from the 7th until the 30th of November 2020.

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

All relevant procedures are suspended from the 7th until the 30th of November 2020.

#### 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

All enforcement proceedings are suspended from the 7th until the 30th of November 2020.

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

-

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

All courts' hearing procedure were temporary suspended for public health protection reasons.

from the 7th until the 30th of November 2020. Suspension of insolvency proceedings from the 7th until the 30th of November 2020.

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

The Union of Greek Banks and the Minister of Finance has agreed that the banks will waive repayment of capital instalments under loan agreements with enterprises affected by the coronavirus pandemic, upon the debtor's application.

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

For entities that have been affected by the coronavirus pandemic and their employees (as well as individuals who rent premises to such affected enterprises):

Extension of time for payments of tax without the accrual of interest or penalties

Extension of time for payment of social security contributions.

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## Covid-19 impact on civil and insolvency matters - Spain

### 1 Covid-19 impact on civil proceedings

#### 1.1 Time limits in civil proceedings

**All terms are suspended, and time limits provided for in the procedural laws for all jurisdictional orders are suspended and discontinued.** The calculation of the time limits will be resumed at the moment that the extensions of Royal Decree 463/2020 become invalid.

Suspension of procedural deadline don't apply to a number of specific proceedings, including the protection of children.

The judge or court may agree to conduct any judicial proceedings that are necessary to avoid irreparable damage to the rights and legitimate interests of the parties to the proceedings.

For updates on the measures taken by the Spanish authorities to prevent the spread of the virus the Spanish General Council for Judiciary has published on its website a dedicated section entitled: *General information COVID-19*, available under the [following link](#).

That website provides complete information including general Information, guides and protocols, agreements of the Permanent Committee (from 11th Mars 2020 to 5th May 2020), Case Law, Information from the Ministry of Justice and General State Prosecutor's Office, Information from Ministry of Health, Head of State, and the High Courts of Justice Monitoring Committee.

#### 1.2 Judicial organization and Judiciary

The work within judicial premises has been significantly reduced. I.T. solutions and communication tools have been provided or reinforced, in order to facilitate teleworking of judges, prosecutors, and other legal actors.

Public Notaries and Public Registries are considered as an essential public service and they are guaranteed.

### 1.3 EU Judicial Cooperation

Spanish central authority cannot guarantee normal processing of incoming requests (especially paper requests). Requests must be sent by electronic means.

Taking of evidence (art 3 of Regulation 1206/2001: Serious and urgent requests will be processed, requests must be sent to [rogatoriascivil@mjusticia.es](mailto:rogatoriascivil@mjusticia.es).

All the rest must follow the usual procedure by sending them directly to the competent Spanish Court in paper.

Child abduction and maintenance recovery : Processing of requests can only be guaranteed when received by email. Enforcement shall be subject to urgency, taking into account the limitation of movement imposed on citizens. ([sustraccionmenores@mjusticia.es](mailto:sustraccionmenores@mjusticia.es)) ([SGCJAlimentos@mjusticia.es](mailto:SGCJAlimentos@mjusticia.es))

## 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)

A stay on the duty for filing for insolvency as long as the State of Alarm is in force (even if the debtor filed for the pre-insolvency mechanism provided in Article 5 bis of the Spanish Insolvency Act).

Article 5 bis of the Bankruptcy Law has been replaced by Articles 583 to 594 of the Consolidated Text of the Bankruptcy Law, published in the Official Gazette on 5 May 2020 and coming into force on 1 September 2020.

Article 6.3 of Law 3/2020, of 18 September, states that "If, up to and including 31 December 2020, the debtor has notified the opening of negotiations with creditors to reach a refinancing agreement, an out-of-court settlement or accession to an early settlement.

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

For a two month period after the end of the State of Alarm, the insolvency courts will not admit any filings for necessary insolvency proceedings which have been submitted by creditors/third parties during the State of Alarm or during such two month period.

During the post State of Alarm two month period, the debtor's filing for insolvency proceedings will be admitted by the court with priority.

Article 6 of Law 3/2020, of 18 September, established that "Until 31 December 2020 inclusive, judges will not admit any filings for necessary insolvency proceedings which have been submitted by creditors/third parties since 14 March 2020. If up to 31 December 2020 inclusive the debtor has submitted an application for voluntary bankruptcy, this will be admitted for processing with preference, even if it is later than the application for the necessary bankruptcy". Royal Decree-Law 34/2020 of 17 November has extended this moratorium until 14 March 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**

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

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

General suspension of procedural deadlines. Court Hearings can be held in urgent cases.

The suspension of proceedings ceased at the end of June. Given the situation of collapse in the field of commercial justice, aggravated by the pandemic, Law 3/2020, of 18 September, established the preferential processing of certain urgent cases within the insolvency procedure (Article 9).

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

In addition, Royal Decree Law of 31 March, which adopts urgent complementary measures in the social and economic sphere to deal with COVID-19, has set out the possibility that insolvent companies may also file temporary employment regulation proceedings ("ERTEs") on the basis of force majeure or for organisational, technical, economic and production reasons due to the COVID-19 crisis:

The purpose of this measure is to prevent the economic crisis caused by the Covid-19 from constituting an additional obstacle to the viability of the insolvent, which could hinder them to execute or comply with a creditors' agreement, leading to their liquidation, or making it difficult to sell a viable business unit.

Request applications or communications must be made by the insolvent company with the authorisation of the insolvency receiver (practitioner), or by the insolvency receiver directly, depending whether the debtor is in possession or not.

Likewise, the insolvency receiver will be a party to the consultation period. If no agreement is reached during this period, the decision to apply the ERTE must have the authorization of the of the insolvency receiver, or decided by the insolvency receiver directly, depending whether the debtor is in possession or not.

In any case, the insolvency court must be informed immediately of the request, resolution and measures applied, by telematic means.

In the event that the labour authority does not find the existence of force majeure, the company may challenge such resolution before the social jurisdiction.

It will be the insolvency court who will hear the challenges to the resolution for fraud, deceit, coercion or abuse of law, or if the workers challenge the company's decision or the labour authority's decision on the ERTE if they have wanted to obtain unduly benefits. Such challenges will follow the procedure of the insolvent incident in labour matters and the judgment will be appealable (suplicación).

Both Law 3/2020, of 18 September, and Royal Decree-Law 34/2020, of 17 November (D. F. 10, amending Law 3/2020, of 18 September, on procedural and organisational measures to deal with COVID-19 in the field of the Administration of Justice), contain measures to prevent the declaration of non-compliance with agreements or refinancing agreements and to allow, in both cases, the modification of the terms of such agreements.

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

The Spanish Government has approved measures leading to the temporary suspension of the contractual obligations arising from any mortgage loan contracted by an individual who is in a situation of economic vulnerability.

The mortgage debt moratorium only applies to:

the usual/ordinary dwellings (ie not including vacation or weekend homes);

properties linked to the economic activity developed by entrepreneurs and professionals; and

dwellings other than the usual one in a rental situation and for which the mortgage debtor, natural person, owner and lessor of these dwellings, has stopped receiving the rental income since the entry into force of the State of Alarm, or does not receive it within one month after the end of the State of Alarm.

The granting of the moratorium entails the suspension of the payment of the mortgage debt instalments (principal and interests) during the term of three months and the early repayment clause in the mortgage loans will not be applied either. No late payment interest will accrue either.

Economic vulnerable debtors are the ones that:

become unemployed or, if an entrepreneur or professional, suffers a substantial loss of income or decrease of sales (above 40%);

the total income of the family unit does not exceed in the month prior to the application of the moratorium x3 Monthly IPREM (ie EUR 537.84 x3). This calculation shall be increased in the case of children, persons over 65 years of age, disability, dependency or illness;

the mortgage loan instalments, plus the expenses and basic supplies, are higher than the 35% of the net income of the whole family unit; and

as a result of the COVID-19 emergency, the family unit has suffered a significant alteration in its economic circumstances in terms of the effort required to access housing (the ratio of mortgage charges over family income has been multiplied by 1.3).

The debtors can apply for the moratorium during a period of 15 days after the end of one month after the end of the State of Alarm (current deadline is 27 May). The lenders will have to implement such moratorium within a maximum of 15 days after the application and will have to report such moratorium to the Bank of Spain.

The application of the suspension will not require agreement between the parties, nor any contractual novation, to take effect, the extension of the term of the mortgage loan must be formalized in a public deed and registered in the Land Registry.

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### **Covid-19 impact on civil and insolvency matters - France**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

**Time limits (procedural), including limitation periods**, expiring between 12/03 and the end of the state of emergency period +1 month are extended. At the end of the aforementioned period, all time limits resume normally but within a limit of 2 months. The extended period does not however restrain parties to seek remedy or to exercise their rights of action in any possible manner during the state of emergency period, to the extent possible.

In principle, performance duties and time limits provided for in contracts are not affected, national law being applicable to specific circumstances (force majeure etc.) will apply. However, **contractual sanctions of non-performance from debtor** (penalty clause, termination clause etc.) are temporarily lifted in order to take account of enforcement difficulties.

Contract penalties, renewals and notice periods provided by law are also suspended or extended.

## **1.2 Judicial organization and Judiciary**

Between March, 17 and May 10, courts have dealt only with **urgent cases** (hearing regarding civil freedom and custody in civil matter, enforcement, child protection, family court urgent case, including protection orders, and emergency interim proceedings).

**Courts have progressively resumed activity since 11 May in all matters.**

In case a court cannot work, another court can be designated to deal with urgent cases.

**Parties are informed of the court decisions** by all means, in particular by email or by phone (decisions will not be considered as served to the recipient).

Concerning protective measures for children and adults, those that expire during the state of emergency period are automatically extended, unless the judge decides otherwise.

Time periods for enquiry and mediation measures are suspended and are extended by an additional three months as of 23 June 2020.

Heads of courts will be able to regulate the flow of people entering the jurisdiction and define the number of people allowed to enter a courtroom to ensure compliance with the rules of physical distancing.

They may also be seized by any means of a request from persons wishing to attend the hearing where access is limited.

Where an audiovisual or other electronic means of communication is used to hold a hearing, the hearing may not be held in a single location.

Finally, it is recalled that the means of communication used must guarantee the secrecy of the deliberations.

## **1.3 EU Judicial Cooperation**

Regarding judicial cooperation, requests are handled normally.

Family cooperation (Regulation 2201/2003): In the field of international child abduction and protection of children, the French central authority caseworker telework most of the time and come to the office one day per week at least. It means that all the new requests may be sent by post, fax or e-mail.

Taking of evidence (Regulation 1206/2001): The requests are normally dealt with. The processing time may be a little bit longer since the caseworker teleworks and comes to the office one day by week to deal with the requests received by post or by fax.

Service of documents (Regulation 1393/2007): Under the current circumstances, service of documents may be slowed down. Electronic service can be performed on the condition that the recipient has given prior consent.

The French Central Authority under these three regulations (2201/2003, 1206/2001, 1393/2007) continues to communicate by email ([✉ entraide-civile-internationale@justice.gouv.fr](mailto:entraide-civile-internationale@justice.gouv.fr)) but also by letter or by fax.

The French Central Authority under regulation (CE) 4/2009 relating to maintenance obligations communicates by email: [✉ obligation.alimentaire@diplomatie.gouv.fr](mailto:obligation.alimentaire@diplomatie.gouv.fr)

## **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)**

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

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#### **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**

Ordinance 2020-596 provides that the debtor may request the president of the court to grant a general stay for the duration of the conciliation proceeding.

During this proceeding, the conditions to grant a "grace" period are also alleged.

See Ordinance 2020-596 - 20 may 2020.

Reminder (measures which are not specific to the covid-19 context):

In the course of judicial reorganization proceedings (procédures de sauvegarde ou de redressement judiciaire), a general stay of individual enforcement actions is applicable (with specific exceptions).

Before the opening of a liquidation proceeding (procédure de liquidation judiciaire) or a judicial reorganization proceeding (procédure de sauvegarde ou redressement judiciaire), an informal and confidential proceeding (conciliation proceeding) may be opened at the request of the debtor. If a creditor brings a non-judicial or judicial action against the debtor during the conciliation proceeding, the debtor may request the president of the court to grant him a "grace" period.

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

Reminder (measures which are not specific to the covid-19 context):

In the course of judicial reorganization proceedings (procédures de sauvegarde ou de redressement judiciaire), the commercial code prevents creditors from terminating or modifying essential executory contracts to the detriment of the debtor.

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

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

Ordinance 2020-596 provides the possibility for the court to grant to the debtor a modification and extension of the duration of its judicial reorganization plan.

Grantors of new or interim financing during judicial reorganization proceedings may be entitled to receive a specific privilege (priority of payment in case of subsequent insolvency). This privilege is granted by the court under specific conditions.

Simplified liquidation proceedings for sole entrepreneurs and small businesses are facilitated.

See Ordinance 2020-596 - 20 may 2020.

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

The main emblematic measures are the following:

Economic and financial measures in order to support business activities: a state guarantee scheme is applicable to new money loans granted by financial institutions (with specific conditions to fulfil).

Social measures: businesses may request for a partial activity scheme under unusual circumstances.

For more information, please refer to:  <https://www.economie.gouv.fr/covid19-soutien-entreprises/les-mesures>

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Nota: la versión original de esta página  se modificó recientemente.

Nuestros traductores trabajan en una versión en la lengua que está consultando.

