

COVID-19 :

CCBE publishes an overview of measures taken in some European countries addressing the impact of the crisis on justice issues

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CCBE Survey: Exchange of experiences and best practices between bars Andorre

Une loi d'urgence pour faire face à l'épidémie de Covid-19 a été adoptée le 23 mars 2020. La loi 3/2020 a été promulguée le 23 mars 2020 et publiée au Journal officiel le 1 avril 2020.

Synthèse :

La suspension, en général, des délais procéduraux et administratifs pour le traitement de toutes sortes de procédures

La suspension des délais n'affecte pas les procédures : d'habeas corpus, préférentiel et urgent de protection des droits fondamentaux, les actions avec les personnes détenues ou prises, les actions urgentes en matière de surveillance pénitentiaire, l'adoption de mesures conservatoires et la adoption de mesures par les personnes à risque.

Le tribunal compétent peut convenir de mener à bien toutes actions ou procédures, mesures d'arrangement et instruction, qu'il juge nécessaires pour éviter un préjudice irréparable aux droits et intérêts légitimes des parties.

La suspension des conditions administratives ne s'applique pas aux procédures et résolutions qui sont directement liées à la situation d'urgence sanitaire causée par le SRAS-CoV-2

La suspension des dates de prescription et d'expiration.

La possibilité de mener toutes les actions devant les maires et les tribunaux par visioconférence.

Maintenir l'activité régulière des services de garde, dans le respect des mesures de précaution et d'hygiène recommandées par le gouvernement.

Les notifications des résolutions judiciaires pouvant être adoptées devront participer aux modalités légalement établies

Aussi, la publication du Décret du 27-3-2020 sur l'application de l'aide prévue par la loi sur les mesures exceptionnelles et urgentes pour faire face à certaines situations d'urgence sanitaire causées par la pandémie de SRAS-CoV-2.

Synthèse :

La loi sur les mesures exceptionnelles et urgentes pour la situation d'urgence sanitaire causée par la pandémie de SRAS-CoV-2, approuvée par le Conseil général le 23 mars 2020, prévoit de nombreuses subventions à durée limitée qui doivent être autorisées dans la mesure du possible, les premiers effets que cette situation de crise sanitaire a sur les personnes et sur les entreprises, conformément aux principes de solidarité et de coresponsabilité.

Ainsi, par exemple, les aides prévues aux articles 9 et 10 de la loi sont basées sur une réduction ou une suspension des cotisations de la Caisse andorrane de sécurité sociale ; celui prévu à l'article 12 implique que le gouvernement assume le paiement de la partie entreprise de la contribution des salariés des entreprises qui ont suspendu l'activité, et l'article 14 doit permettre aux hommes d'affaires et aux professionnels de jouir d'une réduction des loyers des locaux pour les affaires.

En outre, en exécution de la commande contenue dans la troisième disposition finale de la même loi, le gouvernement, en collaboration avec FEDA et Andorra Telecom, a décrété les réductions des tarifs électriques et des tarifs de télécommunications applicables, afin de faire face à l'aggravation de la situation économique et sociale des particuliers et des entreprises du fait de l'urgence sanitaire, par le décret du 25 mars 2020.

L'application de toutes les aides doit être combinée avec le contenu des nombreux décrets de mesures adoptés dans le cadre de cette urgence sanitaire qui ont imposé des restrictions dans les différents secteurs d'activité, notamment le décret du 17-3-2020 du quelles mesures exceptionnelles supplémentaires sont prises pour la situation causée par le coronavirus SARS-CoV-2.

L'application des mesures a cependant montré qu'il existe de nombreuses personnes et entreprises qui exercent une activité par elles-mêmes qui n'ont pas complètement suspendu leur activité pour ne participer qu'aux situations d'urgence et par roulement, et qu'ils ont en effet subi les effets d'une fermeture totale et doivent donc assimiler leur situation à une suspension totale d'activité. Certains ont également fermé volontairement afin d'éviter les risques. Par conséquent, afin que ces professionnels et hommes d'affaires puissent bénéficier de la même assistance que celle qui a été forcée de suspendre leurs activités et afin d'éviter les abus et les griefs, les conditions doivent être établies pour justifier leur situation devant les administrations ou entités du secteur public et les bailleurs, qui exécuteront la loi. Le gouvernement, sur proposition du ministre de la Présidence, de l'Economie et des Affaires, en séance du 27 mars 2020, approuve ce décret au contenu suivant :

Article 1. Application des mesures au secteur public

Ils sont considérés comme des entreprises ou des travailleurs indépendants qui ont suspendu leur activité, bien qu'ils soient autorisés à ouvrir ou à être soumis à un régime de gardes ou de permanence, ce qui le justifie.

Ces entreprises ou travailleurs indépendants peuvent demander une aide dans les mêmes conditions que celles qu'elles ont été contraintes de fermer, sur la base des dispositions des sections suivantes.

2. Toutes les demandes d'aide déposées auprès de la Caisse andorrane de sécurité sociale (CASS), d'Andorra Telecom (AT), des Forces électriques d'Andorre (FEDA) ou du gouvernement en application de la loi sur les mesures exceptionnelles et urgents par l'état d'urgence sanitaire provoqué par la pandémie de SRAS-CoV-2, ils doivent être accompagnés d'une déclaration d'auto-responsabilité justifiant la suspension de l'activité.

Dans le même document, le demandeur doit accepter l'engagement de fournir les données économiques ou la documentation bancaire nécessaires pour justifier sa demande et autoriser l'échange de ses données entre les administrations publiques et d'autres entités du secteur public par effectuer les vérifications appropriées.

Article 2. Application des mesures à la location de locaux commerciaux et professionnels

1. Il est nécessaire que les propriétaires d'entreprise ou les travailleurs indépendants qui ont suspendu leur activité malgré l'autorisation d'ouvrir ou d'être soumis à un régime de gardes ou de permanence, justifient de manière documentée la suspension des locaux commerciaux avec les bailleurs des locaux commerciaux. L'activité pour profiter des réductions de revenus prévues.

2. L'application de réductions par CASS, FEDA ou Andorra Telecom sert également à accréditer auprès des bailleurs la suspension de l'activité.

Article 3. Régime des sommes versées avant l'application des réductions

Dans le cas où pendant la période de validité de l'urgence sanitaire, vous êtes facturé des montants affectés par les réductions prévues par la loi sur les mesures exceptionnelles et urgentes pour la situation d'urgence sanitaire causée par la pandémie de SRAS-CoV-2, cela génère un crédit en faveur du paiement obligé qui est déduit de la première facture ou d'un document similaire que la partie débitrice émet sans appliquer la réduction correspondante, sauf si les parties en conviennent autrement.

Article 4. Non-respect et régime de sanctions

L'indication de ces mesures est requise par l'autorité, et toute infraction peut être sanctionnée conformément à la législation spécifique applicable.

CCBE Survey: Exchange of experiences and best practices between bars – Austria

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.).

Regulations from the Federal Ministry of Justice

As from 20th 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.

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).

CCBE Survey: exchange of experiences and best practices between bars – COVID-19
Belgium (OVB/OBFG)
<https://avocats.be/fr/coronavirus>

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

In general, both new as well as pending cases will only be treated from the 19th of April onwards, unless they can either be settled by written procedure with the agreement of all parties involved or when they are urgent. Whether a case is urgent or not depends on the court and judge in question.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

It is too early to make that projection. Most courts have not yet determined the exact dates that delayed hearings will take place, while others have postponed to dates ranging from May to September.

- Are some physical proceedings still allowed and how will they proceed in practice?

Yes, see question 1. In that case lawyers are systematically allowed to represent their clients, even if their presence in person is legally obliged. If the presence of a party in person is deemed absolutely necessary, the case has to be postponed to a date after 19/04/2020, except if the urgent character or exceptional circumstances demand an immediate handling of the case.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

No, not yet. There have been plans however to allow video conferencing for the *Chambre du Conseil* and the *Chambre de mise en accusation* (these are criminal courts (first instance and appeal) that are more specifically competent for pre-trial detention).

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The precautions or special safety measures as the Belgian government has taken, also apply to lawyers.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

Someone who test positively for the virus will obviously not be allowed to attend proceedings. As mentioned above, parties should be represented by their lawyer as much as possible anyway. If one of the parties involved has a positive test afterwards, the general advice/obligation applies, which is to self-quarantine if you have been in contact with that person.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Visitors are no longer allowed in prisons, with the exception of those who will have to visit the detainee for professional reasons, such as lawyers. Lawyers can ask that the consultation is held behind glass.

Most prisons have in-cell telephones which can be used by inmates to call lawyers themselves. This is not restricted in time. Lawyers cannot directly call their clients, but can leave their number so that the detainee can call back afterwards.

- **Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?**

It has not been an established practice (yet). If such an option has been made available, it has been on an ad hoc basis.

- **What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?**

In accordance with Salduz-legislation, suspects who have been detained at the moment of their interrogation will receive legal assistance from a lawyer. The preliminary consultation can be organised by phone or by other technical means. During the interrogation lawyers are asked to keep a safe distance from the suspect and the interrogator, to comply to the guidelines of the government. They should always check on-site whether the interrogation could be held by video conference.

- **Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?**

Not known to us.

3) **Individual measures by Bars or Law firms**

- **Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?**

* The OVB has organised and will be organizing in the course of the next weeks several webinars providing information and answering questions from lawyers concerning economic, fiscal and social measures, court proceedings, adjustments to terms, video-conferences, etc. We reach 500 lawyers per webinar and post the video online afterwards.

* The OVB and OBFG have stressed that the deontological rules still apply. The confraternal and loyal behaviour as well as the social responsibility of the lawyer is more important than ever. Lawyers obviously have to remain partial in defending the interests of their clients, but the OVB and OBFG ask them not to take advantage of the situation and to show understanding for the opposite party in these exceptional circumstances.

* The OVB has published deontological guidelines on the use of digital communication tools, i.e.: informing clients about the technology and the level of confidentiality, identification of the client, written approval from the client if the conversation is recorded, ...

* Due to the inaccessibility of the court registries, all procedural documents can now be deposited electronically not only through e-deposit (FPS Justice), but also freely via DPA-deposit (OVB/OBFG)

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

• **Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?**

Independent workers who are not able to pay their social contributions due to the consequences of the coronavirus can request an exemption, which can be allowed in full or partially.

Additional time is granted to file the corporate tax declaration.

The FPS Finances provide support measures for companies that are struggling to pay tax debts due to the measures taken in the context of the coronavirus.

- **Are there initiatives to postpone tax-prepayment by independent workers?**

Independent workers who are affected by the consequences of the COVID-19, can submit a written request to their social security fund to postpone the payment of their provisional social security contributions.

An added term of 2 months will be granted for the payment of both personal income tax and corporate tax. The same applies to VAT.

- **Are there any proposals to get credits which are backed up by a special state-owned bank?**

Not in particular with regard to a state-owned bank. There are however credit measures for healthy companies and firms who have payment and liquidity problems due to the coronavirus. The payments of existing credits can be postponed and a more flexible arrangement is made for new credits.

- **Any other support measures have been announced or discussed?**

Employers can apply for temporary unemployment for the employees. Due to the coronacrisis, no distinction is made anymore between partial or full closure on the one hand and economic unemployment and unemployment due to force majeure on the other. Only the latter procedure applies.

Independent workers who have to stop their professional activities for at least seven consecutive days in a month or are forced to close their business due to the coronavirus can also apply for benefits.

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**CCBE Survey: Exchange of experiences and best practices between bars
Bar Association of the Republic of Srpska**

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Disinfection of all court houses ordered.

All trials postponed, if possible and new not scheduled, unless the hearings are urgent and not possible to postpone.

Number of employees in courts reduced.

Work hours reduced.

Written motions to be delivered via mail only and not personally.

Visits to prisons limited to lawyers only.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

At this moment, there is no clear information regarding this issue.

- Are some physical proceedings still allowed and how will they proceed in practice?

Urgent hearings will be held with no difference comparing to before.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

They are allowed if witnesses are not able to attend and they are held from one court house to another which has no practical use in this situation.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

Nothing officially declared.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

All persons tested positive are in quarantine and therefore, they cannot attend hearings.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Lawyers can visit prisons as before.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

No.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

No change to previous rules.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

Nothing officially prescribed. At this moment, there are no known positive cases in prisons.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Last but not least: lawyers are among the liberal professions who are immediately affected by the social distancing and safety measures taken by the authorities. The economic and financial impact of those measures will be felt soon. Therefore a last question concerns **potential fiscal and economic measures or incentives** taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

It is being discussed by the authorities and no official decision yet. We'll update the survey once decisions are passed.

Are there initiatives to postpone tax-prepayment by independent workers?

Yes, but no formal decision.

Are there any proposals to get credits which are backed up by a special state-owned bank?

The only decision is that legal entities can apply to postpone payments for existing loans.

CCBE Survey on exchange of experiences and best practices between bars - Croatia

Relevant regulation:

- Recommendations of the Ministry of Justice and the Supreme Court regarding the work of the judiciary and the coronavirus epidemic dated 13 March 2020;
- Recommendations of the Ministry of Justice regarding the work of the judiciary and the coronavirus epidemic dated 17 March 2020;
- Amendments to the General Tax Law (Official Gazette 30/2020);
- Ordinance amending the Ordinance on the implementation of the General Tax Law (Official Gazette 35/2020).

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

On 13 March 2020, the Minister of Justice made the following recommendations regarding the prevention of the transmission and suppression of the coronavirus epidemic:

1. The judicial authorities continue to operate and carry out all urgent procedures and actions with appropriate security controls;
2. Hearings and other non-urgent actions are adjourned for 14 days;
3. Employers allow work from home in business locations where possible;
4. Electronic communication should be conducted in dealing with parties and all participants in the process wherever possible.

On 17 March 2020, the Ministry of Justice of the Republic of Croatia amended the recommendation of 13 March 2020 concerning the recommendation to postpone enforcement proceedings, and in particular the enforcement of foreclosures on real estate for eviction and vacated real estate and setting the term for all recommendations to the duration of the coronavirus epidemic.

On 20 March 2020, the President of the Supreme Court of the Republic of Croatia, made the recommendation to Presidents of High and County Courts that in each situation, the technical means of remote communication available to judges and courts, including within the court (email, video link, etc.), should be used.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

For the moment, the measures adopted do not provide specific measures regarding the impact on calculation of delays and interests.

The Ministry of Justice is analysing and thinking about a systemic solution, i.e. the adoption

of a law that would adequately solve the statute of limitation and preclusive terms issue and it had been already discussed with representatives of the Croatian Bar Association.

- Are some physical proceedings still allowed and how will they proceed in practice?

The courts function only in urgent procedures, such as procedures in which the rights of minors are protected, procedures with elements of violence, custody procedures and the like and the recommendations are aimed at minimizing physical contact whenever possible.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Based on Article 115 of the Civil Procedure Act, which has been in force since 1 September 2019, it is prescribed that the court may order for the hearing to be held remotely using appropriate audio-visual devices, or to produce individual evidence in this way.

The Criminal Procedure Act also contains provisions on actions that can be taken by the application of appropriate audio-visual devices.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

There are no special safety measures relating to lawyers attending hearings in proceedings other than the general ones adopted by the government and the Ministry of Health to prevent the spread of the virus.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

The people that have been tested positively for the virus are hospitalized or sent for home treatment (if there is no elderly person or chronic illness in the household, provided the conditions for home treatment are fulfilled). In the case of laboratory confirmation, the physician should immediately notify the epidemiologist of the Croatian Institute of Public Health by telephone, who should then immediately notify the territorially competent epidemiologist by telephone in order to conduct the identification measures of contacts with infected person, for the purpose of further health surveillance.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

From 14 March 2020 until 1 April 2020, the rights of prisoners to visits are temporarily restricted. The prisoners may contact their lawyers by telephone.

Exceptionally, a visit may be granted subject to the special approval of the warden, and when necessary to protect the rights of prisoners in court proceedings.

In these situations, visitors are required to sign a declaration that there are no health risks associated with the coronavirus outbreak.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

For the moment, there is no possibility of consulting lawyers through video conferencing.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

The persons who are charged with criminal charges or interrogated in this sense are physically present as well as their lawyers but the detention hearings, if not objected, are held via video link.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

The Ministry of Justice recommended that only socially dangerous persons be sent to the prison system in this situation, and those who can be punished and subsequently sent for execution, be sent to the prison system when all this passes, which has led to a reduction in the number of people in the prison system.

In the case when the prisoner/accused person is tested positively for the coronavirus, such person shall be transferred to a hospital where he/she would be under police supervision.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

On 18 March 2020, the Governing Board of the Croatian Bar Association, at the proposal of the Executive Board of the Croatian Bar Association, decided to exempt all its members for the month of April 2020 from the payment of membership fees due to the extraordinary circumstances caused by the coronavirus epidemic and the possible consequences thereof.

By the letter dated 23 March 2020, the Croatian Bar Association proposed to the Minister of Justice of the Republic of Croatia to hold an urgent meeting with the representatives of the Croatian Bar Association in order to find appropriate intervention solutions, primarily regarding the inability to retrieve court and other documents, the inability to take procedural steps within the prescribed deadlines, and the inability to access court hearings, as well as to address all other problems that attorney's offices face in these circumstances.

In addition, on 23 March 2020, the Croatian Bar Association addressed the President of the Supreme Court of the Republic of Croatia, requesting that he inform the Croatian Bar Association of the manner in which the courts in the Republic of Croatia would send and receive written documents during the course of extraordinary circumstances, on the effect of the extraordinary circumstances to time limits in court proceedings, as well as any other measures taken with a view of preventing damage to any of the parties to legal proceedings pending.

The Croatian Bar Association also undertakes to make further decisions to assist its

members in these extraordinary circumstances that have arisen and, in accordance with the developments, will take further necessary measures to facilitate the situation of its members.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

The Government introduced the measure based on which any entrepreneur or legal entity may apply for deferment of payment of taxes, contributions and other public charges (except for customs and excise duty), if it meets the prescribed conditions, for a period of three months, with the possibility of an additional three months extension if these special circumstances exist and during which time no interest will accrue.

The prescribed conditions that the subject needs to meet are that:

- there is a decrease in income / receipts in the month preceding the month of application for tax measures at least 20% compared to the same month of the previous year, or
- that it makes it probable that its income / receipts will drop at least 20% in the next three months from the month of submission of the application as compared to the same period of the previous year, and
- on the day of filing the application, it does not have the matured unpaid tax debt.

- Are there initiatives to postpone tax-prepayment by independent workers?

