

**Extension of time limits during the state of public health emergency and adaptation of the rules of procedure applicable to civil and commercial matters during that period
(updated on 23 November 2020)**

Main purposes	<ul style="list-style-type: none"> - Adjust or suspend time limits where their non-compliance may produce legal effects such as a sanction, prescription or the lapse of a right. - Adapt the hearings' organisation to the courts' business continuity plan and the constraints of the lockdown. <p><i>Note: this alert also includes references to part, but not all, of the temporary specific provisions which were adopted for amending or suspending administrative time limits.</i></p>
Duration of application of the adapted rules and deadlines concerned	<p>The rules for the lockdown period regarding the adjustment or suspension of time limits applied during the period starting on 12 March 2020 and ending on 23 June 2020 included (the Period); the relevant time limits and measures being those which expired during the Period.</p> <p>Measures relating to the adjustment made to the organisation of hearings will apply until 16 March 2020.</p>
Exclusion	<p>The extension of time limits shall not apply, among others, to:</p> <ul style="list-style-type: none"> - financial obligations and guarantees relating to the setting-off and assignment of receivables, - agreements concluded within the framework of a payment system and settlement systems for financial instruments, - time limits for real estate foreclosures, which are suspended, - time limits relating to obligations against money laundering, - time limits and notifications relating to investigations conducted by the <i>Autorité des marchés financiers</i>, - time limits and measures which have been specifically amended under the above mentioned Law n° 2020-29 dated 23 March 2020, - time limits for the drawing up of official civil documents (<i>actes d'état civil</i>) in respect of events which occurred as from 24 May 2020.
Measures adopted in procedural matters	<ul style="list-style-type: none"> - <u>Transfer of jurisdiction</u>: if a jurisdiction cannot properly operate, possibility for the first president of the court of appeal to transfer, to another jurisdiction of the same nature and area, the hearing and ruling on all or part of the activities of the paralyzed court (when judges and public servants are sick or confined). - <u>Referrals</u>: when a hearing is cancelled or postponed, possibility to inform by any means, in particular in electric form, the parties which are assisted or represented by a lawyer or who have agreed to be notified with receipt of documents through the "Justiciable's Portal" of the Ministry of Justice. Regarding other cases, the parties shall be notified by mail. <p>Where the defendant does not attend a hearing, a decision is issued by default.</p> <ul style="list-style-type: none"> - <u>Single judge</u>: for pleading hearing, or a deliberation in the case of proceedings without hearing, taking place until 16 March 2020: <ul style="list-style-type: none"> • option to reduce the formation of the court to a single judge regarding first instance and appeal cases; • regarding the commercial courts, the President may decide that the hearing will be held only by one of the members of the court who will then have to report on its decision to the other members of the court; • regarding written proceedings, the pre-trial judge or the judge in charge of the report may hold the hearing alone to hear the pleadings. He shall inform the parties by any means and report his decision to the court. - <u>Communication of exhibits and writings</u>: simplification of exhibits and writing communications, which can be done by any means.

	<ul style="list-style-type: none"> - <u>Holding of hearings</u>: <ul style="list-style-type: none"> • hearings can be held by videoconference or even by telephone or any other telecommunication form if videoconferencing is not possible; such decision is unappealable • the president of the court may decide that the proceedings will be held with restricted audience and, if necessary, in non-public chamber, r to ensure the respect of the sanitary rules. - <u>Proceedings without hearings</u>: where legal representation is mandatory or where the parties are represented by a lawyer, possibility, at any stage of the proceedings, for the court to decide that the proceedings will be conducted without a hearing, i.e. only in writing. The parties will have a 15-days period (which could be shorten for urgent matters) to oppose to proceeding without hearings. The judge may however decide to hold the hearings if the judge decide that a decision cannot be taken on the basis of the written evidence or at the request of a party. The parties will not be able to contest if the procedure is urgent. - <u>In the matter of summary proceedings</u>, possibility, by a non-appealable order, to reject the submitted request for summary proceedings if the request is not admissible or does not meet the legal conditions. - <u>Notification of decisions</u>: decisions may be notified to the parties by any means, without prejudice to the rules on notification of decisions. 	
<p>Extension of time limits falling due during the Period</p>	<p>Legal recourse, legal actions, appeals, formalities, registrations, declarations, notifications or publications required by law or regulations sanctioned by nullity, sanction, lapse, foreclosure, prescription, unenforceability, inadmissibility, expiration, automatic withdrawal, application of a special regime, void or withdrawal of any right whatsoever and which should have been performed during the Period</p> <ul style="list-style-type: none"> → Not applicable to contractual deadlines for which the general legal framework continues to apply (suspension of the statute of limitations due to impossibility to act or force majeure can still be invoked) (e.g., payment's installments under credit agreements are not suspended). → Not applicable to additional time period (<i>délais de réflexion</i>) (e.g. for real estate acquisition), withdrawal period (<i>délai de rétractation</i>), waiver period (<i>délai de renonciation</i>) set forth under the law or regulations, nor time periods provided for repayment of amounts of money in case of exercise of such rights. → Applicable, for example, to required time period for the registration of certain pledges, the information obligation of the guarantor (<i>caution</i>). 	<p>Extension, as from the end of the Period, for the duration legally required to act, within the limit of two months (<i>NB: these recourses, actions, etc., will be deemed realized in due time if made within the above mentioned period</i>).</p>
	<ul style="list-style-type: none"> - Protective orders, measures of inquiry, investigation, conciliation or mediation. 	<p>If these measures expire during the Period, automatic extension until the end of a</p>