## **Covid-19 impact on civil and insolvency matters - Croatia**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

On 18 April 2020, amendments to the Act on Enforcement over Monetary Assets entered into force: **enforcement on accounts of natural persons was suspended for 3 months** (with a possible extension of additional 3 months). The calculation of **statutory interests** were also suspended in this period. From 19 October 2020 enforcement has continued to be conducted regularly. However, Ministry of justice and administration sent recommendations to public notaries asking that they start dealing with enforcement cases submitted in the past six months in three phases- starting **October 19, November 20 and January 20**. In the first phase, enforcement decisions made on the basis of applications received by **June 30** will be issued, those received by **August 31** will be issued in the second phase, and in the third phase decisions made on the basis of applications received by **October 18** will be issued.

#### **1.2 Judicial organization and Judiciary**

**All judicial authorities continue to work.** However only those proceedings that have been identified as urgent are carried out by appropriate security measures. **Hearings and other non-urgent cases have been postponed until further notice.**

In cases where judges can make decision as single judges or in which the hearing is not required, it is first of all necessary to make decisions from home and then arrange for their dispatch. Heads of the judicial authorities have the mandate to allow employees to work from home where possible.

**Communication with parties and all participants in proceedings** is done electronically in all cases where that is possible. In cases requiring meeting or hearing, all precautionary measures imposed by the health authorities should be taken. In each situation, the technical means of distance communication available to judges and courts, including within the court (email, videolink, etc.) should be used.

It is also recommended that enforcement proceedings, especially **enforcement related to vacating and handing over of real estate are postponed.**

Due to the outbreak of epidemic of COVID-19 in Croatia all **electronic public auction openings in enforcement and insolvency cases have been postponed**, except those in which the bidding has begun by March 24, 2020 at the latest, which are to be finished according to published Calls for participation in Electronic Public Auction.

All requests for sale received after the 13th of March, 2020, which have not been processed, will be processed upon termination of special circumstances of epidemic of COVID-19. All published Calls for down Payment for Costs and Calls for Participation in the Electronic Public Auction will be put out of force and will be reissued under the same conditions of sale by the end of the special circumstances of outbreak of epidemic of COVID-19.

#### **1.3 EU Judicial Cooperation**

Parties must send their inquiries, requests and applications to the Ministry of Justice during regular office hours by email, telephone and postal service providers.

International legal assistance is still provided but might be delayed.

### **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)**

Reasons to initiate bankruptcy, that occur during the special circumstances, are not valid for the motion to initiate the bankruptcy proceedings. The triggers for the initiation of bankruptcy are insolvency and over-indebtedness, but none of these triggers are applicable if they occur during the special circumstances. Exception is that petition for opening the bankruptcy proceeding may be submitted by the debtor, the Financial Agency and the creditor only for the reasons of safeguarding the interests and safety of the Republic of Croatia, nature, the human environment and human health.

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

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##### **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**

On 1 May 2020 Act on Intervention Measures in Enforcement and Insolvency Proceedings entered into force.

According to the Act enforcement proceedings are suspended for 3 months (with possibility to extend for additional 3 months). During the special circumstances, employers and state pension fund will not withhold the salary/pension for the benefit of creditors (with exception to this rule are the enforcement of child support, employee claims and interim measures under criminal procedure law).

The calculation of statutory interests is suspended for the same time period.

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

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

Due to the outbreak of epidemic of COVID-19 in Croatia all electronic public auction openings in enforcement and insolvency cases have been postponed, except those in which the bidding has begun by March 24, 2020 at the latest, which are to be finished according to published Calls for Participation in Electronic Public Auction.

All requests for sale received after the 13th of March, 2020, which have not been processed, will be processed upon termination of special circumstances of epidemic of COVID-19. All published Calls for down Payment for Costs and Calls for Participation in the Electronic Public Auction will be put out of force and will be reissued under the same conditions of sale by the end of the special circumstances of the outbreak of epidemic of COVID -19.

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

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

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## **Covid-19 impact on civil and insolvency matters - Italy**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

**Time limits for exercising judicial acts within civil proceedings** were initially suspended for the period 9/03 to 22/03 (then postponed to 15/04).

Decree Law No 23 of 8 April 2020 extended the postponement of hearings and the suspension of procedural deadlines until 11 May 2020.

Where a time limit would normally begin during the period of suspension, the starting point is delayed until the end of the latter period.

Exceptions: adoption of children, unaccompanied minors, foster care, proceedings relating to the protection of minors and maintenance proceedings when there is prejudice for the protection of essential needs; compulsory health treatment, VTP, provisional enforceability, electoral proceedings & all matters entailing a risk of serious prejudice to the parties.

#### **1.2 Judicial organization and Judiciary**

Most **civil hearings** scheduled between the day following the entry into force of the decree (9 March 2020) and 22/03 (then 15/04, and finally 11 May) will not take place due to a mandatory postponement.

All hearings scheduled during the crisis period will be postponed (except urgent case).

**Local courts can adopt their own organizational measures** (restricted access to buildings, office closed).

In particular, for non-suspended activities (those that have been declared urgent on a case by case basis or those considered by the law as top priority), civil hearings that require the presence of lawyers or parties only, subject to the respect of the adversarial process and the effective participation of the parties, may be held through remote connections. For this purpose, a decision by the Heads of the judicial offices is necessary, after hearing the advice of the Bar Association.

For the period between 11 May and 31 July 2020, the Heads of the judicial offices are than expected to take a series of organisational measures in order to avoid close gatherings and contacts between people within each office space.

These measures may include:

the carrying out of civil hearings by means of remote connections that require the presence only of lawyers, or the parties or the auxiliary figures of the judge, subject to the respect of the adversarial process and the effective participation of the parties, provided that the judge is physically present in the court office;

the postponement of hearings after 31 July 2020;

the holding of civil hearings that require the participation only of the defendants through written procedure.

#### **1.3 EU Judicial Cooperation**

A significant part of case Ministry of Justice staff members are working from home.

The judicial cooperation in civil matters will be affected for an unpredictable period of time. Electronic communication of requests of judicial cooperation (including request for information on foreign law under the London 1968 Convention). The documents sent in hard copy may be processed with a significant delay.

All communications to be sent to [ufficio2.dgcivile.dag@giustizia.it](mailto:ufficio2.dgcivile.dag@giustizia.it)

### **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)**

Bankruptcy and, in general, insolvency proceedings too are included in the general provisions on postponement, without prejudice to the possibility to establish on a case by case basis what cannot be deferred in order to meet the parties' protection requirements.

Specific insolvency measures have been adopted by Article 10 of Decree Law No 23 of 8 April 2020:

all appeals for insolvency proceedings filed in the period between 9 March and 30 June 2020 are inadmissible, except for those filed by the Public Prosecutor if precautionary or conservative measures are requested to protect the assets or the company, by the entrepreneur himself, when insolvency is not a consequence of the COVID-19 epidemic and by anyone pursuant to specific provisions in the arrangement with creditors proceeding (Articles 162, second paragraph, 173, second and third paragraphs, and 180, seventh paragraph, of Italian Insolvency Law).

when the declaration of non-admissibility is followed by the declaration of bankruptcy, the period of non-admissibility is not counted within the time limits laid down in Articles 10 and 69 bis of the Bankruptcy Law, which concern respectively the annual period within which the bankruptcy of the company deleted from the register of companies must be declared and the time limit for revocation actions.

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

See left, 1.1.A. column.

##### **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**

Time limits for the accomplishment of any act related to civil and criminal proceedings, including the enforcement proceedings of civil decisions, have been initially suspended from 9 March to 15 April, then to 11 May 2020.

During this period, hearings in civil proceedings, and therefore also those relating to enforcement proceedings, are automatically postponed to a date subsequent to 11 May 2020 and, until that date, the expiration of the time limits for the completion of any act in civil proceedings is also suspended.

With reference to enforcement, it should be noted that the request for suspension of the enforceability or enforcement of an appealed judgment (art. 283 of the Italian Code of Civil Procedure) and the request for suspension of enforcement of a judgment against which an appeal has been lodged for cassation (art. 373 of the Italian Code of Civil Procedure), as well as proceedings whose delayed handling may cause serious harm to the parties, may be handled during the emergency period. In the latter case, a declaration of urgency is made by the Head of the judicial office or his delegate and, for cases that have already begun, by order of the judge or of the chairperson of the panel. In order to contain the negative effects of the epidemiological emergency from COVID-19, throughout the national territory is suspended until 31 December 2020 any enforcement procedure for real estate foreclosure which concerns the main residence of the debtor.

Until 31 December 2020 the enforcement proceedings relating to the loans granted in favour of the victims of usury crimes are also suspended.

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



According to the general provision contained in Article 3, paragraph 6 bis, of Law no. 6 of 2020, compliance with the containment measures is always assessed for the purpose of excluding the debtor's liability, also with regard to the application of any forfeiture or penalties connected with delayed or omitted performance.

In disputes relating to contractual obligations, in which compliance with the containment measures, or in any case with measures adopted during the epidemiological emergency from COVID-19, can be assessed pursuant to paragraph 6-bis, the mediation procedure is a condition of admissibility of any application to the court.

In relation to particular contracts, Article 56, paragraph 2, letters b) and c) of Decree-Law No. 18 of 2020, provides for the extension until 30 September 2020, without any formality, of the maturities for non- instalment loans, as well as the suspension until 30 September 2020 of the payment of instalments of loans or lease payments and the deferral of the repayment plan for the instalments or lease payments subject to suspension.

For the year 2020, the mortgage payments, granted in favour of the victims of usury crime, are suspended.

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

All proceedings (including Insolvency) have been initially postponed ex officio up to 15-04, or 30-06 if it has been so decided by the heads of office, except those that have been declared urgent by the judge on a case by case basis or those considered by the law as top priority.

Procedural time limits (including enforcement proceedings) have been initially suspended from 09-03 to 15-04, then to 11-05

In the case of non-suspended activities, civil hearings that require the presence of lawyers or parties only, subject to the respect of the adversarial process and the effective participation of the parties, may be held by means of remote connections.

For the period between 11 May and 30 June 2020, the Heads of the judicial offices are expected to take a series of organisational measures in order to avoid close gatherings and contacts between people within each office space.

These measures may include:

the carrying out of civil hearings by means of remote connections that require the presence only of lawyers or the parties, subject to the respect of the adversarial process and the effective participation of the parties;

the postponement of hearings after 30 June 2020;

the holding of civil hearings that require the participation only of the defendants through written procedure.

Pursuant to article 221 of Law Decree n. 34 of 2020 (Decreto Rilancio), the judge can order that civil hearings that do not require the presence of persons other than the defenders of the parties are replaced by the electronic filing of written notes containing only instances and conclusions. Participation in civil hearings of one or more parties or of one or more defenders can also take place, at the request of the interested party, through videoconference. These provisions have been extended until 31 December 2020.

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

During the period in which declarations of insolvency are inadmissible, the time limits for revocation actions do not start to run.

Article 9 of Decree-Law No. 23 of 2020 also provides for the extension by six months of the deadlines for the fulfilment of prior agreements and approved restructuring agreements expiring after 23 February 2020.

In the current proceedings for the approval of the composition agreements, the debtor has been allowed to submit, until the hearing set for the approval, an application for the granting of a deadline, not exceeding ninety days, for the submission of a new plan and a new proposal or a new restructuring agreement.

Article 9 also provides that the debtor may submit requests for the granting of new time limits or for further extensions of time limits already granted.

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

Decree Law No. 18 of 2020 provided for a series of measures specifically aimed at supporting liquidity through the banking system (Title III) and supporting the liquidity of households and businesses (Title IV).

Among the first of these, the financial support measures for micro, small and medium-sized enterprises provided for in Article 56 are worth mentioning, including the prohibition of revocation of the amounts granted for credit facilities subject to revocation and for loans granted against advances on loans; the extension 31 January 2021, without any formality, of contracts for non- instalment loans with contractual maturity before 31 January 2021; the suspension until 31 January 2021 of the payment of instalments of loans and other instalment loans or leasing instalments and the deferral of the repayment plan for instalments or instalments subject to suspension.

Among the latter, mention should be made of the remittance in terms of payment to public administrations, including those relating to social security and welfare contributions and premiums for compulsory insurance, the suspension of payments of withholding taxes, social security and welfare contributions and premiums for compulsory insurance and the terms of tax and contribution obligations and payments.

Article 11 of Decree-Law No. 23 of 2020 provided for the suspension of the expiration terms of debt securities falling within the period from 9 March to 30 April 2020, later extended to 31 August 2020.

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## **Covid-19 impact on civil and insolvency matters - Cyprus**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

**Procedural time limits are suspended** until 30.4.2020.

#### **1.2 Judicial organization and Judiciary**

**All hearings and other procedures are suspended** until 30.4.2020. Exceptions: application for extremely urgent interim order, extradition proceedings and other proceedings dealing with restrictions to personal freedom (e.g. illegal detention, detention in a psychiatric institution.)

The Registrar **accepts the filing of an action only if it is supported by an interim order** application and provided that it is urgent for it to be heard. The matter of urgency is to be examined and decided by the judge.

#### **1.3 EU Judicial Cooperation**

-

## **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)**

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

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#### 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

-

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

Proceedings for **eviction** and the execution of eviction orders for the non-payment of the rent during the current period, have been suspended until 31-05-2020.

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

- Suspension of court cases between 16.3.2020 and 30.4.2020 with the following exceptions:

In civil cases

(i) applications for interim orders in exceptionally urgent cases,

(ii) appeals on auctions procedures for immovable property (etc).

- Suspension until 30.4.2020 all procedural deadlines foreseen in the Civil Procedure Rules and other deadlines prescribed in judicial judgments and orders.

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

The Department of Insolvency has proceeded with amendments on Personal Insolvency Law, with clauses on extension/renewal of court ordered stay of individual enforcement actions, due to special conditions. In addition a provision for online creditors meetings has been facilitated. The amendments of the law entered into force on August 2020.

