



The new Royal Decree n° 2 on the automatic application of written proceedings and on the time limits for civil proceedings is quite short.

In a nutshell, the Royal Decree provides the principle of written proceedings and a general extension of procedural deadlines.

### **1. Can you still have a hearing?**

In these COVID-19 times, written proceedings have become the default standard, at least up to June 3<sup>th</sup>, 2020.

The court will decide the cases set to be heard between April 11<sup>th</sup>, 2020 and June 3<sup>th</sup>, 2020 and for which all parties have filed their written submissions, only on the basis of the written submissions and on the evidence files, without oral pleadings.

A party can submit a request to be heard orally, explaining why an oral hearing should be held (request to be filed at the latest one week before the scheduled hearing, unless the hearing is in less than one week).

The court will decide on the request. No appeal is possible.

Only if all parties object to written proceedings, the case will be postponed to an indefinite date or to a specific date to be defined.

If no parties or only one party or some of the parties object to written proceedings, the court decides, based on the submissions:

- To hold a hearing, possibly by Visio conference

or,

- To postpone the case to an indefinite term or to a specific term to be determined or,
- To decide on the case based on the written submissions and evidences files of parties, without oral hearings.

Besides, the court can, during one month as from its decision, ask parties to be heard on specific points.

## **2. What about procedural deadlines?**

First, the limitation periods and other deadlines for filing civil claims, which expire between April 9<sup>th</sup>, 2020 and May 3<sup>rd</sup>, 2020 inclusive, are automatically extended for one month, that is until June 3<sup>rd</sup>, 2020.

All subsequent time limits are adjusted if needed.

Second, for proceedings that have already been filed or that have to be filled, all deadlines expiring between April 9<sup>th</sup>, 2020 and May 3<sup>th</sup>, 2020, including the deadlines for appeal, and whose expiry results in forfeiture or a penalty (including the deadlines for filing written submissions) are automatically extended for one month.

If necessary the oral hearing will be postponed.

Thirdly, for urgent cases and where a serious risk exists, the tribunal can decide to not prolong the deadlines. The party, who invokes urgency, must proof the urgency and the risk by a duly motivated request to the tribunal.

No appeal against the decision of the court regarding

the existence of the absence of urgency is provided by the Royal Decree.

These new deadlines could be postponed if the confinement measures are extended.

### **Any question?**

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