Yes, please see the answer above.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

Hrvatska banka za obnovu i razvitak (Croatian Bank for Reconstruction and Development) – HBOR – is providing the possibility for Borrowers to apply for three-months postponement of loan repayments, loan reschedule and to apply for new loans with the purpose of financing salaries, utility expenses and other basic business operation expenses.

- Any other support measures have been announced or discussed?

The Prime Minister has announced that the Government is working on a set of new economic measures which shall be introduced this week.

CCBE Survey: Exchange of experiences and best practices between bars – Cyprus

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

The Supreme Court has decided that during the period from 16.3.2020 to 30.4.2020 the adjudication or further promotion of all cases in all Courts, of every instance and jurisdiction suspended except very urgent cases or other specific applications. Amongst others, the following are excluded:

- applications for interim orders, where the judge accepts that the matter is very urgent;
- Applications for habeas corpus;
- Applications by the police for arrest or search warrants;
- Criminal cases:
 - Where the defendant is detained;
 - Where the judge considers the adjudication of the case urgent;
 - Concerning violation of the measures for the prevention of the spread of Covid-19.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

The parties or their advocates are notified by the respective Court Registrar of the new dates when cases / applications are fixed. If postponement will have a serious adverse effect on the rights of any party, the Courts have discretion to deal with a case. This would happen in only extremely exceptional cases. There are of course concerns that the current situation will cause further delays in court proceedings but it was decided to prioritize public health.

- Are some physical proceedings still allowed and how will they proceed in practice?

See above. There are no specific guidelines as to how proceedings will be conducted so as to protect parties, lawyers, witnesses, judges or Court personnel from Covid-19. The standard guidelines of the Ministry of Health in respect to covid 19 apply where court proceedings take place exceptionally.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Not allowed yet.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The precautions or special measures as declared by the Cyprus government are also applicable to the Lawyers. The Ministry of Health is constantly providing advice and updated information regarding the Covid-19.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

There are no specific measures by the Supreme Court. Under the general measures of the Government and the Minister of Health, persons tested positive to the virus, are immediately hospitalised and quarantined

2) Access to a lawyer – in prison / during preliminary proceedings

- **What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?**

Following an announcement of the Department of Prisons on the 24th of March 2020, lawyers are eligible to enter the prisons only when there is urgency of the case. For Court cases that are suspended, the access to a lawyer is denied.

- **Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?**

Not yet decided.

- **What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?**

This would fall within the exceptions to the Supreme Court's decision and the person charged would be allowed access to a lawyer if interrogation or a Court case proceeds.

- **Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?**

No specific measures have been decided. We expect that the standard safety /hygiene measures would apply.

3) Individual measures by Bars or Law firms

- **Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?**

Many law firms have limited their personnel working physically in the office and many lawyers work remotely from home.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- **Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?**

- There is a suspension for payment of VAT for 9 months.
- Businesses (including lawyers and law firms) that suspended operations or had a more than 25% reduction in their turnover as a result of Covid-19, can enter into a scheme for government part subsidy on personnel salaries.
- Tax deadline for the submission of the Tax Returns for the year 2018, of companies and self employed persons with an obligation to prepare Accounts, is extended from 31st March 2020 to the 1st June

- **Are there initiatives to postpone tax-prepayment by independent workers?**

See above

- **Are there any proposals to get credits which are backed up by a special state-owned bank?**

Government decision on the matter was taken for government to provide state guarantees for new private bank loans to businesses, but this needs to be approved by parliament and the matter is under discussion in Parliament.

- **Any other support measures have been announced or discussed?**

- Special subsidy by the Government:
 - for those whom their jobs have been wholly or partly suspended;
 - for parents who cannot work from home and had to stay home to look after their children following the closure of the schools;
 - for entrepreneurs and companies that had a reduction of their turnover of more than 25%;
 - for people who stayed home due to illness or because they belong to one of the categories of vulnerable people.
- The Registrar of Companies announced that:
 - The procedure of publishing the three month notice in the Government Gazette for the strike off of non-compliant companies is postponed until January 2021.
 - The payment of the annual levy of €350 for the year 2020, normally payable by 30 June, may be made without the imposition of a penalty until the 31st December 2020.
 - The imposition of monetary penalties for late submissions of statutory documents (e.g. HE32) to the Registrar of Companies will be postponed until 2021.
 - The Annual Return (HE32) with draw up date from 1st January 2020 until 31st December 2020 (i.e. for the year 2019) may be filed with the Registrar of Companies up until the 28th January 2021 without the imposition of a penalty.

CCBE Survey: Exchange of experiences and best practices between bars – Czech Republic

1. General information

Please find below a short update regarding a new project called “Skype Defence”, recently launched in the Czech Republic:

Since 16 April 2020 defence lawyers in the Czech Republic can communicate online with their clients in prison with the help of the new project “Skype Defence” launched by the Prison Service in cooperation with the Czech Bar Association. The pilot project started in January 2020 in Liberec and Brno remand prisons, however, the COVID-19 pandemic has accelerated the process. Since then, all 10 Czech remand prisons and four other prisons have been technically equipped so that lawyers can talk to their clients contactless and the risk of bringing the disease into prisons could be eliminated.

An additional advantage for defence lawyers is, of course, the time saved on travelling to prisons, which can add up to hundred hours a year. At the moment the video calls are arranged through the Skype platform which has until now been used for calls between prisoners and their family members and require only a computer equipped with a camera, microphone and loudspeakers. Such calls need to be booked ahead of time by lawyers and take place in the absence of the Prison Service staff in special prison rooms designated for this kind of communication. Lawyers are asked to sign an instruction form before every video call informing them of disciplinary punishments that will be imposed if the rules set are breached.

2. Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

The Ministry of Justice adopted on 13 March 2020 the following recommendations in relation to the functioning of the courts with regards to the declared state of emergency:

- I. It is recommended that all court staff complete a form concerning their visit of risk areas and their contact with persons at risk. In the case of a declaration that the employee has moved in risk areas or has been in contact with persons at risk of infection, preventive measures should be taken in cooperation with the competent authorities (in particular the sanitary station) to prevent the spread of infection.
- II. It is recommended that all persons entering the courts should be invited to complete a form concerning the visit of persons in risk areas and their contact with persons at risk of infection. The refusal to fill the form may, on the basis of an evaluation of the competent staff of the court, after consulting the President of the respective Chamber, give grounds for refusing entry to the building. This applies mutatis mutandis to statements that the person requesting entry has visited the risk areas or has been in contact with persons at risk of infection.
- III. It is recommended, after consulting the President of the respective Chamber, to prevent entry to persons showing obvious signs of respiratory illness.
- IV. It is recommended that all Presidents of the court chambers be invited to reconsider the conduct of the already-ordered hearings in the light of their necessity (in particular the running of the deadlines or other reasons) in order to prevent the risk of infection

spreading requiring an immediate decision of the court. A similar recommendation applies to the ordering of court hearings. Delays in legal proceedings resulting from the application of this recommendation will not be considered by the Ministry of Justice as delays in proceedings in the exercise of its supervisory powers.

V. It is recommended not to hold meetings involving judges or employees of multiple courts.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

As stated above it is recommended that all Presidents of the court chambers be invited to reconsider the conduct of the already-ordered hearings in the light of their necessity (in particular the running of the deadlines or other reasons) in order to prevent the risk of infection spreading requiring an immediate decision of the court. A similar recommendation applies to the ordering of court hearings. Delays in legal proceedings resulting from the application of this recommendation will not be considered by the Ministry of Justice as delays in proceedings in the exercise of its supervisory powers. However, the final decisions so far lie with the individual courts who have to inform the parties of the proceedings about the measures adopted.

The presidents of the regional courts and higher courts call for the decision to be taken by the Ministry of Justice to suspend all the deadlines by legislative measure, which would be retrospectively applicable from the date of announcement of the state of emergency throughout the territory.

- Are some physical proceedings still allowed and how will they proceed in practice?

It varies court by court, most of them were cancelled. The access to the court, court's work and also the opening hours of the registry of the courts are limited (this doesn't apply to the electronic registry). In practice and in line with previous answers the measures taken by the most of the courts in relation to the access are that only persons with face masks and after the temperature check are allowed to enter the court buildings. All non-emergency issues should be solved online or by phone.

Constitutional court was closed to the public, parties can only access it online or via phone. However, the judicial activity continues, the judgements would be announced without the physical presence of the parties or their legal representatives and published on its website.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

So far, most of them were cancelled. There is a pilot project running in regards to use of video conferencing in prisons. It has been tested on 6 prisons and now, due to COVID-19 the administration is pushing to run it in all prisons. It is used to enable prisoners the contact with their relatives, with the defence lawyers, but also with the courts.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

All measures described in previous answers apply to lawyers as well.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

See the previous responses.

2. Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Access to all prisons and detention centres is forbidden, but doesn't apply to lawyers. However, the lawyer or the legal trainee would be banned the access if his/her temperature, checked by a Prison Service staff, would be 38°C or higher.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

Yes, even though, they are limited as the project is in the pilot phase tested in 6 prisons, at the moment. The project was initiated before the COVID-19 pandemic, therefore, in light of current situation, it is expected that the pilot phase would be finalised earlier than planned to enable video conferencing in all prisons as soon as possible. So far, they seem to comply with the attached recommendations.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

All adopted measures described above analogically apply to the administrative proceedings or contact with the Police. There are no measures taken which would endanger access to a lawyer from the side of regulatory authorities.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

No, same procedure applies as to any other person positively tested, they are strictly isolated.

3. Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

The Czech Bar regularly informs lawyers about the updates about courts, prisons and public administration. The Bar has also issued the recommendation to lawyers and legal trainees on its website stating that lawyers and legal trainees should:

Limit personal contacts with clients to the necessary extent, and to give priority to use of distance communication:

1. contact clients with the appointments by phone or e-mail and, if this is not a matter of urgency, that excludes non-personal conduct, postpone the visit or consider providing legal services in another form;
2. in the event of urgent or ongoing negotiations with flat-fee clients, act reasonably as indicated above;
3. refer new clients ad hoc first to the pre-negotiation of the matter by phone or by e-mail and then follow the procedure mentioned above.

Only visit prisons and detention centres in cases of absolute necessity and, crucially, never if you feel any symptoms of the disease, i.e. if you feel any symptoms of the disease regardless of temperatures of 38°C and higher.

If you have to participate in judicial or other proceedings or in the necessary meetings with clients, keep the distance with the negotiators and, as appropriate, use adequate protective equipment.

Strictly observe quarantine measures if they are imposed on you and:

1. consider the possibility of carrying out the work of employees or colleagues from home or other suitable place outside the law firm on the basis of a sensitive assessment of the facts;
2. immediately request information if your employees or colleagues have not returned from risk areas, whether they have come into contact with a sick person or a person showing the initial symptoms of COVID-19 disease, or if the disease has not occurred in family or in the community in which they have been during last days (ensure adequate enforcement of quarantine measures on the basis of information);
3. provide (if possible) sufficient sanitary products at the workplace for yourself and your colleagues.

The Czech Bar Association invites lawyers to report on exceptional and critical impacts of the quarantine measures and the infection outbreak on law firms, so that the Czech Bar Association could help to mitigate the impacts. The new email address help@cak.cz for such purposes was set up.

As regards the functioning of the Czech Bar Association itself, the premises are currently closed to the public. The opening hours for lawyers were reduced and limited to two working days per week.

Finally, it is worth mentioning, that there are many praiseworthy initiatives taken by Czech lawyers and law firms in order to help the public, such as free online legal advisory helpdesks or new websites with free legal documents, forms and templates.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Ministry of Finance is continuously evaluating possible measures as the development and the economic impacts are unforeseeable.

So far, the Liberation Package I was adopted – state will not impose fines for late submission of personal and corporate income tax return, for late payment of a tax claim and for late submission of control tax reports.

In detail, Minister of Finance has decided to at least partially waive the default interest for the late payment for tax entities (mainly natural persons) on grounds related to the spread of the virus SARS-CoV-2, on the basis of an individual application under § 259b of the tax procedural code.

Tax entities who, on an individual application pursuant to Section 156 of the Tax procedural code are allowed to deduct the payment of the tax or the distribution of its payment into instalments, the fine for late claim of tax under Section 250 of the Tax Code, which is an accessory to the tax for which the payment of the tax has been deducted or the distribution of the payment in instalments is waived.

Deadline for the submission of tax return for the natural persons for the year 2019 is postponed to 1 July 2020 and all fines related to the delayed submissions are waived if this new deadline is complied with.

In regard to value added tax payers a fine for not submitting a control report on value added tax, as amended where the obligation to pay it arose during the period from 1. 3. 2020 to 31. 7. 2020 is waived.

In regard to all tax entities the administrative fee for an application for remission of interest on amount received and for accepting an application for fines for failure to submit a control report is waived if the application is submitted until the end of July 2020. It also applies to the administrative fee for the receipt of the application to authorise the delay payment of the tax or, where appropriate, the distribution of the payment into instalments.

Liberation Package II is being discussed proposing excuse of the June advance on personal and corporate income tax, state will not impose fines for late submission of real estate property tax return, introduction of Loss carry back and suspension of the obligation to electronically record sales for entities in all phases of EET (during state of emergency and following three months).

- Are there initiatives to postpone tax-prepayment by independent workers?

The subject is being discussed at the moment and it is very probable, that the tax-prepayments would be postponed, but no decision was made yet.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

On 16 March 2020 the Czech-Moravian Guarantee and Development Bank (CMZRB) have launched COVID credit applications. Target group are SMEs (and self-employed), whose economic activities are

limited due to the outbreak of coronavirus infection and related preventive measures. It aims to facilitate access to operational financing for these businesses through interest-free loans. The range is 18 000 EUR to 540 000 EUR. Entrepreneurs will be eligible to use it for example, to pay employees' salaries, energy costs, rent, to finance supplies, to pay supplier-customer invoices, to pre-finance receivables, etc.

CMZRB also provides Guarantee for commercial loans for small and medium-sized enterprises (for companies, not self-employed)

There is an enormous demand (in first 2 days 2000 applications for CMZRB credit has been filed).

In order to raise the capital at least 360 millions of EUR (approx.) will be transferred from the „Operational Program Enterprise and Innovation for Competitiveness“. Details and parameters are under development now.

- Any other support measures have been announced or discussed?

As of 17 March 2020, the Czech National Bank (CNB) has reduced the two-week repo rate by 50 basis points to 1.75 %, the Lombard rate to 2.75 % and the discount rate to 0.75 %. From 18 March 2020, delivery repos will be promulgated three times a week (Monday, Wednesday, Friday). CNB has revised the countercyclical capital buffer for exposures located in the Czech Republic to 1.75 %.

State Export Guarantee and Insurance Corporation (EGAP) reacts as well and provide a special package to ease the situation for exporters.

To keep the employment rate, State will provide 100 billion CZK in direct support and 900 billion CZK in indirect in the form of guarantees.

Adoption of a program to support companies called “Antivirus” - Government will pay out (through the respective employers) 60% of the average contribution base to employees affected by the quarantine. At the same time the Government will support employers who continue, despite their businesses being shut down, to pay out 100% of the salary to affected employees by covering 80% of salary costs. In case of a supply chain interruption which is crucial for an employer and such employer still pays at least 80 % compensation of standard remuneration to their employees, the State will contribute by 50 % of the compensation. In case the employer is hit by significantly lowered demand on his/her services and such employer pays at least 60 % compensation of standard remuneration, the State will contribute by 50 % of the compensation.

Proposal to postpone the launch of the final phase of Electronic Sales Control System (EET) until 3 months after the end of the State of emergency.

The state will help self-employed persons, who are taking care of a child from 6 to 13 years of age and are not able to go to work due to the coronavirus, by 424 CZK per day. All self-employed, who have income only from their business, will be given a six-month holiday in the payment of health and social insurance. Holidays cover the amount of the minimum insurance premium, i.e. 4986 CZK.

Approval of the draft amendment to the State Budget Act for 2020. It counts with total revenues of 1,488.3 billion CZK and expenditures of 1,688.3 billion CZK. The deficit will thus mount to CZK 200 billion (i.e. by 160 billion CZK more than in the originally approved budget). This proposal will be submitted to the Czech Parliament in a speeded-up procedure.

CCBE Survey on exchange of experiences and best practices between bars - Denmark

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Yes, The Danish Court Administration has issued general guidelines as of March 13. Only cases which are considered critical are handled. All other cases are postponed. If possible, videoconference is used during the court cases.

It is each individual court that decides if a case is considered critical and it is for the individual courts to organize the daily work taking into account local conditions. Consequently, the situation is handled differently from court to court. It is therefore necessary at this present stage to stay in contact with the local court and keep updated on the developments on the websites of the individual courts.

<http://www.domstol.dk/om/Nyheder/oevrigenyheder/Pages/NødberedskabvedDanmarksDomstoleforeløbiginformation.aspx>

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

Rescheduling the postponed hearings is a work in progress at the moment. The Danish Court Administration has stated that they are in the process of setting up a task force on how to handle the challenges.

- Are some physical proceedings still allowed and how will they proceed in practice?

Yes, please see first question.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Yes, videoconferencing is allowed. It is for each individual court to decide on how to adapt this solution.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The general precautions and special safety measures issued by the Danish government also apply to lawyers.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

Specific instructions are evaluated individually by each court.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

In order to limit the risk of infection spread in prisons and arrests, prisoners can not at the moment have visits. Special directions do however apply to visits by lawyers (and priests). As far as The Danish Bar and Law Society is informed lawyers are still permitted to visit clients. However, it is strongly advised that contact is made by telephone.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

The Danish Government has implemented a number of large relief packages in order to help businesses in Denmark as well as employees. The Danish Bar and Law Society is in close contact with the Danish authorities in order to address the specific challenges that the Danish defense lawyers face seeing that almost all court hearings have been canceled. Among other things, the possibility of advance payments through the courts for work already performed in order to limit liquidity challenges is being considered.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Yes, a wide range of measures are taken to simplify tax regulations and ease the tax burden for citizens and companies. Tax measures are continuously updated here: <https://skat.dk/skat.aspx?oid=16900>

- Are there initiatives to postpone tax-prepayment by independent workers?

Yes, for larger companies and smaller companies as well as for personally owned companies.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

No, not by a state owned bank. However, measures are taken to compensate a wide range of loss of income and provide state guaranteed credit possibilities.

- Any other support measures have been announced or discussed?

No.

CCBE Survey: Exchange of experiences and best practices between bars – Estonia

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

The Council for the Administration of Courts has given recommendations on how to organize the work of the courts during the rapid spread of the COVID-19 virus and the state of emergency declared in Estonia. These recommendations are reflected in the answers below. The Health Board of Republic of Estonia has issued general safety measures for all citizens.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

The courts shall take into account the additional burden, task or difficulty which the party concerned is faced with due to the particular circumstances, in determining the time limits for the proceedings and in considering requests for their extension.