Furthermore an ongoing simplification of procedures including the implementation of online forms submission and on line payments has been accelerated.

However, it is expected that the online facilities will be available to the public by the second half of 2021.

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

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### Covid-19 impact on civil and insolvency matters - Latvia

#### 1 Covid-19 impact on civil proceedings

##### 1.1 Time limits in civil proceedings

**Written civil procedure if it does not violate rights of parties and court finds it possible.** Instead of postponing court hearings Latvia has switched to written court procedure unless it is absolutely necessary to hold a proper court hearing or there is high urgency to examine the case or there is high risk of grave infringement of rights.

**Limitation periods** (e.g. prescription) are suspended between 12/03 and 01/07.

**Enforcement proceedings:** the maximum term of voluntary fulfillment of obligations under the judgment concerning the returning of goods, recovery of debt, evictions from premises is prolonged from 10 days to 60 days except the cases when judgment should be enforced immediately.

**Commercial pledge.** Time limits for taking the decision on delivering the commercial pledge is prolonged from 30 days to 60 days.

##### 1.2 Judicial organization and Judiciary

The Republic of Latvia has issued *Guidelines for the organization of the work of the district (city) and regional courts during the emergency*. Those guidelines recommend that in urgent cases, hearings in the event of an emergency shall, where possible, be organized by means of a video conference

If the hearing is organized in person, the necessary distance shall be provided between the persons at the hearing and other precautions shall be taken (rooms to be ventilated, etc.).

As of 12 May, 2020 courts may resume the court hearings in person, taking into account the requirements set by the Cabinet of Ministers regarding indoor gathering when reviewing cases.

##### 1.3 EU Judicial Cooperation

In the event of emergency all the requests and attached documents are accepted sent electronically (via email) maintaining a moment of credibility. MLA requests are scanned and transformed to PDF form and forwarded to foreign countries from the official e-mail of the Ministry of Justice. The same is accepted from other countries.

Judicial cooperation is still ensured, for example the execution of requests for service of documents or videoconference hearings.

### 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)

-

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

Creditors are prohibited until 1 March 2021 from submitting an application for insolvency proceedings of a legal person, except in cases that are connected with the debtor's failure to comply with its legal protection proceedings (restructuring proceeding).

Until 30 June 2021 debtor is not obliged to submit an application for insolvency proceedings of a legal person, unless (1) insolvency has been established at the beginning or in the course of liquidation, (2) the debtor is unable to comply with the plan of legal protection proceedings or (3) the debtor has not paid full remuneration to the employee, compensation for damage due to an accident at work or occupational disease or has not performed mandatory social insurance contributions within two months from the day specified for payment of the wage.

##### 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 moratorium of debt recovery is not applicable for administrative decisions, which may already be executed on a compulsory basis from the time it comes into effect without waiting until it becomes indisputable. If an order regarding the pledging of funds due to the debtor is given in an enforcement case and the debtor has been found to have Covid-19 or the debtor has been subjected to quarantine, the sworn bailiff may, on the basis of a request from the debtor, cancel the order given to the credit institution or other payment service provider regarding the pledging of the money. After a sick leave certificate has been closed to the debtor, in such case the sworn bailiff shall continue to draw the recovery to the debtor's cash funds to the credit institution or to another

payment service provider in preparing and sending to the credit institution or other payment service provider a new order regarding the pledging of the money, if it is determined by the circumstances of the specific enforcement case.

In enforcement cases regarding entry into the possession of immovable property and in cases regarding eviction of persons and property from premises in the notice specified in the Civil Procedure Law to the debtor regarding the obligation to execute a court ruling and release the premises bailiff shall determine a time period not less than 30 days. If, within the time period specified by the sworn bailiff, the premises are not released or the debtor has not arrived at the time specified in the possession, the sworn bailiff shall determine the date, not earlier than the thirtieth day from the date of transmission of the notification of the sworn bailiff.

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

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

Instead of postponing court hearings Latvia has switched to written court procedure unless it is absolutely necessary to hold a proper court hearing. The court decides on organization of the court hearing primarily by video-conference especially when participates legal person, as well as in cases when the case leads through a lawyer.

Also – as long as there are threats to the epidemiological safety in relation to the spread of COVID-19 infection applications for legal protection proceedings, insolvency proceedings of a legal person and insolvency proceedings of a natural person can be submitted electronically.

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

Until 30 June 2021 the **execution of a debt repayment plan** (part of an insolvency proceeding of a natural person) can be suspended; plans' implementation period is extended by the suspended period.

**Creditor committee's meetings** can be held remotely (still applies, however has been introduced in the Insolvency Law as a permanent provision).

Until 30 June 2021 the **time period for the implementation of a plan of Measures of Legal Protection Proceedings** can be set for up to four years (for new plans and those, that have not yet been extended), if the majority of creditors specified in the Insolvency Law agree. Until 30 June 2021 plans of Measures of Legal Protection Proceedings, that have already been extended once or initially been set for four years, can be extended by another year, if the majority of creditors specified in the Insolvency Law agree.

Also – restriction for creditors to file for insolvency will be taken into account, when deciding to satisfy **employee claims** ensured by the State.

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

The taxpayers to whom delay of the term for the payment of taxes has occurred due to the spread of COVID-19 has the right to apply to the State Revenue Service for tax deferral (for a period for up to three years) by 30 June 2021. The late payment charge is not calculated in this case.

Local governments have the right to determine other deadlines for the payment of the immovable property tax in 2020 and 2021 which are different from the deadlines determined in the law On Immovable Property Tax, postponing them to a later period within the scope of the respective taxation year. The local governments do not apply the late payment charges in this case.

Program for reduction of administrative and financial burden to companies due to slow refund of overpaid VAT, increasing companies available working capital.

Extension of real estate tax payment term (available in 2020, 2021)

Several aid programs are available for Covid-19 affected enterprises and their employees to ensure recovery and growth:

Grants for idle time for taxpayers to continue their activities in the context of the Covid-19 crisis (available till 30 June, 2021)

Grants for taxpayers to continue their operations in the context of the Covid-19 crisis (available till 30 June, 2021)

Grants to companies affected by the Covid-19 crisis to ensure the flow of working capital available till 30 June, 2021)

Guarantees for large companies affected by the proliferation of Covid-19 (available till 30 June, 2021)

Loans and their interest rate subsidies to businesses to promote competitiveness.

Microloans and start-up loans Program are provided for capital flow and investments for the SMEs (available till 31 December, 2023);

Guarantees for tourism operators is provided (available till 31 December, 2023);

Loans Holidays Guarantees (available till 30 June, 2021);

Working capital loans (available till 30 June, 2021);

Export credit guarantees (available till 30 June, 2021);

Capital fund for large companies (available till 30 June, 2021);

Support Program to Promote Employment in Covid-19 Crises Affected Exporting Companies (available till 31 November, 2020);

Support Program to Promote Employment in Covid-19 Crises Affected Tourism Sector Companies;

Support for operating costs for hotels (available till 18 December, 2020);

Downtime Allowance due to Covid19 Penetration and Government Restrictions ((available till 30 June, 2020);

Program for promoting international competitiveness and exports (available till 31 December, 2023);

Training to improve the skills of employees (available till 31 December, 2023).

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### **Covid-19 impact on civil and insolvency matters - Lithuania**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

Lithuania has not adopted official legal acts suspending or extending procedural deadlines in civil cases. The renewal or extension of procedural time limits is decided on a case-by-case basis by the court hearing the case.

The Judicial Council circulated recommendations to courts, urging Lithuanian courts to “*flexibly assess requests from individuals to renew a missed deadline for submitting a procedural document or to perform a procedural action*” during and after the quarantine period if said actions were impeded by the emergency state declared in the Republic of Lithuania and subsequently altered organization of work in state institutions. The person requesting to renew missed deadlines shall provide the court with the data substantiating such circumstances together with the request.

##### **1.2 Judicial organization and Judiciary**

Judicial Council has issued recommendations to the Chairpersons of the Courts regarding the organization of work in their respective courts during quarantine period, leaving the specification of the recommendations to the discretion of each Chairperson.

**Civil proceedings, where possible by written procedure**, take place in the normal way. In civil cases where an oral hearing is mandatory and the parties have expressed a position that they wish to take part in the hearing, the scheduled oral hearings shall be adjourned without a date, informing the participants in the proceedings, agreeing on possible preliminary hearing dates with the parties.

**Oral proceedings in courts are limited** to civil cases that must be dealt with immediately, such as civil cases concerning the court's permission to extend involuntary hospitalization and/or involuntary treatment, the removal of a child from an unsafe environment, cases provided for by the CPC and giving priority to the organization of oral meetings remotely if the court has the means to do so;

In urgent cases, safety recommendations are followed during oral proceedings (social distancing, courtroom disinfection)

**Judicial procedural decisions are sent by electronic means of communication**, giving priority to the judicial information system. In exceptional cases, documents are sent by e-mail and regular mail to persons who do not have access to the judicial information system. Procedural documents and other correspondence are sent to non-participants in the proceedings (e.g. bailiffs, notaries) via the state E-delivery system or by e-mail, and only in exceptional cases by post. Communication/cooperation takes place by electronic means of communication, by telephone.

Upon the **suspension of the direct service** of persons in the courts, procedural documents are received electronically or sent by post.

**Bailiffs:** After transitioning to working remotely as of 16-03, judicial officers are continuing to provide most of their regular services to creditors and debtors during the quarantine period. While direct contact is limited, judicial officers and their employees will communicate with participants of proceedings by phone, e-mail, via the website <http://www.antstoliai.lt/> or by regular mail. The current quarantine is also not an obstacle for the submission of new enforcement orders: written enforcement orders may be submitted to judicial officers by mail, and electronic enforcement orders – by e-mail or via the Internet by logging into the Judicial Officers' Information System at <http://www.antstoliai.lt/>. During the quarantine period, judicial officers shall also refrain from announcing new auctions.

Regarding the organization of the **notaries' work**, draft amendments to the Law on the Notarial Profession and the Civil Code are being prepared. They provide that the majority of notarial services will be moved online and provided remotely. The draft amendments propose granting notaries the right to perform remote notarial acts and execute them as electronic notarial documents. The information will be transmitted to operating state registers and information systems. Visits to notary offices would be reserved solely for the direct identification of a person or expressed will. It is also planned to refuse the participation of a notary in approving some simpler mandates and enable electronic registration of mandates for which a notarial form is not required. The remote notarial services will exclude certification of wills and their acceptance into custody, as well as authentication of the fact that a person is alive. Also Notaries should not provide remote services if they believe that they would be able to ensure better protection of a client's legitimate interests only when meeting with him or her in person or in case they need to document a person's will, explain the consequences of notarial acts or ascertain a person's identity. Regarding the provision of **state-guaranteed legal aid services**, recommendations have been published on the State-guaranteed legal aid service webpage. It is strongly advised to avoid personal contact and organize the provision of legal aid using remote working tools, i.e. send all request by e-mail, provide consultations by phone, online or use other means of telecommunication. In urgent cases when the participation of an advocate is necessary in certain pre-trial investigation actions or court proceedings, act with due care, follow national guidelines for preventing the spread of Covid-19 (safe distance, hygiene, etc.), refuse to attend proceedings if adequate protective measures have not been taken (e.g. the room is not ventilated, there is no disinfectant, suspicions regarding the health of others in the room arise).

The Lithuanian Bar has also published similar recommendations to all **practising advocates** in Lithuania.

### 1.3 EU Judicial Cooperation

Most public authorities' employees work remotely. International legal assistance is still provided, but some processes can take longer.

## 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)

On 21 of April the Parliament has adopted the Law on the COVID-19 impact on insolvency of legal persons:

Suspension of the debtor's duty to file for bankruptcy or restructuring proceedings for the period of three months after the end of quarantine period.

The government has the ability to extend this period until the end of 2020.

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

The Law on the COVID-19 impact on insolvency of legal persons includes:

Creditor's right to file for insolvency is limited for the quarantine period.

#### 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

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

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

In the context of COVID-19 crisis the courts of Lithuania have applied written procedure when possible to hear the cases. Civil proceedings, where possible by written procedure, take place in the normal way. It's important to note, that according to the Law on Insolvency of Legal Persons, priority should be taken to written procedure. Oral hearings in insolvency cases, when it's necessary, should be organized remotely, applying modern technologies.

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

The Law on the COVID-19 impact on insolvency of legal persons includes:

Suspended calculation of term when the debtor is not able to carry out the approved restructuring plan and as a result the restructuring could be terminated – for the period of three months after the end of quarantine period.

The government has the ability to extend this period until the end of 2020.

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

Measures applied by the tax administrators.

Deferring or arranging the taxes in instalments acc. to the agreed schedule without interest to be paid.

Stopping the tax arrears recovery actions in accordance with the criteria of reasonableness.

Exemption of the taxpayers from fines, default interest for failure to comply with tax obligations on time.

According to the Law on Real Estate Related Credit and the Law on Consumer Credit, under certain circumstances (e.g., the borrower becomes unemployed or loses at least one third of his/her income), upon borrowers request, the credit provider has an obligation to defer payment of credit instalments, except for interest, for the period not exceeding 3 months. Such an obligation for consumer credit providers was introduced by the amendments to the Law on Consumer Credit since 19 March 2020.



LT government has also adopted a broad package of economic measures for businesses (state-aid schemes, various allowances and subsidies, tax and loans deference's, etc.).

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## **Covid-19 impact on civil and insolvency matters - Luxembourg**

### **Covid-19 impact on civil proceedings**

#### **Time limits in civil proceedings**

The state of crisis, based on the [Grand-Ducal Regulation](#) of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19, was extended for three months by the [Law](#) of 24 March 2020.