	<ul style="list-style-type: none"> - Measures of prohibition or suspension which have not been pronounced as a sanction. - Authorizations, permits and approvals. - Measures of assistance, accompaniment or support for persons in social difficulty. - Measures to assist in the administration of the family budget. 	<p>period of three months following the end of the Period.</p> <p>When and if necessary, a judge or the competent body can however amend these measures or terminate them or order their applicability or order new measures together with an expiration date.</p>
	<p>Periodic penalty payments, penalty provisions, termination provisions and provisions providing for forfeiture, where their purpose is to sanction failure to fulfil an obligation within a specified period of time.</p>	<ul style="list-style-type: none"> - <i>For those in force and effect <u>during the Period</u>:</i> they were not in effect nor entered into force during the Period and were in effect and in force, if not remedied, as from the expiry of a period equal to the lapse of time between (i) 12 March 2020 or, if later, the date of entering into force of the obligation, and (ii) the date the obligation should have been fulfilled, and starting as from the end of the Period. - <i>For those in force and effect <u>before 12 March 2020</u>:</i> suspension of the time limits during the Period and these clauses will be in force and effect after the end of the Period. - <i>For those in force and effect <u>after the expiry of the Period and which sanction the non-compliance of an obligation (other than payment) within a specific time limit expiring after the end of the Period</u>:</i> Time limit postponed by a period starting as from the expiry of this time limit and such period being at least equal to the lapse of time between (i) 12 March 2020 or, if later, the date of entering into force of the obligation, and (ii) the end of the Period. <p><u>Notes:</u></p> <p>(1) Parties can contractually waive the benefit of these specific provisions or their applicability.</p> <p>(2) Regarding the territorial applicability of these provisions, the <i>Circulaire</i> n°202-427 dated 15 April 2020 provides that "subject to the judges' decision, these provisions can be construed as overriding mandatory provisions (<i>loi de police</i>) within the meaning of Article 9 of Rome I Regulation (EC) No 593/2008 of 17 June 2008 on the law applicable to contractual obligations...".</p>
	<p>Termination of an agreement during a specific period of time</p>	<p>Extension by a two months' period starting as from the end of the Period, of the time limit for termination of an agreement expiring during the Period.</p>

<p>Certain specific provisions relating to administrative time limits</p>	<p>Subject to obligations pursuant to international or EU undertakings, any decision, approval or opinion which could or should be given by, among others, State administrations within specific time limits or which are deemed to be given at the expiry of a specific time limit and which have not expired prior to 12 March 2020.</p>	<p>Suspension of these time limits until the expiry of the Period.</p> <p>The starting point of similar time limits which should have started to run during the Period is postponed until the end of the Period.</p> <p><i>Note : Similar rules apply to applicable time limits to check whether a dossier is full and complete or to request additional documents for the instruction of a filing.</i></p>
<p>Grounds</p>	<ul style="list-style-type: none"> - <i>Ordonnance</i> no. 2020-304 dated 25 March 2020 adapting the rules applicable to the courts of the judicial order ruling on non-criminal matters and to co-ownership property management agreements. - <i>Ordonnance</i> No. 2020-306 dated 25 March 2020 relating to the extension of time limits during the period of health emergency and the adaptation of procedures during the same period. - <i>Ordonnance</i> No. 2020-427 dated 15 April 2020 relating to certain time limits. - <i>Circulaire</i> CIV/30/20 presenting the provisions of Title I of the <i>Ordonnance</i> No. 2020-427 of 15 April 2020 relating to certain time limits. - <i>Ordonnance</i> n° 2020-560 dated 13 May 2020 relating to applicable time limits in respect of certain proceedings during the health emergency period. - <i>Ordonnance</i> no. 2020-595 dated 20 May 2020 adapting the rules applicable to the courts of the judicial order ruling on non-criminal matters and to co-ownerships property management agreements. - <i>Ordonnance</i> no. 2020-1400 dated 18 November 2020 adapting the rules applicable to the courts of the judicial order ruling on non-criminal matters and to co-ownership property management agreements. - <i>Décret</i> no. 2020-1404 dated 18 November 2020 adapting the rules applicable to the courts of the judicial order ruling on non-criminal matters . 	