- Are some physical proceedings still allowed and how will they proceed in practice?

During current situation, court hearings necessary for the performance of unforeseen or urgent statutory duties shall be conducted by technical means of communication. In the event that it is not possible to hold a hearing by technical means of communication, the court or tribunal shall decide on the basis of the circumstances of each particular case. The President of the Court arranges agreements with the authorities of the jurisdiction in which the proceedings are to be carried out (hospitals, nursing homes, detention centre, prisons, prosecutor's office) in order to find a way of carrying out the procedural steps which poses the least risk to human health. Where possible, technical solutions to avoid physical contact shall be used for procedural acts. The court shall carry out procedural acts outside the courthouse only exceptionally. Procedural acts involving direct physical contact are carried out in court only when absolutely necessary.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Where possible, litigation is handled in writing. Written cases are handled through a court information system and a digital court file application. During emergency situations, court hearings necessary for the performance of unforeseen or urgent statutory duties shall be conducted by technical means of communication. In the event that it is not possible to hold a hearing by technical means of communication, the court shall decide on the basis of the circumstances of each particular case. Except in cases of urgency and where the judge does not decide on the written procedure, the court or shall also conduct the hearing or any other procedural act by technical means of communication. If this is not possible, the judge will decide whether to hold a hearing in the circumstances of the particular case. The court will then, as a general rule, postpone the hearing or the procedural act and shall do so as soon as possible after the end of the emergency. The Administrative and Circuit Court may adjourn the hearings and concentrate its work on matters that can be settled by written procedure. For prosecutors, the judge can expect to attend the hearing via a video bridge. Where possible, a space shall be provided in the courthouse for the parties to participate in the hearing by videoconference. In civil proceedings, it is easier to judge by technical means. Unfortunately, not all proceedings in this area can be dealt with in this way, and so many sessions are currently postponed. At present, the consent of the accused to the use of a video bridge is required for general proceedings in the area of offense and the technical solution used must comply with the requirements specified by law. If the accused does not agree to such a technical solution, the court will not be able to use it. There are no obstacles to short and settlement procedures.

The law allows the parties to the litigation to participate in the short and conciliation proceedings through a technical solution.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The safety measures apply to every person involved with the proceeding. Court hearings or measures of inquiry shall be conducted in the largest possible courtroom, with sufficient distance between persons. For the transmission of pleadings, a table is set up in the courtroom and placed on it to avoid direct contact with the physical transmission of the pleadings. After the hearing, the courtroom shall be thoroughly cleaned and, if necessary, disinfected. The court recognizes that in emergency situations, bringing prisoners to court is difficult and can facilitate the spread of the virus in prison or detention, and is therefore extremely necessary.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

A judge and court clerk who has been in close contact with any symptom of a viral disease or virus carrier does not come to the courthouse but stays home and immediately informs the court director of his or her situation. All parties to the proceedings and other persons involved in the administration of justice who are summoned to the court shall be informed that persons who have been in close contact with the symptoms of the disease or the virus are prohibited from entering the court. Persons not involved in legal proceedings will not be admitted to the court. If a person is summoned to court, he or she will be asked to tell the court if he or she has symptoms of the disease or has been in contact with the virus carrier.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Due to the risk of coronavirus infection and the need to prevent the spread of the virus to prisons, there will be no visits since March 14 and there will be additional movement restrictions from March 16. As a rule, prisoners are kept in their cells 24 hours a day. Prisoners will continue to have access to counsels, attorneys, consular agents and clergymen. They also have the opportunity to communicate with counsels, attorneys and government officials by telephone.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

Unfortunately we do not have information regarding video conferencing.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

Prisoners will continue to have access to counsels and attorneys. They also have the opportunity to communicate with attorneys and government by telephone.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

So far, no positive corona cases have not been reported from the prisons, so it is hard to give any detailed information. Strict safety measures are taken already now.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Estonian Bar Association has cancelled all trainings for the attorneys, all the meetings, work groups etc. The current situation also affects law offices, especially attorneys who offer state legal aid. As due to the current situation in the Republic of Estonia, the workload of a state legal aid attorneys in criminal cases has almost disappeared - court hearings, prosecution proceedings have been cancelled and police proceedings are minimized. Therefore it can be foreseen that attorneys would be requesting to reduce/exempt from payment membership fees until the situation gets back to normal again. This could also of course happen regarding attorneys who do not provide state legal aid.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

The Ministry of Economic Affairs and Communications, in cooperation with entrepreneurs, has mapped the most problematic places in the Estonian economy and developed proposals for mitigation measures. There are a number of options, such as tax breaks, accelerating investments, easing unemployment insurance, offering a national credit guarantee, and so on. A concrete example is the urgent transfer of money to the reconstruction of apartment buildings to keep employment and the construction sector up. Further measures, together with the amounts, will be developed by the government in the near future.

The council of the Unemployment Insurance Fund agreed on Wednesday, March 18, that the Unemployment Insurance Fund plans to pay 70 percent of salary within two months to avoid layoffs in troubled companies. According to the plan, companies whose turnover and income have fallen sharply and whose employees have no employment will be compensated for 70 percent of employees' gross income in the two months from March to May. Companies must also participate in the compensation themselves. To be eligible for compensation, a company must meet three conditions: the company's turnover must have fallen by at least 30 percent compared to the same period last year; the company does not have at least 30% of its employees to work; salaries have been reduced by at least 30 percent. Applications can be made by the employer, but it is important to note that applications will not be accepted in March. But they are already compensated for March. The measure will apply retroactively from 1 March to 31 May, but compensation may be claimed up to two months' salary for the period chosen by the employer within that three month period. The measure therefore also applies to workers who have already received notice of redundancy as from 1 March.

The government adopted a short-term package on Thursday, March 19. State funds are channelled to support businesses through KredEx and the Rural Development Foundation. The package also includes Unemployment Insurance Fund labour market support, sickness benefits, tax benefits and allows tax arrears to be deferred for 18 months. It also includes the temporary suspension of the second pillar contribution to the funded pension and the partial reimbursement of the direct costs of the cancelled events.

Content of the package:

Additional grants through KredEx. Read more about the services here: <https://kredex.ee/en/koroona>

Labour market service provided by the Unemployment Insurance Fund to support reduced wages. The total amount is EUR 250 million and is subject to the following conditions:

the benefit is available to any qualifying employer for a period of two months from March to May 2020;

the allowance shall be paid up to a maximum of EUR 1000 per month and per worker in need;

the allowance shall be paid, as a general rule, at 70% of the gross salary of the employee over the previous 12 months, plus at least EUR 150 gross salary from the employer. The Unemployment Insurance Fund and the employer pay all taxes on wages and allowances.

From March to May, the state will reimburse the employee for the first three days of sick leave for all disability certificates. Rural businesses can apply for a guarantee (up to € 50 million), a working loan (up to € 100 million) or land capital (up to € 50 million) from the Rural Development Foundation. For self-employed workers, an advance social tax aid measure will be introduced. Contributions to the second pillar of the funded pension are suspended. The State will reimburse up to € 3 million of the direct costs of cultural and sporting events that took place between March and April but missed due to COVID-19. The long-term objective of the aid package will be to recover faster than today's market shock. This is planned to be implemented once the short-term package is made available to businesses.

In order to alleviate the financial situation of the companies, the Estonian Tax and Customs Board suspends the calculation of interest on the tax debt of companies during an emergency situation;

From 1 May, the interest rate will be reduced from 0.06% to 0.03% for an unlimited period. The interest rate will also be reduced by up to 100 percent in the event of a tax deferral. Currently, the maximum possible interest reduction is 50 percent.

The Tax and Customs Board is as flexible as possible in debt proceedings and encourages businesses to start tax debt rescheduling through the Tax and Customs Board e-environment or otherwise report difficulties to their tax authorities.

Are there initiatives to postpone tax-prepayment by independent workers?

Who are meant by "independent workers"? Self-employed persons? The state pays self-employed people upfront quarterly social tax payments to help cope with the economic difficulties of the crisis. The amount of the advance payment of the social tax of self-employed persons in the first quarter is transferred to their prepayment accounts with the Tax and Customs Board. If a self-employed person has already paid the advance, it can use that money to cover any tax liability, either immediately or in the future, and can claim it in its bank account. Both self-employed and other taxpayers are not calculated or charged interest on tax arrears within two months, ie from March 1 to May 1. If the tax debt arises, the Tax and Customs Board recommends rescheduling it. The simplified rescheduling option is located in the e-environment. The tax liability can be deferred in the e-environment, even if the due date has not yet been paid but the declaration has already been submitted. Calculation of interest on tax arrears has been suspended from 1 March to 1 May.

Are there any proposals to get credits which are backed up by a special state-owned bank?

Such initiatives have not yet been announced.

Any other support measures have been announced or discussed?

Not yet. It is also very hard to predict anything as the situation changes every day and the government is making quick decisions depending on the situation.

CCBE Survey: Exchange of experiences and best practices between bars – Finland

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?
 - o The National Court Administration of Finland has given generic safety instructions to courts, each court has decided separately their safety measures for this situation. Bar Association has collected those safety measures and general info about functioning of court, court by court, to Bar's website.
 - o The National Court Administration of Finland recommends that appropriate arrangements be made in the court premises to avoid close contact between persons dealing with them. At least those hearings where the number of parties exceeds ten persons shall, as far as possible, be organized in such a way as to divide the hearing into a number of halls with visual and audio links.
 - o For example, safety instructions of a district court
 - "In court cases, good hand and cough hygiene must be taken care of and otherwise acted upon by health authorities. In-house staff follow the same guidelines. The court should also follow any additional instructions, for example, when moving around the premises. During sessions, attention is paid to sufficient distance between participants and the recommendation is to use as large halls as possible throughout each session"
- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?
 - o Finland's government or National Court Administration have not given any guidelines or legislative proposal about this theme. There is a possibility that Supreme court gives guidelines on this in the future.
- Are some physical proceedings still allowed and how will they proceed in practice?
 - o Physical proceedings are allowed but in practice courts have limited number of proceedings. As far as we know, these days there is mainly physical proceedings in criminal cases. Courts have limited number of people in the courtroom. Also, some criminal proceedings have been transferred from courthouse to prison.
 - o National Court Administration recommends that
 - « In the main, cases requiring the personal presence of a party and not remotely handled can be canceled or postponed. This recommendation does not apply to urgent coercive measures and criminal imprisonment. »
 - o For example a district court gave guidelines on proceedings :
 - « Health-based requests for cancellations are welcomed. There is no reason to come to the session when sick or exposed. The Eastern Uusimaa District Court will increase the use of remote connections in hearings to the extent possible. The District Court cancels and postpones its March and April hearings for matters that are not urgently required by law and are not warranted to be remotely resolved. Cases dealt with urgently by law (eg coercive measures, detention cases, defendant detention cases, part of the restraining order) and urgent cases (eg child custody and appointment cases, certain cases concerning the protection of interests and insolvency cases) normally. Stuff challenged will also be seated according to a previously agreed schedule. Also, things that do not have time for the customer to be informed of the cancellation will be settled by appointment. »
- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

- Hearings of proceedings by video conferencing are allowed if court decides to allow it in the case. Rules for video hearings partly comply with recommendations
- National court administration recommended:
 - « It is recommended that the courts operate to the maximum extent possible with regard to remote hearings, hearings, preparatory sessions and conciliation. The President of the hearing decides on a case-by-case basis who is required to appear in person in court and who can attend remotely or, alternatively, by voice. »
- Finland's Civil proceedings act, chapter 17, article 52:
 - "The party to be heard, the witness and the expert may be heard in the main proceedings without his or her personal presence, by videoconference or other appropriate technical means of communication in which the participants in the hearing have speech and visual contact, if the court considers it appropriate and:
 - 1) because of illness or other reasons, the person to be heard cannot appear in person at the main hearing;
 - (2) the personal appearance of the person to be heard in the main proceedings entails considerable costs or considerable inconvenience in relation to the weight of the evidence;
 - (3) the credibility of the report to be heard can be reliably assessed without his personal presence at the main hearing;
 - (4) the procedure is necessary to protect the person to be heard or the person referred to in Article 17 (1) from the danger to life or health;
 - 5) the interviewee has not reached the age of 15 or his or her mental functioning is impaired; or
 - (6) for reasons other than those referred to in paragraph 4, the person to be heard in criminal proceedings needs special protection, taking into account in particular his personal circumstances and the nature of the crime."

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

- There are not any precautions or special safety measures for lawyers

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

- There are not any specific safety instructions or measures to these situations

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

- Finland's Criminal Sanctions Agency has given guide to prisons that the police and lawyers can still visit the prisons.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

- Lawyer have always possibility to meet clients face-to-face. Possibility for video conferencing depends on the prison's equipments. Criminal Sanctions Agency is allowing video conferencing between attorney and client more liberally than in normal circumstances.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

- Main rule is that lawyer must be present in person and video conferencing is exception

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

- There are no specific safety measures taken for those cases

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?
 - Finnish Bar Association encourages members to use video conferencing with clients and courts as much as possible. Finnish legislation is not fully up-to-date in the area of video conferencing.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?
 - Copy from website of ministry of Finance : « Businesses benefit from easier tax payment arrangements. The tax administration relaxes the terms of the payment arrangements and the Ministry of Finance prepares a lower default interest rate for the payments included in the payment arrangements. Changes are temporary. Due to the coronavirus epidemic, it is intended to relax the terms of the payment scheme and to reduce the default interest rate on the tax payments. »
- Are there initiatives to postpone tax-prepayment by independent workers?
 - There is not yet any initiative to proposal on that
- Are there any proposals to get credits which are backed up by a special state-owned bank?
 - Government has decided to give wider mandate for state-owned financing organisations to help business. For example, state-owned special financing organisation Finnvera says “
 - We help enterprises in the exceptional situation caused by the coronavirus. Finnvera takes a flexible approach towards all reorganisation needs of financing caused by the coronavirus. We have the capability to significantly increase our SME corporate financing and help enterprises over the crisis. The company must have the potential to operate profitably in the long term.”
- Any other support measures have been announced or discussed?
 - Situation is still open in this theme

CCBE Survey: Exchange of experiences and best practices between bars France

Measures taken in your country to address the impact of the crisis on justice matters	
Which precautions and safety measures can be taken to protect the lawyers (and co-workers) who must engage in physical meetings and contacts? How can we ensure that social distancing and containment measures do not negatively impact on fundamental rights?	
France	<p><i>Focus sur le domaine de la justice</i> <i>Synthèse à jour du 30 mars 2020</i></p> <p>MESURES GENERALES</p> <p>Une loi d'urgence pour faire face à l'épidémie de Covid-19 a été adoptée le 22 mars 2020 à la suite d'une procédure législative accélérée et après qu'une commission mixte paritaire ait été convoquée. La loi a été promulguée le 23 mars 2020 et publiée au Journal officiel le 24 mars 2020.</p> <p>Cette loi instaure un dispositif d'état d'urgence « sanitaire » et contient une série de mesures exceptionnelles afin notamment :</p> <ul style="list-style-type: none"> ➤ d'adapter les procédures administratives et juridictionnelles à la crise sanitaire¹ ; ➤ de prévoir des mesures d'urgence économiques et d'adaptation à la lutte contre l'épidémie (création d'un fonds de solidarité notamment dont les modalités seront fixées par un décret d'application).² Le décret n'a pas encore été publié à ce jour mais il a été annoncé que les professions libérales pourraient en bénéficier. <p>L'état d'urgence sanitaire est déclaré pour une durée de deux mois, à partir de l'entrée en vigueur de la loi et sa prolongation au-delà de cette durée devra être autorisée par le Parlement.</p> <p>25 ordonnances ont été adoptées en Conseil des Ministres le 25 mars 2020 et publiées au Journal Officiel de la République française le 26 mars 2020 afin de compléter ces dispositions. En matière de justice, 4 ordonnances sont importantes :</p> <ul style="list-style-type: none"> ➤ Ordonnance portant adaptation de règles de procédure pénale

¹ Voir Titre II – Article 11, 2°, § a) à e) de la loi d'urgence

² Voir article 11 de la loi d'urgence et [ordonnance](#) n° 2020-317 du 25 mars 2020 portant création d'un fonds de solidarité à destination des entreprises particulièrement touchées par les conséquences économiques, financières et sociales de la propagation de l'épidémie de Covid-19 et des mesures prises pour limiter cette propagation.

- [Ordonnance](#) relative à la **prorogation des délais échus pendant la période d'urgence sanitaire et à l'adaptation des procédures pendant cette même période**
- [Ordonnance](#) pour les procédures devant les **juridictions de l'ordre judiciaire**
- [Ordonnance](#) portant adaptation des règles applicables devant les **juridictions de l'ordre administratif**

Un [projet de loi de finances rectificative](#) pour 2020 a été adopté définitivement au cours du week-end du 21 mars. Il se base sur une hypothèse de confinement d'un mois. Dans cette perspective, **il est fort probable qu'un nouveau projet soit à prévoir dans les prochaines semaines.**

LES PROCÉDURES JUDICIAIRES

Les tribunaux sont fermés depuis le 16 mars 2020 sauf en ce qui concerne le traitement des contentieux essentiels, tels que les services d'urgences pénales et civiles des juridictions.

Concernant le déroulement des procédures physiques maintenues, celles-ci seront réalisées dans un cadre qui prévient la propagation du Covid-19 tant à l'égard des personnels que des publics reçus ou pris en charge. Le recours à la visioconférence en matière pénale, civile ou encore administrative est étendu, tout comme le recours aux formations à juge unique (v. [ordonnance](#) relative à l'adaptation des juridictions judiciaire statuant en matière non pénale).

Concernant la présence physique des avocats aux audiences civiles, celle-ci n'est pas nécessaire. L'utilisation du RPVA est également systématique pour toute relation avec les juridictions ([Barreau de Paris](#)).

Concernant les délais échus pendant la période d'urgence sanitaire ainsi qu'après l'expiration d'un délai d'un mois à la fin de celle-ci, ceux-ci sont prorogés à compter de la fin de cette période pour la durée qui était légalement impartie dans une limite de deux mois. Cette prorogation est toutefois exclue en matière pénale. Il en est de même pour certaines mesures administratives ou juridictionnelles (conservatoires, d'enquêtes, d'instructions, d'interdictions ou encore d'autorisations) ([v. ordonnance](#) relative à la prorogation des délais échus pendant la période d'urgence sanitaire).