The parliament cannot be dissolved during the state of crisis, preserves all its legislative powers and can at any moment, during the period of three months, adopt a law to end the state of crisis. The decrees lawfully adopted during this period cease to produce effects on the day the state of crisis ends.

On 25 March 2020, the Government adopted in the Government Council, a [Grand-Ducal Regulation](#) drawn up by the [Ministry of Justice](#), suspending time limits in judicial matters and adapting certain other procedural rules.

A general provision suspends all the time limits prescribed in proceedings before the constitutional, ordinary, administrative, and military courts. The text provides for some exceptions concerning the deprivation of liberty on swift decisions must be taken.

#### **Time limits in civil and commercial matters**

Luxembourg has suspended time limits in legal proceedings and extended certain time limits in specific procedures.

Luxembourg also laid down some exceptions, particularly for urgent matters that do not admit of suspensions of deadlines.

The time limits for appeal or opposition have been suspended.

**In tenancy matters**, the enforcement of eviction orders has been suspended. The provision suspends evictions ordered in the area of leases for residential use. The time limits for the enforcement of evictions in the area of leases for commercial use have also been suspended, as have those for foreclosures and forced sale.

**In matters of civil status**, the period of five days within which all births must be declared has been suspended. For marriage certificates, the possibility of dispensing with the publication of banns eliminates any time constraint.

A specific provision suspends time limits **in matters of succession**, without any judicial procedure. It is important to preserve the rights of citizens, insofar as the liquidation of successions is a very formalistic procedure involving many time limits.

It is planned to extend by three months the **time limits for filing and publication of annual accounts, consolidated accounts and reports of companies**. This provision applies only to financial years ended on the date on which the state of crisis ends and for which the time limits for filing and publication had not expired by 18 March 2020.

#### **Judicial organization and Judiciary**

The Judicial Administration has put in place the measures necessary at this stage of the pandemic to, on the one hand, guarantee a reduced functional service and on the other hand to safeguard the health of employees to the fullest extent possible.

These **provisions are taken in strict compliance with the Constitution and Luxembourg's international commitments, especially those relating to fundamental rights**. They are applied according to the **criteria of necessity and proportionality**.

As part of the fight against coronavirus, many Member States have imposed restrictions on movement. Luxembourg has done so too, whilst providing for a number of exceptions to these restrictions (for instance for workers in the healthcare sector and other sectors which are essential in the current crisis).

One of these exceptions provides that **separated parents** are still allowed to leave their home to exercise their parental responsibility, especially to exercise of their right of access to their child.

The [courts](#) in Luxembourg are functioning at a slower pace but maintaining a sufficient level of activity to deal with essential and urgent matters. During the state of crisis, applications and requests addressed to the Judge's Chambers (*chambres du conseil*) of the district courts (*tribunaux d'arrondissement*) and of the Court of Appeal (*cour d'appel*) are dealt with by written procedure.

[Notaries](#) continue their activities. Measures have been taken to grant derogations in certain legal procedures in order to reduce the need for physical contact.

[Lawyers](#) also continue to work as usual and are encouraged, during the crisis, to use electronic means of communication in their dealings with the courts.

In order to avoid physical contact, [bailiffs](#) do not serve documents on the addressee in person but place them in the post box at the recipient's address.

#### **EU Judicial Cooperation**

All instruments in the field of judicial cooperation in civil and criminal matters are signed and issued by the central authority, the Prosecutor General (*procureur général*). The pace of work has been somewhat reduced to allow a maximum of people to work from home.

### **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)**

In the event of a suspension of payments, the duty for an undertaking to file a formal declaration at the court registry within a period of one month, which would lead to the commencement of insolvency proceedings, has been suspended by law.

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

No general moratorium has been announced on filing for bankruptcy, which means that a creditor still has the right to present a bankruptcy petition and an undertaking still has the right to apply for bankruptcy.

###### **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**

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

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

Only urgent cases will be dealt with by the Luxembourg courts with jurisdiction for insolvency.

Luxembourg suspended time limits in legal proceedings and extended certain time limits in specific procedures.



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

Parliamentary scrutiny of the implementation of Directive (EU) 2019/1023 has been put on hold. However, the Ministry of Justice is currently considering whether some elements of the Directive could be useful in the current context and could be introduced at short notice (e.g. simplified suspension of the enforcement mechanism or provisions regarding the protection of new financing).

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

As regards tenants, the enforcement of eviction orders has been suspended for obvious reasons

**Following the state of emergency, the Covid-19 measures have been subject to successive reviews to adapt them to the evolution of the health crisis.**

After introducing a series of emergency measures in the context of the fight against Covid-19, the Ministry of Justice has extended, adapted or abolished some of these measures.

For updated or additional information on these Covid-19 measures, please consult the dedicated page of the Ministry of Justice:

 <https://mj.gouvernement.lu/fr/dossiers/2020/Covid-19/faq-mj.html>

or

the Official Journal of the Grand Duchy of Luxembourg:

 [Official Journal of the Grand Duchy of Luxembourg - Legilux \(public.lu\)](#)

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## Covid-19 impact on civil and insolvency matters - Hungary

### 1 Covid-19 impact on civil proceedings

#### 1.1 Time limits in civil proceedings

We must ensure access to justice and continuity of pending proceedings. For this reason courts of justice in Hungary are not in recess. Special procedural rules have been authorised to facilitate their activities, for example in the event of any epidemiological measures. All courts are operational.

As a general rule time limits are continuing to run during the period of the state of danger.

#### 1.2 Judicial organization and Judiciary

Access to justice and continuity of pending proceedings has been ensured; courts of justice in Hungary are not in recess.

Access to justice and continuity of pending proceedings has been ensured; courts of justice in Hungary are not in recess. During the period of the state of danger, as a general rule only those procedural acts that need to be performed at a location subject to an epidemiological measure are not to be performed. If justified by epidemiological measures, the hearing may also be held using an electronic communications network or other means capable of transmitting electronic images and sound.

#### 1.3 EU Judicial Cooperation

The central authorities are operational.

Execution of requests for legal assistance may be delayed compared to normal.

### 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)

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

Measures related to companies:

liquidation proceedings may be initiated only if 75 days have passed following the deadline for payment specified in the payment notice;

liquidation proceedings may be initiated only for claims exceeding HUF 400 000;

in legality review proceedings, the company registration court may not declare a company dissolved;

proceedings for declaring a company dissolved initiated due to the cancellation of the tax number are suspended until 30 June 2021;

as a general rule, compulsory strike-off proceedings are suspended until 30 June 2021 and may not be initiated for failure to conclude winding-up proceedings.

##### 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

A statutory payment moratorium is introduced for debtors of credit, loan and financial lease contracts until 31 December 2020.

Act CVII of 2020 extends the deadline to 30 June 2021 for debtors in certain social groups (unemployed, former participants of public work schemes, parents raising children, retired persons and participants in personal insolvency proceedings).

This means that debtors under contracts still in force that were signed and paid out before 19 March 2020 are granted a moratorium on repayment of capital, interest and fees.

The moratorium lasts until the end of this year.

The deadline for repayment is extended by the duration of the moratorium, and the contract itself is extended if it would normally have ended during the period of the moratorium. Guarantees are also extended by the same amount of time (9 months).

The moratorium on debt repayment is applicable only to credit facilities provided by domestic financial companies, which means that credit provided by international financial institutions is not affected by this measure.

The repayment moratorium also applies to employee loans. The repayment moratorium also applies to debtors in personal insolvency cases (through litigation and out of court) and to debt repayment schedules based on out-of-court settlements, settlements made in court or a court decision.

Interest and fees not paid during the moratorium are not capitalised. They must be repaid later, after the moratorium, on the same terms, so the burden may not increase because of the moratorium. The repayment period is extended accordingly.

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

Suspension of contract termination until 30 June 2021 in the event of failure to pay (for loan, credit and financial leasing contracts granted in the course of the creditor's business) – specific obligation to try renegotiation of the contract (Act CVII of 2020 enters into force on 1 January 2021).

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

We must ensure access to justice and continuity of pending proceedings. For this reason courts of justice in Hungary are not in recess. Special procedural rules have been authorised to facilitate their activities, for example in the event of any epidemiological measures. All courts are operational. During the period of the state of danger, as a general rule only those procedural acts that need to be performed at a location subject to an epidemiological measure are not to be performed.

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

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

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## **Covid-19 impact on civil and insolvency matters - Malta**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

As from 16 March 2020 all legal and judicial times, including prescription in civil matters and any peremptory time limits have been suspended until seven days after the Order for closure of the Courts is lifted.

Apart from this, all ex lege time limits imposed upon Notaries Public have also been suspended during the time when the Courts are closed. The suspension of time limits concerning Notaries shall last until twenty days after the Order for the closure of the courts is lifted.

The suspension of time limits for concluding a sale stipulated in a registered promise of sale agreement that was introduced on the 16th March 2020 was removed on 22 May 2020. A suspension of twenty days applicable from the 22nd May 2020 was introduced relative to promise of sale agreements following which the remaining part of the time period that was suspended will continue to run.

On 5 June 2020, the Closure of the Courts of Justice Order 2020 was repealed. Thus, all legal and judicial times, including prescription in civil matters and any peremptory time limits will continue to run. In order to protect the rights of the court users, a short suspension came into force on the 5th June 2020: (i) a twenty day suspension of legal and judicial times for those Tribunals, boards, commissions, committees or entities which do not operate from a building of the Courts of Justice; and (ii) a seven day suspension of legal and judicial times relative to court or other tribunal, board, commission, committee or other entity which operates from the building of the Courts of Justice.

#### **1.2 Judicial organization and Judiciary**

With effect from the 16-03 the Courts of Justice and registries were closed - including the superior, inferior and appellate courts; any tribunal established by law operating from the building of the Courts of Justice; and any boards, commissions, committees or other entities, also operating from the same building of the Courts, and before which any proceedings are heard.

Despite this closure, the Courts have nevertheless been given the power to order the hearing of urgent cases or of cases where the Court deems that the public interest should prevail in having the case heard. This was of course, however subjected to any specific arrangements for the guarding against the spread of the virus as the court may determine.

With effect from the 4th May 2020, the registry of all the courts opened for the filing of all judicial acts (not only for urgent cases and cases which are in the public interest).

With effect from the 5 June 2020, the Closure of the Courts of Justice Order 2020 was repealed. Thus, all Courts have been reopened, including the superior and the inferior courts, appellate courts irrespective of their competence or jurisdiction, any tribunal established by law, and any boards, commissions, committees or other entities before which any proceedings are heard or procedures undertaken which are subject to legal or administrative time limits for filing any claims, defences or other acts.

#### **1.3 EU Judicial Cooperation**

Cross-border judicial cooperation continued on a business as usual basis - of course as far as this is possible under the present circumstances particularly in the context of reduced activity in the Courts and reduced international travel.

### **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)**

Maltese Courts have been closed with effect from 16 March 2020 and only urgent cases where the Court rules that it would be in the public interest are to be allowed. This has temporarily provided for the imminent situation with regards to certain actions (wrongful trading) which could be filed against directors if they do not file for insolvency.

On 5 June 2020, the Closure of the Courts of Justice Order 2020 was repealed. All Courts have been reopened.

Thus, all legal and judicial times, including prescription in civil matters and any peremptory time limits will continue to run. In order to protect the rights of the court users, a short suspension came into force on the 5th June 2020: (i) a twenty day suspension of legal and judicial times for those Tribunals, boards, commissions, committees or entities which do not operate from a building of the Courts of Justice; and (ii) a seven day suspension of legal and judicial times relative to court or other tribunal, board, commission, committee or other entity which operates from the building of the Courts of Justice.

Act XXXI of 2020 amended the Companies Act (Cap. 386 of the Laws of Malta) to give new powers to the relevant Minister to provide for a temporary suspension of directors' duty to file for insolvency, until such time as is considered necessary.

On 15 September 2020, Legal Notice 373 of 2020, entitled 'Companies Act (Suspension of Filing for Dissolution and Winding Up) Regulations', was published. This LN provides for the suspension of filing for insolvency and a stay of procedures. Both measures are effective retrospectively from 16 March 2020. The suspension includes cases of wrongful trading against directors for failure to dissolve a company, or incurring debts in good faith at a time when the company is in a likelihood of insolvency. The suspension and stay will remain effective indefinitely and for a period of 40 days from the date the Minister responsible for the Economy orders that the suspension and stay are revoked.

Notwithstanding the suspension and stay the Court still has the power to allow a case to commence or proceed if there is *prima facie* proof that the insolvency occurred prior to the 16 March 2020.

The LN also provides a system for backdating the deemed date of dissolution of a company to the date when the debenture holder, creditor or creditors would have filed for dissolution but was prohibited to do so in view of the suspension. This will apply to those applications for winding up filed within 6 months following the lifting of the suspension.

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

The closure of Courts provided an automatic suspension of creditors' rights to file for the insolvency of debtors.

On 5 June 2020, the Closure of the Courts of Justice Order 2020 was repealed. All Courts have been reopened.

Act XXXI of 2020 amended the Companies Act (Cap. 386 of the Laws of Malta) to give new powers to the relevant Minister to provide for a temporary suspension of creditors' rights to file for debtor insolvency, until such time as is considered necessary.

On 15 September 2020, Legal Notice 373 of 2020, entitled 'Companies Act (Suspension of Filing for Dissolution and Winding Up) Regulations', was published. This LN revokes the right granted to creditors to file for the dissolution of a debtor company in view of its insolvency. Furthermore, insolvency cases filed on or after the 16 March 2020 will be stayed. The Court is however empowered to allow a case to be heard if it is *prima facie* satisfied that the insolvency arose prior to the 16 March 2020.

