

## COVID-19

### CCBE Exit Strategy Survey / *Enquête du CCBE sur la stratégie de sortie*

*This overview has been drafted on the basis of a survey launched some weeks ago with the only aim to support our members in view of responding to the COVID-19 challenges. The overview is based on input delivered by members, which the CCBE has collected, sometimes translated, and presented in this overview. The CCBE takes no responsibility for errors in the content or translation, nor for incomplete or outdated information. Despite efforts to have updated information, the CCBE cannot guarantee that the information contained in this overview is the latest available or applicable information for a specific country. If the latest available or applicable information is required, please refer to national and/or local sources for the latest updates.*

*Cet aperçu a été conçu à partir d'une enquête lancée il y a quelques semaines avec pour seul objectif de soutenir les membres du CCBE afin de répondre aux défis du COVID-19. L'aperçu repose sur les réponses des membres, que le CCBE a recueillies, parfois traduites, et qui sont présentées dans cet aperçu. Le CCBE rejette toute responsabilité en cas d'erreur éventuelle de contenu ou de traduction, ou d'information incomplète ou obsolète. Malgré les efforts déployés pour mettre à jour les informations, le CCBE ne peut pas garantir que les informations contenues dans cet aperçu soient les dernières informations disponibles ou applicables au pays concerné. Si les dernières informations disponibles ou applicables sont nécessaires, veuillez vous référer aux sources nationales ou locales pour obtenir les dernières mises à jour.*

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## CCBE Exit strategy survey – Andorra – 14 May 2020

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### 1) STRATÉGIE DE SORTIE POUR LE SECTEUR DE LA JUSTICE ET LES SERVICES JURIDIQUES

Depuis le 14 mars 2020, par deux lois approuvées en mars et d'avril, tous les délais procédurales ont été suspendus et par conséquent toutes les procédures judiciaires ordinaires ont été suspendues jusqu'au moment où le Gouvernement déclare la fin de l'actuelle émergence sanitaire ; donc ont été déclarés comme fériés tous les jours compris dans cet période.

Mais avec les exceptions suivantes : les procédures d'*habeas corpus*, les procédures urgentes pour la protection de droits fondamentaux, les procédures concernent des arrestations ou emprisonnements et en matière de vigilance pénitentiaire. Aussi les procédures pour la prévention et l'adoption de mesures de protection aux personnes en situation de risque et toutes sorte d'agissements judiciaires pour prévenir préjudices irréparables aux droits et les intérêts légitimes des parties en litige.

Pour le moment il n'y a pas de calendrier prévu pour la reprise de l'activité judiciaire. Mais compte tenu que les cabinets d'avocats ont été autorisés depuis lundi 4 mai avec le 50% de ses effectifs par chaque tour, et que le Barreau d'Andorre vient de demander avec fermeté la reprise des activités judiciaires au Conseil Supérieur de la Justice, l'autorité compétente en la matière, serait raisonnable s'attendre à une reprise rapide, bien sûr avec la préalable la modification légale.

### 2) CONDITIONS DE DÉCONFINEMENT

L'activité elle est inexistante ou presque. Elle se déroule avec les mesures préventives de rigueur : distances social, protections avec masques et gants, et sans agglomérations. Des mesures bien mesurables et vérifiés par les confrères en activité, et réalistes.

### 3) DOMAINES EXCLUS

Les personnes en prison elles ne sont pas confinées mais suivent les mesures de sécurité de séparation dans les endroits ouverts, ils font moins d'activités conjointes, il n'y a plus de rencontres intimes, ils ont plus de communications téléphoniques et par vidéoconférences.

### 4) PROPOSITIONS DU BARREAU POUR L'EXERCICE DE LA PROFESSION

Nous les avocats en Andorre nous sommes en plein déconfinement progressive et graduel et la population peut se rendre à façon ordonné en sécurité aux cabinets ; et de même pour les notaires, les avoués et les administrations publiques. Il nous manque seulement qu'une reprise semblant se produise chez les instances judiciaires pour le plein exercice du droit fondamental à la juridiction.

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## CCBE Exit strategy survey – Austria – 8 May 2020

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Austria has taken several measures for the fight against the Coronavirus and there were numerous regulations put into place.

### 1. COVID-19 legislative package

A comprehensive package of measures ([COVID-19-Maßnahmengesetz](#)) was established on 15.03.2020, as well as the establishment of the COVID-19 crisis management fund (COVID-19-FondsG), which is endowed with four billion euros. As measures to prevent the spread of COVID-19, the Minister of Health, the provincial governors or the district administrative authorities are empowered to impose bans on entry. Violations are punishable by fines of up to 3,600 euros for private individuals or 30,000 euros for owners of affected business premises who do not implement the ban on entry. In addition, the Austrian Code of Criminal Procedure was adopted, which allows for hearings of accused persons during a pandemic to be held via video conference.

At the initiative of the Austrian Bar (ÖRAK), an exception for "services related to justice" was included in the [regulation](#) on interim measures to prevent the dissemination of COVID-19. Nevertheless, it is requested to reduce the activities in the law firm offices to a minimum and to switch to working from home as far as possible.