S'agissant des délais relatifs aux questions prioritaires de constitutionnalité, ceux-ci sont suspendus jusqu'à 30 juin 2020 (v. [projet de loi organique](#)).

Les délais maximums de détention provisoire ou d'assignation à résidence sous surveillance électronique sont par ailleurs prolongés de plein droit pour des durées comprises entre deux et six mois (v. [ordonnance](#) relative à l'adaptation de la procédure pénale).

	<p>Concernant les personnes montrant des symptômes de Covid-19 pendant une garde à vue, si un médecin se prononce sur l'incompatibilité de l'état de l'intéressé avec la mesure, cette dernière devrait alors être levée. Une reprise de celle-ci pourra alors être ordonnée après s'être assuré de la proportionnalité et de la nécessité de cette mesure (v. circulaire).</p> <p>L'ACCES A UN AVOCAT EN PRISON / AU COURS DE LA PROCEDURE</p> <p>L'accès des détenus à un avocat n'a fait l'objet d'aucune mesure juridique ou administrative publiée.</p> <p>S'agissant des gardes à vue, l'entretien avec l'avocat et l'assistance au cours de la garde à vue peut désormais se dérouler par tout moyen de communication dans des conditions garantissant la confidentialité des échanges. Les prolongations peuvent être décidées sans présentation au magistrat (v. ordonnance relative à l'adaptation de la procédure pénale).</p> <p>Les personnes détenues testées positives au Covid-19 peuvent bénéficier des mesures suivantes :</p> <ul style="list-style-type: none"> • En cas de forme grave, l'hospitalisation du détenu est prévue. En cas de forme modérée, il est isolé dans une cellule individuelle ou, à défaut, dans une cellule collective (fiche d'information) ; • La suspension des peines pour raison médicale est facilitée (v. ordonnance relative à l'adaptation de la procédure pénale). <p>MESURES INDIVIDUELLES DES CABINETS D'AVOCATS ET DES BARREAUX</p> <p>Les trois instances représentatives des avocats ont mis en œuvre les initiatives suivantes :</p> <ul style="list-style-type: none"> • La création de points de contact à l'attention des avocats (Conseil National des Barreaux (CNB), Barreau de Paris³), de cellules dédiées, de dispositifs d'information en ligne en temps réel et l'élaboration de synthèses/mémos/vademecum (CNB, Conférence des Bâtonniers, Barreau de Paris) ; • La suspension du prélèvement des cotisations ordinales (par exemple au Barreau de Paris) ; • La diffusion de communications relatives à la situation des avocats collaborateurs (CNB et Barreau de Paris) et des élèves avocats (CNB) ; • Le lancement de l'opération « Avocats solidaires » par le CNB, qui offre à tous un échange téléphonique gratuit avec un avocat pour faire le point sur leurs droits dans le contexte de crise. <p>MESURES OU INCITATIONS FISCALES ET ECONOMIQUES POTENTIELLES⁴</p>
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³ Points de contact : coronavirus@cnb.avocat.fr ; comitecovid19@avocatparis.org.

⁴ Pour plus d'infos sur toutes les mesures économiques prises en faveur des indépendants : <https://www.economie.gouv.fr/files/files/PDF/2020/Coronavirus-MINEFI-10032020.pdf>

	<p>Le CNB a réalisé une synthèse de toutes ces mesures économiques et fiscales (lire).</p> <p>En matière d'impôts, les avocats bénéficient de la possibilité de moduler le taux et les acomptes de prélèvement à la source ainsi que de reporter le paiement de leurs acomptes de prélèvement à la source sur leurs revenus professionnels pour un temps.</p> <p>En matière de cotisations retraites, l'échéance de mars n'est pas prélevée, mais répartie sur les mois suivants jusqu'en décembre. L'échéance annuelle statutaire du 30 avril est reportée au 31 mai. Les employeurs d'avocats salariés bénéficient de reports équivalents. Enfin, les majorations et pénalités de retard sont suspendues jusqu'à nouvel ordre.</p> <p>En matière de cotisations sociales – URSSAF, l'échéance mensuelle du 5 avril ne sera pas prélevée, mais lissée sur les échéances ultérieures. En tant que travailleurs indépendants, les avocats peuvent solliciter des délais de paiement, une ré-estimation de leur déclaration annuelle et une prise en charge partielle ou totale de leurs cotisations ou pour l'attribution d'une aide financière exceptionnelle.</p> <p>Une garantie d'Etat peut être accordée aux avocats sollicitant un prêt. Elle est limitée à hauteur de 90%, pour un montant plafonné à 25% du chiffre d'affaires HT 2019 constaté, ou du dernier exercice clos.</p> <p>Le Fonds de solidarité pourra leur octroyer des aides. Si un décret d'application est attendu, les éléments suivants ont été décidés par ordonnance :</p> <ul style="list-style-type: none"> • Seront éligibles toutes les entreprises dont le chiffre d'affaires est inférieur à 1 million d'euros et qui font face à une perte de plus de 70 % de chiffres d'affaires par rapport à mars 2019 ; • Le fonds servira aussi à indemniser les très petites entreprises et les indépendants, via un forfait de 1 500 euros, sur simple demande à la Direction générale des finances publiques. <p>Enfin, le dispositif de chômage partiel peut être utilisé pour les avocats salariés (plus de détails).</p>
Court Proceedings	
Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?	
France	<div>  <p>CNB_Dispositif COVID.pdf</p> </div> <p>Synthèse des mesures Covid-19 du CNB :</p>

a) Des mesures de sécurité génériques sont-elles mises en œuvre dans vos cours et tribunaux respectifs (civils, commerciaux, pénaux, administratifs) en ce qui concerne les audiences et les procédures judiciaires ?

1- La [circulaire](#) relative à l'adaptation de l'activité pénale et civile des juridictions aux mesures de prévention et de lutte contre la pandémie COVID-19 précise qu'en vertu du plan de continuation d'activité COVID-19 préparé par la direction des services judiciaires :

« les **missions essentielles** à maintenir peuvent, en **matière civile**, avoir trait à l'activité :
- du **référé** et du **traitement des contentieux civils ayant un caractère d'urgence** ;
- de la **protection des personnes vulnérables**. »

2- Le [site](#) du ministère de la justice précise que :

« Les **tribunaux seront fermés dès le lundi 16 mars 2020 sauf en ce qui concerne le traitement des contentieux essentiels**. Les services d'accueil pourront être joints par téléphone pour répondre aux situations d'urgence. »

Il est précisé que seront maintenus :

« Les **services d'urgences pénales et civiles des juridictions, l'incarcération dans des conditions dignes des détenus ou encore l'accueil des mineurs** confiés à la protection judiciaire de la jeunesse »

Le tout « dans un **cadre qui prévient la propagation du virus tant à l'égard des personnels que des publics reçus ou pris en charge** par les personnels relevant du ministère de la justice. »

Les **audiences considérées comme essentielles** et donc maintenues sont :

- « Les audiences correctionnelles pour les mesures de détention provisoire et de contrôle judiciaire ;
- Les audiences de comparution immédiate ;
- Les présentations devant le juge d'instruction et le juge des libertés et de la détention ;
- Les audiences du juge de l'application des peines pour la gestion des urgences ;
- Les audiences du tribunal pour enfants et du juge pour enfant pour la gestion des urgences, notamment pour l'assistance éducative ;
- Les permanences du parquet ;
- Les référés devant le tribunal judiciaire visant l'urgence, et les mesures urgentes relevant du juge aux affaires familiales (notamment immeubles menaçant ruine, éviction conjoint violent) ;

	<ul style="list-style-type: none"> - Les audiences auprès d'un juge des libertés et de la détention civil (hospitalisation sous contrainte, rétention des étrangers) ; - Les permanences au tribunal pour enfants, l'assistance éducative d'urgence ; - Les audiences de la chambre de l'instruction pour la détention ; - Les audiences de la chambre des appels correctionnels et de la chambre d'applications des peines pour la gestion des urgences. » <p>3- La Direction des affaires civiles et du Sceau a également publié 2 dépêches :</p> <ul style="list-style-type: none"> - Une sur l'audience des référés civils et les procédures de recueil du consentement ou d'autorisation judiciaire pour permettre le don d'organes ou de cellules dès lors que l'intervention présente un caractère urgent. (dépêche) - Une sur les procédures et mesures de prévention et de traitement des difficultés des entreprises et audiences de référé devant le président du tribunal de commerce. (dépêche) <p>NB : la procédure applicable à ces audiences maintenues est cependant adaptée – voir ordonnances sur les juridictions judiciaires</p> <p>4- En ce qui concerne les assises, le site du ministère de la justice précise que celles-ci « seront, dans la mesure du possible, annulées compte tenu des risques de contagion pour les jurés et le public, (...) et que les procès pourront être renvoyés dans les limites du délai raisonnable et dans le respect des délais de détention provisoire. »</p> <p>NB : voir cependant l'ordonnance sur les juridictions pénales qui autorise la prolongation de la Détention provisoire en cas de ré-audience</p>
If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?	
Belgium	It is too early to make that projection. Most courts have not yet determined the exact dates that delayed hearings will take place, while others have postponed to dates ranging from May to September.
Croatia	For the moment, the measures adopted do not provide specific measures regarding the impact on calculation of delays and interests. The Ministry of Justice is analysing and thinking about a systemic solution, i.e. the adoption of a law that would adequately solve the statute of limitation and preclusive terms issue and it had been already discussed with representatives of the Croatian Bar Association.
Cyprus	The parties or their advocates are notified by the respective Court Registrar of the new dates when cases / applications are fixed. If postponement will have a serious adverse effect on the rights of any party, the Courts have discretion to deal with a case. This would happen in only extremely exceptional cases. There are of course concerns that the current situation will cause further delays in court proceedings but it was decided to prioritize public health.

Czech Republic	<p>As stated above it is recommended that all Presidents of the court chambers be invited to reconsider the conduct of the already-ordered hearings in the light of their necessity (in particular the running of the deadlines or other reasons) in order to prevent the risk of infection spreading requiring an immediate decision of the court. A similar recommendation applies to the ordering of court hearings. Delays in legal proceedings resulting from the application of this recommendation will not be considered by the Ministry of Justice as delays in proceedings in the exercise of its supervisory powers. However, the final decisions so far lie with the individual courts who have to inform the parties of the proceedings about the measures adopted.</p> <p>The presidents of the regional courts and higher courts call for the decision to be taken by the Ministry of Justice to suspend all the deadlines by legislative measure, which would be retrospectively applicable from the date of announcement of the state of emergency throughout the territory.</p>
Denmark	Rescheduling the postponed hearings is a work in progress at the moment. The Danish Court Administration has stated that they are in the process of setting up a task force on how to handle the challenges.
Estonia	The courts shall take into account the additional burden, task or difficulty which the party concerned is faced with due to the particular circumstances, in determining the time limits for the proceedings and in considering requests for their extension.
Finland	Finland's government or National Court Administration have not given any guidelines or legislative proposal about this theme. There is a possibility that Supreme court gives guidelines on this in the future.
France	<p>L'ordonnance relative à la prorogation des délais échus pendant la période d'urgence sanitaire et à l'adaptation des procédures pendant cette même période dispose, à ces articles 2 et 3 :</p> <p><i>Article 2 : « Tout acte, recours, action en justice, formalité, inscription, déclaration, notification ou publication prescrit par la loi ou le règlement à peine de nullité, sanction, caducité, forclusion, prescription, inopposabilité, irrecevabilité, péremption, désistement d'office, application d'un régime particulier, non avenu ou déchéance d'un droit quelconque et qui aurait dû être accompli pendant la période mentionnée à l'article 1er sera réputé avoir été fait à temps s'il a été effectué dans un délai qui ne peut excéder, à compter de la fin de cette période, le délai légalement imparti pour agir, dans la limite de deux mois. Il en est de même de tout paiement prescrit par la loi ou le règlement en vue de l'acquisition ou de la conservation d'un droit ».</i></p> <p><i>Article 3 : « Les mesures administratives ou juridictionnelles suivantes et dont le terme vient à échéance au cours de la période définie au I de l'article 1er sont prorogées de plein droit jusqu'à l'expiration d'un délai de deux mois suivant la fin de cette période :</i></p> <ul style="list-style-type: none"> <i>1° Mesures conservatoires, d'enquête, d'instruction, de conciliation ou de médiation ;</i> <i>2° Mesures d'interdiction ou de suspension qui n'ont pas été prononcées à titre de sanction ;</i> <i>3° Autorisations, permis et agréments ;</i> <i>4° Mesures d'aide, d'accompagnement ou de soutien aux personnes en difficulté sociale ;</i> <i>5° Les mesures d'aide à la gestion du budget familial.</i>

	<p><i>Toutefois, le juge ou l'autorité compétente peut modifier ces mesures, ou y mettre fin, lorsqu'elles ont été prononcées avant le 12 mars 2020. »</i></p> <p>Par ailleurs, l'ordonnance portant adaptation des règles applicables devant les juridictions pénales prolonge de plein droit, de deux mois (lorsque la peine d'emprisonnement encourue est inférieure ou égale à cinq ans), trois mois (dans les autres cas) et de six mois (en matière criminelle et, en matière correctionnelle, pour l'audience des affaires devant la cour d'appel), les délais maximums de détention provisoire ou d'assignation à résidence sous surveillance électronique, qu'il s'agisse des détentions au cours de l'instruction ou des détentions pour l'audience devant les juridictions de jugement des affaires concernant des personnes renvoyées à l'issue de l'instruction, ou des délais d'audience en appel.</p> <p>Les délais de détention provisoire en cas de comparution immédiates et à effet différé sont également allongés par l'article 17 de l'ordonnance.</p> <p>En matière de question prioritaire de constitutionnalité, un projet de loi organique vise à suspendre jusqu'au 30 juin 2020 le délai de trois mois de transmission des questions prioritaires de constitutionnalité par le Conseil d'État et la Cour de cassation ainsi que le délai de trois mois dans lequel le Conseil constitutionnel statue sur une question transmise :</p> <p><i>« Afin de faire face aux conséquences de l'épidémie du virus covid-19, les délais mentionnés aux articles 23-4, 23-5 et 23-10 de l'ordonnance n° 58-1067 du 7 novembre 1958 portant loi organique sur le Conseil constitutionnel <u>sont suspendus jusqu'à 30 juin 2020.</u> »</i></p> <p>https://www.vie-publique.fr/loi/273943-loi-organique-durgence-pour-faire-face-lepidemie-de-covid-19-qpc</p>
Germany	<p>Although many courts operate in emergency mode, the processing of lawsuits, applications and pleadings is guaranteed to the extent possible even in courts with limited access.</p> <p>In order to avoid that criminal trials have to be restarted as a result of the effects of the corona pandemic, the German Bundestag has passed a new regulation under which the courts may interrupt a main hearing for an extended time period of maximum three months and ten days based on the current measures to prevent the spread of the coronavirus and on grounds that prevent the proper conduct of a trial due to infection control measures. This is the case, for example, in the event of a restricted court operation or the involvement of persons belonging to the risk groups.</p>
Greece	See above
Ireland	Postponement of court proceedings will inevitably result in delays in how cases are considered.

Italy	<p>For the moment, the measures adopted does not provides specific measures regarding the impact on calculation of delays and interests.</p> <p>In general, the government has planned the adoption of a State Aid scheme in order to cover the impact of COVID-19 measures to facilitate the access to financial credits and via contribution on the financial interests. For more detail, see the answer below relating to this general measure.</p>
Lithuania	These postponements are qualified as objective circumstances to ensure safety of participants in the process. At the moment, no additional measures regarding calculation of delays are imposed, all legal procedure is commencing (except aforementioned) according to regular procedural rules.
Norway	/
Poland	We are waiting for regulations, we are expecting that 2 months of cancelled hearings will result average in 3- 12 months of delay of the case (from personal experience, court hearing in middle size city in district court (I instance) in commercial proceedings planned on 8.04 and cancelled because of coronavirus will be proceeded on 5.08, it will be much longer in larger cities or courts)
Portugal	Deadlines are currently suspended and treated as being judiciary holidays whilst this legal situation prevails.
Slovakia	<ul style="list-style-type: none"> - Protective material and disinfectants allowed to be used by participants during the court proceeding - First a recommendation was issued on 10 March to reconsider court hearings and other actions of the court and take account of requests for postponement based on health reasons or COVID-19 related reasons. - This was not observed in practice, however, and Slovak Bar Association addressed a request to the Minister of Justice to freeze the legal time limits (based on the similar Act adopted after the Warsaw Pact troops entered Czechoslovakia in 1968) - On 23 March the Government crisis team accepted this proposal and legal time limits, including the time limits for appeal and retrial, are frozen from 12 March to 30 April 2020. Courts may conduct hearing only on when strictly necessary (the Act does not stipulate which case, but it is to be understood that is in case of detention and guardianship of minors). Courts may exclude public from the proceedings. According to the Ministry the audio record of the hearing should be made available to public (this is not stipulated by the Act).
Slovenia	Except in the urgent cases, the procedural deadlines due to the Court decree and intervention law shall not run during the period of the specific measures nor shall judicial documents be served. If a judicial document has already been served, the procedural deadlines shall start running on the first day after the end of the specific measures.
Spain	<p>Royal Decree 463/2020, declaring the state of alarm, in its second additional provision, declares suspended the terms and suspended and interrupted the deadlines provided for in the procedural laws for all judicial orders, and continues to establish that the calculation of the deadlines will resume at the time when this royal decree or, where appropriate, its extensions thereof, is lose force. In addition, provision 4 stipulates for: "Suspension of limitation periods and their expiry":</p> <p>"The periods of limitation and expiration of any actions and rights shall be suspended during the term of the alarm status and, where appropriate, any extensions thereto".</p>