Cases of wrongful trading (not fraudulent trading) against director for failure to dissolve a company are also suspended. The suspension and stay will remain effective indefinitely and for a period of 40 days from the date the Minister responsible for the Economy orders that the suspension and stay are revoked.

#### **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**

Likewise, the closure of Courts provided an automatic suspension of enforcement actions by creditors. Furthermore, the government has ordered the suspension for a period of 6 months of credit facilities issued by licensed credit or financial institutions, which include the lending of a sum of money by way of an advance, overdraft, or loan, or any other line of credit including discounting of bills of exchange and promissory notes, guarantees, indemnities, acceptances and bills of exchange endorsed pour aval, but excluding credit cards.

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

As a consequence of the closure of Courts, and therefore the right of debtors to enforce contracts, the government has ordered the temporary suspension until further notice, of any legal and judicial time established in any agreement, including any time period for the performance of any obligation set out in such agreement. This *inter alia* includes the running of all the legal periods imposed on a notary public by law to register any deed, will, act or private writing; the running of any period within which a notary public, in terms of any applicable law, must pay taxes collected by him in the exercise of his profession; the running of any time period related to fiscal benefits, incentives or exemptions; the running of any time period within which a notary public is to submit any information or documentation to any authority or regulator pursuant to relevant notarial activity; and the running of time with respect to the performance of any obligation contained in any deed or private writing, including a registered promise of sale agreement; and the running of time with respect to the expiration of any registered promise of sale agreement.

On 5 June 2020, the Closure of the Courts of Justice Order 2020 was repealed. All Courts have been reopened.

Thus, all legal and judicial times, including prescription in civil matters and any peremptory time limits will continue to run. In order to protect the rights of the court users, a short suspension came into force on the 5th June 2020: (i) a twenty day suspension of legal and judicial times for those Tribunals, boards, commissions, committees or entities which do not operate from a building of the Courts of Justice; and (ii) a seven day suspension of legal and judicial times relative to court or other tribunal, board, commission, committee or other entity which operates from the building of the Courts of Justice.

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

With effect from 16 March 2020, the Courts of Justice along with the respective registries have been closed. Nevertheless, the Courts have been given the power to order the hearing of urgent cases or of cases where the Court deems that the public interest should prevail in having the case heard. As a consequential measure, all legal and judicial times, including prescriptive periods and any peremptory time limits have been suspended until seven days after the Order for closure of the Courts is lifted. Such measures act in themselves as an automatic moratorium, or a stay of enforcement actions and for the insolvency of companies, as well as the immediate duty to file for insolvency by directors.

On 5 June 2020, the Closure of the Courts of Justice Order 2020 was repealed. All Courts have been reopened and court proceedings are taking place normally.

Act XXXI of 2020 amended the Companies Act (Cap. 386 of the Laws of Malta) to give new powers to the relevant Minister to suspend the right to make winding-up applications and to suspend any periods for the holding of general meetings, whether ordinary or extraordinary, and to the holding of virtual annual general meetings and other meetings.

On 15 September 2020, Legal Notice 373 of 2020, entitled 'Companies Act (Suspension of Filing for Dissolution and Winding Up) Regulations', was published. This LN provides for the suspension of filing for insolvency and a stay of procedures effective retrospectively from 16 March 2020. The suspension includes cases of wrongful trading against director for failure to dissolve a company. The suspension and stay will remain effective indefinitely and for a period of 40 days from the date the Minister responsible for the Economy orders that the suspension and stay are revoked.

Notwithstanding the suspension and stay the Court still has the power to allow a case to commence or proceed if there is *prima facie* proof that the insolvency occurred prior to the 16 March 2020.

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

Regarding the Insolvency Directive, Government is still examining the situation and its impact on companies.

Legal Notice 192 of 2020, entitled the Companies Act (Company Reconstructions Fund) Regulations 2020, was published on 12 May 2020 to supplement the company recovery procedure as provided under Article 329B of the Companies Act (Cap. 386 of the Laws of Malta). This LN sets up and regulates the administration and operation of a fund (the Company Recovery Fund) which is intended to facilitate the company recovery procedure.

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

The government already launched three financial-aid packages costed - on a month-by-month basis, intended to maintain liquidity within the businesses as well as financially assist a number of sectors. The Government has not only implemented tax deferments but has also pledged State guarantees on soft loans and directly injected cash within businesses in order to maintain our businesses alive, healthy and ready to bounce back when the economy re-starts once again. Apart from this, a number of social measures including wage supplements have also been installed. All of this is being done in order to avoid insolvencies, save viable businesses, safeguard jobs and contain as much as possible non-performing loans.

Specifically the government has ordered the suspension for a period of 6 months of credit facilities issued by licensed credit or financial institutions, which include the lending of a sum of money by way of an advance, overdraft, or loan, or any other line of credit including discounting of bills of exchange and promissory notes, guarantees, indemnities, acceptances and bills of exchange endorsed pour aval, but excluding credit cards.

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## 1 Covid-19 impact on civil proceedings

### 1.1 Time limits in civil proceedings

House of Parliament (Second and First Chambers) agreed upon temporary emergency legislation. With this legislation, it is possible to solve the most urgent problems of the functioning of the judiciary.

The legislation is in force since April 24, 2020.

Hearings in civil- and administrative law cases

Introduction of the hearing by all electronic communication tool if due to COVID-19 a physical hearing is not possible. In all cases the judges decides about the way of hearing.

There are no changes of legal limits in civil, administrative or criminal cases.

### 1.2 Judicial organization and Judiciary

Between March 17, 2020 and May 11, 2020, all Courthouses were closed with exception of extremely urgent cases. All other cases was dealt with in written procedures or by audio- or videoconferencing.

From May 11, 2020, Courts will open again for all cases concerning criminal, juvenile and family law cases. The Judiciary has taken safety and organizational measures in accordance with the advices of the national health authorities.

As far as possible, also other cases will be held in the Courthouses physically. If not possible, the use video conference or another electronic means is possible.

Courts, however, will be closed for the public with the exception of cases with a strong public interest. The Courts can also ask the Council for the Judiciary to set up a professional livestreaming if they deem it necessary for the public interest. In all cases, up to three representatives of the media are allowed to attend the hearing. Additionally, the Judiciary is aiming at making more written rulings public online.

The judiciary explores the possibilities to fulfill the obligation of public and open hearings while also to adhere to the privacy of the parties involved.

The Judiciary has provided for a temporary adjustment of the procedural regulations for all jurisdictions and has created a page on its [website](#) with all current overview and instruction on how to work during the COVID-19 crises.

### 1.3 EU Judicial Cooperation

The central authorities in the Netherlands are mostly working in home office. 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)

NL is also not in favour of suspension of the duty to file for insolvency, as this risks to keep unviable enterprises alive longer than responsible. This is detrimental to creditors. NL rather focuses on facilitating speedy and early restructuring.

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

-

#### 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

Suspension of payment obligation is currently not considered, as this might cause a chain-reaction.

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

-

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

-

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

A number of banks have voluntarily agreed to a temporary standstill on the termination of credit facilities and enforcement measures (subject to certain conditions). In the Netherlands, banks do not very often resort to the filing of petitions for the opening of insolvency proceedings anyway.

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

General emergency measures have been announced aiming to allow **citizens and entrepreneurs to keep fulfilling their payment obligations**.

This package includes measures such as the immediate cessation of the collection of certain taxes (income tax, corporate tax, VAT) and a liberal regime for deferral of a number of other taxes and pension contributions.

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## Covid-19 impact on civil and insolvency matters - Austria

### 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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## Covid-19 impact on civil and insolvency matters - Poland

### 1 Covid-19 impact on civil proceedings

#### 1.1 Time limits in civil proceedings

The Polish special legislation provides, among other things, for the suspension of a not yet started and postponement of commenced:

**limitation periods of enforcement of judgements,**

**time limits** in proceedings and for court's actions in legal proceedings, including in enforcement proceedings.

#### 1.2 Judicial organization and Judiciary

Specific measures have been adopted to mitigate the negative consequences of the COVID-19 pandemic including.

The **transfer of cases** among Polish courts (by judicial authority and for a defined period in urgent cases as defined by the special legislation concerning mitigating impact of the COVID-19 pandemic on the Polish justice system) has been made possible.

The category of urgent cases is defined as following:

1. Proceedings concerning minors including:

proceedings for the removal of a minor from parental authority or custody;

proceedings concerning placement of a foreigner minor in a care and educational institution;

proceedings for the establishment of a guardian to represent the interests of a minor in judicial proceedings;

proceedings regarding placement or extension of a juvenile's stay in a juvenile shelter;

enforcement proceedings involving minors.

2. Proceedings concerning mentally ill and incapacitated persons

The president of each competent Polish court may order that any case be considered urgent if the failure to adjudicate on such a case:

could cause danger to human or animal life or health;

could cause serious harm to the public interest;

could cause imminent and irreparable material damage;

and when urgent adjudication on such case is required by the interests of justice.

**Detachment of judges** to other courts is simplified. Decisions in that regard are taken by judicial authorities, in accordance with the principle of independence of judges and for a period of time defined in advance. Such procedures will enable to provide support courts experiencing a heavier caseload.

**Suspension and postponement of court's proceedings** is also possible in certain cases.

### 1.3 EU Judicial Cooperation

Ministry of Justice employees working in the central authority are teleworking.

All communication to the Polish Ministry of Justice as the Central Authority (including service of documents and taking of evidence), or Polish EJM contact point must be sent through electronic means with necessary attachments in the form of scanned copies.

## 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)**

From 18 April 2020 a debtor's duty to file for insolvency (if Covid-19 is the direct cause of insolvency) has been suspended for the whole period of pandemic risk.

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

-

### **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**

-

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

-

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

Insolvency cases were classified as "urgent cases" from 16 May 2020 to 5 September 2020.

There was no general insolvency court suspension although many hearings have been cancelled.

Hearings are conducted online unless personal appearance does not pose an exceptional danger for participants.

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

Restructuring procedures contained in the Restructuring Law contain solutions that weigh the interests of both the debtor and his creditors and serve on the one hand to maintain the existence of the debtor and on the other hand to satisfy creditors as effectively as possible. So they should not by definition be considered detrimental to debtors.

On 24 June 2020 a new restructuring procedure has entered into force (simplified restructuring procedure). It enables debtors to start a restructuring process without a court approval in order to take quick and efficient action when the likelihood of insolvency appears. Starting this procedure causes a general stay on claims enforcement.

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

Under the new "anti-crisis shield", state aid may be given to an entrepreneur in a difficult economic situation (risk of insolvency) who meets the criteria of an entrepreneur threatened with insolvency (art. 141 section 2 of the Restructuring law) or is insolvent (Art. 11 of the Bankruptcy law) who meets also other criteria

For the whole period of pandemic risk the possibility of eviction a natural person from a dwelling is excluded.

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## **Covid-19 impact on civil and insolvency matters - Portugal**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

**The state of emergency** was declared between 19.3.2020 and 2.5.2020

The most significant legislation adopted during this period was the following:

Decree 14-A/2020

Decree 17-A/2020

Decree 2-A/20

Decree 2-B/20

Law 1-A/20, as amended

Decree Law 10-A/20, as amended

**The state of calamity** was subsequently declared between 3.5.2020 and 30.6.2020

The most significant legislation adopted during this period was the following:

Resolution 33-A/20

Resolution 33-C/20

Resolution 38/20

Resolution 40-A/20

Resolution 43-B/20

Resolution 51-A/20

Law 1-A/20, as amended

Decree Law 10-A/20, as amended

**The state of calamity** was again declared between 15.10.2020 and 8.11.2020

The most significant legislation adopted during this period was the following:

Resolution 88-A/20

Resolution 92-A/20

Resolution 96-B/20

**The state of emergency** was subsequently declared between 9.11.2020 and 30.4. 2021

The most significant legislation adopted during this period was the following:

Decree 51-U/20

Decree 59-A/20

Decree 61-A/20

Decree 66-A/20

Decree 59-A/20

Decree 6-A/21

Decree 6-B/21

Decree 9-A/21  
Decree 11-A/21  
Decree 21-A/21  
Decree 25-A/21  
Decree 31-A/21  
Decree 41-A/21

#### **Consequences on the regime of procedural time limits**

**In accordance with the consolidated version of Article 7 of Law 1-A/20, during both the state of emergency and the state of calamity, the legal regime of judicial terms and time limits was essentially as follows:**

In judicial proceedings that are not urgent, time limits were suspended for a period that will end on a date to be defined by decree-law;

Urgent judicial proceedings run without suspension of time limits or acts;

Limitation periods and prescription periods were suspended;

Dispossession and enforcement of mortgages against properties that constitute owner-occupied dwellings were suspended;

The time limits for debtors to file applications to open insolvency proceedings were suspended;

All actions to be taken in connection with enforcement proceedings, including enforcement measures, were suspended unless this causes irreparable damage or endangers the creditor's livelihood;

Article 15 of Decree Law 10-A/20 provides that in the event the authorities decide to close a court in a certain area due to the pandemic, the procedural time limits are suspended (this happened in a few cases and for a limited period);

The suspension of judicial terms and time limits ended on 3 June 2020 (Article 8 of Law 16/2020 that repeals Articles 7 of Law 1-A/2020);

Regarding service of documents, the requirement to obtain the addressee's signature was suspended and replaced by other suitable means of identification and affixing the date on which the service was made (Law 10/2020);

The official suspension of judicial terms and time limits ended on 3 June 2020 (Article 8 of Law 16/2020 repealing Articles 7 of Law 1-A/2020).

