

THE IMPACT OF COVID-19 ON JUDICIAL AND ADMINISTRATIVE PROCEEDINGS AND THE ACTIVITIES OF NOTARY PUBLIC OFFICES

Within the framework of the Government's measures resulting from the COVID-19 epidemic, an Act on Interim Measures Regarding Judicial, Administrative and other Public-Law Matters to Contain the Spread of Contagious Disease SARS-cov-2 (covid-19) (hereinafter referred to as: "ZZUSUDJZ") was adopted on March 20, 2020. The aforementioned Act, which has entered into force on March 29, 2020, provides, *inter alia*, for the interim measures with respect to judicial, administrative and other public-law matters and the activities of notary public offices. The interim measures will remain in force until the reasons for their adoption cease to exist as determined by the Government of the Republic of Slovenia by a decision published in the Official Gazette. Nevertheless, the interim measures will cease to have effect at the latest on July 1, 2020. Certain provisions of ZZUSUDJZ were complemented or amended with the adoption of the Act Amending the Act on Interim Measures Regarding Judicial, Administrative and other Public-Law Matters to Contain the Spread of Contagious Disease SARS-cov-2 (covid-19) (hereinafter referred to as: "ZZUSUDJZ-A"), which entered into force on May 5, 2020.

We hereby present the applicable interim measures with respect to judicial and administrative proceedings and the activities of notary public offices.

JUDICIAL MATTERS

Following the entry into force of the ZZUSUDJZ and during the validity of the interim measures, the statutory deadlines (substantive preclusion deadlines) for the enforcement of parties' rights in court proceedings are suspended. Additionally, the procedural deadlines for the performance of procedural actions in court proceedings are suspended. Exceptions from the foregoing are urgent matters, in which the procedural deadlines are not suspended. In the event that a writ has been served after the entry into force of the ZZUSUDJZ, the procedural deadlines start running the day following the expiry of the validity of the interim measures. With regard to the course of procedural deadlines, the ZZUSUDJZ therefore has the same effects as provided in the Act on Courts for the "judicial vacations".

It should also be noted that, before the adoption of the ZZUSUDJZ, the president of the Supreme Court of the Republic of Slovenia had adopted an Order on Special Measures due to the Existence of Reasons provided in the first paragraph of Article 83.a of Act on Courts, No. Su 315/2020 of March 13, 2020. According to the Order, the procedural deadlines were already suspended and the oral hearings before courts and rulings were only held in urgent matters since March 16, 2020.

Following the entry into force of the ZZUSUDJZ-A, the courts may conduct hearings, decide on matters and serve writs also in non-urgent matters, provided that such acts may be safely performed in accordance with the measures determined by the President of the Supreme Court, ensuring the restraining of the virus infection and preservation of human health and life. According to the ZZUSUDJZ-A, the President of the Supreme Court issued a new Order on Special Measures due to the Existence of Reasons provided in the first paragraph of Article 83.a of Act on Courts, No. Su 407/2020 dated May 4, 2020 providing that courts may conduct hearings, decide on matters and serve writs also in non-urgent matters. Additionally, the Order prescribes conditions under which the performance of the aforementioned acts may be carried out, namely the manner of access to the courts, conducting hearings, sessions and the publicity of hearings, whereby additional measures may be subsequently determined. It must be noted that, despite the service of writs by the courts, the procedural and substantive deadlines in non-urgent matters remain suspended until the expiry of the interim measures according to the ZZUSUDJZ.

Additionally, since the entry into force of the ZZUSUDJZ-A, the courts consider and decide on applications, motions, statements, objections and other procedural actions or documents of the parties in insolvency proceedings, even if the party missed the deadline or was not present at the hearing during the validity of the interim measures due to a reason directly related to the COVID-19 epidemic and the court has not yet decided in the matter. The party must, at the time of filing such an application, demonstrate the reason for the delay.

ADMINISTRATIVE MATTERS

Similarly, in administrative matters, the deadlines for the performance of procedural actions of the parties and State authorities, self-governing local community authorities and bodies exercising public powers are suspended according to the ZZUSUDJZ. In addition, the deadlines for the fulfilment of substantive obligations, for the performance of procedural actions and for the issuance of decisions by administrative bodies are suspended. If the deadlines for the exercise of substantive rights expire during the validity of this Act, such deadlines are extended in a way that they expire on the eighth day after the expiry of the interim measures as provided in the ZZUSUDJZ. Moreover, the deadlines in misdemeanour matters are suspended. Notwithstanding the foregoing, the deadlines in urgent matters are not suspended.

In administrative matters, service at the administrative bodies and personal service are also carried out only in urgent matters, whereby the applications may be submitted electronically or by post. Since the entry into force of the ZZUSUDJZ-A, the personal service for non-urgent matters is carried out by delivery of the document to a mailbox, post-box or electronic mailbox of the recipient. The documents are considered to be served on the sixth working day from the date of dispatch, unless the recipient of the document did not receive it or has received it later. Notwithstanding such service of documents, the deadlines for the performance of procedural actions and substantive deadlines are still suspended during the validity of the interim measures. Exceptions from the foregoing are non-urgent misdemeanour matters, in which personal service is still not carried out during the validity of the interim measures.

NOTARY PUBLIC OFFICES

According to the Order on the Temporary Working Time of Notaries during the Epidemic of SARS-CoV-2 (COVID-19) of the Ministry of Justice of March 23, 2020, the business hours of notary public offices are on Mondays, Tuesdays, Thursdays and Fridays from 9 am until noon and on Wednesdays from 1 pm until 5 pm, whereby an individual notary public may determine and perform business hours in addition to the above time.

ZZUSUDJZ grants the president of the Chamber of Notaries of Slovenia the right to adopt interim measures with respect to the business of notary public offices relating to the manner or limitations of business hours for clients. Notwithstanding the foregoing, the Minister for Justice may, on the proposal of the Chamber of Notaries of Slovenia, adopt the measure of complete closure of notary public offices.

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We hope that the short explanations presented above will help you organize your workflow and adopt the necessary decisions related to the spread of the coronavirus. We are at your disposal for any questions that may arise in the course of your business.

Ljubljana, May 11, 2020

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