	Clearly, this suspension operates both in favour of citizens and public sector entities since the rule contains no specification of the contrary.
Sweden	At this stage it is not possible to know how great delays there 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.
Switzerland	Les délais ne courent pas pendant la période de suspension. En revanche, la mesure des fêtes judiciaires n'a aucun effet de droit matériel (i.e. sur le calcul des intérêts ou des délais de prescription).
The Netherlands	This is still being assessed.
United Kingdom	<p>England and Wales We are not sure to what this question refers to, but if it is a question of interest charges on debt and judgments there has been no legislation to deal with the issue. The charging of interest is generally in the discretion of the court in any event. After proceedings have been issued there are no limitation/prescription issues other than those that existed of commencement of proceedings. There is no legislation (as yet) extending limitation periods for any delays caused in the issue of proceedings resulting from the lockdown.</p> <p>Northern Ireland No specific guidance has been given on this in Northern Ireland to date. The Office of the Lord Chief Justice and the Northern Ireland Courts and Tribunals Service has stated that creative and flexible mechanisms will be pursued in attempts to maintain a reasonable balance between protecting the health of all and maintaining legal certainty and finality. Judges are continuing to deal with priority proceedings which typically involve the immediate liberty, health, safety and wellbeing of individuals. In criminal proceedings this may include first remands in the Magistrates' Courts, bail applications, PACE applications and sentencing where delay may mean time on remand exceeds any likely/realistic custody period under the sentence.</p> <p>Scotland Most cases with imminent time bars will have their time bars extended. Emergency primary legislation⁵, passed by the Scottish Parliament on Wednesday 1 April 2020, deals in part with court time bars.</p> <p>Time limits applicable to criminal proceedings are set out in the Criminal Procedure (Scotland) Act 1995. Of particular note is the strict time limit for the commencement of a trial in respect of an accused person who is being held in custody. The emergency legislation makes provision to suspend these time limits so that there is a period during which a 6-month extension will be made to all time limits in effect on the date of commencement or taking effect during the period in which this provision has effect, with the</p>

	exception of those limits relating to summary cases where the accused is held in remand, where the extension has effect for a 3-month period.
Are some physical proceedings still allowed and how will they proceed in practice?	
France	<p>1- S'agissant des audiences et procédures considérées comme essentielles et donc maintenues, le site du ministère de la justice précise que celles-ci se dérouleront :</p> <p style="padding-left: 40px;"><i>« dans un cadre qui prévient la propagation du virus tant à l'égard des personnels que des publics reçus ou pris en charge par les personnels relevant du ministère de la justice. »</i></p> <p>2- Un compte rendu de la conférence entre le CNB et la Garde des sceaux est venu préciser <i>« qu'il appartient donc à chaque avocat de se conformer aux recommandations et de signaler à son Bâtonnier le moindre manquement aux règles élémentaires de protection dans l'enceinte des tribunaux. »</i></p> <p>3- En ce qui concerne le Barreau de Paris, un communiqué précisant le déroulement des audiences a été publié : il précise notamment que pour les audiences civiles, la présence physique des avocats aux audiences n'est pas nécessaire.</p> <p>4- Outre l'extension sensible du recours à la visioconférence pour assurer les audiences, les ordonnances étendent considérablement le recours aux formations à juge unique durant l'Etat d'urgence sanitaire tant en matière civile (article 5 ordonnance juridictions judiciaires) qu'en matière pénale (articles 9, 10 et 11 de l'ordonnance pénale).</p>
Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?	
France	<p>Comme le précise la loi d'urgence pour faire face à l'épidémie de covid-19, le gouvernement pourra prendre toutes mesures :</p> <p style="padding-left: 40px;"><i>c) Adaptant (...) le recours à la visioconférence devant les juridictions »</i></p> <p>L'ordonnance pénale prévoit le recours à la visioconférence sans accord des parties (article 5) tout en garantissant la possibilité de formuler des observations orales par tout moyen de télécommunication</p> <p>En matière civile, le recours à la visioconférence (article 7 ordonnance juridictions judiciaires) et à la procédure sans audience (article 8) sont largement étendues. Pour les procédures sans audiences, les parties peuvent s'y opposer dans un délai de quinze jours lorsque la procédure n'est pas urgente.</p> <p>En matière administrative, l'ordonnance dédiée prévoit également le recours à la visioconférence. Par ailleurs, l'article 7 de l'ordonnance précise : <i>« Lorsqu'une partie est assistée d'un conseil ou d'un interprète, il n'est pas requis que ce dernier soit physiquement présent auprès d'elle ».</i></p>

	<p><i>b) Adaptant (...) les règles relatives au déroulement des gardes à vue, pour <u>permettre l'intervention à distance de l'avocat</u> et la prolongation de ces mesures pour au plus la durée légalement prévue sans présentation de la personne devant le magistrat compétent, et les règles relatives au déroulement et à la durée des détentions provisoires et des assignations à résidence sous surveillance électronique, pour permettre l'allongement des délais au cours de l'instruction et en matière d'audience, pour une durée proportionnée à celle de droit commun et ne pouvant excéder trois mois en matière délictuelle et six mois en appel ou en matière criminelle, et la prolongation de ces mesures au vu des seules réquisitions écrites du parquet et des observations écrites de la personne et de son avocat, lorsque les exigences de la santé publique rendent impossible l'intervention des magistrats compétents ; »</i></p> <p>Sur ce point, l'article 13 l'ordonnance pénale prévoit :</p> <p><i>« Par dérogation aux dispositions des articles 63-4 et 63-4-2 du code de procédure pénale, l'entretien avec un avocat de la personne gardée à vue ou placée en rétention douanière, ainsi que l'assistance de la personne par un avocat au cours de ses auditions, peut se dérouler par l'intermédiaire d'un moyen de communication électronique, y compris téléphonique, dans des conditions garantissant la confidentialité des échanges. »</i></p> <p><i>L'accord de l'avocat n'est donc pas prévu.</i></p>
Are there any precautions or special (safety) measures for lawyers involved in these proceedings?	
Belgium	The precautions or special safety measures as the Belgian government has taken, also apply to lawyers.
Croatia	There are no special safety measures relating to lawyers attending hearings in proceedings other than the general ones adopted by the government and the Ministry of Health to prevent the spread of the virus.
Cyprus	The precautions or special measures as declared by the Cyprus government are also applicable to the Lawyers. The Ministry of Health is constantly providing advice and updated information regarding the Covid-19.
Czech Republic	All measures described in previous answers apply to lawyers as well.
Denmark	The general precautions and special safety measures issued by the Danish government also apply to lawyers.
Estonia	The safety measures apply to every person involved with the proceeding. Court hearings or measures of inquiry shall be conducted in the largest possible courtroom, with sufficient distance between persons. For the transmission of pleadings, a table is set up in

	the courtroom and placed on it to avoid direct contact with the physical transmission of the pleadings. After the hearing, the courtroom shall be thoroughly cleaned and, if necessary, disinfected. The court recognizes that in emergency situations, bringing prisoners to court is difficult and can facilitate the spread of the virus in prison or detention, and is therefore extremely necessary.
Finland	There are not any precautions or special safety measures for lawyers
France	<p>Un communiqué du Barreau de Paris vient préciser que : « <i>l'utilisation du RPVA sera systématique pour toute relation avec les juridictions, en particulier pour les demandes de renvois qui seront systématiquement accordées.</i> »</p> <p>Ce même communiqué précise également que : « <i>des <u>dispositions sanitaires</u> sont prises en matière de comparutions immédiates, telles que la mise à disposition de bureaux ou salles pour les déferrements, ainsi que de parloirs avocats permettant la distanciation. Une désinfection de ces lieux est également prévue.</i> »</p> <p>En ce qui concerne <u>les gardes à vues</u>, aucunes des dispositions sanitaires demandées par le Barreau de Paris pour les permanences ne sont en vigueur (communiqué en date du 16 mars 2020 –évolutions possibles)</p>
Germany	The exact procedure varies from court to court.
Greece	See above
Ireland	We are not aware of any such precautions.
Italy	There are no special safety measures relating to lawyers attending hearings proceedings other than the general ones adopted by the government and the Ministry of Health to prevent the spread of the virus.
Lithuania	Lithuanian Bar Association encourages advocates to always to use special safeguard masks, use hand sanitizer, to keep distance and other recommendations declared by World Health Organization and public health officials. Also, Lithuanian Bar Association seeks to donate more safety tools for governmental legal aid advocates during this world-wide shortage of masks period.
Norway	See the answers on physical proceedings.
Poland	Lawyers can only enter the court building in urgent matters for the time of hearing. You cannot personally file any documents in the court, the income of outside delivery is now restricted.
Portugal	The precautions or special safety measures as the Portuguese government has taken, also apply to lawyers. The General Directorate for Health is providing advice and information on the new coronavirus. (more information: https://www.dgs.pt/publicacoes/comunicados-e-despachos-do-diretor-geral.aspx)
Slovakia	No.

Slovenia	Lawyers must take preventive health measures as recommended by the NIPH. They must follow the instructions of the security service or the police officers at the entrance to the courtroom. The Supreme Court has provided an adequate amount of protective equipment for participants in urgent cases.
Spain	As already mentioned, the measures already mentioned and agreed by the Minister of Justice are applied, and the Bars attempt to ensure that the conditions under which lawyers provide their services are adequate, although this is not always achieved given the current shortage of material protection in Spain.
Sweden	Normal measures of precaution are taken.
Switzerland	D'une manière générale, il n'existe pas de mesures de sécurité particulières pour les avocats. Les mesures concernent tous les participants à la procédure ou aux audiences et doivent garantir le respect des recommandations de l'OFSP (en particulier distance entre personnes présentes ; cf. point a) ci-dessus).
The Netherlands	The precautions or special safety measures as the Dutch government has taken, also apply to lawyers. The National Institute for Public Health and the Environment (RIVM) is providing advice and information on the new coronavirus. (more information: https://www.rivm.nl/en)
United Kingdom	<p>England and Wales Not with regard to proceedings taking place by videoconference.</p> <p>Northern Ireland Barristers in Northern Ireland have been issued with technical guidance on how to connect to SightLink for urgent hearings. The court clerk will manage the Sightlink remote hearing with all parties (police, prosecution, defence and judge). However, no reference is made to precautions or safety measures for lawyers involved in these proceedings.</p> <p>Scotland As above. Generally, facilities are provided in each court building, subject to availability, where solicitors can take instructions from clients whilst maintaining appropriate social distancing.</p>
Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?	
France	<p>S'agissant de la garde à vue la circulaire relative à l'adaptation de l'activité pénale et civile des juridictions aux mesures de prévention et de lutte contre la pandémie COVID-19 précise que :</p> <p><i>« si un médecin constate les symptômes du COVID-19 chez une personne gardée à vue et se prononce sur l'incompatibilité de l'état de l'intéressé avec la mesure, la garde à vue devrait alors être levée dans les meilleurs délais (...).</i></p> <p>(...)</p>

	<i>Une reprise de garde à vue pourra au demeurant être ultérieurement ordonnée après s'être assuré de la proportionnalité et de la nécessité de cette mesure de contrainte pour la seule présentation du mis en cause à la suite du premier élargissement de la personne. »</i>
Access to a lawyer – in prison / during preliminary proceedings	
What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?	
France	Pas de mesure spécifique à ce stade (pour plus de détails, voir point 19 du vademecum publiés par le Barreau de Paris - Partie IV).
Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?	
France	Pas de mesure spécifique à ce stade.
What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?	
France	<p>Sur ce point, l'article 13 l'ordonnance pénale prévoit :</p> <p><i>« Par dérogation aux dispositions des articles 63-4 et 63-4-2 du code de procédure pénale, l'entretien avec un avocat de la personne gardée à vue ou placée en rétention douanière, ainsi que l'assistance de la personne par un avocat au cours de ses auditions, peut se dérouler par l'intermédiaire d'un moyen de communication électronique, y compris téléphonique, dans des conditions garantissant la confidentialité des échanges. »</i></p> <p>L'article 14 dispose : <i>« Les prolongations des gardes à vue des mineurs âgés de seize à dix-huit ans, ainsi que les prolongations des gardes à vue prévues par l'article 706-88 du code de procédure pénale, peuvent intervenir sans présentation de la personne devant le magistrat compétent. »</i></p>
Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?	
France	<p>1- Aucune disposition spécifique n'a été prévue concernant les gardes-à-voir pour le moment. Le droit commun permet déjà de l'empêcher ou de l'adapter pour raison médicale.</p> <p>2- En milieu pénitentiaire, on distingue :</p> <ul style="list-style-type: none"> - Les mesures sanitaires

	<p>Lorsqu'un cas est repéré, (1) s'il s'agit d'une forme grave la prise en charge hospitalière est prévue et (2) s'il s'agit d'une forme modérée, le détenu est isolé dans une cellule individuelle si possible ou dans une cellule collective pour malades à défaut.</p> <p>Un suivi infirmier quotidien doit être mis en place et un examen médical au 8^e jour sauf besoin plus pressant. Les douches et sorties sont effectuées en différé. L'isolement est levé 48 heures après la fin des signes cliniques (Ministère de la santé et des solidarités, Etablissements pénitentiaires : organisation de la réponse sanitaire par les Unités sanitaires en milieu pénitentiaire en collaboration avec les services pénitentiaires)</p> <p>Nota : ces mesures ne pourront être appliquées dans de nombreux établissements en raison de la surpopulation carcérale et du manque de moyen</p> <p>(cf. Communiqué commun d'associations, dont les Avocats pour les droits des détenus : « Prisons : réduire la surpopulation pour éviter la crise sanitaire »).</p> <ul style="list-style-type: none"> - Les instructions pour la mise en œuvre des dispositions du droit commun <p>Le Ministère de la justice a rappelé que les détenus peuvent bénéficier d'une suspension de peine pour raison médicale (Code de procédure pénale, art. 720-1).</p> <p>Pour les détenus testés positifs (ou qui présentent des symptômes), le directeur d'un établissement pénitentiaire peut s'opposer aux ordres de déplacer le détenu hors de l'établissement émanant d'une autorité judiciaire (transfert d'établissement, présentation à une audience, etc.) (Code de procédure pénale, art. D292 ; Ministère de la justice, Circulaire du 15 mars 2020 relative à l'adaptation de l'activité pénale et civile des juridictions aux mesures de prévention et de lutte contre la pandémie COVID-19). De manière générale, les transferts non ordonnés par une autorité judiciaire sont suspendus sauf raison impérieuse.</p> <ul style="list-style-type: none"> - La mise en place de procédures à distance <p>Pour les peines n'impliquant pas la privation totale de liberté, une procédure de demande de suspension à distance est instaurée (Direction des affaires pénitentiaires (« DAP »), Note du 15 mars 2020 relative aux mesures renforcées pour assurer la continuité du service au stade 3 de l'épidémie de Covid-19).</p> <ul style="list-style-type: none"> - Les réductions de peines <p>L'article 27 de l'ordonnance pénale prévoit une réduction supplémentaire de la peine d'un quantum maximum de deux mois accordés par le juge de l'application des peines, sans avis de la commission de l'application des peines en cas d'avis favorable du procureur de la République.</p> <p>Cette réduction ne peut concerner les condamnés pour des faits de terrorisme, ou des infractions commises au sein du couple ou ayant participé à une action collective de nature à compromettre la sécurité des établissements ou à en perturber l'ordre ou ayant</p>
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eu un comportement manifestement contraire aux règles de civisme imposé par le contexte sanitaire, en particulier à l'égard des personnels.

Individual measures by Bars or Law firms

Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

France

1. Mise en place de points de contact :

- Au sein du Conseil National des Barreaux :

- Une page web spéciale a été mise en place : <https://www.cnb.avocat.fr/fr/point-dinformation-covid-19>
- Une adresse mail dédiée : coronavirus@cnb.avocat.fr

- Au sein du Barreau de Paris :

- Un comité spécial a été mis en place : <http://www.avocatparis.org/covid-19-le-barreau-de-paris-met-en-place-un-comite-special>
- Une page web spéciale a été mise en place : <http://www.avocatparis.org/covid-19-communiques>
- Une adresse mail dédiée : comitecovid19@avocatparis.org
- Le Barreau de Paris a également publié un **vademecum** : http://dl.avocatparis.org/com/site/Vademecum_COVID19_avocats.pdf

- La Conférence des bâtonniers a établi un **mémo permettant d'accompagner les bâtonniers dans la gestion des personnels des ordres et des Carpas** :

https://www.conferencedesbatonniers.com/images/Articles_divers/2020/PJ_1._Coronavirus_et_b%C3%A2tonniers_en_10_questions_r%C3%A9ponses_M%C3%A9mo_CDB_-_24.03.2020.pdf

2. Déplacement Professionnel :

Bien qu'il soit conseillé d'éviter tout déplacement en raison des consignes de confinement, le [décret n°2020-293](#) du 23 mars 2020 autorise les déplacements pour les personnes faisant l'objet d'une obligation de présentation aux services de police ou de gendarmerie nationales ou à tout autre service ou professionnel, ainsi que les déplacements résultant d'une convocation émanant d'une juridiction administrative ou de l'autorité judiciaire.