**Subsequently, Law No 4-B/2021 established a new period of suspension of judicial time limits with the a legal regime that was identical to the previous one, under Article 6-B, which was added to Law No 1-A/20;**

**The suspension of the judicial time limits ended on 6 April 2021 in accordance with Law No 13-B/2021;**

**At present (May 2021), the exceptional transitional juridical regime as provided for in Article 6-E of Law 1-A/2020 in its most recent version is being maintained, which allows in particular hearings to be held using means of remote communication on the terms laid down in the law.**

**You can consult Law 1-A/2020 (on the response to the epidemiological situation caused by the coronavirus) in its most recent consolidated version [here](#).**

#### **1.2 Judicial organization and Judiciary**

##### **During the State of emergency**

**The main mechanisms adopted for the organisation and management of the judicial system were as follows:**

Contingency plans established by the Presidents of each court;

In person duty rotas for urgent proceedings established by the Presidents of each court;

Virtual court rooms in all courts (first instance, appellate and Supreme Court of Justice) allowing all hearings to be held using means of remote communication;

Digital signature of judgments through the case management system;

For judgments by a collegiate court, the signature of other judges may be replaced by a declaration of the Judge-Rapporteur confirming that the other judges concurred (Article 15-A of Decree-Law 10-A/20);

Access through VPN (virtual private network) to the case management system;

Any procedural acts carried out in tele/video conference;

The use of email instead of telephone to obtain information from courts;

Teleworking whenever the nature of the work allows it.

##### **Consequences of the state of emergency on judicial activity and the assignment of cases**

The judges continue to carry out their work remotely, where they have access to the case management system, remaining available to go to the courts whenever the nature of the service so requires.

The assignment of urgent and non-urgent proceedings in the courts of first instance was never interrupted.

In appellate courts and in the Supreme Court of Justice, until 15 April 2020, only urgent proceedings were assigned. From 16 April 2020 all proceedings, urgent and non-urgent, have been assigned.

Urgent acts and procedures in which fundamental rights are at stake may be carried out in person (urgent protection of children, procedural acts and trials of accused persons held in custody) or remotely in virtual court rooms.

Trials and procedural acts that are not urgent have been adjourned during the state of emergency except when judges deem it necessary to hold hearings, namely to avoid irreparable harm or in cases where all the parties agree on using tele/video conference/virtual court rooms.

Judgments in non-urgent cases can be delivered if all the parties agree that further enquiry by the Court is unnecessary.

Acts and procedures carried out in person must take place in adequate rooms that were made available in each district Court, with protection and disinfection material. The number of persons present must be set by the Judge in line with the limits recommended by the health authorities.

Attending court is discouraged except for those who are summoned to appear. In that case, in accordance with Article 14 of Law 10-A/20, presentation of a medical certificate attesting to quarantine is considered a case of force majeure

The Supreme Council of the Judiciary stressed that during the state of emergency courts must remain the ultimate guarantor of fundamental rights.

##### **During the state of calamity:**

**The main tools of judicial organization adopted were:**

Gradual termination of confinement in line with the Resolution of the Council of Ministers 33-C/20.

Adoption of [Measures to reduce the risk of viral transmission in courts](#) – a joint document prepared by the High Judicial Council, the Directorate-General for the Administration of Justice, the Attorney General's Office, the Supreme Council of the Administrative and Tax Courts and the Directorate-General for Health, available at:

Each first instance and appellate court, the Supreme Court of Justice and the Supreme Council of the Judiciary adopted work rotas providing for alternating physical-presence working and teleworking, without prejudice to the family support measures for certain workers and the mandatory teleworking for judges and judicial staff in high-risk groups.

The Supreme Council of the Judiciary adopted the following resolutions to ensure the stability of human resources in first instance courts and tackle the increased workload following the end of the suspension of time limits in non-urgent proceedings:

Terms of office of the Presidents of the courts of first instance extended until 31 December 2020;

The annual judicial recruitment/promotion/transfer exercise (*movimentação*) temporarily limited/suspended to stabilise human resources and management bodies in the courts of first instance (Resolutions of 28 April 2020 and 5 May 2020).

Practical information on the functioning of national courts during the emergency and calamity periods is available on [the website of the Supreme Council of the Judiciary](#).

### 1.3 EU Judicial Cooperation

#### During the state of emergency:

EJN Civil Contact Point's team works from home, processing all the requests for cooperation and information as swiftly as possible notwithstanding the suspension of time limits and procedural time limits applied in Courts.

The team has remote access to the files through VPN (virtual private network).

Any member of the team is available to go to the workplace whenever it is needed and in urgent cases.

In matters of judicial cooperation, preference should be given to communication by email to [correio@redecivil.mj.pt](mailto:correio@redecivil.mj.pt)

#### During the state of calamity and in the current phasing-out period of containment:

The Contact Point's team is working in a rota system based on teleworking and physical-presence working, ensuring that at least one member of the team is physically in the workplace.

The Contact Point covered by the Supreme Council of the Judiciary's duty rotas and it follows the '*Measures to reduce the risk of viral transmission in courts*' that were adopted to bring a gradual end to confinement.

#### Effects of the pandemic on the volume of cooperation and information requests handled by the Contact Point

In 2020, the overall number of requests for assistance sent to the Contact Point by courts and other authorities remained relatively constant compared to 2019; despite the pandemic; in 2020 the Contact Point received in total only nine requests more than in 2019. However, taking each of the cooperation networks of which Portugal is a member separately, there was a slight decrease in the number of requests for the Civil ENJ, a more marked decrease in the number of requests for IberRede and an increase in the number of requests for the Judicial Network of Portuguese speaking countries (CPLP).

During the emergency, calamity and containment phasing-out periods, the Contact Point responded to all cooperation and information requests with no change or suspension of the regular response time limits.

#### Total number of cooperation and information requests in 2020: 356

Broken down as follows:

Civil ENJ, 287

IberRede, 4

CPLP Judicial Network, 65

#### Total number of cooperation and information requests in 2019: 365

Broken down as follows:

Civil ENJ, 328

IberRede, 19

CPLP Judicial Network, 17

The statistical information on the activity of the Contact Point is available [here](#).

## 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

See below the combined reply to questions under 2.1 to 2.2

#### 2.1.1 Insolvency suspension

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

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

#### 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

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

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

Combined reply to questions under 2.1 to 2.2.

In accordance with Article 6-E of Law 1/A/2020 (which can be found here [in its 12th and most recent version](#) following Law 13-B/2021), the transitional exceptional procedural regime is maintained. Under the regime the following time limits are suspended:

The time limit for submitting the debtor to insolvency laid down in Article 18(1) of the *Código da Insolvência e da Recuperação de Empresas* (Insolvency and Corporate Recovery Code), as approved in an annex to Decree-Law 53/2004.

The acts to be carried out in the context of the enforcement or insolvency proceedings in connection with the carrying out of the judicial return of the family house;

The prescription period and the time limits relating to the abovementioned enforcement or insolvency proceedings:

In cases where the acts to be carried in the course of enforcement of insolvency proceedings relating to the judicial sale and return of immovable property are liable to harm the livelihood of the party against whom enforcement is sought or of the person declared insolvent, the latter may request the suspension of the case provided that this does not cause serious damage to the livelihood of the party seeking enforcement or of the insolvent person's creditors or irreparable damage and the court must, after hearing the other party, decide on the case within ten days;

The suspension of the prescription and limitation periods prevails over any rules setting mandatory prescription or limitation time limits, which are extended by the period corresponding to the suspension.

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

See below the combined reply to questions 2.3 and 2.4

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

Combined reply to questions 2.3 and 2.4.

A new extraordinary business viability case (PEVE) was launched - see [Law 75/2020](#) and [Resolution 41/2020 of the Council of Ministers](#) Law 75/2020

It establishes an exceptional transitional regime to extend the time limit for the conclusion of the negotiations initiated for the approval of the recovery plan or payment agreement as well as for granting time to adapt the proposed insolvency plan in the context of the COVID-19 pandemic;

It extends the privilege provided for in Article 17-H(2) of the Insolvency and Corporate Recovery Code (CIRE), as approved in an annex to [Decree-Law 53/2004](#), to the shareholders or any other persons having a special relationship with the company who finance its activity during the Special Revitalisation Process (PER);

It provides for the application of the Extrajudicial Business Recovery Scheme (RERE), as approved by [Law 8/2018](#), to companies currently insolvent owing to the COVID-19 pandemic;

It creates a new extraordinary company viability process for businesses hit by the economic crisis caused by the COVID-19 pandemic;

It establishes mandatory partial apportionments in all pending insolvency proceedings where the proceeds of the liquidation deposited exceed €10,000;

It provides for priority to be given in the processing of applications for the release of securities or guarantees offered in the context of insolvency proceedings, special revitalisation proceedings or special payment agreement proceedings.

#### **Final remark:**

Although this information was carefully collected, it does not dispense with the need to consult the applicable legal texts and their amendments. In light of Article 5(2)(c) of Decision 2001/470/EC, this information is not binding on the Supreme Council of the Judiciary, national courts or the Contact Point.

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### **Covid-19 impact on civil and insolvency matters - Romania**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

According to the State of Emergency Decree No. 195/2020 and Decree for Prolongation of the State of Emergency No. 250/2020, **limitation and prescription time limits do not commence or they are suspended if they are running**, during the state of emergency.

##### **Interruption of time limits for lodging appeals.**

The state of emergency has ended on 15 May 2020.

##### **1.2 Judicial organization and Judiciary**

State of emergency was declared on 16/03, with specific measures regarding the organization of the justice system:

**Judicial activity in civil matters is suspended**, except for urgent cases, which are determined by decision No. 417/24.3.2020 of the Council of Magistracy; Decisions continue to be drafted, as well as the registrations of documents from the parties.

**Use of videoconference is encouraged – including through letter rogatory**, as well as hearings closed to the public, where the situation permits.

**All the documents of the parties are sent to the courts by electronic means**, exception being allowed where these persons have no such means.

Transfers of files from a court to another is made by electronic means; also the notification of judicial documents to the parties.

Where the panel of judges cannot be completed, delegation of judges from another division of the court is allowed.

After 15 May 2020 (end of state of emergency), in all civil cases, procedures will resume *ex officio*. Within 10 days after the state of emergency has ended, the courts will take the appropriate measures in order to reschedule the hearings and to summon the parties.

##### **1.3 EU Judicial Cooperation**

Part of the personnel of the Ministry of Justice is entitled to work from home. Judicial cooperation in civil matters will be affected for an unpredictable period of time. In order to minimise the delays, **electronic communication of requests of judicial cooperation** to the Central Authority is strongly encouraged.

Documents sent in hard copy will be processed with significant delays.

The Ministry of Justice acts on the basis of Article 3 c) of the **Service of Documents and Taking of Evidence Regulations** as transmitting/receiving authority in exceptional cases. All requests (service of documents, taking of evidence, maintenance cases, child abduction cases etc.) are currently dealt by the Ministry of Justice as usually, with no prioritisation.

The following e-mail addresses can be used: [dreptinternational@just.ro](mailto:dreptinternational@just.ro), [ddit@just.ro](mailto:ddit@just.ro).

As of the end of the state of emergency (15 May 2020), in general terms, the Ministry of Justice, acting as Central Authority will carry out all its activities in the same manner as during the state of emergency.

#### **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)**

Insolvency proceedings during the state of emergency are subject to the general provisions regarding the suspension *ex officio* of all judicial activity in civil cases, except in extremely urgent cases, that cannot be postponed. The debtor's obligation to file for opening of the insolvency proceedings is suspended as a general moratorium applies during the state of emergency to all deadlines in civil matters, including to the 30 days period in which the debtor is obliged to petition for insolvency.

During the state of alert, the legal provisions regulating the debtor's obligation to file for insolvency do not apply. Until the state of alert ceases, the proceedings can open at the request of the debtor if the debtor chooses to file for insolvency.

This temporary rule applies to debtors that were insolvent or that became insolvent during the state of alert. Romania has been in the state of alert since mid-May after the state of emergency ended.

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

A creditor still has the right to file for insolvency but an insolvency procedure could be open only after the state of emergency has ceased.

The insolvency proceedings may be open for a claim of 50,000 lei (approximately 10.200 EUR) as the threshold both for creditors and for debtors was increased from 40.000 lei.

Creditors can file insolvency applications against debtors who interrupted their activity totally or partially during the state of emergency or alert only after they made a reasonable attempt to conclude a payment agreement, proved by documents communicated between the parties by any means, including by electronic means.

###### **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**

Budgetary claims (fiscal and others except for claims arising from decisions in criminal matters) which become due during the state of emergency cannot be enforced during this time and 30 days after the state of emergency has ceased. Also, enforcement measures for budgetary claims were suspended or not applied for budgetary claims after the state of emergency was instituted, except for claims related to criminal proceedings.

The enforcement proceedings/ forced execution in civil matters continue only if it is possible to comply with the sanitary discipline rules.

Temporary measures relating to the enforcement of fiscal claims introduced during the state of emergency are still in force. The suspension of enforcement of fiscal claims is applicable until the 25th of December and a period of 30 days after.

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

In order to preserve contractual relations of SMEs which were closed or temporarily suspended (by the authorities) during the state of emergency (for example, restaurants, hotels), there is a specific obligation to try a renegotiation of the contract before suspending/terminating it due a force majeure.

In certain condition, SMEs which were closed or temporarily suspended by authorities during the state of emergency benefit in their contractual relation from a presumption of force majeure. The presumption is rebuttable by any means of proof.

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

During the state of emergency, substantial and procedural deadlines do not run/are suspended. Judicial activity in pending cases shall continue only in extremely urgent cases, that cannot be postponed (the Courts of Appeal establish a list of such cases for all the courts in their jurisdiction). Courts can set short deadlines and if possible, hold the hearing through videoconference.

