

Update

Newsflash 20 March 2020

COVID-19: Swiss Federal Council orders extension of procedural deadlines

The Coronavirus-pandemic further affects the Swiss judicial system. Following the suspension of debt enforcement proceedings on Wednesday, 18 March 2020, ([Update Newsflash 18/03/2020](#)), on 20 March 2020, the Swiss Federal Council ordered an extension of the ordinary annual Easter court recess ("Ostergerichtsferien"). As a result, procedural deadlines in many (but not all) Swiss civil and administrative proceedings are suspended as from 21 March 2020 up to and including 19 April 2020.

Extended suspension of procedural deadlines for civil and administrative proceedings

Based on the Federal Council's ordinance, the suspension of procedural deadlines during the Easter court recess commences already on 21 March 2020. This extended suspension applies to all procedural deadlines which, pursuant to the applicable federal and cantonal procedural laws, are subject to a suspension during the Easter court recess. The specific impact of this suspension must therefore be examined in each individual case in light of the governing procedural law.

The extended suspension primarily affects statutory and administrative or judicial deadlines in non-urgent civil and administrative proceedings in Switzerland, including, in particular, the statutory deadlines for appeals to superior courts and the Swiss Federal Court. However, all proceedings to which the Easter court recess does not apply are exempted from the extended suspension. This includes in particular criminal proceedings, conciliation and

summary civil proceedings as well as administrative proceedings concerning the suspensive effect of an appeal or other interim measures. In these proceedings, deadlines continue to run regardless of the Coronavirus-pandemic. A reasoned application for extension or restitution of the procedural deadlines remains of course possible in these proceedings.

Insofar as the extended suspension applies, it does not only affect procedural deadlines calculated on the basis of a number of days, weeks or months, but also administrative or judicial deadlines with a specific end date. In such cases, the deadline lapses on the first working day following the end of the suspension, i.e. (based on the current state of the Federal Council's ordinance) on 20 April 2020.

The Federal Council's ordinance remains in force until 19 April 2020. The Federal Council shall monitor the effects of the Coronavirus-crisis on the judicial system in order to assess the need for further measures to ensure that the Swiss judicial system continues to operate.

Where individual courts and/or authorities have previously taken measures regarding suspension of deadlines falling into the scope of the Federal Council's ordinance of 20 March 2020, these measures are now superseded by that ordinance.

No general rules for court hearings and service of proceedings

The Federal Council's ordinance in principle does not affect court hearings and service of court judgements, decisions and orders, i.e. these aspects are governed by the applicable pro-

cedural law. Furthermore, directions issued by individual cantonal or federal authorities and courts regarding pending proceedings apply to those proceedings. Many courts and administrative authorities have, over the last few days, already ordered the suspension and/or postponement of non-urgent hearings in general or for individual cases..

Please do not hesitate to contact us in case of any questions.

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