### 2. COVID-19 legislative package

In view of the far-reaching effects of the corona pandemic, the Austrian Bar (ÖRAK) has strongly advocated a legal moratorium on deadlines. These efforts were successful. On 19.03.2020, a comprehensive [second COVID-19 legislative package](#) was introduced, amending in total 39 laws and adding 5 new laws. Most of the provisions thus entered into force on 22 March 2020 and will largely expire at the end of 31 December 2020. In court proceedings, **all procedural periods** which fall within the period after the entry into force of this law and procedural periods that have not yet expired **shall be interrupted** until the end of 30 April 2020 and shall begin to run anew from 1 May 2020. In addition, the period from the entry into force of this Federal law until the end of 30 April 2020 shall not be included in the period in which an action or application is to be brought before a court or a declaration is to be made – this concerns, for example, limitation periods. Special provisions are also made in criminal proceedings. The Federal Minister of Justice can order the jurisdiction of another judicial institution and is authorised to order an interruption of the time periods for the maximum duration of preliminary proceedings, of the two-month period for the retrial of an interrupted main hearing and of the time periods for the filing and execution of appeals. For the period of the general measures to prevent the spread of COVID-19, hearings and oral hearings shall only be held under certain conditions (prevention of danger to life, freedom, etc.).

The first law on accompanying measures for COVID-19 in the Judiciary that was part of the 2. COVID-19 legislative package was amended on the 28 April 2020 ([8. COVID-19-Gesetz](#)). Court hearings are in principle to be held again, whereby oral hearings and hearings without personal presence of the parties or their representatives using appropriate technical means of communication for word and image transmission may be held until the end of 31 December 2020. The parties of the proceedings must agree and have the necessary equipment, although they are not obliged to procure the equipment. The parties will not be held responsible for technical faults either. The amendment also permits video-interrogation of witnesses, experts, interpreters and other participants. It will also be possible to minimise the number of people in the courtroom by connecting via video transmission from other rooms in the same courthouse. The use of these appropriate technical means of communication for

word and image transmission also raises concerns, both in criminal and civil proceedings, about the rule of law and fundamental rights, which have also been expressed by lawyers and judges.

The accompanying measures for COVID-19 in Administrative Law contain amendments concerning oral proceedings ([12. COVID-19-Gesetz](#)). Oral hearings, questioning, taking of evidence etc. are only to be carried out if it is ensured that a distance of at least one metre can be maintained between the persons present. Persons taking part in such an official act must wear a mechanical protective device that covers the mouth and nose area well as a barrier against droplet infection.

### **Regulations from the Federal Ministry of Justice**

As from 20<sup>th</sup> of March, the Federal Ministry of Justice restricted party traffic to the absolutely necessary minimum with its [regulation](#) amending the rules of procedure for the courts in the first and second instance and with the [decree](#) on dealing with the current corona pandemic. The decree recommends that the courts and prosecutors' offices postpone hearings that are not urgent. In addition, as already mentioned above the regulation extending the scope of application for the use of video conferences in criminal proceedings was announced on Monday. This regulation came into force 17.03.2020 and will expire on 13.04.2020.

By [regulation](#) of the Federal Ministry of Justice, announced on 29 April 2020, the rules of procedure for the courts in the first and second Instance is extended until 30 June 2020 to the extent necessary to safeguard procedural and party rights.

### **COVID-19 Company Law**

There were several accompanying measures for COVID-19 in Company Law put into place ([4. COVID-19-Gesetz](#)). In order to prevent the dissemination of COVID-19, meetings of shareholders and board members of a corporation, a partnership, a private foundation, an association, etc. may be held without the physical presence of the participants in accordance with a regulation of the Federal Ministry of Justice, and resolutions may also be passed in other ways. Furthermore, regulations deviating from the respective legal provisions are made for deadlines and dates of meetings and supervisory board meetings.

### **COVID-19 Labour Law**

With the new regulation on COVID-19 short-time work the Public Employment Service Austria (AMS) supports companies. These regulations on COVID-19 short-time work and the social partner agreement also apply to law firms.

### **Application for special tax arrangements concerning coronavirus**

- Reduction of advance payments (In order to improve liquidity, you can have the advance payments for income or corporation tax advance payments reduced to zero),
- Non-fixing of claim interest (If an income or corporation tax assessment results in a subsequent claim, claim interest is fixed for such subsequent claims. These can be waived for affected companies),
- payment facilities (the date of payment of a levy can be postponed (deferral) or payment by instalments can be agreed),
- Non-fixing or reduction of late payment surcharges (A late payment surcharge is normally payable for a levy debt not paid by the due date. Affected companies can have this reduced or request the waiver of interest).

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## CCBE Exit strategy survey – Czech Republic – 27 May 2020

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### 1) EXIT STRATEGY AND THE JUSTICE SECTOR /LEGAL SERVICES

*Does the exit strategy in your country foresee reducing measures or restrictions in the justice sector (including prosecution and prisons) and other sectors relevant for legal services? Is there any timing foreseen for these sectors?*

With effect from 18 May 2020, the declared state of emergency comes to an end in the Czech Republic.

*Courts:*

The Ministry of Justice expects that the resumption of the normal operation of the courts will be gradual. Unless the current epidemiological situation changes, a more significant return to normal in decision-making should take place during May.