In insolvency proceedings pending on March 16th, judicial activity is suspended ex officio and only extremely urgent actions are resolved (temporary suspension of enforcement actions against the debtor until a decision on the opening of the insolvency procedure at the request of the debtor is taken as well as other actions that can be resolved in the absence of parties). In appeal proceedings against the decisions of the syndic judge, certain enforceable decisions can be suspended (decisions to open the insolvency procedure against the debtor or to enter in simplified bankruptcy/ bankruptcy procedures can still be suspended by the courts of appeal). The activity of judicial administrators/liquidators in pending procedures continue, if possible, under the sanitary requirements.

As with 15 May 2020, the state of emergency has ended. Therefore, in all civil cases, procedures will resume ex officio. In 10 days after the state of emergency has ended, the courts will take the appropriate measures in order to reschedule the hearings and to summon the parties.

As with the Ministry of Justice, acting as Central Authority, all activity will be carried out in general lines as within the state of emergency.

Law no. 120 of July 9, 2020 for the completion of Law no. 304/2004 regarding the judicial organization Article 111 provides that during the state of emergency the judicial activity may continue only in exceptional situations, of special urgency, duly justified, regarding the protection of family relations and the measures ordered by decree issued by the President of Romania.

The cases that will be judged for each category of courts will be established, exhaustively, only by the Superior Council of Magistracy, after consulting the management colleges of the courts of appeal, for the courts of appeal, tribunals and judges, respectively of the College of the High Court of Cassation and Justice. During the state of emergency the procedural terms and the limitation periods shall not begin to run and, if they have begun to run, shall be suspended.

A draft law recently adopted by the Government (19.11.2020), provides for the possibility of restricting the judicial activity of a court, partially or in its entirety, for reasons generated by the COVID-19 pandemic. While a restriction is in force, which could be for no more than 14 days, judicial activity continues for cases of utmost emergency and is postponed by law for the others. In the weeks to come, the draft law will be debated in Parliament and, if adopted, this measure will be applicable during the state of alert and 30 days after.

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

With the resumption of judicial activity after the state of emergency ended in mid-May, temporary measures, applicable for pending pre-insolvency and insolvency proceedings, were adopted – certain procedural steps and deadlines were extended by law (the period for drafting the preventive concordat offer and negotiating it with the creditors was extended by 60 days and the execution of the concordat by 2 months; the observation period and the deadline for submitting a reorganization plan were extended by 3 months; the judicial reorganization period was extended by two months), new rights in connection with the COVID pandemic were regulated (debtors had a 3 months deadline to submit a modified reorganization plan if, as a result of the COVID pandemic, the recovery perspectives changed).

Debtors benefited from a 2 months suspension of the reorganization plan in case their activity was totally interrupted as an effect of the COVID -19 pandemic. The maximum duration of the reorganization plan was extended from 3 to 4 years, with the possibility of extension by another year, without the execution of the plan exceeding 5 years.

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

Complementary measures were taken so far to reduce the pressure of financial liquidity such as the possibility to postpone certain payment obligations (credit instalments or fiscal obligations) which become due during the state of emergency and are expected to mitigate some of the negative effects of the pandemic on the solvability of entrepreneurs.

Other economic measures such as preferential loans for SMEs including loans 90% guaranteed by the state and other social protection measures were taken.

During the state of emergency, SMEs which were closed or temporarily suspended by authorities may postpone payment of their rent and utilities for their headquarters.

Temporary special provisions for holding the general meeting of shareholders/members of companies during the state of emergency will soon be in place.

Starting with March 30, 2020, borrowers can request creditors to suspend their obligation to pay, for a period between 1 and 9 months but not more than 31.12.2020(GEO no.37/2020).

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### **Covid-19 impact on civil and insolvency matters - Slovenia**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

The Decree of March 13 of the President of the Supreme Court on the basis of a proposal by the Minister of Justice, determined that except in the urgent matters, **procedural deadlines** are suspended.

A Law on temporary measures in judicial, administrative and other public matters in order to damage control of the spreading of the SARS-CoV-2 (COVID-19) was adopted on 20 March 2020 and came into force on 29 March 2020. All the measures determined in this law and any other measures taken on the



basis of this law are valid until it is established by the decision of the Government, that the reasons for these measures have ceased, but at the longest **until 1 July 2020**.

**The Law introduced provisions for all time limits (material and procedural).** Time limits to bring up a claim in judicial proceedings), which are determined by law, are suspended as from 29 March 2020. Deadlines in judicial proceedings (procedural deadlines) are also suspended as from 29 March 2020, except in judicial matters that are established as urgent.

In addition, the deadline to lodge the constitutional complaint is suspended.

Time limits will continue to run after the measures determined by the Law will expire.

**The Act Amending the Provisional Measures Act in Relation to Judicial, Administrative and Other Public Law Matters to Control the Spread of the Infectious Disease SARS-CoV-2 (COVID-19)** was adopted on 29 April.

**Procedural and material deadlines** are still not running, and the measures enable a gradual transition to further normal operations and at the same time protect the weakest.

## **1.2 Judicial organization and Judiciary**

**The Act Amending the Provisional Measures Act in Relation to Judicial, Administrative and Other Public Law Matters to Control the Spread of the Infectious Disease SARS-CoV-2 (COVID-19)** presents a legal basis for judicial and administrative bodies and other public authorities to hold oral hearings, hearings, decide and serve in non-urgent matters, but still under conditions of uninterrupted security, work for employees and for clients.

Courts and other judicial bodies, which during this time also made many decisions in cases that were not defined as urgent, will send or serve these decisions to parties who are otherwise acquainted with them, but are not obliged and bound by the entry into force of this Act do nothing if they do not want to, as deadlines, both procedural and material, are still not running. However, if they wish, they can take individual actions that will enable the institutions to function smoothly and thus be able to obtain their rights sooner.

**In the area of enforcement,** enforcement is suspended. After the amendment enters into force, courts will also be able to issue enforcement and insurance orders and serve them on clients in non-urgent cases that began to run before the introduction of measures due to the epidemic. In these cases, the parties will not be obliged to respond immediately, as the deadlines in non-urgent cases do not run, and the legal solution according to which enforcement is still in force (except in urgent cases, such as the recovery of maintenance) will still be in force, for enforcement proceedings which were stopped or postponed during the epidemic. Of course, this does not mean that the party that would like to respond is limited in this.

**In the classical civil or litigation field,** the courts will be able to issue a judgment and also serve it on the parties if they are in a non-urgent lawsuit before the introduction of the measures before the main hearing. The parties will therefore be served with the judgment, but the time limits are not running. In this way, we will make an important contribution to the gradual elimination of the stalemate in the operation of the courts.

**Also in the field of land registry matters,** the Ministry's proposal enables the gradual release of cases. The decision on the land registry proposal can become final, although the deadlines do not run, but only if, for example, all parties waive the right to appeal. The same applies to entries in the land register. The parties have so far been able to submit a land registry proposal and thus ensure the protection of the order.

The new proposed regime, for the duration of the epidemic, allows **insolvency** parties to submit their application, statement or document after the deadline, the reason for the delay is the COVID 19 epidemic and the court has not yet ruled, such a late application is still considered and does not reject it after the deadline. Such an intervention legal basis, which loosens the severity and irreversibility of acts in insolvency proceedings, will also be an important circumstance in the eventual assessment of the President of the Supreme Court of the Republic of Slovenia to determine insolvency proceedings as urgent proceedings.

### **The Decree of 5 May of the President of the Supreme Court that supersedes the previous decrees:**

The courts will continue to decide and hold hearings in urgent cases, in accordance with the provisions of Article 83 of the Courts Act and the order of the President of the Supreme Court. With the new order, the President of the Supreme Court has been expanding the range of urgent cases since 5 May 2020. The latter also include cases of compulsory settlement and bankruptcy, in which a decision on the commencement of proceedings was issued by 30 March 2020.

During the duration of the special measures, the parties, their proxies and other persons who want information related to a particular procedure and have not received a summons to appear in court, must be notified in advance during public hours via publicly published e-mail addresses and telephone numbers.

### **1. Decision-making of courts in urgent and non-urgent cases**

Due to the occurrence of an extraordinary event, i.e. epidemic of infectious disease SARS-CoV-2 (COVID-19) - coronavirus, which can greatly impede the smooth or regular exercise of jurisdiction and to prevent the spread of viral infection epidemic of infectious disease SARS-CoV-2 (COVID-19) - coronavirus, protection health and life of people and ensuring the functioning of the judiciary, all courts from 5 May 2020 hold hearings, decide and serve court documents: in cases which are not urgent in accordance with Article 83 of the Courts Act and which are not considered as urgent in accordance with this Order, if the courts may ensure the performance of these acts in accordance with the conditions laid down in this Order and in other measures, determined on the basis of this order by the President of the Supreme Court of the Republic of Slovenia, and in such a way that the viral infection and the guaranteed health and life of people are not spread, and

in urgent matters, as provided for in Article 83 of the Courts Act, of which the following, however are **not** considered as **urgent**:

- b.1. in matters of insurance, acts requiring the personal contacts of bailiffs, interested parties and other persons in these proceedings and the performance of such acts is not necessary in order to avert the danger to human life and health or to property of greater value,
- b.2. bill of exchange and check protests and bill of exchange lawsuits,
- b.3. inventory of the decedent's property,
- b.4. compulsory settlement and bankruptcy cases in which no decision to initiate proceedings has been issued by 30.3.2020 inclusive,

### **2. Basic measures for the smooth exercise of judicial power in the matters refer:**

#### **2.1. Access to the court**

The courts shall determine the point of entry into the court building for the parties, their proxies and other persons, and the point of entry into the court building for judges and court staff, where it is spatially possible. At the entry points, all necessary preventive measures shall be taken to prevent viral infection and a written notice shall be published for all entrants of the preventive measures in force in force on the court premises.

Except in cases of urgency during the duration of the special measures of a party, their proxies and other persons shall: 1. submit applications only by post or via the national e-Justice portal in procedures where this is possible, 2. use published e-mail addresses and telephone numbers during office hours to communicate with the courts.

During the duration of the special measures, the parties, their proxies and other persons who request information regarding the proceedings and are not summoned to court must notify the previously published e-mail addresses and telephone numbers during office hours.

#### **2.2. Court sessions, sittings of the court and hearings**

Court sessions, sittings and hearings shall, if the technical and spatial conditions are met, normally be conducted by videoconference.

At court sessions, sittings and hearings not held by videoconference, the distance to other persons has to be at least two meters, all must wear protective equipment and the room must be disinfected.

### 2.3. Participation of public in the main hearing

In order to prevent the spread of viral infection, to protect human health and life and to ensure the functioning of the courts and to ensure the exercise of rights and obligations, a judge or the presiding judge may temporarily exclude the public from all or part of the main hearing.

### 2.4. Other measures

Other measures are additionally determined for all courts by the President of the Supreme Court of the Republic of Slovenia, and for an individual court by each President of the Court.

#### Validity of the order and other measures

This order and other measures determined on its basis shall remain in force until the publicly announced revocation of the President of the Supreme Court of the Republic of Slovenia.

### 1.3 EU Judicial Cooperation

The Central authority for [Regulation \(EC\) No 1393/2007](#) and the [Council Regulation \(EC\) No 1206/2001 \(Ministry of Justice\)](#) established a system of teleworking. Therefore, communication should be transmitted as much as possible via e-mail instead of paper mail, to the following e-mail address: [gp.mp@gov.si](mailto:gp.mp@gov.si). Due to these special circumstances, transmitting of requests in paper mail to competent courts may be delayed.

The Ministry of Labour, Family, Social Affairs and Equal Opportunities, the Central Authority under the [Council Regulation \(EC\) No 2201/2003](#) has established a system of remote working, reducing physical presence at workplaces to a minimum. In view of the current situation, and as long as this situation persists, the Central Authority cannot guarantee the normal processing of all incoming requests. Processing of incoming applications can only be guaranteed when received by e-mail to [gp.mddsz@gov.si](mailto:gp.mddsz@gov.si). They strongly encourage keeping all communications by electronic means. Outgoing requests will be sent exclusively by electronic means.

Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia, the Central Authority under the Council Regulation (EC) No 4 /2009 is currently operating remotely from home. Therefore, the Central Authority would appreciate if the communications were sent via e-mail to the following e-mail address: [jpsklad@jps-rs.si](mailto:jpsklad@jps-rs.si). The Central Authority will also communicate and send requests via email.

### 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)

Law passed on 02-04: deferral of the obligation to file for insolvency and initiate the compulsory settlement procedure, if the insolvency is due to the Covid crisis.

Rebuttable presumption of a covid-related insolvency if the Government or local authorities mention the company's activity in a list. If no presumption, proof that the insolvency is due to the epidemic must be given.

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

If the company is declared insolvent due to the epidemic and when requested by creditors, time limit to achieve restructuring (or to end the insolvency proceeding) is extended by 4 month.

##### 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

In the area of enforcement, enforcement is suspended. After the amendment enters into force, courts will also be able to issue enforcement and insurance orders and serve them on clients in non-urgent cases that began to run before the introduction of measures due to the epidemic. In these cases, the parties will not be obliged to respond immediately, as the deadlines in non-urgent cases do not run, and the legal solution according to which enforcement is still in force (except in urgent cases, such as the recovery of maintenance) will still be in force, for enforcement proceedings which were stopped or postponed during the epidemic. Of course, this does not mean that the party that would like to respond is limited in this.

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

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

Insolvency Cases (except for auctions) were first classified urgent (from 13-03) then non-urgent (from 31-03), meaning that hearings are cancelled.

During the epidemic, the Insolvency Court would not open an Insolvency case (some exception possible for workers with a terminated contract due to epidemic).

