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**Emne:** Suspension of deadlines in the form of "anticipation" of judicial holidays. Til Folketingets Erhvervsudvalg, Folketingets Skatteudvalg, Folketingets Retsudvalg, Erhvervsministeren, Erhvervsstyrelsen, Skatteministeren og Justitsministeren.

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Hermed følger en orientering om suspension af tidsfrister i den offentlige forvaltning fra vor forbindelse i Portugal til mulig efterfølgelse, og som minimum eftertanke, for det danske Folketing og den danske regering

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**From:** Caiado Guerreiro [<mailto:noreply@caiadoquerreiro.com>]

**Sent:** 20 March 2020 18:45

**To:** [hogsberg@hogsberg.com](mailto:hogsberg@hogsberg.com)

**Subject:** COVID-19: Suspension of deadlines in the form of "anticipation" of judicial holidays



LITIGATION AND ARBITRATION

## **COVID-19: SUSPENSION OF DEADLINES IN THE FORM OF "ANTICIPATION" OF JUDICIAL HOLIDAYS!**

Law n.º 1-A/2020 came into force on March 19th, 2020, which, in addition to Decree-Law n.º 10-A/2020 of March 13th, 2020, regulates a set of exceptional and temporary measures in response to the epidemiological situation caused by Covid-19, particularly concerning the regulation of procedural proceedings that guide the activity of the Courts.

To face the extraordinary situation we are experiencing, the National Assembly approved the adoption of a regime of suspension of time limits within the scope of the proceedings and procedures that run under the terms of the Judicial Courts, Administrative and Fiscal Courts, Constitutional Court, Court of Auditors and other jurisdictional bodies, Arbitration Courts, Public Prosecutor's Office, Courts of Peace, alternative dispute resolution entities and fiscal enforcement bodies, applying to it the Judicial Vacation Regime until the cessation of the exceptional situation of prevention, containment, mitigation and treatment of the epidemiological infection of COVID-19, as determined by the National Public Health Authority.

This exceptional regime, whose effects retroactively to March 13th, 2020, has a specialty concerning the judicial vacation regime: the suspension of time limits is extended to urgent cases except for cases in which fundamental rights are at stakes, such as the diligences and procedural acts related to minors at risk or to educational tutelary processes of an urgent nature and the diligences and trials of imprisoned defendants, which continue to "run" its terms.

This regime also extends, with the necessary adaptations, to procedures that run under notarial and registry offices; misdemeanour, sanctioning and disciplinary procedures, and the respective acts and proceedings that run under the terms of direct, indirect, regional and local administration services, and other administrative entities, namely independent administrative entities, including the Bank of Portugal and the Securities Market Commission; and administrative and tax deadlines that run on behalf of individuals.

Also of note is the suspension of the time limits for eviction proceedings, special eviction procedures, and proceedings for the return of the leased property, if the lessee may be placed in a situation of fragility and unmeasured exposure due to the lack of own habitation. Also, and in the context of the lease, note for the creation of an extraordinary transitory regime for the protection of tenants that will now benefit from the suspension of the effects of

the denunciations of lease agreements made by the lessor and the foreclosure of the mortgages on real estate that constitute the owner's permanent residence of the foreclosed.

This regime also implies the suspension of the prescription and termination periods for all types of proceedings and procedures.

This will cease to effect on a date to be defined by a Government decree, after which the National Assembly will proceed with the adaptation of the judicial holiday periods for the remaining year of 2020, leaving the note for a possible readjustment, or even elimination, of the summer judicial holidays for the full recovery of the processes suspended due to this public health crisis!

If you have any doubts as to whether the time limits for pending administrative and judicial proceedings are suspended, and for further information on the subject, please contact us:

**Sandra Ferreira Dias**, partner ( [sdias@caiadoquerreiro.com](mailto:sdias@caiadoquerreiro.com) )

**João Pedro Rodrigues**, trainee lawyer ( [jrodrigues@caiadoquerreiro.com](mailto:jrodrigues@caiadoquerreiro.com) )

O conteúdo desta informação não constitui aconselhamento jurídico e não deve ser invocado nesse sentido. Aconselhamento específico deve ser procurado sobre as circunstâncias concretas do caso. Se tiver alguma dúvida sobre uma questão de direito Português, não hesite em contactar-nos.

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IS OUR OFFICE**

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