Hearings which could not be postponed were carried out strictly in line with the restrictions posed by the Government, i.e. the public is excluded, examination of witnesses or the accused was carried out via videoconferences etc.

*Prisons:*

Not yet in the phase of planning of "after-Covid restart". However, the government claimed that it is going to reveal a kind of plan/schedule for reduction of the current measures, though it is still not clear when exactly it will be adopted. The Prison Service is going to start preparing its own schedule accordingly when the governmental plan is known.

### 2) CONDITIONS FOR RELAXING THE LOCKDOWN

*Are potential conditions foreseen for the reduction of measures (health checks, distancing requirements, etc.) and references to the evolution of immunity, the infection rate, etc., applied for justice? Are these conditions measurable? Are they realistic?*

It is predicted that distancing requirements together with disinfection requirements will remain in place in the whole society for some time.

The Ministry of Justice has issued a recommendation for the functioning of the courts with regard to the declared state of emergency and the extraordinary measures of the Ministry of Health. It recommends that courts gradually resume those activities that they had to reduce due to the coronavirus situation. The specific steps and their timing are then left to the full competence of the presidents of the courts.

The specific procedure for renewing the implementation of individual agendas is in the competence of the presidents of the courts. It is necessary to take into account the organizational possibilities of courts (eg meeting rooms), technical and material security (including personal protective equipment) and the urgency of agendas or special interest in their smooth operation. The Presidents may also themselves determine appropriate additional precautionary/sanitary measures.

### 3) EXCLUSIONS

*Are there any (relevant) areas completely excluded from the lockdown relaxation in the current strategy? For what reason?*

We are not aware of such excluded areas.

#### 4) **BAR PROPOSALS FOR THE EXERCISE OF THE PROFESSION**

*Did your Bar submit any requests relating to the lockdown relaxation?*

With effect from 18 May 2020, the Czech Bar Association is reopening to the public. However, lawyers, trainee lawyers and others are asked, if possible, to continue to handle their matters remotely - by phone or electronically.

In connection with the resolution of the Chamber of Deputies of the Parliament of the Czech Republic on the extension of the state of emergency for the time being until 17 May 2020, to the follow-up expected measures pursuant to Act No. 258/2000 Coll. on the Protection of Public Health, the Czech Bar Association considered all options and is convinced that the restrictions set in the coming weeks would allow to proceed with Bar examinations. Alternative dates for bar examinations were announced.

The Czech Bar Association has not submitted any special requests to the lockdown relaxation in relation to the legal profession.

#### 5) **OTHER INFORMATION**

The Czech Government runs a section within its webpage in English „Measures adopted by the Czech Government against the coronavirus“ including all the relevant information and taken measures in relation to emergency situation divided into three categories: General measures, Measures concerning foreigners and border crossing and Economic Measures.

<https://www.vlada.cz/en/media-centrum/aktualne/measures-adopted-by-the-czech-government-against-coronavirus-180545/>

The Ministry of Health also informs public on taken measures in English.

<https://koronavirus.mzcr.cz/en/>

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## CCBE Exit strategy survey – Denmark – 19 May 2020

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### 1) EXIT STRATEGY AND THE JUSTICE SECTOR /LEGAL SERVICES

*Does the exit strategy in your country foresee reducing measures or restrictions in the justice sector (including prosecution and prisons) and other sectors relevant for legal services? Is there any timing foreseen for these sectors?*

#### **The Danish courts**

On 11 March 2020, all public employees who did not perform critical functions were sent home. As a result, the Danish courts closed on 12 March 2020. The courts organised an emergency taskforce to ensure that critical functions were maintained and that critical cases were still handled.

On 27 April 2020, the courts commenced a gradual reopening. The aim of the reopening is to handle as many cases as possible in consideration of the capacity of the courts and the guidelines from the authorities. However, due to the precautions taken in order to minimise the risk of infection, the courts will probably not be able to handle all cases and reach their usual capacity before the health situation has normalised. Criminal proceedings and urgent civil cases, e.g. within family law, are first priority. However, the handling of e.g. bankruptcy proceedings, enforcement proceedings and probate cases will also be possible.

The Danish courts have taken a number of precautions in order to minimise the risk of infection when opening the courts. These precautions include e.g.:

- Cleaning and hygiene are given high priority.
- Avoidance of queues at the entrances to courts and court rooms.
- Requirements regarding distance between persons in court rooms. In some cases acrylic glass will be used as covering between persons when the required distance between them is not possible. Due to these restrictions, the Courts of Denmark have rented external rooms in order to be able to conduct criminal cases with many defendants.
- The judge can limit the number of participants in a court room if more people than recommended have appeared.
- Disinfection / hand wash when entering and leaving the courts / court rooms.

During the reopening period, the courts are urged to handle cases in a flexible manner and are recommended to also schedule cases outside normal opening hours. Furthermore, they are recommended to increase the use of written decisions and dispute settlement.

On 11 May 2020, phase two of the reopening began. There are no significant changes to the above.

#### **Prisons**

On 12 March 2020, it was decided to set the imprisonment of newly sentenced persons who was not already detained in custody temporarily on hold in order to minimise the risk of infection in prisons.

