



Amendments to procedural rules in force during the period of state of danger

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Introduction

Government Decree 229/2020. (May 25) has significantly amended Government Decree 74/2020 (31 March) on certain procedural measures applicable during the period of state of danger.

Our following expert summary presents the main rules as amended by the Decree, including

- (i) The amendments to contentious and non-contentious civil court proceedings;
- (ii) the amendments to administrative court procedures; and
- (iii) the repealed provisions.

It is important to emphasize that the provisions amended by the new Decree shall also apply to proceedings pending on the day of its entry into force (1 June 2020)!

Government Decree 229/2020 (May 25) enters into force on 1 June 2020.

Contentious and non-contentious civil court proceedings 1

According to the amended rules,

- If the court has already obtained the statements necessary to close the preparatory stage without a hearing, which will lay down the boundaries of the legal dispute, it shall **close the preparatory stage without a hearing**. The court shall inform the parties of the closing of the preparatory stage in writing.
- If the court has commenced the preparatory stage, but the parties have not yet made all of their statements laying down the boundaries of the legal dispute, **the court shall proceed further by scheduling a preparatory hearing, or shall notify the parties that the court intends to close the preparatory stage and that they may request the holding of a hearing within 15 days**.
- If the court takes a **provisional measure** prior to bringing the action, **the time limit** set by the court for bringing the action **shall commence on the day following the end of the period of state of danger**.
- If justified by epidemiological measures, **the hearing may also be conducted by way of an electronic communications network or other means suitable for image and sound transmission**.
- The court may **exclude the public from a hearing also to ensure compliance with epidemiological measures in the courtroom**.

Contentious and non-contentious civil court proceedings 2

According to the amended rules,

- If the court has notified the parties in writing of closing the hearing, and the parties have made their statements upon the notification of the court or have not made a statement within the specified time limit, the court shall adopt a **judgement** outside a hearing.
- If the court has not yet scheduled the main hearing (or in court actions falling within the scope of the Pp. of 1952, the hearing), the court shall **continue the proceedings by setting a date for the hearing**.
- **In appeal and review procedures**, the court shall continue to proceed outside a hearing if it has already notified the parties of its commitment to adopt a decision outside a hearing.
- If the parties jointly request a hearing to be held after being notified of the adjudication of the case outside a hearing, **the court shall set the hearing**.

Administrative court procedures 1

According to the amended rules,

- If justified by epidemiological measures, **a hearing may also be conducted by way of an electronic communications network or other means suitable for image and sound transmission.**
- The court may **exclude the public from a hearing also if such would ensure compliance with epidemiological measures in the courtroom.**
- Proceedings initiated on the basis of a statement of claim submitted after the entry into force of the amending Government Decree shall be continued by holding a **hearing** at the request of the party or the party concerned on the basis of a legal provision.
- The court shall **continue to proceed outside a hearing** if it has already notified the parties of its decision to adjudicate the case outside a hearing.
- However, the proceedings shall be continued by holding a **hearing** in the case of a request for holding a hearing by the party or the party concerned **within 15 days following the end of the period of state of danger.**

Administrative court procedures 2

According to the amended rules,

- If the plaintiff has requested the **postponement** of a hearing to a date after the period of state of danger instead of adjudication of the case outside a hearing, the court shall set a hearing date within 15 days following the end of the period of state of danger.
- If the proceedings have been suspended due to **a procedural act requiring participation in person**, the court shall take the measure to set a hearing date or perform a specific procedural act within 15 days following the entry into force of the amending Decree.
- If the court has notified the parties in writing of closing the hearing, and the parties have made their statements upon the notification of the court or have not made a statement within the specified time limit, **the court shall adopt a judgement outside a hearing**.
- After obtaining the statements of the parties on the issue of a **settlement**, the court may approve the settlement in an action, by means of an order, outside a hearing.

The most important repealed provisions

Based on the repealed provisions, the following rules shall apply:

- In contentious and non-contentious civil court proceedings, submissions can be filed in person at the administration office of a court; and
- Personal interviews can be conducted in administrative court procedures.

Should you have any questions, feel free to contact our experts



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