

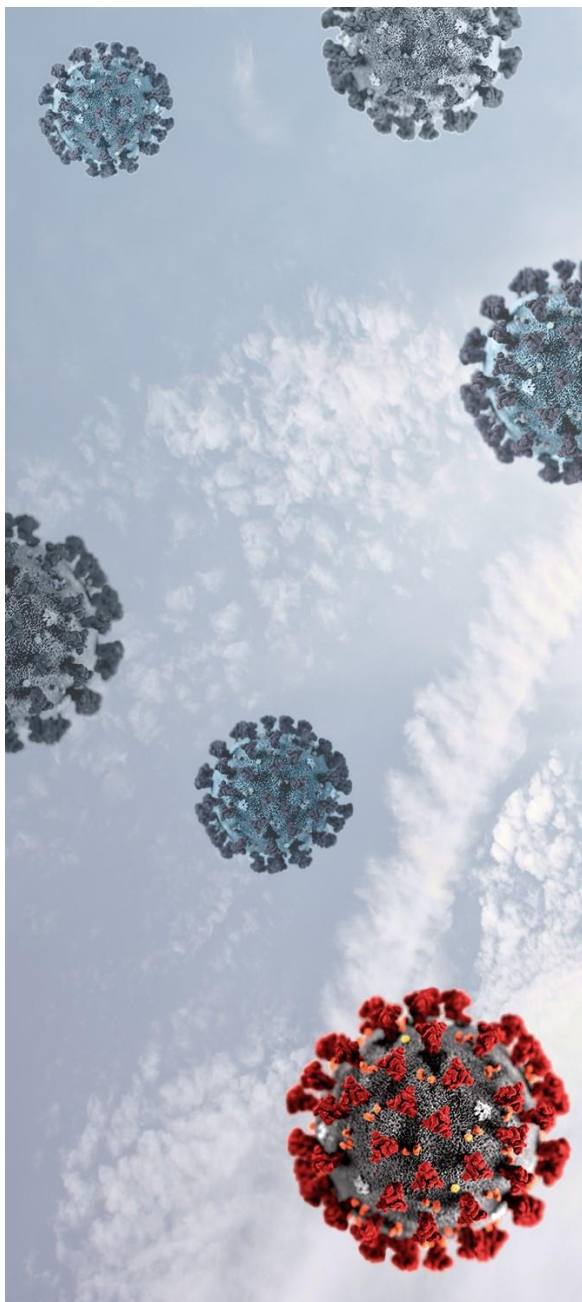
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# COVID-19: Resumption of proceedings and procedural deadlines

Newsletter | Portugal

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- > **Resumption of proceedings and procedural deadlines and activities**



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## Resumption of proceedings and procedural deadlines

Following the worsening epidemiological situation in Portugal at the start of the year and a mandatory general lockdown from January 15, Law 4-B/2021 of February 1 imposed a general suspension of proceedings and procedural deadlines.

The effectiveness of the restrictive measures allowed for the gradual reopening from March 15, and the decision has now been made to lift the suspension of proceedings and procedural deadlines.

Law 13-B/2021 of April 5 (Law 13-B/2021) ended the regime suspending proceedings and procedural deadlines established in response to the epidemiological situation caused by COVID-19, amending Law 1-A/2020 of March 19 for the tenth time.

The main amendments repeal sections 6-B and 6-C of Law 1-A/2020 concerning the regime suspending proceedings and procedural deadlines, and add a new section 6-E, which establishes a new exceptional and transitional procedural regime.

Regime suspending proceedings and procedural deadlines resulting from these amendments:

### I. Exceptional transitional procedural regime (section 6-E)

#### a. End of suspension

**The activities to be carried out** as part of the proceedings and procedures that take place in judicial, administrative, or tax courts, the Constitutional Court, the Court of Auditors and other jurisdictional bodies, arbitration courts, the Public Prosecutor's Office, the justice of the peace courts, alternative dispute resolution entities, and tax enforcement bodies **are governed by this exceptional and transitional regime.**

**Hearings for arguments and trials and other activities that require witness examination** must be conducted **in person.**

Only when this is not possible will these be conducted **through suitable remote communication**, such as conference or video calls, provided they do not jeopardize the court's assessment and evaluation of the evidence produced.