On 17 April 2020, the government and several political parties entered into an agreement on expansion of the first phase of a controlled reopening of Denmark. As a result of this agreement, the Prison Service on 23 April 2020 gradually began to execute the prison sentences of newly sentenced persons to the extent that it is assessed to be safe from a health perspective.

In order to minimise the risk of infection, the Prison Service has established a special department for the reception of new prisoners. New prisoners will, as a rule, have to stay in this department for 14 days and are not allowed to have physical contact with each other or with other inmates during their stay there.

There are still a number of restrictions in prisons in order to minimise the risk of infection. However, the prisons will gradually open more up for the employment of prisoners, and from 18 May 2020, visits from relatives will again be possible to a limited extent.

### **The Prosecution Service**

As was the case with the courts, the Danish Prosecution Service organised an emergency taskforce in order to guarantee that cases critical of society, e.g. preliminary statutory hearings, were still conducted when the courts etc. were closed in March.

As the courts have now reopened, The Prosecution Service has also increased their activities.

## **2) CONDITIONS FOR RELAXING THE LOCKDOWN**

*Are potential conditions foreseen for the reduction of measures (health checks, distancing requirements, etc.) and references to the evolution of immunity, the infection rate, etc., applied for justice? Are these conditions measurable? Are they realistic?*

To the best of our knowledge, the size of the infection rate is an important condition.

## **3) EXCLUSIONS**

*Are there any (relevant) areas completely excluded from the lockdown relaxation in the current strategy? For what reason?*

At the moment, we are not aware of (relevant) areas that are completely excluded from the lockdown relaxation.

## **4) BAR PROPOSALS FOR THE EXERCISE OF THE PROFESSION**

*Did your Bar submit any requests relating to the lockdown relaxation?*

Prior to the reopening of the courts, The Danish Bar and Law Society entered into a fruitful dialogue with the Courts of Denmark on how to plan the reopening.

## **5) OTHER INFORMATION**

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## CCBE Exit strategy survey – Estonia – 7 May 2020

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### 1) EXIT STRATEGY AND THE JUSTICE SECTOR /LEGAL SERVICES

*Does the exit strategy in your country foresee reducing measures or restrictions in the justice sector (including prosecution and prisons) and other sectors relevant for legal services? Is there any timing foreseen for these sectors?*

Regarding courts: If the crisis began, then changes in the law were made and the courts have now wider opportunities to conduct a hearing through videoconferencing. Most of these changes will remain place after the emergency situation has ended by the government (right now the emergency situation is in force until 17.05.2020 and no decision regarding prolonging it or ending before that date has been taken), because these changes simplify court procedures. There is an exception regarding changes in specifications for placement of person in closed institution during emergency situation declared by Government of the Republic on 12 March 2020 – changes are in force only during emergency situation, and not later.

Regarding prisons: As of 29.04.2020, the implementation of the emergency exit strategy in prisons was started. In prisons, five-day exchanges of officials ended and the planned treatment of prisoners continues both in prison and in civilian medical institutions. Prisoners who are not in solitary confinement can walk on a daily basis. The next steps to return to normal work will depend on the spread of the virus in the country as well as the detection of possible virus cases in prisons. So far, no coronavirus has been detected in prisoners in Estonia.

Regarding Prosecutor's Office: Reception of citizens is currently suspended and direct meetings are held only when necessary. Whenever possible, digital solutions are used to carry out procedural steps. The next steps to return to normal work will depend on the spread of the virus in the country as well as the detection of possible virus cases.

### 2) CONDITIONS FOR RELAXING THE LOCKDOWN

*Are potential conditions foreseen for the reduction of measures (health checks, distancing requirements, etc.) and references to the evolution of immunity, the infection rate, etc., applied for justice? Are these conditions measurable? Are they realistic?*

It is highly likely, that the distancing requirements still also apply in court after the emergency situation has ended. It has been predicted that distancing requirements and requirements for disinfection remain place in the whole society, especially in public places, for a long time. Today, if there is a need to conduct a physical hearing in the court (if the hearing cannot be conducted via videoconference), then distancing requirements and disinfection measures are used. We do not have any information regarding possible health checks measures etc. so far.

### 3) EXCLUSIONS

*Are there any (relevant) areas completely excluded from the lockdown relaxation in the current strategy? For what reason?*

So far there has not been such an information.

#### 4) **BAR PROPOSALS FOR THE EXERCISE OF THE PROFESSION**

*Did your Bar submit any requests relating to the lockdown relaxation?*

Yes, the Bar Association has expressed the opinion that the postponement of a procedural act and a court hearing must be a very considered and reasoned decision. Even in an emergency, the rights of individuals and the uninterrupted administration of justice must be guaranteed. The state must take comprehensive measures so that court hearings and proceedings are not postponed. Opportunities should be found for the smooth functioning of the judicial system, both during the current emergency and in possible future crises. In doing so, there is an urgent need to invest in better teleworking solutions, personal protective equipment and to train officials in their use. The massive postponement of proceedings endangers the rights of individuals and creates a large backlog of works, which in turn may jeopardize the availability of state legal aid. The Bar Association called on courts and investigative bodies not to postpone court hearings and proceedings, but to make more active use of innovative technological means to conduct them.