The new proposed regime with The Covid-19 Act passed on 29 April, for the duration of the epidemic, allows **insolvency** parties to submit their application, statement or document after the deadline, the reason for the delay is the COVID 19 epidemic and the court has not yet ruled, such a late application is still considered and does not reject it after the deadline. Such an intervention legal basis, which loosens the severity and irreversibility of acts in insolvency proceedings, will also be an important circumstance in the eventual assessment of the President of the Supreme Court of the Republic of Slovenia to determine insolvency proceedings as urgent proceedings.

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

An additional irrefutable presumption was introduced: if the employer profit from special Covid measures to protect workers' salaries, it must be paid by 1 month the latest. If not, the employer is deemed insolvent. The measure is in force until 4 months after termination of special measures.

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

In credit, payment are deferred (specific provision).

All revenues obtained from special Covid legislation are excluded from fiscal and civil enforcement (including personal bankruptcy).

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## Covid-19 impact on civil and insolvency matters - Slovakia

### 1 Covid-19 impact on civil proceedings

#### 1.1 Time limits in civil proceedings

Legal deadlines, enforcement proceedings, statutory interest rates:

Act No 62/2020 on certain extraordinary measures in connection with the COVID-19 outbreak and on measures in the area of justice (hereinafter 'the COVID Act') was amended on 19 January 2021. The Act introduced restrictive measures and other measures requiring a statutory legal basis. Under the amended Section 8 of the COVID Act, the running of the time-limits and deadlines prescribed by law in matters governed by private law was temporarily suspended (until 28 February 2021) or such time-limits were waived in specified cases. Under Section 2 of the COVID Act, the same applies to procedural time-limits to be observed by parties to proceedings. If the time-limit cannot be extended due to a threat to human life, health, security, freedom or due to a risk of substantial damage, the court may decide not to apply this provision and uphold the applicable time-limit. The provisions on statutory interest rates have not been amended. The restrictive provisions of the COVID Act will only apply for a limited time (until 28 February 2021).

## 1.2 Judicial organization and Judiciary

Section 3 of the COVID Act has limited the number of instances where it is necessary to hold hearings in court, and has restricted public participation, during exceptional circumstances or emergencies. Where a court hearing is held in camera, there is a statutory obligation to make an audio recording of the hearing available; the recording should be accessible as soon as possible after the hearing.

The amended Act contains new guidelines for courts issued by the Ministry of Justice (updated on 3 November 2020) that require the courts to: hold hearings to the extent necessary in accordance with Section 3(1)(a) of the COVID Act, i.e. hold hearings in accordance with the appropriate procedure (in all cases);

comply with the implementing decrees of the Public Health Authority/regional public health authorities when holding hearings;

ensure compliance with the sanitary rules, such as the use of hand sanitiser and masks;

endeavour to use videoconferencing equipment or other means of remote communication in accordance with Section 3 of the COVID Act.

## 1.3 EU Judicial Cooperation

The COVID Act has not introduced any specific restrictions in the area of cross-border judicial cooperation in civil matters; however, general restrictions apply in such cases.

Central authorities may introduce working from home, but their normal functioning must be ensured and applications must be dealt with in a timely manner.

In the absence of a secure electronic method for serving correspondence, the use of e-mails is legally permissible only in certain cases. Moreover, using e-mails entails a security risk and a risk of sensitive personal data being leaked. Obtaining a proof of delivery / service of documents is also problematic.

Slovakia would welcome a uniform approach at EU level meeting the criteria required for cross-border judicial cooperation.

General requests / questions may be sent to central authorities via e-mail:

the central authority for Regulation (EC) No 1393/2007 and Council Regulation (EC) No 1206/2001 (Ministry of Justice): [civil.inter.coop@justice.sk](mailto:civil.inter.coop@justice.sk)

the central authority for Council Regulation (EC) No 2201/2003 and Council Regulation (EC) No 4/2009 (Centre for International Legal Protection of Children and Youth): [info@cipc.gov.sk](mailto:info@cipc.gov.sk)

## 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)

Act No 62/2020 on certain extraordinary measures in connection with the COVID-19 outbreak and on measures in the area of justice (hereinafter 'the COVID Act') took effect on 27 March. Under Section 4 of the COVID Act, the time-limit for a debtor to file for bankruptcy has been extended from 30 days to 60 days. This applies only to the balance sheet test, as debtors are obliged to file for bankruptcy solely on this basis.

The restrictive provisions of the COVID Act apply only for a limited time ([until] 30 April 2020), but they might be extended in the future (consent of the Government and the Parliament will be required to amend the Act).

The COVID Act was amended and supplemented with the instrument of temporary protection for entrepreneurs (Section 8 et seq. of the COVID Act), with effect from 12 May 2020.

The purpose of the temporary protection is to create a time-limited framework of measures to support the effective management of the negative consequences of the spread of Covid-19, a dangerous and contagious disease, on enterprises.

Entrepreneurs who are debtors are not obliged to file for bankruptcy only if they have applied for temporary protection and if temporary protection has been granted by a court. In accordance with Section 17(2) of the COVID Act, entrepreneurs enjoying temporary protection are not required to file for bankruptcy with respect to their assets for as long as they enjoy the temporary protection; the same applies to persons required to file for bankruptcy on behalf of entrepreneurs. However, debtors may apply for temporary protection only if they were not insolvent on 12 March 2020 and if, on the date of the application, there are no grounds for dissolution and the debtor is not affected by a declaration of bankruptcy or a restructuring permit.

Originally, temporary protection was to be granted until 1 October 2020 (Section 18 of the COVID Act), but it was extended until 31 December 2020 under a government decree.

The draft act will contain similar provisions, and, if approved by the National Council of the Slovak Republic, it will take effect on 1 January 2021.

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

Protection resulting from the suspension of bankruptcy proceedings initiated by creditors may be granted only to debtors (entrepreneurs) who enjoy temporary protection (introduced on 12 May 2020). In accordance with Section 17(1) of the COVID Act, proceedings concerning a creditor's application for a declaration of bankruptcy in respect of the assets of an entrepreneur enjoying temporary protection filed after 12 March 2020 are suspended; this also applies to creditors' claims brought during the period of temporary protection. Insolvency proceedings which were initiated on the basis of a creditor's application filed after 12 March 2020 are also suspended.

The draft act provides that during the period of temporary protection it is not possible to issue a decision initiating bankruptcy proceedings against an entrepreneur enjoying temporary protection.

#### 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 enforcement of liens and mortgages and judicial sales are temporarily prohibited (until May 31) under Sections 6 and 7 of the COVID Act.

Slovak entrepreneurs whose businesses are jeopardised due to COVID-19 measures may apply for a court decision which has similar effects to a temporary moratorium in restructuring proceedings (for a detailed list of these effects see below). Entrepreneurs (natural or legal persons who reside or have their registered office in Slovakia) who are not insolvent, do not operate their businesses illegally and against whom no enforcement procedure was initiated before 12 March 2020 may apply for a temporary moratorium using the appropriate form (companies and partnerships are required to file the form

electronically; this requirement does not apply to individuals). The moratorium takes effect when the court issues a decision granting the moratorium. Such decisions may be challenged in court (by anyone), which may lead to a moratorium being terminated. The moratorium period is limited – the maximum period is until 1 October 2020 (unless it is terminated earlier).

Temporary protection lasts until 31 December 2020.

This new type of moratorium has effects comparable to a moratorium in restructuring proceedings:

it suspends the obligation of a debtor or its management to file for insolvency proceedings in the case of insolvency;

creditors may not file for their debtor's insolvency;

enforcement proceedings that started after 13 March are suspended;

liens placed against enterprises or parts of enterprises cannot be enforced;

there are restrictions with regard to set-offs;

the possibility to terminate contracts is suspended.

In accordance with Section 17(3) of the COVID Act, enforcement proceedings initiated after 12 March 2020 against entrepreneurs enjoying temporary protection in order to satisfy a claim from their business activity are suspended for the duration of the temporary protection.

The COVID Act also provides for an extraordinary postponement of enforcement at the request of the debtor (Section 3a), but only until 1 December 2020.

The draft act (effective from 1 January 2021) provides that even where enforcement is not suspended, during the period of temporary protection enforcement may not affect the enterprise, movable property, rights or other assets of the enterprise of the entrepreneur enjoying temporary protection, except where enforcement relates to the recovery of unlawful State aid.

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

In accordance with Section 17(5) of the COVID Act, after temporary protection has been granted [to a party to a contract], the counterparty may not terminate the contract, withdraw from the contract or refuse performance under the contract due to a delay in performance on the part of the entrepreneur enjoying temporary protection where the delay occurred between 12 March 2020 and the date of entry into effect of this act and which was due to the infectious disease COVID-19; this does not apply if the counterparty directly jeopardises the enterprise's operation. This does not affect the right of the counterparty to terminate the contract, withdraw from the contract or refuse performance under the contract due to a delay in performance on the part of the entrepreneur enjoying temporary protection after the entry into effect of this act.

Under the draft act, the possibility to terminate contracts will also be suspended.

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

Under Section 1 of the COVID Act, the running of the time-limits and deadlines prescribed by law in matters governed by private law was temporarily suspended or such time-limits were waived in specific cases.

Pursuant to Section 2 of the COVID Act, the same applies to procedural time-limits to be observed by parties to proceedings. If the time-limit cannot be extended due to a threat to human life, health, security, freedom or due to a risk of substantial damage, the court may decide not to apply this provision and uphold the applicable time-limit.

Both of these measures applied only until 30 April.

The COVID Act provides that, in a state of emergency, courts hold hearings, main hearings and public hearings only where necessary. The need to protect public health during this period justifies excluding the public from attending hearings, main hearings and public hearings (Section 3).

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

Where an entrepreneur enjoys temporary protection, the running of the time-limit for challenging legal acts is suspended for the duration of the temporary protection. This prevents discrimination in favour of debtors.

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

financial help for entrepreneurs who are natural persons and for small and medium-sized enterprises (possible loan guarantees or payment of interest on loans), Act No 75/2020;

deferral of mortgage loan payments for consumers (9 months) under Act No 75/2020;

deferral of loan payments for small and medium-sized enterprises and entrepreneurs who are natural persons (9 months) under Act No 75/2020;

deferral of payments of health, social insurance and old-age pension contributions for some employers and entrepreneurs who are natural persons (subject to a decrease in revenue due to COVID-19 measures) under Act No 68/2020;

extension of the time-limit for filing a tax return under Act No 67/2020

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### **Covid-19 impact on civil and insolvency matters - Finland**

#### **1 Covid-19 impact on civil proceedings**

##### **1.1 Time limits in civil proceedings**

No changes have been introduced to statutory deadlines for court proceedings despite the ongoing crisis.

##### **1.2 Judicial organization and Judiciary**

**Courts remain independent.** However, the National Court Administration (NCA) gives guidelines and advice to courts on their management.

NCA has provided guidelines recommending courts to continue handling cases, with precautionary measures, for instance **physical presence should be limited to urgent case**. The NCA advises courts to hold hearings by videoconference, or by other available and suitable technological means. The National Courts Administration has also published advice for all courts on **using remote connections at a trial**. The advice has been drawn up only for the current exceptional situation, and it is not intended to change existing policies, instructions or recommendations. The goal of using remote connections more effectively is to minimise health risks by avoiding gatherings of several people. These, as well as future guidance can be found from [here](#).

By 10 May 2020 the Finnish District Courts have suspended the hearing of 1 431 civil cases. Updated information can be found [here](#).

Contacts to the courts is encouraged to be made primarily by phone and email.

##### **1.3 EU Judicial Cooperation**

International legal assistance is still provided, but Courts prioritise cases according to the resources available.

Most of the caseworkers in the Finnish Central Authority (Regulations 2201/2003, 4/2009, 1393/2007 and 1206/2001) are currently teleworking. There is limited presence in the office for urgent cases. Communication by email is recommended when possible: [central.authority@om.fi](mailto:central.authority@om.fi) and [maintenance.ca@om.fi](mailto:maintenance.ca@om.fi) (maintenance matters only).

## **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)**

-

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

Possibility to declare the debtor bankrupt based on the creditor's petition is limited on 1.5.2020–31.1.2021. Preparation of a proposal to allow debtors more time to pay as from 1.2.2021.

#### **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 Enforcement act is amended in order to facilitate the position of the debtor on 1.5.2020–30.4.2021.

The payment period and the criteria for granting months free of foreclosure will be amended. More time will be reserved for the enforcement of evictions.

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

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

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

Call for overall responsibility from the side of the creditors.

Finland is also focusing its efforts towards avoiding over-indebtedness of private persons and households.

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

A temporary 10 percent interest rate cap for consumer credits, as well as temporary banning of their direct marketing are in force on 1.7.–31.12.2020.

Preparation of a proposal to prolong these temporary measures.

Proposed to temporarily regulate debt collection costs for other receivables than consumer receivables and restrict the use of a draft against certain debtors.

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## **Covid-19 impact on civil and insolvency matters - Sweden**

### **1 Covid-19 impact on civil proceedings**

#### **1.1 Time limits in civil proceedings**

No measures directed at legal proceedings have been introduced so far.

#### **1.2 Judicial organization and Judiciary**

The Swedish courts, that are independent from the Government, have taken diverse measures to face the current situation. In general, more hearings than usual have been cancelled, primarily due to illness of parties, lawyers and witnesses. The courts have increased the use of video- and telephone conference. The existing rules are used to carry on business as safe and effective as possible.

#### **1.3 EU Judicial Cooperation**

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## **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)**

-

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

-

#### **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**

-

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

-

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

No specific measure in the legal System.

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

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

Focus on economic measures to reduce the risk on additional enforcement proceedings.

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