

CORONAVIRUS: SUSPENSION OF PROCEDURAL DEADLINES IN JUDICIAL MATTERS

Following the suspension of certain procedural deadlines before Luxembourg courts, the government has provided more details regarding the exact scope of this measure.

By Grand Ducal Regulation of 26 March 2020, the government has suspended, with certain exceptions, procedural deadlines in proceedings before the judicial, administrative, military and constitutional courts. A Grand Ducal Regulation of 1 April 2020, with retroactive effect from 26 March, further clarifies what deadlines have been impacted by this suspension.

SUSPENSION OF PROCEDURAL DEADLINES

This suspension applies to the deadlines in the above mentioned matters for filing an appeal, an opposition or a judicial review of a decision, as well as to the deadlines governing the preparation of hearings, such as the timeframes imposed on the parties for the exchange of files and legal briefs. However, the deadlines for appearing in court or appointing a lawyer, as well as certain deadlines regarding administrative detention matters, are not suspended.

In case of urgency but not in criminal matters, a court may render a decision holding that this suspension shall not apply to a certain deadline. This needs to be demanded by one of the parties and the court must consult all other parties before being able to render such a decision. Once issued, this ruling may not be appealed.

LIMITATION PERIODS

Limitation periods for introducing court actions, be the limitation period of legal or contractual nature, are being extended. Any limitation period ending during the state of crisis will be extended for two months after the end of the state of crisis. Any limitation period ending within a month from the end of the state of crisis will be extended for one month from its initial expiration date.

BANKRUPTCY FILINGS

The government specifically provided that the suspension shall apply to the obligation for companies to file for insolvency within a period of one month following the date of their cessation of payments. However, this specific suspension only applies from 2 April 2020.

Key issues

- Suspension of procedural deadlines in judicial and administrative proceedings
- Exceptions in case of urgency
- Extension of limitation periods
- Suspension of the deadline for filing for bankruptcy
- Moratorium of enforcement of evictions for commercial and residential leases

SUSPENSION OF EVICTIONS

The enforcement of evictions for residential leases, commercial leases, foreclosures and forced sales are also halted for the duration of the state of crisis.

CRIMINAL MATTERS

Finally, applications and claims in criminal matters addressed to the Chambers of the Council of the District Courts and of the Court of Appeal are allowed to be judged following a written procedure, including by electronic means, and without the attendance of the parties, their lawyers and the Public Prosecutor. This provision applies during the state of crisis.

CONTACTS



Albert Moro
Partner

T +352 485 050 204
E albert.moro@
cliffordchance.com



Olivier Poelmans
Counsel

T +352 48 50 50 421
E olivier.poelmans
@cliffordchance.com



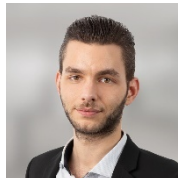
Isabelle Comhaire
Counsel

T +352 48 5050 402
E isabelle.comhaire
@cliffordchance.com



Ada Schmitt
Senior Associate

T +352 485 050 435
E ada.schmitt@
cliffordchance.com



Laurent Dimmer
Associate

T +352 485 050 213
E laurent.dimmer@
cliffordchance.com

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www.cliffordchance.com

Clifford Chance, 10 boulevard G.D. Charlotte,
B.P. 1147, L-1011 Luxembourg, Grand-Duché
de Luxembourg

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