

Client Alert

Lex Corona - overview of current legislative measures of the Government of the Slovak Republic regarding the spread of the Covid-19 virus

March 2020

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On 24 March 2020 the Government of the Slovak Republic announced new measures to prevent the spread of the COVID-19 virus. They include the so-called Lex Corona – a draft act on certain measures to mitigate the impact of the current situation on civil, judicial and business matters.

The draft Act was passed by the Parliament on 25 March 2020 and will enter into force on the date of its publication in the Collection of Laws of the Slovak Republic. Selected measures introduced by the Lex Corona and an overview of other selected measures that can be expected to be implemented in the near future according to published information are provided below.

If you are interested in more detailed information on the measures being taken in relation to the spread of the Covid-19 virus in the Slovak and international contexts, please visit the centralized White & Case hub at: <https://www.whitecase.com/coronavirus-hub>.

1. Suspension of limitation and prescription periods in private law and procedural deadlines

Pursuant to the draft Act, the limitation and prescription periods in private law are suspended until **30 April 2020**. The periods that ended between 12 March 2020 and the effective date of the Act shall not expire earlier than 30 days after the effective date of the Act.

The aforementioned also applies with respect to the statutory or court-ordered deadlines for making a particular action by a party to the proceedings in court proceedings. In the context of criminal proceedings, these measures are limited to the periods for the exercise of remedies and to offenders, defendants, injured persons and interested parties and do not apply to the prosecution.

If a particular act cannot be deferred due to the threat to life, health, safety, freedom or threat of significant damage to a party or participant in the proceedings, the court may determine that the above limitation does not apply and set a new appropriate deadline.

2. Distance decision making powers of collective bodies of legal entities according to private law without special arrangements in corporate documents

The draft Act shall allow collective bodies to make decisions by distance voting or through electronic means, even if this is not stipulated by their internal regulations or articles of association, thereby avoiding the gathering of persons in one place.

3. Prohibition of auctions and other forms of public monetization of assets, auctions and executions and exercise of rights lien until 30 April 2020

Until 30 April 2020, auctioneers, bailiffs and trustees are prohibited from conducting auctions, entrusting the sale of property to auctioneer, organizing bidding processes or other competitive processes to sell property. Any method of monetization of a debtor's assets mentioned above made between the effective date of the Act and 30 April 2020 **shall be invalid**.

Until 30 April 2020, bailiffs are prohibited from carrying out executions through the sale of real estate.

Until 30 April 2020, liens may not be exercised and acts aimed at exercising liens between the effective date of the law and 30 April 2020 **shall be ineffective**.

4. Extension of deadlines for the filing of bankruptcy petitions

The period for the filing of a bankruptcy petition by the debtor due to overindebtedness has been extended from 30 days to 60 days. This only applies to situations in which a debtor becomes insolvent from 12 March 2020 to 30 April 2020.

5. The conclusion of public procurement agreements also with entities that are not registered in the Register of Public Sector Partners

The aim of the new Act is also to simplify the procedure for the public procurement of goods, services and construction works in the case of a state of emergency and emergency situations if such agreements are concluded for the purpose of ensuring the protection of life and health, in which case, the prospective supplier is not required to be entered in the Register of Public Sector Partners.

6. Court hearings

According to the draft Act, the courts shall conduct hearings, main hearings and public meetings only in necessary extent. Proceedings shall be reduced to a minimum. In particular, only hearings regarding proceedings for the care of minors and proceedings without which there is a risk of irreparable damage or other serious irreversible consequences shall be conducted.

The exclusion of the public from hearings may be decided by the relevant judge on a case-by-case basis.

The above summary covers only selected measures announced recently by the Government in relation to the prevention of the spread of the Covid-19 virus. Additional measures in the area of tax and levies has been implemented or are being prepared. Other measures whose implementation can be expected in the near future following the abovementioned actions of the Government with an impact on business mainly concern (i) postponing mandatory preventive examinations in relation to work, (ii) prohibition of exports of necessary medicines and (iii) the obligation to have one's body temperature measured when entering hospitals, shops or other areas with a high concentration of people (e.g. factories).

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