Un **modèle de justificatif** est disponible :

http://dl.avocatparis.org/com/mailling2020/justificatif_de_deplacement_professionnel.pdf

3. Impact sur le contrat de collaboration et télétravail :

- **Recommandations de télétravail** : Conformément à l'article 14.1 du [Règlement Intérieur National](#) (RIN), le contrat de collaboration libérale est un mode d'exercice professionnel exclusif de tout lien de subordination. Il ne peut donc pas être fait grief à un avocat collaborateur de travailler de chez lui y compris en l'absence de directive du cabinet en ce sens :

http://eye.newsletter.cnb.avocat.fr/m2?r=uDVjODI3YTgzYjk1Y2VIMWExYmJiZDg3ZsQQ0LvQx9C34tCf0MdG0l_QtNDJ0NzQpNCITdCx0NnEA9C16y2xc2FtcGxlQHNhbXBsZS5jb22sKzMzNjEyMzQ1Njc4kA== (CNB)

http://dl.avocatparis.org/com/mailling2020/Covid_19_communique9_cabinetsV2.html (Barreau de Paris)

- **Pas de suspension du contrat de collaboration possible** : la seule circonstance de la crise sanitaire du Covid-19, ne peut justifier la suspension du contrat de collaboration libérale, suspension qui n'est d'ailleurs aucunement prévue par le [Règlement Intérieur National](#).
- **Impossibilité d'imposer le passage à temps partiel ou la prise de congés** : le confinement ne saurait justifier d'imposer ni la modification du contrat de collaboration à libérale à temps plein en temps partiel, ni la prise de congés par les collaborateurs durant cette période.
- **Arrêt maladie** : Absence de délai de carence pour la prise en charge par le régime de base de la sécurité sociale (SSI) en cas d'arrêt maladie dû au coronavirus – **ce mécanisme est à ce stade difficile à mettre en œuvre pour les cabinets d'avocats**
 - Décret du 31 janvier 2020 portant adoption de conditions adaptées pour le bénéfice des prestations en espèces pour les personnes exposées au coronavirus :
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041513432&categorieLien=id>

4. Cotisations ordinales⁶ (Barreau de Paris)

L'ordre des Avocats au Barreau de Paris a donné **instruction de suspendre le prélèvement de toute cotisation recouvrée par les services financiers de l'Ordre**. Cette mesure est effective immédiatement pour la cotisation prélevée pour le compte du CNB et **pour les mois d'avril et mai** pour les cotisations ordinales au Barreau de Paris. Elle pourra être prolongée en fonction de l'évolution de la situation de la crise sanitaire :

http://dl.avocatparis.org/com/mailling2020/Covid_19_communique3_cotisations.html

⁶ [S'agissant des autres cotisations, voir 5. MESURES OU INCITATIONS FISCALES ET ECONOMIQUES POTENTIELLES](#)

	<p>5. Formation des élèves-avocats :</p> <p>La crise sanitaire a amené le CNB à communiquer aux écoles d'avocats 3 circulaires concernant les stages des élèves avocats ainsi que les formations initiales et continues dans les écoles : https://www.cnb.avocat.fr/fr/covid-19-circulaires-communiquées-aux-eda</p> <ul style="list-style-type: none"> - S'agissant de la formation dans les écoles, toutes les formations en présentiel sont interdites et il est recommandé de mettre en place des formations en e-learning : https://www.cnb.avocat.fr/sites/default/files/2019-03-16_-_eda_-_covid_fi-fc.pdf - S'agissant des stages, la commission « Formation » du CNB recommande un traitement des situations au cas par cas (stages hors cabinet d'avocats) ainsi que la pratique du télétravail. Il est également précisé que les concepts du droit du travail « chômage partiel », « droit de retrait », et autres, ne s'appliquent pas au statut du stage en cabinet d'avocats. En cas de manquement du maître de stage à l'une de ses obligations, et spécialement en matière de santé publique (violation des consignes gouvernementales régulièrement rappelées), la sanction est la rupture du stage et le transfert d'élèves avocats dans un autre cabinet. <p>https://www.cnb.avocat.fr/sites/default/files/2019-03-16_-_eda_-_covid_stages_ppi.pdf https://www.cnb.avocat.fr/sites/default/files/2019-03-16_-_eda_-_covid_stages_cabinets.pdf</p> <p>6. Opération « Covid-19 / Avocats solidaires » du CNB</p> <p>À partir du mardi 24 mars 2020, cette opération offre aux particuliers et aux professionnels (TPE/PME, artisans, commerçants...) la possibilité de demander un échange téléphonique gratuit avec un avocat. D'une durée de 30 minutes, cet appel doit permettre à chacun de faire le point sur ses droits, dans le contexte actuel (Télétravail, chômage partiel ou technique, mesures économiques, soutien aux entreprises, droit de la famille etc...) :</p> <p>https://www.cnb.avocat.fr/fr/actualites/operation-covid-19-avocats-solidaires-face-la-crise-les-avocats-se-mobilisent</p>
Potential fiscal and economic measures or incentives	
Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?	
France	<p>Certaines mesures générales prises en France pour aider les entreprises s'appliquent aux cabinets d'avocats :</p> <p>https://www.economie.gouv.fr/coronavirus-soutien-entreprises</p>

Le CNB a réalisé une synthèse de toutes ces mesures économiques et fiscales : <https://www.cnb.avocat.fr/fr/actualites/faq-covid-19>

- **S'agissant des IMPOTS : il sera possible pour les travailleurs indépendants de moduler à tout moment le taux et les acomptes de prélèvement à la source.**

Il est aussi possible de **reporter le paiement de leurs acomptes de prélèvement à la source sur leurs revenus professionnels d'un mois sur l'autre jusqu'à trois fois si leurs acomptes sont mensuels, ou d'un trimestre sur l'autre si leurs acomptes sont trimestriels**. Toutes ces démarches sont accessibles via leur espace particulier (impots.gouv.fr), étant précisé que toute intervention avant le 22 du mois sera prise en compte pour le mois suivant.

- **S'agissant des COTISATIONS RETRAITES : La caisse nationale des Barreaux français (CNBF) met en œuvre des mesures d'urgence pour soutenir les avocats en activité tout en garantissant le paiement des pensions.**

Plusieurs décisions ont été prises en matière de prélèvements, de majorations et pénalités de retard, de pensions, et d'aides financières :

- **échéance de mars non prélevée, mais répartie** sur les mois suivants jusqu'en décembre ;
- **échéance annuelle statutaire du 30 avril, à laquelle la moitié au moins des cotisations 2020 doit être réglée, est reportée au 31 mai ;**
- pour les **employeurs d'avocats salariés**, les échéances trimestrielles et mensuelles d'avril 2020 sont reportées au mois suivant ;
- **majorations et pénalités de retard sont suspendues** jusqu'à nouvel ordre ;

[Communiqué complet de la CNBF](#)

- **S'agissant des COTISATIONS SECURITE SOCIALE – URSSAF** (Unions de Recouvrement des cotisations de Sécurité Sociale et d'Allocations Familiales), **l'échéance mensuelle du 5 avril ne sera pas prélevée**. Dans l'attente de mesures à venir, le montant de cette échéance sera lissé sur les échéances ultérieures (mai à décembre).

<https://www.urssaf.fr/portail/home/actualites/toute-lactualite-employeur/mesures-exceptionnelles-pour-les.html>

En complément de cette mesure, les travailleurs indépendants peuvent solliciter :

- l'octroi de délais de paiement, y compris par anticipation. Il n'y aura ni majoration de retard ni pénalité ;
- un ajustement de leur échéancier de cotisations pour tenir compte d'ores et déjà d'une baisse de leur revenu, en ré-estimant leur revenu sans attendre la déclaration annuelle ;

	<ul style="list-style-type: none"> - l'intervention de l'action sociale pour la prise en charge partielle ou totale de leurs cotisations ou pour l'attribution d'une aide financière exceptionnelle.
Slovenia	On 19 March 2020, the Government of the Republic of Slovenia accepted the Act Determining Intervention Measures in Public Finance, which contains measures, such as extending the deadlines for submission of tax returns and annual reports, extending deadlines for paying tax obligations arising from the submitted tax returns and the possibility of instalment payments of tax obligations. The proposed measures are intended to help ensure taxpayers to meet their tax obligations.
Spain	Royal Decree Ley 8/2020 and regional rules provide for fiscal support measures
Sweden	Companies and individuals who have had payment problems as a direct consequence of the corona virus can apply for payment respite from the Swedish Tax Agency. The Swedish Government has proposed that companies also should be given the opportunity to defer payment of employers' social security contributions, preliminary tax on salaries and value added tax that are reported monthly or quarterly.
Switzerland	<p>Enfin, les avocats font partie des professions libérales qui sont immédiatement touchées par les mesures de distanciation sociale et de sécurité prises par les autorités. Les répercussions économiques et financières de ces mesures se feront bientôt sentir. Par conséquent, une dernière question concerne les mesures ou incitations fiscales et économiques potentielles prises ou sur le point d'être prises par les autorités de votre pays pour réduire les répercussions financières négatives de la crise sur la viabilité (entre autres) des cabinets d'avocats :</p> <p>Plusieurs mesures ont été prises pour tenter d'atténuer les conséquences économiques de la situation pandémique :</p> <ul style="list-style-type: none"> - Aide immédiate sous la forme de crédits transitoires spécifiques : la Confédération va mettre sur pied un programme de garantie d'un volume de 20 milliards de francs visant à ce que les PME affectées (entreprises individuelles, sociétés de personnes et personnes morales) obtiennent des crédits bancaires transitoires - Report du versement des contributions aux assurances sociales : les entreprises frappées par la crise auront la possibilité de différer provisoirement et sans intérêt le versement des contributions aux assurances sociales - Réserve de liquidités dans le domaine fiscal et pour les fournisseurs de la Confédération : les entreprises pourront repousser sans intérêt moratoire les délais de versement. Le taux d'intérêt sera abaissé à 0,0% pour la TVA, certains droits de douane, des impôts spéciaux à la consommation et des taxes d'incitation entre le 21 mars et le 31 décembre 2020 ; aucun intérêt moratoire ne sera perçu durant cette période. - Extension du chômage partiel et simplification des démarches : l'instrument de la réduction de l'horaire de travail (chômage partiel) permet de pallier une baisse temporaire de l'activité et de préserver des emplois.
The Netherlands	Yes, for all entrepreneurs. It will be made easier for companies that have been impacted by the coronavirus to request a deferment of tax payment. The Dutch Tax and Customs Administration will halt the collection of taxes at once upon receiving the request for deferment. The deferment of payment applies to income tax, corporation tax, payroll tax and value-added tax (VAT). Any fines that

	<p>may be imposed for the late payment of taxes do not need to be paid. Moreover, companies are excused from having to submit evidence at once. They will be granted more time to do so. The interest on overdue tax normally levied after the term of payment has expired will be temporarily lowered from 4% to nearly 0%. This rule will apply to all tax debts. The rate for interest on tax will be temporarily lowered to practically 0% as well. This reduction will apply to all types of tax that are subject to interest on tax. The Dutch government will lower the interest rate as soon as possible.</p> <p>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.</p>
United Kingdom	<p>The UK Chancellor stated that UK VAT-registered businesses will be able to defer VAT payments until 30 June 2020.</p> <p>Income tax payments for the self employed due to be made in July have been deferred, see below.</p> <p>All businesses and self-employed people in financial distress, and with outstanding tax liabilities, may also be eligible to receive support. This is agreed on a case-by-case basis and tailored to individual circumstances and liabilities.</p> <p>Mortgage payments can also be deferred for up to three months.</p>
Are there initiatives to postpone tax-prepayment by independent workers?	
France	Voir question précédente
Are there any proposals to get credits which are backed up by a special state-owned bank?	
France	Mise en place de prêt garanti par l'Etat : https://www.cnb.avocat.fr/fr/covid-19-documents-pret-garanti-par-letat
Any other support measures have been announced or discussed?	
France	- Mise en place d'un fonds de solidarité :

	<p>L'article 11, 1° a) de la loi d'urgence prévoit la mise en place via un décret d'un fonds dont le financement sera partagé avec les régions. Le décret n'a pas encore été publié à ce jour mais il a été annoncé que les professions libérales pourraient en bénéficier. Ce fond s'accompagne de dispositifs de soutien à la trésorerie des entreprises dont la viabilité est mise en cause.</p> <ul style="list-style-type: none"> ○ Seront éligibles toutes les entreprises dont le chiffre d'affaires est inférieur à 1 million d'euros et qui font face à une perte de plus de 70 % de chiffres d'affaires par rapport à mars 2019. ○ Le fonds servira aussi à indemniser les très petites entreprises et les indépendants, via un forfait de 1 500 euros, sur simple demande à la Direction générale des finances publiques. <p>Ordonnance n° 2020-317 du 25 mars 2020 portant création d'un fonds de solidarité à destination des entreprises particulièrement touchées par les conséquences économiques, financières et sociales de la propagation de l'épidémie de covid-19 et des mesures prises pour limiter cette propagation (pour plus d'info)</p> <p>Nous restons en attente du décret qui permettra de garantir que les avocats peuvent entrer dans le dispositif.</p> <ul style="list-style-type: none"> - L'ensemble des mesures de chômage partiel mises en place sont applicables au personnel salarié des cabinets d'avocat : <p>https://www.cnb.avocat.fr/fr/actualites/covid-19-mesures-de-chomage-partiel</p> <p>Pour plus d'informations → Communiqué du Ministère de l'économie et des Finances en date du 20 mars 2020 : https://www.economie.gouv.fr/files/files/PDF/2020/Coronavirus-MINEFI-10032020.pdf</p>
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CCBE Survey: Exchange of experiences and best practices between bars – Germany

Court Proceedings

1. Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

There are no generic safety measures yet. It is within the judicial independence of each judge to still carry out a court hearing that has been scheduled. However, some courts (including the Federal Court of Justice, the Federal Administrative Court and the Federal Constitutional Court) have decided to keep visitor traffic to a minimum and to postpone court proceedings.

In addition, some federal states (Länder) like Schleswig-Holstein, Baden-Württemberg, Berlin, Hamburg, Bremen and Niedersachsen have published recommendations or binding rules for restrictions on access to the courts. These include reducing court appointments to urgent cases where possible and the prohibition of access to court buildings for certain persons (after staying in a risk area or contact with an infected person). Ultimately, however, it remains the decision of the judge responsible whether or not an appointment is made.

2. If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

Although many courts operate in emergency mode, the processing of lawsuits, applications and pleadings is guaranteed to the extent possible even in courts with limited access.

In order to avoid that criminal trials have to be restarted as a result of the effects of the corona pandemic, the German Bundestag has passed a new regulation under which the courts may interrupt a main hearing for an extended time period of maximum three months and ten days based on the current measures to prevent the spread of the coronavirus and on grounds that prevent the proper conduct of a trial due to infection control measures. This is the case, for example, in the event of a restricted court operation or the involvement of persons belonging to the risk groups.

3. Are some physical proceedings still allowed and how will they proceed in practice?

Oral proceedings are still permitted in principle. Even those courts that restrict access to the court continue to hold oral hearings if they cannot be postponed.

As a precaution against possible cases of illness or quarantine, the Federal Constitutional Court has introduced a two-shift system in all fields of work starting on 19 March 2020 which will allow the other shift to continue working if necessary. A similar rule exists in the state of Baden-Württemberg since 17 March 2020. Only the personnel required to maintain the functioning of the justice system should work in a two-shift system on site. All other employees shall work from home as far as possible. For this purpose, the employees have been equipped with remote access points through which they can also access electronic files, for example.

4. Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

In civil proceedings, § 128a of the Code of Civil Procedure allows parties and their representatives and advisers to be at a different place during the oral proceedings. The hearing of witnesses and

questioning of experts is also possible by video. The video conference is not recorded and is transmitted directly into the courtroom in order to preserve the principle of publicity. In principle, all federal states are equipped with the necessary technology for this purpose; the courts make use of it with varying frequency.

There is no standardised videoconferencing system used in Germany yet.

5. Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The exact procedure varies from court to court.

6. Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

Such instructions or measures vary from court to court.

In general, visitors of courts may be reminded in an appropriate manner of the observance of hygiene rules. Disinfection stands should be available in the entrance area and in areas with a high number of visitors. Visitors should be instructed in a suitable manner to maintain an appropriate distance from the control point when waiting. Visitors to the courts may be asked to provide written information prior to admission control, which will enable a risk assessment for every visitor. During the trial, the visitor's room can be moved to the gallery, for example, in processes that have a public impact. Furthermore, not all seats are to be occupied so that the distance between the visitors is maintained.

If persons summoned by the court to a specific court hearing show symptoms of illness, the responsible judge/prosecutor or judicial officer should be contacted in advance and await his decision. All persons who have visited a risk area in the last 14 days or who have had contact with a person suffering from COVID-19 during this time can be banned from entering the court buildings and the buildings of the public prosecutor's offices.

Access to a lawyer – in prison / during preliminary proceedings

1. What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

In Germany, the Länder have the competence to regulate this matter, therefore it depends on the Land. In Bavaria, for example, access to prisons was restricted due to the pandemic but lawyers are still allowed to enter. In Berlin, lawyers still have access to prisons, too, but have to sit behind safety glass while consulting their clients. In Freiburg, Baden-Württemberg, visits to lawyers should be kept to a minimum. However, they are still possible with advance notice and are to be carried out behind a cut-off wheel.

In Berlin a lawyer has taken legal action against the Corona-lockdown-measures since they allow his clients to leave the house to see him only in urgent (“dringend erforderlich”) cases while, for example, going for a walk is still allowed. According to him, this rule threatens the access to a lawyer and limits his professional freedom. It is the most restrictive Corona-related provision regarding seeing a lawyer in Germany.

2. Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

No.

3. What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

See question no 1, the judicial system is still in place, albeit with certain restrictions.

4. Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

As early as 2005 Bavaria released an action plan that contains preventive measures to prepare for an influenza outbreak or pandemic. For example prisons have to stock up on masks etc. and make it possible to have quarantined persons and other prisoners in different parts of the building. At the prison in Bayreuth, for example, where they do not have any cases yet, they have prepared a quarantine facility over the past few weeks.

Individual measures by Bars or Law firms

Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Due to current developments in regard to the outbreak of the COVID-19 Virus the BRAK wants to provide a one-stop-shop for individual lawyers and Bars searching current legislation on a national and European level and searching information on how to deal with sudden changes or developments effecting the legal profession. Therefore, the BRAK set up a continuously updated Homepage where all necessary information is listed. The BRAK has collected a great amount of information on measures of the Federal Government, the European Union as well as the Länder that are relevant for lawyers regarding proceedings, the access to the courts, the profession and training, taxes, labour law and economic consequences etc. on <https://brak.de/die-brak/coronavirus/> . The regional Bars, too, provide information on their websites.

The BRAK has called upon politicians and court administrations to maintain the greatest possible safety for lawyers and everyone else at court and in proceedings, for example by postponing hearings and handling time limits as flexible as possible. Furthermore, the BRAK has asked for measures to ensure liquidity of lawyers, stressing that lawyers form an essential part of the state under the rule of law.

The President of the BRAK Dr Wessels has also vehemently stressed that despite the urgency of the current situation all measures taken must be proportionate, approved by parliaments and controlled by courts. They must be valid for a limited time only and the rule of law has to be maintained. The President also stressed that the collection of personal data as means to fight the virus, which is currently discussed in Germany, must be very carefully considered and in proportion to data protection rights and the right to informational self-determination. If introduced it must meet the standards of the GDPR.

In two letters to the German Minister of Justice Christine Lambrecht, he pointed out how problematic a wide, non-targeted use of geolocation and data collection is since there is little basis for it in the relevant acts of the federal state and the Länder (<https://www.brak.de/die-brak/coronavirus/bmjv.pdf>). He also raised critical points concerning the provisions on civil law, insolvency law, criminal procedural and company law of the "Coronavirus" act (https://www.brak.de/w/files/00_startseite/covid19/2020_03_24_schr._bmin-lambrecht_brak_stellungnahme-corona_hp.pdf). Furthermore, Dr Wessels asked Angela Merkel in a letter to acknowledge the "systemic relevance" of lawyers (https://www.brak.de/w/files/00_startseite/covid19/2020_03_31_schr.-an-bkin-dr.-

[merkel_soforthilfen-auch-fuer-anwaltschaft.pdf](#)). Lawyers weren't granted the same status as other professions. Besides medical personnel, pharmacy and supermarket staff and police, this includes public administration and the judiciary, but not lawyers, even though lawyers are as important for the functioning of the state to maintain the rule of law. They need practical and financial support to fulfil their duties in times of Corona just like the other professions.

The DAV wants to promote the exchange between lawyers in this crisis situation and has therefore set up a digital exchange forum at short notice: <https://corona.anwaltverein.de>. In this forum, questions of colleagues can be answered or simply read along. A private chat with other users is also possible. The forum is aimed exclusively at lawyers. Registration and use are free of charge.

