

Coronavirus Information Hub: FAQ Litigation

General introduction

Do specific rules apply during the Coronavirus outbreak?

On 20 March 2020, the Federal Council had adopted a special ordinance on the [suspension of deadlines in civil and administrative proceedings](#) to ensure the continuation of justice in relation to the coronavirus. On 18 March 2020, the Federal Council had also adopted a similar ordinance related to [debt enforcement and bankruptcy proceedings](#). These two ordinances are no longer in force since 19 April 2020, but their respective regimes will still have to be taken into account for the calculation of certain deadlines beyond 19 April 2020.

Furthermore, specific authorities have adopted additional measures that were not foreseen by the Federal Council, such as the suspension of all deadlines set by specific authorities. The application of these specific measures over time must be verified on a case-by-case basis.

As of 20 April 2020, a new ordinance is applicable and provides for the possible use of [videoconferencing for the conduct of court hearings](#).

Civil proceedings

What are the effects of the Coronavirus outbreak on deadlines set by the law (e.g. deadlines for appeals and prescriptive periods)?

It depends if the deadlines are set by the substantive or procedural law:

- The deadlines set by the substantive law (such as prescriptive periods, see e.g. Art. 127 and following provisions of the Swiss Code of Obligations) remain unchanged.
- The deadlines set by cantonal or federal civil procedural law, which are usually suspended during the period surrounding Easter celebrations (in application of art. 145 of the Swiss Civil Procedure Code), have been suspended from 21 March to 19 April 2020 (instead of between 5 April and 19 April 2020 under the ordinary rules). Deadlines which are not suspended throughout Easter celebrations (e.g. those relating to summary and conciliation procedures) remained unchanged.

We are at your disposal to assess whether the specific rules for the Coronavirus outbreak apply.

What are the effects of the Coronavirus outbreak on deadlines set by the judge?

The deadlines set by the judge, which are usually suspended during Easter (in application of art. 145 of the Swiss Civil Procedure Code), have been suspended from 21 March to 19 April 2020. This applied even if a deadline had been fixed to a specific date in this period.

The deadlines which are not suspended throughout Easter celebrations under the ordinary rules (e.g. those relating to summary and conciliation procedures) remained unchanged.

I have been summoned by a judge to a hearing set in April/May 2020. Do I have to attend it?

Yes, unless otherwise decided by the judge. Apart from recently allowing the use of videoconference, the Federal Council has not forbidden the conduct of hearings (provided that the official safety recommendations can be applied) and it is therefore up to the judge to decide whether the hearing is maintained under the new circumstances.

According to a new ordinance which entered effect on 20 April 2020, courts may use videoconferencing to conduct hearings in civil proceedings. We expect that it will be difficult for many courts to implement such videoconferencing solutions in the short term, so that traditional hearings will likely continue to be held if the official safety recommendations can be applied. If videoconferencing is not possible and provided that the matter is urgent, the courts may also in some cases decide not to hold a hearing and issue a written decision.

I have an urgent matter that needs a ruling. Can a judge still order urgent measures?

Yes, civil courts are still operational and urgent matters (such as interim measures) should still be handled. We are at your disposal to address such urgent requests.

Debt enforcement and bankruptcy proceedings

What are the effects of the Coronavirus outbreak on debt enforcement and bankruptcy proceedings?

The Federal Council suspended all debt enforcement proceedings from 19 March to 4 April 2020. This period was then follo-

wed by the ordinary Easter suspension, from 5 April to 19 April 2020. During this period, it was still possible to file a request for debt enforcement, but the debt collection office could not issue the payment summons between 19 March and 19 April 2020.

Furthermore, bankruptcy shall not have been declared during the suspension. More information can be found in the [FAQ Restructuring & Insolvency](#).

As of 20 April 2020, debt collection offices can issue payment summons again. Reduced requirements for the notification of such payment summons to pay have been adopted, so that notification by A+ mail is possible in certain cases.

Is my debt suspended?

No, these measures do not affect contractual or other legal obligations, in particular regarding payment deadlines. It is therefore still necessary to observe the payment deadlines, as otherwise the ordinary legal consequences apply.

Furthermore, default interests continue to accrue during this period.

I have been summoned by a judge to a hearing set in April/ May 2020. Do I have to attend it?

Yes, unless otherwise decided by the judge.

Administrative proceedings

What are the effects of the Coronavirus outbreak on deadlines set by the law (e.g. appeal deadlines)?

It depends if the deadlines are set by the substantive or procedural law:

- Deadlines set by substantive law remain unchanged.
- Deadlines set by cantonal or federal administrative procedural law which are usually suspended during Easter celebrations have been suspended from 21 March to 19 April 2020. Deadlines which are not suspended during Easter celebrations (e.g. those regarding provisional measures) remained unchanged.

We are at your disposal to assess whether the specific rules for the Coronavirus outbreak apply.

What are the effects of the Coronavirus outbreak on deadlines set by the judge?

Deadlines set by the judge, which are usually suspended during the Easter period, have been suspended from 21 March to 19 April 2020. This applies even if a specific deadline has been fixed to a specific date in this period.

Deadlines which are not suspended during Easter celebrations under the ordinary rules (e.g. those regarding provisional measures) remained unchanged.

I have been summoned by a judge to a hearing set in April/ May 2020. Do I have to attend it?

Yes, unless otherwise decided by the judge. The Federal Council has not forbidden the conduct of hearings (provided that the official safety recommendations can be applied) and it is therefore up to the judge to decide whether the hearing is held, given the circumstances.

I have an urgent matter that needs a ruling. Can a judge still order urgent measures?

Yes, administrative authorities and courts are still operational and urgent matters (such as interim measures) should still be handled. We are at your disposal to address such urgent requests.

Is there any specific provision regarding political rights?

Yes, the deadline for collecting signatures for federal popular initiatives are suspended from 21 March to 31 May 2020. The active collection of signatures and the provision of lists of signatures are prohibited during this time.

Criminal proceedings

What are the effects of the Coronavirus outbreak on the different deadlines?

No specific measures have been taken by the Federal Council regarding the deadlines related to criminal proceedings.

Is there an impact on proceedings regarding remand or preventive detention?

The courts are currently operating with a reduced number of staff and most of them are limited to dealing with urgent cases. Proceedings regarding remand or preventive detention should be considered as urgent cases and are treated accordingly.

Updated as of 20 April 2020.

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[Coronavirus Information Hub](#)

Walder Wyss is committed to supporting our clients through the challenges the pandemic presents. We will be publishing regular insights on this Information Hub.

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