Fortunately at the same time the changes in law were prepared, which we mentioned in our answer to your first question.

#### 5) **OTHER INFORMATION**

Estonian Government has created a comprehensive webpage, which includes all the information regarding the emergency situation etc. and is regularly updated regarding the different aspects of the crisis, please see it English: <https://www.kriis.ee/en>

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## CCBE Exit strategy survey – Greece – 12 May 2020

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### **Topic 1: The Field of Justice/Legal Services and the Exit Strategy**

With the onset of the coronavirus pandemic and the cases of Greek citizens, that got sick with covid-19, increasing to 100, the Greek Government immediately took strict measures that lead the country to a general lockdown. Specifically, **on the 13<sup>th</sup> of March 2020** the Prime Minister announced the shutdown of Public Services, Administration Authorities, Businesses, as well as Courts and Public Prosecutor Offices, in order to reduce the risk of contagion as much as possible. The majority of the judicial proceedings (civil, commercial, criminal, administrative) have been postponed, whilst technological applications, such as video conferencing were not being used. **By the 28<sup>th</sup> of April**, the Ministry of Justice announced the restart of some specific judicial proceedings before District Courts referring to cases of consensual mortgages notices, enforcement procedures such as seizures and before the Administrative Courts referring to cases of annulments. At the same time, the Public Prosecutor Offices allowed the access to lawyers and citizens in order to file charges. The measures that do not allow the hearings before a court of law continue until the 15<sup>th</sup> of May 2020. However, **these first steps towards a normal pace of life are promising and hopefully, soon we will be able to return to our old habits as lawyers and citizens regaining full access to the legal services.**

### **Topic 2: Conditions under which we can exit the lockdown**

Quite naturally, everybody wants to go back to their works without the risk of exposing themselves to the virus, including of course the lawyers. This “come back” to the normal every-day life needs time and it should take place gradually, while respecting the proposed health protocols. As it is already told, only a few civil and administrative proceedings have already started and by the end of May, it is predicted that other judicial proceedings are going to start again, as well. At the same time, the Greek Government decided to extend the judicial year by a month in the summertime, in order to make up for the suspended and postponed trials. It is essential that the restart of the legal services will take place in compliance with the necessary security measures to prevent the spread of the coronavirus. For this purpose, the Ministry of Justice created a Standing Committee, which will be responsible for the safe restart of the judicial system and will be consisted of Judges, Public Prosecutors, representatives of Bar Associations, University Professors and public servants.

### **Topic 3: Exclusions**

The coronavirus pandemic had a really intense impact on the Greek society and especially, on the economy and lead to a further crisis, suspending the general national effort to obtain growth and achieve financial progress. It is worth noting that during this period of social distancing, due to the total lockdown measures, the only fields of activities and services that were allowed to continue functioning were livestock breeding, agricultural activity, technological services, pharmacy market and supermarkets. As the measures became less and less strict, the field of Justice was chosen as one of the most important sectors of the economy, that needed to start functioning properly again. Until now, it is not known which sectors will not be included to the national strategy of relaxing the lockdown. The access to Justice is a fundamental human right and an absolute priority for the Greek State, as it is also underlined by the media, as Greece was always a country that considers the value of Law to be of great importance.

### **Topic 4: Bars Proposal**

During this period the Council of the Bars and the Plenary Session of Presidents of Greek Bar Associations were busily working and keeping a close eye on the Government’s decisions and

participating to the public conversation and the consultation with the Administrators of the Courts and the Ministry of Justice. At the first day of the opening of the Courts, on the 28th of April, our representatives visited the Courts and the Land Registries, in order to make sure that **the precautions and safety measures suggested by the General Authority of Public Health were followed, such as the restriction on the number of people that are allowed to be in a building, safety distances amongst people, wearing of masks, use of antiseptic liquids, etc.** After the 15<sup>th</sup> of May, the Greek Government is planning to allow all the judicial proceedings and in the meanwhile, the Presidency of the Bar Associations are in an open dialogue with the Ministry of Justice trying to find the best way to reopen the Courts and prevent the coronavirus from spreading at the same time.

Due to the economic impact of this crisis on our liberal profession, the Presidency of Greek Bar Associations asked for financial support and tax relief measures from the Government, in order for Greek Lawyers be able to cope with this unprecedented situation and be back on their feet. Up to this day, Greek Lawyers reap the benefits of the following special protective measures:

- Suspension of all tax obligations until 31.09.2020
- Suspension of all social insurance obligations until 31.07.2020
- 3 months suspension of loan payments, provided the lawyer was consistent with his debt obligations
- 40% reduction on professional housing contracts
- The option to suspend temporarily labour contracts for the lawyers that employ personnel (currently the employee receives an allowance of 800 Euros for 45 days by the State) or to amend a full-time contract to part-time contract
- Allowance of 600 Euros per lawyer for the month of March

The Plenary of the Greek Bar Associations has expressed its disagreement with the lack of financial support for Trainee Lawyers, who are facing an important income reduction due to the suspension of court proceedings.