The DAV has also published [FAQs](#) with information, tips and recommendations to help law firms and lawyers get through the crisis. Topics and questions dealt with: organisation of a law firm in crisis times, dealing with court hearings, possible financial aid and support, possibilities for fulfilling the obligation to attend training.

The DAV has also made political demands that the legal profession be classified as a systemically important profession and that access to lawyers be guaranteed by the authorities. In several letters to the 16 State governments, as well as parts of the Federal Government – in particular the German Chancellor Merkel and German Ministers of Justice and the Interior – as well as in several press releases, DAV President Kindermann emphasised the central contribution that lawyers make to a functioning constitutional state and the rule of law as it is the legal profession which ensures that citizens have access to justice. It is therefore indispensable that the legal profession may continue to be in a position to fulfil its duties even during lockdown restrictions, without violating the professional secrecy obligations with their clients. In a letter to the Ministers of Justice of Bavaria and Lower Saxony on 25 March 2020, the DAV asked for a supplement to the general ruling of lockdown restrictions, which explicitly would classify meeting with a lawyer as a valid reason to leave the house.

In its letters, the DAV also argued for generous application of the Civil Procedure regulations in the event of failure to meet deadlines set by the courts, for example as regards the application of restitutio in integrum and also in the event of technical difficulties in correspondence with courts. The DAV has made the appeal to apply the provisions in the Code of Civil Procedure generously and has also pointed out possible liquidity problems of law firms in the course of the Corona crisis. In its letter and also in direct exchanges with representatives of the German Parliament, the DAV called for financial relief and support for the legal profession as well. This concerns liquidity assistance and tax deferrals for lawyers, as many small and medium-sized law firms have only limited liquidity reserves for a short period of time. It should also be possible to apply for the short-time work allowance without complications.

The DAV also commented in position papers on the numerous legislative proposals in the course of the Corona crisis, most of which were adopted in a fast-track procedure. This includes, for example, amendments to statements on the suspension of the obligation to file for insolvency and on the state financing programs to strengthen the liquidity of affected companies, changes in labor law during the Covid-19 pandemic, immediate tax measures, changes in the Code of Criminal Procedure, and an amendment to the Infection Protection Act – in this context, the DAV demanded that comprehensive parliamentary control and access to lawyers be guaranteed even in times of crisis.

2. Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Each person that is economically affected by the Coronavirus can apply for tax reductions/relief at their local tax offices. The Federal Ministry of Finance, in agreement with the regional state tax authorities, has decided on tax measures to avoid significant hardship as a result of the Corona crisis. The measures include the deferral of tax payments and adjustment of tax prepayments as well as refraining from enforcement (e.g. attachment of bank accounts). Taxpayers are required to state their circumstances, although it is not necessary to quantify the value of the damage incurred. Only applications for deferral or advance payment of taxes due after 31 December 2020 must be specifically justified. As a rule, interest on deferral should not accrue.

The tax office must be duly informed, for example by notification of the debtor in execution.

3. Are there initiatives to postpone tax-prepayment by independent workers?

Please see question above.

4. Are there any proposals to get credits which are backed up by a special state-owned bank?

In response to the Corona crisis, a special credit programme was launched by the state development bank KfW. The special loans are available to companies that are temporarily in financial difficulties due to the rapid spread of the Coronavirus and need liquidity to bridge the gap. Anyone who was not in difficulty up to 31 December 2019 can apply for a loan for investments and working capital. In addition, there are other loans and guarantees at state level with the federal state banks. Both at federal and state level, existing programmes were used, the conditions of which were significantly improved during the corona crisis.

5. Any other support measures have been announced or discussed?

A new law to mitigate the consequences of the COVID 19 pandemic in civil, insolvency and criminal procedure law was adopted on 27 March 2020::

- Tenancy and Lease law: Tenants and Lessees of residential and commercial properties are temporarily protected against termination of rental/lease contracts due to rent/lease arrears for rent/lease payments due between 1 April and 30 June 2020 that cannot be paid on time due to the effects of the COVID 19 pandemic. The connection between the COVID 19 pandemic and non-performance must be demonstrated by the tenant or lessee.
- Consumers and micro-enterprises are granted a deferral of payment or performance of material continuing obligations. In particular, this is intended to ensure an uninterrupted supply of basic services, such as electricity and telecommunications services.
- Loans: Consumers are granted a deferral of at least three months on claims for repayment of the loan or interest or redemption. In addition, the lender may not terminate the loan relationship due to default of payment.
- Insolvency law: Various measures, particularly in insolvency law, enable and facilitate the continuation of business for companies that are in financial difficulties or have even become insolvent as a result of the pandemic. In particular, a suspension of the obligation to file for insolvency was created for companies that suffer economic losses due to the massive increase in infections with the Coronavirus.
- Corporate Law: The ability of companies, cooperatives, associations to act and make decisions is ensured, even in the case of severely restricted assembly options. For the first time, this also creates the possibility of a virtual general meeting of Stock Corporations. Voting in text form has been made considerably easier in public limited companies.

The Federal Cabinet has launched the ["Work of Tomorrow" law](#) in an expedited procedure so that companies affected by the corona epidemic can keep their employees. This means that more companies will be able to make use of short-time work compensation from the first half of April onwards. They should be able to obtain short-time work benefits more easily, so that they can cushion the effects of the corona virus and avoid redundancies. In concrete terms, this means that the Federal Employment Agency will pay up to 67 percent of the lost net wages if employees are sent on short-time work. In addition, the limit for payment will be moved from 12 to 24 months. In addition, it will also be possible to pay short-time work compensation for temporary workers.

Furthermore, [comprehensive additional measures](#) with emergency aid of up to EUR 50 billion for small businesses, self-employed persons and members of the liberal professions were adopted at federal state level. In Baden-Württemberg, for example, companies, self-employed persons and artists with up to 50 employees can receive a non-repayable grant for three months which amounts up to EUR 9,000 if they have no more than 5 employees and up to EUR 30,000 one-off payment for 3 months, if they have up to 50 employees.

CCBE Survey: Exchange of experiences and best practices between bars Greece

Measures taken in your country to address the impact of the crisis on justice matters	
Which precautions and safety measures can be taken to protect the lawyers (and co-workers) who must engage in physical meetings and contacts? How can we ensure that social distancing and containment measures do not negatively impact on fundamental rights?	
Greece	After the appearance of one hundred of Greek citizens, that had been hit by the Coronavirus epidemic the State announced on 13.3.2020 to limit the comings and goings within the various Justice services to a strict minimum, in order to reduce the risk of contagion as much as possible. Unfortunately due to the virus spread it was decided to postpone all the judicial proceedings until the 27/3/2020 (already extended to 27.04/2020), whereupon the State shall estimate again the situation .
Court Proceedings	
Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?	
Greece	<p>In Greece the majority of the judicial proceedings (civil-commercial-criminal-administrative) have been postponed in order to limit the risk of virus spread. By the common decision of Ministers of Justice and Public Health, public hearings of the Council of State and all regular administrative courts of the country are suspended for the period in question, with the exception of those relating to the provision of provisional judicial protection and the publication of judgments. At the same time, the operation of the country's Civil Courts, Criminal Courts and Public Prosecutions is suspended for the same period, as follows:</p> <ul style="list-style-type: none"> • trials before civil and criminal courts, • the legal and judicial time-limits for bringing proceedings and other actions before the courts and prosecutors, as well as the expiry of the relevant claims, and • enforced enforcement procedures and auctions under the current provisions. <p>The following procedures are excluded from the temporary suspension:</p> <ul style="list-style-type: none"> -publishing decisions, -litigation of self-inflicted errors,

	<p>-the swearing-in of the jury and the commencement of the session of the Joint Circuit Courts and the Joint Circuit Court of Appeals,</p> <p>-the prosecution of felonies for temporarily detained defendants, supplemented where appropriate by the maximum detention limit,</p> <p>-criminal proceedings concerning wrongdoing, the limitation period of which is exceeded within the period from the commencement of the suspension until 31.5.2020; and</p> <p>-criminal offenses related to offenses whose time limit is exceeded within the period from the commencement of the suspension until 31.1.2021.</p> <p>It is furthermore foreseen that the functioning of the courts is limited to the actions necessary to deal with the cases before the courts, as well as those which, as the case may be and at the discretion of the governing body of each of them, are urgent and need immediate attention, while the specific issues. The independent Administrations of the courts have the right to take any necessary decision over coronavirus.</p> <p>For the Lawyers, who are obliged to appear before the Court or to provide justice services to a strict minimum, it is suggested to follow the suggested precautions and safety measures from the General Authority of Public Health (limitation to the number of people in a building, safe distances, wear of masks, use of antiseptic liquids.).</p>
If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?	
Greece	See above
Are some physical proceedings still allowed and how will they proceed in practice?	
Greece	See above
Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?	
Greece	See above
Are there any precautions or special (safety) measures for lawyers involved in these proceedings?	
Greece	See above

Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?	
Greece	See above
Access to a lawyer – in prison / during preliminary proceedings	
What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?	
Greece	<p>Criminal lawyers visiting prisons have to act in compliance with the safety and social distancing measures issued by the National Authority. In this point of view it is general proposed to limit their visits to the Prisons, if it is not so necessary. Last week the General Secretary of Anti Criminal Policy of Ministry of Justice announced the following measures to fight the virus into the prisons:</p> <ul style="list-style-type: none"> - Compulsory creation of detention facilities in prisons, for 10 - 20 persons, where prisoners with symptoms of coronavirus will be transported there. Prison managers are required to take the necessary steps to secure these sites. - Visits of lawyers will take place behind the glass windows in order to avoid synchronization and reduce the chances of transmission of the virus. - All the necessary materials for the protection of prisoners and prison workers have been distributed, namely gloves, masks, antiseptics, etc. - Correctional officers and members of the Red Cross have been trained to deal with any inmate feeling ill. - It is now forbidden to carry clothing in prisons. - Prisons have been set up inside the prisons for those who remain ill until they are transferred in a most safe place
Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?	
Greece	See above
What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?	
Greece	See above
Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?	
Greece	See above

Individual measures by Bars or Law firms

Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Greece	<p>At the 16th of March the Council of Athens Bar Association published the following decision:</p> <p>“Disciplinary proceedings against those who violate the recommendations of health authority’s recommendations and endanger the health of colleagues</p> <p>Due to the clear recommendations of the competent health authorities, the crowding of many people indoors should be avoided, the Athens Bar Association has made an announcement on 16.3.2020, calling lawyers, law firms and legal departments of companies, that employ more than four people in the same space, to limit the physical presence of lawyers , adopting either teleworking or shift work (up to two people per day).</p> <p>In case that the above do not follow the above-mentioned recommendation, endangering in this way the health of the lawyers, colleagues must submit a relevant report to the Chairman of the Disciplinary Council of the Athens Bar Association, in order to initiate the relevant procedure.</p> <p>The Athens Bar Association will be on the side of all colleagues in order to protect them in the best way from any risk to their health, in the present extraordinary conditions of this health threat.”</p> <p>The Greek law firms and companies in compliance to the cautioned measures of Greek Government and the recommendations of the Bars have already requested all the people to work remotely until further notice. This professional action reflects our priority to keep our people, their families, our clients and community safe and well.</p> <p>Many of the law companies are in a very fortunate position to be able to apply appropriate technical solutions, which allow uninterrupted continuity and ensure our high service delivery to their clients. Of course every Lawyer is available by phone, email and other electronic means to all of his clients.</p>
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Potential fiscal and economic measures or incentives

Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Greece	<p>The President of the Plenary of Presidents of Greek Bar Associations, Mr. Dimitrios Vervesos sent a letter to the Minister of Finance, the Minister of Justice, the Minister of Labour and Social Matters where he described the situation that the courts have totally ceased their function in combination with the general prevention and protection measures, has led to the suspension of the exercise of the legal profession not only in courts but also extrajudicial having as consequence the inability of lawyers of making income, the</p>
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	<p>inability of fulfilling their obligations and in many cases the danger of not having the necessary means in order to survive. Mr. President expressed the general point that, if the above mentioned prevention measures for the coronavirus will be continued, in view of the official starting of the court holidays from June until mid-September, the consequences for the lawyers will be disastrous and irreversible.</p> <p>This economic collapse in combination with the decision of Eurogroup to provide the necessary economic space to its members and approve measures of financial support to the affected enterprises, workers, professionals and citizens make necessary to take immediately the below supporting measures for the lawyers and the law firms:</p> <ol style="list-style-type: none"> 1.Immediate suspension of all tax and insurance obligations as well as their loan obligations 2. Immediate activation of the labour account which has been created totally from contributions of the lawyers since 2011. 3. Provision of a special financial aid to cover the standard expenses of law offices. 4. Immediate payment of amounts owed by government agencies to lawyers, specially debts of the TAXDIK for legal aid services, and amounts owed from organizations of the public sector to lawyer-partners, allowances for membership in committees etc. 5.The suspension of paying bills to public utilities, for law offices and law firms.
Are there initiatives to postpone tax-prepayment by independent workers?	
Greece	<p>The Greek government announced various measures, however only the following are applicable to lawyers:</p> <ul style="list-style-type: none"> • suspension of all tax obligations until 31.7.2020 • suspension of all social insurance obligations until 31.5.2020 • 3 months suspension of loan payments provided the lawyer was consistent with his debt obligations • 40% reduction on professional housing contracts • In respect of a lawyer's personnel: possibility to suspend temporarily labour contracts (currently the employee receives an allowance of €800 for 45 days by the state) or to render the contracts part-time • access to e-training platforms and reimbursement of €600 for participants <p>The Plenary of the Greek Bars has expressed its disagreement with the lack of financial support for practitioners who face a collapse of their income due to the suspension of court proceedings.</p>

CCBE Survey: Exchange of experiences and best practices between bars Hungary

Update:

From 15 March to 31 March there was an extraordinary judicial vacation in Hungary because of the outbreak of the corona virus.

Since the beginning of April 2020 according to the new Government decree of No 74/2020. (III. 31.) - which laid down in the framework of the declared state emergency circumstances- the courts work by means of videoconference, via the program 'Skype for Business'.

It is important to make a distinction between the criminal and civil law cases. Regarding the latter one the courts operate mainly by written procedure, if the hearing is necessary and all the conditions of the videoconference are met, they held hearings via videoconference.

However, in criminal cases, where the personnel presence is really important, they held hearings with the respect of social distancing measures.

As a precaution, General Meetings have been postponed across the country.

The President of the Hungarian Bar Association (HBA), Mr. BÁNÁTI summarised the most urgent bar and lawyer activities in the following four points:

1. to keep members informed about the extraordinary judicial vacation, 35/2020. (III. 15.) OBHE decision (decision of the president of the National Office for the judiciary) on handling administrative and court matters during the **extraordinary judicial vacation** (see later further details)
2. the Hungarian Bar Association and the regional bar associations shall ensure that the electronic connection is maintained in addition to the suspension of the personal reception of clients, they provide information exclusively through telecommunication and/or by electronic means.
3. in two letters, the President of the HBA referred the matter to the Minister of Justice responsible for supervising the legality of the case-law in order to deal with the administrative and disciplinary matters affecting the bars.
4. the Hungarian Bar Association, with the help of the Budapest Bar Association, ensures that all members of the bar complete the required 16 credits in full free of charge by e-learning, increasing the previous framework.

It also pointed out that the legislation in force and the order of the President of the NOJ (National Office for the Judiciary) do not affect the time limits imposed on the parties and the defence counsel in criminal proceedings, so that compliance with them is mandatory irrespective of the declared emergency.

The HBA is in constant contact with the legislator on the framework and solutions of the legislative amendment required in an exceptional situation, so it is already known that no trial will take place in the coming months in either criminal or civil society cases. It is also expected that procedural deadlines will be settled by law within a short period of time.

However, during the investigation phase of the criminal proceedings, procedural acts which cannot be held without the presence of a lawyer will continue, and failure to do so may have extremely serious consequences according to the President.

It is understandable that, in the event of an emergency, a number of lawyers have reason to refrain from attending the criminal proceedings in person, but just as they accept from those working in public utilities in the health sector and in the transport of goods, and even expect society to ensure that those who are responsible for the continuation of their operations, the criminal justice service, including the institution of secondment, should also be ensured in the event of a significant reduction in the volume of the case.

According to HBA's knowledge, the ORFK's (National Police Headquarters) management indicated on 24 March, that solutions would be sought to make personal presence safe in the event of an emergency.

As soon as the HBA becomes aware of this, it will communicate it to the lawyer as soon as possible.

The President asked the regional (territorial) bar associations to continue to ensure the lawful operation of criminal proceedings, taking into account local conditions. He recommended that contact be made with the criminal deputy of the county police commissioner in order to agree on the details.

Further specific administrative support have been published on the website of the HBA.

Dr János Bánáti, President of the Hungarian Bar Association (1/2020.(III.17.) on the basis of its decision) published on the website of the Bar Association a case assistant, model application and notification and other useful information for the administration of the regional Bar Association's affairs.

The Hungarian Bar Association has produced useful information on the remote identification of clients and on the tele-education during the document countersigning.

During these weeks the oath and pledge take place in the Bar in an unusual manner. On the basis of the legal limitations governing the current emergency, the Bar's leadership saw the video call as the only option to give up pledges and oaths.

Within days, we expect the legislator to have rules for holding the annual general meeting of public limited liability companies by electronic and/or postal voting without a personal presence.

Initiatives of the Budapest Bar

In order to mitigate the adverse economic effects of the virus situation, the Board of Directors of the Bar is committed to seek ways to address the reduction of the fee burden by initiating a possible amendment of the rules on the fees of the Bar and other relevant standards. In addition, in view of the situation, the President of the Budapest Bar has also initiated the creation of an extraordinary aid title with the Hungarian Bar Association, which, if welcomed, will be able to provide rapid assistance to colleagues in real need. In view of the situation that has arisen, relying on voluntary compliance, in the second quarter the Bar will not initiate the removal of members who are subject to the membership fee.

On 24 March 2020 the BÜK issued two decisions to its members, including the termination of notices and the postponement of increases in fees.

Concerning the judicial activity on the courts in Hungary¹

According to the 35/2020. (III. 15.) OBHE decision (decision of the president of the National Office for the judiciary) on handling administrative and court matters during the **extraordinary judicial vacation**:

Courts shall exercise their judicial functions only in accordance with the rules on epidemiological isolation, surveillance, quarantine and control. Bodies of judges shall not hold any plenary sessions or meetings requiring personal presence. The courts shall not hold preparatory hearings, hearings and public sessions.

Urgent procedural acts requiring personal presence shall, as far as possible, be carried out by means of remote hearing. If remote hearing is not possible, the court and those present at the hearing shall follow the protocol established by the OBHE decision.

