

4TH OF JUNE OF 2020

COVID 19

COURT ACTIVITY AND PROCEDURAL DEADLINES

Last 29th May, Law no. 16/2020 was published, which amends the exceptional regime relating to the activity of Courts and procedural deadlines provided for in Law no. 1-A/2020 of 19 March. This law will enter into force today, on the 3rd of June 2020.

The **main amendments** are the following:

A. RESUMPTION OF FACE-TO-FACE ACTIVITY IN COURTS AND PROCEDURAL DEADLINES

- 1) The exceptional regime that suspended procedural acts deadlines in non-urgent cases¹ will cease, *i.e.* the procedural deadlines suspended on the 9th of March 2020 will resume on the 3rd of June 2020;
- 2) The rule becomes face-to-face hearings and trials or other proceedings that imply the examination of witnesses, provided that the maximum number of persons and other safety and hygiene rules established by the General Health Direction (DGS) are observed.

If that is not possible, these judicial proceedings shall be carried out by means of distance communication (teleconference, video call or other), ensuring, however, that the defendant's declarations, the testimony of witnesses or the party's declarations must be made in a court, unless the parties agree otherwise or in the case of an aged person over 70 years old who is chronically ill or immunodepressed.

All other proceedings requiring physical presence of the concerned parties shall be carried out by means of distance communication or, when not possible, in face-to-

¹ Urgent cases were already proceeding normally.

face meetings, with due regard for the limit of persons and the safety and hygiene rules issued by DGS.

3) Only remain suspended:

- i.** The deadline for the debtor to file for insolvency;
- ii.** The judicial proceedings for the delivery of the family home in the course of executive or insolvency procedures;
- iii.** Eviction proceedings, special eviction proceedings and procedures for delivery of rented real estate, only when the tenant may be placed in a situation of fragility due to lack of own habitation or other compelling social reason;
- iv.** Limitation and prescription periods relating to such procedures and proceedings;
- v.** Limitation and prescription periods relating to procedures in which proceedings may not be conducted in accordance with the foregoing;
- vi.** Those who are being executed or are insolvent may request the suspension of acts in executive or insolvency procedures, relating to sales and judicial deliveries of real estate, when they may cause damage to their livelihood and provided that such suspension does not cause serious or irreparable damage to the livelihood of the executor, and the court shall decide on the incident within 10 days, after hearing the parties.

B. RESUMPTION OF ADMINISTRATIVE DEADLINES

- 1) The deadlines for the performance of acts by private individuals in administrative procedures, previously suspended since 9 March 2020², also resume counting as follows:**
 - i.** The administrative deadlines whose original term would occur before the entry into force of Law no. 16/2020, *i.e.* before 3 June 2020, are deemed to have expired on the 20th working day after the entry into force of this Law, *i.e.* on 3 July 2020, notwithstanding the suspension regime provided for in Law no. 1-A/2020;

² The deadlines for pre-contractual litigation and public contracting procedures regulated by the CCP are not suspended, cf. article 7-A of Law no. 1-A/2020 (as amended by Law no. 4-A/2020).

ii. The administrative deadlines whose original term would occur after the entry into force of Law 16/2020, *i.e.* after 3 June 2020, shall be deemed to have expired on the 20th working day after the entry into force of this Law, *i.e.* on 3 July 2020, if they expired before this date, or on the date of their original term in case it takes place after that date of 3 July.

2) However, this regime does not apply to the deadlines for the administrative phases in misdemeanour matters (*v.g.* deadline for submitting a defence and for contesting a decision imposing a fine), which were suspended, but which have thus resumed their counting since 3 June.

C. EXTENSION OF LIMITATION AND PRESCRIPTION PERIODS

A final note on limitation and prescription periods (*v.g.* deadlines for submitting actions or proceedings to avoid limitation and prescription) which were suspended under Article 7(3) of Law 1-A/2020 and are now extended for the period in which they were suspended (*i.e.* from 9 March until 3 June 2020).

This information will be updated whenever new legislation on the matter is published.

PARES | Advogados is available to provide more detailed information on this and other matters that will suit the specific needs of each client, being able to offer all necessary support.

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