#### **Topic 5: Other information**

We are invited to contribute to CCBE by exchanging information about the impact of the covid-19 crisis to the legal world and the emergence of a new digital work environment. Indubitably, these days of the quarantine and the general lockdown have already changed the way things were at our law offices and firms at global level. On the bright side, we were forced to overcome quite a few challenges in order to stay productive and this encouraged the appearance of new opportunities regarding the use of technical means. It goes without saying that the coronavirus crisis affected, in more or less permanent ways, the way in which lawyers function on a professional level. It is more than safe to say that the use of alternative non-physical ways of meeting with clients, attending Public Authorities-Agencies or even Courts without our physical presence will probably gain more traction in days to come.

After the appearance of covid-19, the Greek State made a lot of steps to digitalize the Public Administration. The consequences of the virus lead the Government to use technical tools and digitalizations creating enormous possibilities for connections. For us, as Lawyers, the use of technology is acceptable as a useful instrument to make our life better. On the other side, in order to give to the citizens the opportunity to reach their own potential during the coronavirus outbreak, we should make the use of technology our top priority, to the extent that this is reasonably possible. The solutions that are currently being searched must be harmonised with the principles of proportionality, privacy and personal data protection. For this reason, it is of great importance that the European Commission will take coordinated action regarding the next steps of the Member States on the subject of the implementation of relevant applications. Furthermore, as a European Organization representing EU Lawyers, we have to claim the prioritization of digital technologies to be reflected in the next multiannual financial European Union budget.

**Athens, 12th of May 2020**  
**The Head of Delegations**  
**Nikolaos Koutkias**

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## CCBE Exit strategy survey – Ireland – 29 April 2020

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### 1) EXIT STRATEGY AND THE JUSTICE SECTOR /LEGAL SERVICES

*Does the exit strategy in your country foresee reducing measures or restrictions in the justice sector (including prosecution and prisons) and other sectors relevant for legal services? Is there any timing foreseen for these sectors?*

Unknown at this time as the Irish Government has yet to publish an exit strategy. In Ireland, barristers and solicitors are already designated as an 'essential service' and therefore, can attend Court as required.

### 2) CONDITIONS FOR RELAXING THE LOCKDOWN

*Are potential conditions foreseen for the reduction of measures (health checks, distancing requirements, etc.) and references to the evolution of immunity, the infection rate, etc., applied for justice? Are these conditions measurable? Are they realistic?*

Nothing specific known as yet in relation to the justice sector.

### 3) EXCLUSIONS

*Are there any (relevant) areas completely excluded from the lockdown relaxation in the current strategy? For what reason?*

An exit strategy has not yet been published by the Irish Government, however, it is expected in the near future.

### 4) BAR PROPOSALS FOR THE EXERCISE OF THE PROFESSION

*Did your Bar submit any requests relating to the lockdown relaxation?*

Yes. A submission has been made in relation to how the Courts might be able to operate through a combination of remote hearings and physical hearings subject to compliance with public health advice e.g. social distancing, limiting congregation of groups etc.

### 5) OTHER INFORMATION

#### 1. Administration of Justice

##### i. Speaking Note

The Irish Courts Service responded to the crisis by accelerating rollout of existing plans to introduce remote hearings over the next number of years. Having completed successful pilots, the Supreme Court and Court of Appeal began hearing cases remotely last week.

At the outset of the first remote Supreme Court hearing, the Chief Justice said that he expects it will be the first of many such hearings over the coming months and that while remote hearings should

prove suitable for almost all Supreme Court and many Court of Appeal cases, different considerations apply in the lower courts.

Piloting of the more complicated issue of running remote High Court actions (complicated by issues such as jury participation and oral witness testimony) will commence today with a view to roll out later next month.

If a case is considered not to be suitable for remote hearing (for reasons such as volume of documentation or a particularly crucial cross examination of a witness), an application can be made to the Court for an adjournment or for the case to be run in person.

Subject to public health guidelines, reporters can attend a courtroom where remote hearings are screened. The Courts Service has confirmed that they will be able to access such remote hearings directly in the near future.

The courts remain open for urgent matters including bail applications, injunctions, examinerships, certain wardship and judicial review matters, as well as family law and domestic violence applications (including protection and barring orders).

If successful, the capacity to run cases remotely will almost certainly have a substantial impact on the manner in which Irish courts conduct business into the future. It remains to be seen whether anticipated benefits (such as increased efficiency and cost savings for litigants) actually materialise.

## **2. Supports for the Profession**

The Law Society has introduced the following measures to support the profession during the crisis:

### **i. President's eBulletins**

At the outset, all communications from the Society to members were streamlined through regular eBulletins from the President.

The eBulletins, which provide general guidance and crucial information to practitioners as well as links to important Government Covid-19 related information, have proved a useful reference tool for practitioners and have been well received by the profession.

### **ii. Legal Education**

#### **a. Continuing Professional Development**

The Society's Education Committee has removed an existing e-Learning limit of 50% for the 2020 CPD cycle so that solicitors can now complete their entire 2020 CPD requirement online.

Mindful of the added financial pressure on firms and solicitors, more than 45 hours of complimentary online CPD is now available to members.

#### **b. Free Participation in Diploma Centre Courses**

The Society's Diploma Centre will also provide free CPD through two new courses (*Certificate in Technology Law* and *Introduction to Arts, Entertainment and Media Law*).