However, in criminal proceedings, cross examination and examination in chief of the defendant and witnesses, as well as parties raising civil law issues, must **always be in person.**

In **other activities** that require the physical presence of the parties, their representatives or other interested parties, all other proceedings and procedural acts are to be conducted:



- a) through suitable means of remote communication, such as a conference or video calls; or
- b) in person (when necessary).

However, the parties, their representatives or other interested parties are not required to travel to court if they can prove that they i) are over 70, ii) have a compromised immune system, or iii) have a chronic illness, for which they are considered to be at risk under the health care authorities' guidelines. In these cases, they may attend or follow the hearing from their legal or professional address using a suitable means of remote communication, such as a conference or video call.

However, **the defendant must always be present** when evidence is presented and when judgment is passed when the defendant, co-defendant, and witness testimonies are questioned.

### **b. Maintaining the suspension**

For as long as this exceptional and transitional regime is in place, the following remain suspended:

- a) Deadlines to file for insolvency
- b) Actions in insolvency and enforcement proceedings regarding implementation of orders for judicial surrender of the family home
- c) Enforcement actions for surrender of leased premises, as part of eviction orders, special eviction procedures, and the enforcement of orders to hand over leased properties when the final court decision may leave the tenant in a vulnerable situation as a result of not having a place to live or other material social grounds
- d) Limitation and expiration periods relating to the proceedings and procedures mentioned above
- e) Limitation and expiration periods relating to proceedings that cannot be carried out

Paragraphs d) and e) above prevail over any regimes establishing mandatory maximum limitation or expiration periods, which are extended by the period corresponding to the duration of the suspension.

When actions as part of enforcement or insolvency proceedings concerning court-ordered sales and surrenders of properties are likely to prejudice the livelihood of the debtor or insolvent party, that party may request that it be suspended, provided it does not seriously prejudice the livelihood of the enforcing party or the insolvent party's creditors or constitute an irreparable loss, in which case the court must rule within a 10-day period of the counterparty's motion.



## II. Administrative deadlines

Administrative deadlines that fell within the suspension regime established in section 6-C, as amended by Law 4-B/2021, are considered expired on the twentieth working day after Law 13-B/2021 entered in force.

Administrative deadlines that fall after the date Law 13-B/2021 entered in force, if not suspended, will be considered expired:

- a) on the twentieth working day after Law 13-B/2021 entered in force, if they expired on that date; or
- b) on the date they would have originally expired, if they expired on a date following the twentieth working day after Law 13-B/2021 entered in force.

This provision does not apply to administrative deadlines in administrative offense proceedings (*procedimentos contraordenacionais*).

The **limitation and expiration periods** that cease to be suspended due to these amendments **are extended for the duration of the suspension**.

## III. Entry into force of Law 13-B/2021

Law 13-B/2021 entered into force on **April 6, 2021**.



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## Contact

Cuatrecasas, Gonçalves Pereira & Associados,  
Sociedade de Advogados, SP, RL  
Sociedade profissional de responsabilidade limitada

### Lisbon

Avenida Fontes Pereira de Melo, 6 | 1050-121 Lisboa, Portugal  
Tel. (351) 21 355 3800 | Fax (351) 21 353 2362  
cuatrecasasportugal@cuatrecasas.com | www.cuatrecasas.com

### Oporto

Avenida da Boavista, 3265 - 5.1 | 4100-137 Porto | Portugal  
Tel. (351) 22 616 6920 | Fax (351) 22 616 6949  
cuatrecasasporto@cuatrecasas.com | www.cuatrecasas.com

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Cuatrecasas has set up a Coronavirus Task Force, a multidisciplinary team that constantly analyses the situation emerging from the COVID-19 pandemic. For additional information, please contact our Task Force by email [TFcoronavirusPT@cuatrecasas.com](mailto:TFcoronavirusPT@cuatrecasas.com) or through your usual contact at Cuatrecasas. You can read our publications or attend our webinars on our [website](#).

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