

ACT ON EMERGENCY MEASURES RELATING TO SPREAD OF COVID-19

On 25 March 2020, the National Council of the Slovak Republic passed a law on certain emergency measures in connection with the spread of dangerous contagious human disease COVID-19 and in the judiciary and amending certain laws (hereinafter the “Act”).

Time limits

The Act introduces a new regulation, according to which the time limits laid down by law in private relations for exercising or defending rights in the court, expiry of which would cause limitation or prescription, do not run from the effective date of the Act until 30 April 2020. If such time limits expired after 12 March 2020 until the effective date of the Act, they shall not expire earlier than 30 days after the effective date of the Act. Such a modification therefore interrupted the passing of substantive time limits.

New rules on suspension of certain time limits should apply also to the time limits laid down by law (e.g. the Civil Procedure Code) or determined by a court to carry out a procedural act before a court by the litigants and parties to the proceedings. In criminal proceedings, this should apply only to the time limit for bringing an appeal for the accused, his/her lawyer, the injured party and the person involved. However, if the case cannot be postponed due to the threat of life, health, safety, freedom or material damage to a party to the proceedings or a litigant, the court may decide that rules on suspension of time limits shall not apply and shall fix a new reasonable time limit. There shall be no judicial remedy against such decision.

Therefore, if the court has imposed any obligation on the party to the proceedings, the time limit for its fulfilment does not run from the effective date of the Act until 30 April 2020.

Court hearings

During emergency or state of crisis, courts are to conduct hearings, main hearings and public sessions only to the extent necessary. At the same time, it is proposed that health protection should be a reason for excluding the public from the hearing, the main hearing and the public session.

Insolvency

The Act also changes the time limit for filing the so-called debtor's request to open insolvency proceedings from the current 30-day period to 60 days. However, this extended period shall apply only to indebtedness which occurred between 12 March 2020 and 30 April 2020.

Correspondence voting

The Act also extends the application of correspondence voting (so-called per rollam voting). During (any) emergency or state of crisis, declared in line with applicable laws, the collective bodies of all legal entities constituted under civil or commercial law will be able to use this form of voting, even if this is not provided for in their statutes (e.g. Articles of Association).

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It is also allowed for the members of the collective bodies of these entities to participate in and vote by electronic means (e.g. videoconference). This arrangement will be practically used most often when voting at general (shareholders) meetings of companies or member meetings of cooperatives or other legal entities. The Act directly provides that the provisions of Sections 190a to 190d of the Commercial Code governing correspondence voting in a joint stock company must be adequately applied to correspondence voting (per rollam voting).

Pledge

From the effective date of the Act until 30 April 2020, the pledge cannot be enforced either. Any acts leading to the pledge enforcement taken from the effective date of the Act until 30 April 2020 shall be deemed ineffective.

Auctions

The auctioneer, the enforcement officer and the insolvency practitioner are obliged to refrain from auctioning from the effective date of the Act until 30 April 2020. An auction made between the effective date of the Act and 30 April 2020 shall be deemed void.

Access to electronic communications data

The Act also amends the Act no. 351/2011 Coll. on electronic communications and allows access to specific data that are subject to telecommunications secrecy, to the Public Health Authority of the Slovak Republic, but only during emergency or state of crisis in health sector. Such data shall be made available to the Public Health Authority of the Slovak Republic for the purpose of its collecting, processing and storing to the extent necessary for the identification of individuals in order to protect life and health, also in a causal connection with the occurrence of a pandemic or spread of dangerous contagious human disease. It is therefore a measure directly related to COVID-19.

The aforementioned data will be available to the Public Health Authority of the Slovak Republic to collect, process and store during emergency or state of crisis, until 31 December 2020 at the latest.

Public procurement

The Act also changes the wording of Section 11 (2) of the Act no. 343/2015 Coll. on public procurement, thus extending the exception whereby the contracting authority and contracting entity may conclude a contract with a tenderer not registered in the Register of Public Sector Partners. Consequently, the condition of registration in the Register of Public Sector Partners will not have to be respected even in contracts, framework agreements and concession contracts concluded for the purpose of ensuring the protection of life and health during emergency or state of crisis, if other requirements specified in Section 11 (2) of the Act on public procurement are met.

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Effectiveness of the Act

Part of the abovementioned measures is designed as temporary, with a deadline of 30 April 2020. However, according to the explanatory memorandum to the Act, a further extension of this deadline is not excluded.

If the President of the Slovak Republic signs the Act, it shall become effective on the day of its announcement in the Collection of Laws of the Slovak Republic.

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