### **iii. LegalMind**

An initiative launched for Law Society members and their dependants, LegalMind is an independent, low-cost mental health support which is accessible 24/7. The service offers 'in the moment' phone support with a qualified counsellor or psychotherapist who will talk through issues and decide whether further supports are recommended.

### **iv. Crisis Supports**

The Society has also established the following initiatives to support solicitors working through the significant challenges posed by the pandemic:

- a. Practice Support** offers practice owners information and guidance on queries or concerns related to Covid-19; and
- b. Crisis Career Support** can help individual solicitors address issues such as lay-off, job seeking and financial supports.

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## CCBE Exit strategy survey – Sweden – 11 May 2020

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The Corona-situation in Sweden has developed quickly, and new measures are taken on a daily basis. The health authorities have generally encouraged the use of home offices, reduced use of public transport and limited physical meetings.

Due to the Corona-crisis the Swedish Bar Association has cancelled most of its external participation in conferences and meetings etc. When possible meetings are being held by video or telephone conferences. The Swedish Bar has taken a number of special measures in relation to training and mandatory requirement of continuing mandatory training – a decision for temporary exemption from mandatory training requirements has been taken by the Board of the Swedish Bar Association for 2020 (the obligation to fulfil at least 18 hours of professional training for lawyers has been cancelled for 2020). The reason for this has been to mitigate the financial burden for law-firms and to make it easier for them to concentrate on court proceedings and their client obligations, when the legal society is up and running as normal again.

The Swedish Bar Association is assisting its members in many different issues on a daily basis, e.g. financial issues (advance payment from the State in postponed cases), facilitating for lawyers to assist in public service, etc. The Swedish Bar Association has set up a special Corona-related webpage for its members and the public (<https://www.advokatsamfundet.se/coronavirus/>).

As mentioned above the courts and tribunals in Sweden have cancelled/postponed a great number of hearings/proceedings due to the corona virus. This means that the cases which are affected by the cancellations will not be completed in the foreseeable future. There is therefore an impending risk that the lawyers who are appointed by the courts in these cases, have to wait for their remuneration, which directly will affect their economic situation. The Swedish Bar Association has therefore initiated contact with the Swedish National Courts Administration regarding the possibility for these lawyers to get advance payments for work they have already completed.

A large number of court hearings/proceedings have so far been cancelled and anyone having symptoms of a respiratory infection, including mild symptoms, are told not to visit any court or tribunal.

Physical proceedings are still allowed. Although several courts and tribunals are only allowing physical proceedings in family cases with urgent matters and criminal cases with young offenders or detained persons.

At this stage it is not possible to know how long delays will be regarding proceedings and hearings. Certain proceedings and hearings are given priority, for example family cases with urgent matters and criminal cases with young offenders or detained persons.

Hearings/proceedings by video conferencing are allowed. The Swedish Code of Judicial Procedure states that the court may decide that a person should take part in hearings/proceedings by audio or



video link. When deciding if a person should take part in hearings/proceedings by audio or video link the court has to pay regard to (1) the costs or inconveniences that would arise if the person attending a hearing/proceeding has to appear in person, (2) if the person attending a hearing/proceeding is afraid to appear in person, (3) if it is presumed that the person attending a hearing/proceeding is being put under pressure, (4) and safety reasons. Participation in hearings/proceedings by audio or video link should however not be allowed if it is inappropriate considering the purpose of a person appearing in person or if it is inappropriate considering other circumstances.

Anyone having symptoms of a respiratory infection, including mild symptoms, are urged not to visit any court or tribunal. The courts and tribunals advice persons who have been summoned to a hearing and have symptoms of a respiratory infection to contact the court or trial. There are, however, so far no formal prohibitions in this regard.

The Swedish Prison and Probation Service has introduced temporary restrictions regarding visitors to prisons and remand prisons. Lawyers may anyhow still visit prisoners and detained persons as long as the lawyers are symptom-free.

It is possible for prisoners and detained persons to consult their lawyers by telephone. Lawyers may still visit detained persons as long as the lawyers are symptom-free.

## 1) STRATÉGIE DE SORTIE POUR LE SECTEUR DE LA JUSTICE ET LES SERVICES JURIDIQUES

*La stratégie de sortie dans votre pays prévoit-elle la réduction des mesures ou des restrictions dans le secteur de la justice (notamment le parquet et les prisons) et dans d'autres secteurs pertinents pour les services juridiques ? Un calendrier est-il prévu pour ces secteurs ?*

Le gouvernement suisse a fait usage du droit d'urgence pour prolonger les vacances des tribunaux, ou « fêtes judiciaires », situées normalement autour de Pâques, en matière civile et administrative (en sont ainsi exclus la procédure pénale ainsi que les cas urgents), en les faisant commencer plus tôt. Les fêtes judiciaires ont ainsi duré du 21 mars au 19 avril compris. Pendant cette période, les délais judiciaires en matière civile et administrative étaient effectivement suspendus. Ceci signifie qu'à partir du 20 avril 2020, l'activité judiciaire civile et administrative a repris son cours « normal », avec les précisions suivantes :

- Lors de tout acte de procédure, les mesures qui s'imposent devront être prises pour respecter les recommandations concernant l'hygiène et la distance sociale émises par l'Office fédéral de la santé publique (ci-après « OFSP »).
- En cas d'impossibilité de mener les débats devant un tribunal civil, des règles concernant le recours à la téléconférence ou à la vidéoconférence s'appliqueront et le tribunal pourra aller jusqu'à renoncer aux débats.
- S'agissant de la procédure pénale, les ministères publics et les tribunaux peuvent, selon le droit en vigueur, d'ores et déjà ordonner des auditions par vidéoconférence. Le gouvernement fédéral a ainsi renoncé à légiférer dans ce domaine.

## 2) CONDITIONS DE DÉCONFINEMENT

*Les conditions possibles prévues pour la réduction des mesures (contrôles sanitaires, exigences de distanciation, etc.) et l'évolution de l'immunité, du taux d'infection, etc. sont-elles appliquées au secteur de la justice ? Ces conditions sont-elles mesurables ? Sont-elles réalistes ?*

Les tribunaux et les autres autorités qui accomplissent des actes de procédure impliquant la participation de parties, de témoins ou de tiers – notamment des audiences et des auditions – doivent prendre les mesures qui s'imposent pour suivre les recommandations de l'OFSP. Ces mesures sont indispensables du point de vue épidémiologique et s'appliquent à tous les domaines du droit et donc à toutes les procédures civiles, pénales et administratives, toutes instances confondues. La règle concerne les tribunaux et les autres autorités fédérales et cantonales, mais aussi les parties et leurs représentants légaux et les avocats. Les recommandations de l'OFSP devront notamment être respectées lors de l'organisation d'audiences et d'auditions, en particulier lors du choix des locaux. Les audiences et les auditions menées par les tribunaux et les autorités ne tombent pas sous le coup de l'interdiction touchant les manifestations et les rassemblements (soit l'interdiction d'un rassemblement de plus de 5 personnes). Le nombre de participants devra toutefois être limité au strict minimum et il faudra éviter tout regroupement de personnes. La protection des personnes vulnérables devra également être assurée. Les recommandations de l'OFSP devront en outre être observées le mieux possible entre les parties et leurs représentants légaux.

## 3) DOMAINES EXCLUS

*Existe-t-il des domaines (pertinents) totalement exclus du déconfinement dans la stratégie actuelle ? Pour quelle raison ?*

Il n'existe pas de domaines totalement exclus du déconfinement en tant que tel. Le gouvernement procède à un assouplissement des mesures par étapes, en fonction des critères suivants :

- Quel est le risque que l'assouplissement entraîne plus d'infections ? Combien de personnes sont potentiellement exposées à un risque élevé d'infection ?
- Quel est le risque que l'assouplissement entraîne des cas graves et des décès ?
- Quelles sont les chances que l'assouplissement n'entraîne aucune infection et cas grave, par exemple en introduisant et en respectant des mesures de protection ?

Autres facteurs :

- Acceptation des décisions du Conseil fédéral par la population et bénéfice économique
- Planification des mesures : quelles mesures nécessitent quel temps de préparation, par exemple s'il faut commander des produits ou introduire des plans de protection.

Ainsi, depuis le 11 mai 2020, l'enseignement présentiel peut de nouveau avoir lieu à l'école obligatoire, les magasins, les marchés, les musées, les bibliothèques, les établissements sportifs et les établissements de restauration peuvent rouvrir s'ils respectent scrupuleusement les plans de protection.

Jusqu'au 7 juin 2020 demeurent interdits :

- les aires de camping
- les établissements de divertissement et de loisirs, en particulier les cinémas, les salles de concerts, les théâtres, les casinos, les centres de fitness et les piscines (sauf s'ils disposent d'un plan de protection), les centres de bien-être, les stations de ski, les jardins botaniques et zoologiques et les parcs animaliers
- les établissements érotiques, services d'escorte, prostitution
- les établissements de restauration pour les groupes de plus de 4 personnes (à l'exception des parents avec enfants, une règle qui vaut aussi pour les familles recomposées) et les établissements où les clients consomment exclusivement debout
- les regroupements de plus de 5 personnes dans l'espace public (places publiques, chemins de promenade ou parcs). Les personnes formant un groupe, qui ne pourra pas dépasser 5 personnes, doivent garder une distance de 2 mètres. Les personnes ne respectant pas cette mesure sont amendées.

Probablement autorisé dès le 8 juin (sous réserve de décision du gouvernement le 27 mai)

- Écoles des degrés secondaire II et tertiaire ainsi que les autres établissements de formation
- Piscines (ouvertes pour tous)
- Regroupements de plus de cinq personnes
- Théâtres et cinémas
- Zoos, jardins botaniques, parcs zoologiques, remontées mécaniques

Interdits jusqu'au 31 août 2020 :

- Manifestations publiques de plus de 1000 personnes

#### 4) PROPOSITIONS DU BARREAU POUR L'EXERCICE DE LA PROFESSION

*Votre barreau a-t-il présenté des demandes relatives au déconfinement ?*

Aucune demande relative au déconfinement a été présentée aux autorités suisses de la part de la FSA. Les interventions auprès des autorités ont eu lieu pendant l'application des mesures d'urgence et visaient en premier lieu à garantir le fonctionnement de la justice et l'exercice de l'activité des avocats.