Court offices carry out their obligation to provide information exclusively through telecommunication and/or by electronic means, personal client reception is suspended.

Admission is restricted to: judges, judicial employees, persons performing a task in relation to a reason within the court's sphere of interest, persons summoned to procedural acts

Extraordinary measures on the courts, laid down in the framework of the declared state of national crisis, which was declared by the Government on 11 March, 2020 across the country due to the coronavirus outbreak. The provisions, which entered into force on 15 March 2020, merely provide the order of extraordinary judicial vacation, but many details remain to be clarified (its duration and details are yet to be specified). (45/2020 (III.14.) Government Decree 14 March, 2020)

During the traditional judicial vacation, the administration offices of the courts operate at a reduced level, but personal access to the court documents is also possible during this period. The question is whether this opportunity is provided during the present extraordinary judicial vacation.

The question is whether, due to the extraordinary nature of the ordered judicial vacation, it may also be applicable in non-litigious proceedings, ie. company registration proceedings, liquidation

¹ Summary of the KPMG LegalTóásó Law Firm

proceedings or not. As a general rule, the traditional judicial vacation does not apply to non-contentious proceedings. In non-litigious proceedings personal presence is not required in principle, and therefore, the extraordinary judicial vacation is unlikely to affect these proceedings, but there is no specific answer to this question yet.

Government announces economic relief measures as tourism and commerce grind to a halt²

In an address on his Facebook page on Wednesday, Prime Minister Viktor Orbán announced a number of measures the government would take to ease economic pressures caused by coronavirus. According to the government decree published on 19 March:

- a moratorium on loan payments for individuals and companies will be implemented until the end of the year (those who wish to continue making their scheduled payments will be permitted to do so)
- employer contributions and payroll taxes in the tourism, hospitality, transportation, entertainment, gambling, film, performing arts, events and sports services sectors will be waived until the end of June. Workers in these sectors must only pay their health care contributions, not to exceed 7,710 Ft (€21) per month. Non-residential rental contracts in these sectors cannot be broken by landlords until June 30, and rental prices cannot be raised
- short-term business loans will be extended until June 30
- the annual percentage rate (APR) for all consumer loans taken out after 19 March 2020 will be maximized at 5 percentage points over the central bank's base interest rate, amounting to a maximum APR of 5.9%
- independent contractors in the transportation sector (such as taxi drivers) are exempted from paying their small business tax until June 30.

Hungary's auto manufacturing industry, which makes up some 4% of GDP, has taken a major hit as Opel, Audi, Suzuki and Mercedes have ceased production.

The economic package announced on 23 March 2020 introduced further measures:

The decisions exempt more than 80 thousand small enterprises from contributions, exempt KATA debts incurred before 1 March, and the government suspends evictions and executions, as well as tax collections. Rights of gulf and gestation expiring during the emergency shall be maintained. In addition, media service providers in Hungary are granted a temporary tax exemption. The pay-pal threshold has been raised to minimise the use of cash.

² *Insight*Hungary newsletter of 19 March 2020

CCBE Survey: Exchange of Experiences and best practices between bars – Ireland

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Yes. The Irish Courts Service (the "ICS") has introduced measures to reduce the number and size of court hearings. Please see more here: <https://beta.courts.ie/news/covid-19-notice-court-hearings-march-12th-630-pm>

Furthermore, until further notice, all judgments will be given by e-mail: <https://beta.courts.ie/news/covid-19-delivery-judgments>

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

Postponement of court proceedings will inevitably result in delays in how cases are considered.

- Are some physical proceedings still allowed and how will they proceed in practice?

Yes, some physical proceedings are still allowed. For example, in the Circuit Court (i.e., regional courts with limited jurisdiction) ongoing criminal trials will continue to conclusion. Furthermore, judges will be available to hear certain urgent applications. See here: <https://beta.courts.ie/content/covid-19-statements-president-each-jurisdiction-updated-monday-16th-march-630pm>

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Yes, custody sentencing cases will be dealt with by video link. <https://beta.courts.ie/content/covid-19-statements-president-each-jurisdiction-updated-monday-16th-march-630pm>

We understand the ICS is conducting contingency planning to support court sittings in ways that use modern technology: <https://www.lawlibrary.ie/News/INFORMATION-FOR-MEMBERS-IN-RELATION-TO-COVID-19-OU.aspx>

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

We are not aware of any such precautions.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

We are not aware of any such instructions or measures.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

We are not aware of any such measures.

General safety measures have been implemented by the Irish Prison Service ("IPS") (<https://www.irishprisons.ie/6664-2/>), including restricting visits to one visit per prisoner, per week. There do not appear to be any measures to ensure access to a lawyer.

However, the IPS continues to discuss the evolving situation with the Irish Department of Justice and Equality. Therefore, the situation may change. The Irish Penal Reform Trust, a prisoners' rights organisation, has called for prisoners to be granted access to video calls (given the reduced number of physical visits): <https://www.iprt.ie/latest-news/irish-prison-service-and-covid-19/>. If such video access is granted, this could be extended to video calls with lawyers.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

We are not aware of any such possibilities.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

We are not aware of any such measures.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

We are not aware of any such measures. That said, the IPS is aware of the increased risk of rapid community transmission within a prison setting (see here: <https://www.irishprisons.ie/6664-2/>). Therefore, there may well be further guidance on this point as the situation evolves.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Many Irish law firms have adapted to the situation by remote working, where possible. The Law Society of Ireland has encouraged this: <https://www.lawsociety.ie/gazette/top-stories/remote-working-guide-for-lawyers-as-further-movement-restrictions-loom/>

That said, at the time of writing, law firms are permitted to stay open during the pandemic. This ensures continuity of practice: <http://blackhall.newsweaver.ie/eshot/11d5pem8rv310jrbvac27a>

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Yes. The Irish tax authorities have announced certain reliefs to support businesses (including, potentially, law firms) during the pandemic:
<https://www.revenue.ie/en/corporate/communications/covid19/index.aspx>

- Are there initiatives to postpone tax-prepayment by independent workers?

We are not aware of any initiatives specifically targeting tax prepayment by independent workers. That said, the Irish tax authorities have suspended the application of interest to late payments on certain taxes.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

There will be a EUR 200 million working capital scheme for affected businesses (which may include law firms), administered by the Strategic Banking Corporation of Ireland:
<https://sbci.gov.ie/schemes/covid-19-loan-application>

- Any other support measures have been announced or discussed?

Yes. For example, the Irish Government has announced a wage subsidy scheme to support workers affected by the pandemic:
<https://revenue.ie/en/corporate/communications/covid19/temporary-covid-19-wage-subsidy-scheme.aspx>

CCBE Survey: Exchange of experiences and best practices between bars – Italy

Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

The Decree Law no. 18 of 17 March 2020 provides the last measures taken in order to contain the Virus effects on civil, criminal, tax and military justice.

In general, all pending civil and criminal proceedings scheduled in the period 9 March to 15 April 2020 are postponed ex officio to a date after **15 April 2020** (article 83, paragraph 1). In order to be in compliance with the health and hygiene indications provided by the Ministry of Health, the heads of the judicial offices may also postpone the hearings to a date after **30 June 2020** (article 83, paragraph 7, letter g).

The application of the suspension period (9 March to 15 April 2020) impact on the calculation of procedural and substantive terms.

In particular:

- the terms elapsed for the completion of any act and in general all procedural time limits relating to pending proceedings are suspended.
- suspension of the terms also applies to newly introduced trials and actions and to the acts taken by judges (i.e. the deadlines set for the preliminary investigation phase; for the adoption of judicial measures);
- the terms that begin during the suspension period (9 March to 15 April 2020) are postponed at the end of the suspension period.
- the expiry of the time-limits which began before 9 March, due to the suspension period, will restart from **16 April 2020**
- in order to comply with the terms that are counted “**backwards**” (e.g. Articles. 166 and 380 bis c.p.c.; Articles 468 (1), 127 (2) and 611 (1) c.p.p.), and which fall in the suspension period, the activity or hearing from which this term starts will be deferred at the end of the suspension period;
- The suspension period applies to the **prescription**, to the terms of maximum duration of **pre-trial detention** (Article 303 of the Italian Criminal Code), to the terms of **coercive measures** and to the terms of **interdiction measures** (Article 308 of the Italian Criminal Code) in criminal proceedings.

Those measures (postponed hearings and terms) are also extended to proceedings before the **Tax Commissions**, the **Military Courts** as well as to Civil, Commercial and Fiscal **Mediation, Arbitration and Negotiation**.

Whit regard to **Administrative Justice**, the hearings are also postponed to a date after 15 April 2020.

The recent Decree Law no. 23 adopted on 8 of April 2020 (Decreto legge liquidità) contains extraordinary financial measures and provides, inter alia, of an extension of the suspension period relating to Justice.

In particular, the article 36 of the Decree Law no. 23/2020 provides the postponement, from 15 April to 11 May, of the deadline concerning the postponement of the hearings of the civil and criminal proceedings pending at all the judicial offices. Are also suspended until 11 of May the deadlines for the fulfilment of any act of the civil and criminal proceedings (terms for preliminary investigations phase, for the adoption of judicial provisions, for filing the motivation, for proposal of introductory acts of the judgment and executive proceedings, appeals and, in general, all procedural terms).

The extension of the terms until 11 of May applies mutatis mutandis to the **Mediation, Arbitration and Negotiation** procedures as well as to the procedures before the **Tax Commissions**, the **Military Courts** and to the activities of the **Court of Auditors**.

However, the extension does not apply to criminal proceedings in which the suspension of the terms of maximum duration of pre-trial detention (article 304 Criminal Procedure Code) expires in the six months following the 11 of May 2020.

Regarding the judgments governed by the Administrative Process Code, only the deadlines for notification of appeals are further extended from 16 to 3 May.

Moreover, the Article 37 of the Decree Law no. 23/2020 extends to 15 of May the date of suspension as regards the calculation of the terms of the administrative and disciplinary proceedings pending at the date of 23 February 2020 or started after that date.

Potential fiscal and economic measures or incentives

Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

The decree of 17 March 2020 n. 18 establish the suspension of the terms for tax obligations, which expires between 8 March and 31 May 2020 (article 62 ff). These fulfilments shall be performed by 30 June 2020, without penalties.

Specifically, for persons carrying out business, art or profession activities with income characteristics identified in the decree is provided, inter alia, a suspension of payments resulting from self-tax-declarations of VAT and compulsory insurance premiums.

In this regard, fulfilments shall be performed by 31 May 2020.

In addition, the Decree of 17 March 2020 no. 18 provides that for persons, entrepreneurs and professionals having their tax domicile, registered or head office in one of the listed municipalities mostly affected by COVID-19 epidemic, tax payments falling due between 21 February 2020 and 31 March 2020 are suspended regardless of the volume of revenues and compensations or related tax demands. These fulfilments and payments shall be made in a lump sum within the month following the end of the suspension period.

As regard to specific measures for lawyers, the Cassa Nazionale di Previdenza e Assistenza Forense, has provided the suspension of all payments and social security obligations until 30 September 2020: this measure is valid for each lawyer, without limitation of enrolment, age or income.

Moreover, the lawyers registered to the Cassa Nazionale di Previdenza e Assistenza Forense can access to a bonus for the purchase of baby-sitting services, up to a maximum of 600 euros.

Finally, the Cassa Forense e Unisalute (collective health insurance coverage), have agreed to provide an additional guarantee regarding the COVID-19 infections valid for all members. The cost of the guarantee will be pay by the Cassa Nazionale di Previdenza e Assistenza Forense. The duration of the coverage is retroactive with effect from 01/2/2020 and will cover the events occurred and diagnosed from that date until 31/12/2020.

Regarding the measures to facilitate access to the financial credit, please see the answer below.

The new Decree-Law no. 23 of 8 April 2020, extends the suspension of tax fulfilments (withholding taxes, social contributions, VAT payments, and mandatory insurance premia) falling due on April and May, by entrepreneurs, professionals with no more than **50 million euros of** revenues and which have recorded a 33 % loss in their income in March 2020, in comparison to March 2019 (while entrepreneurs, professional with revenues more than 50 million of euros have to report a 50 % drop in their income during the same period).

The payment of these taxes is **postponed to 30th of June 2020**, and can be performed in a single payment solution or by 5 instalments scheme. No refund will take place for payments already made

Are there any proposals to get credits which are backed up by a special state-owned bank?

No, but two measures are provided by the Decree of 17 March 2020 no. 18 to support the liquidity of businesses affected by the epidemic: i) extraordinary moratorium on loans, credit lines, mortgages and other loans repayable in instalments and granted to micro and SMEs by banks, financial intermediaries and other entities authorized by law to grant credit in Italy (see article 56); ii) 1.5 billion increase in the public guarantee fund for SMEs and new temporary standards for the provision of both direct and indirect guarantee. For a 9 months period, direct guarantees shall provide a coverage of 80 % of each financing operation for a maximum guaranteed amount of 1,5 million euros for single enterprise (90 % in case of indirect guarantee) (article 49). Moreover, a more consistent State Aid regime has recently been approved by the European Commission and some measures concerns a stronger intervention in this sector, inter alia.

With the adoption **The Decree-Law no. 23 of 8 April 2020**, the Government has provided for:

- A financial commitment of 400 billions to support liquidity of the business affected by the pandemic. In this respect, 200 billions are available to support the national internal market, out of which about 30 billions for the benefit of SMEs and independent workers, while 200 billions are left to sustain Italian export companies. (see respectively Art. 1; Art. 2)
- **As regards the Public guarantee fund for SMEs** (open also to independent workers and professionals) (Art. 13): **a)** Higher maximum amount of each financing operation which can be guaranteed by the State (5 million for single undertaking concerned); **b)** Higher direct guarantee level providing a coverage of up to 90 % of each financing operation. This coverage can be increased of up to 100 %, through the additional contribution of other guarantors (alias Confidi); **c)** Immediate granting of direct guarantees providing a 100% coverage of each medium-term loan (not more than 72 months) which either does not exceed the 25.000 € or the 25 % of the revenues raised by the applicant in 2019.
- **Easing of contract arrangements** (art. 4): All those subjects indicated by the transparency provisions of the Bank of Italy, who, in these time of emergency, are not always in possession of the telematic equipment necessary to the conclusion of a distance loan contract, will be allowed to reach the conclusion of the contract by email or any other mean by which the consent can be provided in a written form under pain of nullity. This category entails subjects such as, consumers; natural persons engaged in a professional or craft activity; non-profit bodies; micro-enterprises.

Any other support measures have been announced or discussed?

In consideration of the emergency situation the Consiglio Nazionale Forense (CNF) has provided the suspension until 30 September 2020 of the financial contribution due by lawyers. In addition, in the spirit of solidarity and support for lawyers the CNF has decided to allocate the sum of 250 thousand euros for the investment of health tools useful for dealing with the ongoing emergency. To counter the spread of the Covid-19 virus and to support lawyers further measures will be discussed.

Through an inter-ministerial decree, **signed on March 28**, the procedures for the indemnity recognized by the Decree Law no.18 of 17 March 2020 in favour of workers damaged by the coronavirus have been established. The income support for self-employed and professional workers registered with private social security institutions, damaged by the Coronavirus emergency, consists of an indemnity for the month of March equal to 600 euros. This amount will be recognized: **a)** to workers who have received, in the 2018 tax year, a total income of no more than 35 thousand euros; **b)** to workers who, in the 2018 tax year, have received a total income of between 35 thousand and 50 thousand euros and due to the Covid-19 virus have

ceased, reduced or suspended their independent activity by at least 33% in the first quarter of 2020 compared to same period of 2019. Applications for obtaining the allowance can be submitted by professionals and self-employed workers to the social security institutions to which they are registered. The situation is evolving and based on the directions given by the Minister of Labour is likely that additional measures will be taken in favour of these categories of workers.

The *Cassa Nazionale di Previdenza e di Assistenza Forense* has recently taken some initiatives to support lawyers: **a)** the creation of 10 million solidarity fund in support of the families of the lawyers who have lost their lives during the pandemic; **b)** a contest for the provision of 5 million of euro to compensate half of the law firm rents paid by lawyers in difficulty

CCBE Survey: Exchange of experiences and best practices between bars – Lithuania

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Lithuanian Courts recognize that extraordinary steps are necessary to protect public safety and the health of participants in the process. Judges must conduct audio and video teleconferencing for civil and criminal proceedings, except special cases when it is required in-person appearances. Since the state declared a public health emergency, judges and litigants have been encouraged to use teleconferencing when possible. However, technical implementation of such measures as teleconferencing mostly is impossible or hard to exercise. At the moment (oral) court proceedings and hearings are postponed.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

These postponements are qualified as objective circumstances to ensure safety of participants in the process. At the moment, no additional measures regarding calculation of delays are imposed, all legal procedure is commencing (except aforementioned) according to regular procedural rules.

- Are some physical proceedings still allowed and how will they proceed in practice?

Physical proceedings are not allowed until public health emergency requirements will be in force, except for procedures regarding, temporary detention, convoy, arrests and interrogations.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

During last 2 weeks, physical hearings at courts, when possible, were organized using teleconferencing, at the moment it is more convenient to postpone all hearings, since VC and TC equipment, technicians are sparse and basic rules and regulations are hard to follow.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

Lithuanian Bar Association encourages advocates to always to use special safeguard masks, use hand sanitizer, to keep distance and other recommendations declared by World Health Organization and public health officials. Also, Lithuanian Bar Association seeks to donate more safety tools for governmental legal aid advocates during this world-wide shortage of masks period.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

All general procedures and recommendations directly from governing agencies must be applied. There are specific recommendations to take the incubation period for COVID-19 range from 1-14 days. Also, stay home if you feel unwell and if you have a fever, cough and difficulty breathing, to seek medical attention and call in advance following the directions of local health authority. Prison Department has issued an order how to organize work of institutions such as Probation Service, places of imprisonment and others during a public health emergency, stating that if an institution is unable to guarantee isolation for at least 14 days, not to allow new persons to be imprisoned. At the moment no additional (or special) recommendations regarding lawyers, defendants and other participants in justice procedures are imposed.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Meetings with advocates are organized without physical contact, unless such meetings are necessary for protecting human rights. Physical contact is/must be restricted by wearing face and mouth protective equipment, hand sanitizer. Lithuanian Bar Association proposed adding more safety procedures and additional equipment to certain procedures and situations.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

To this moment, Lithuanian Bar Association does not have information about possibilities to access an advocate through video conferences in prison.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

In this case, physical proceedings are still allowed but physical contact is/must be restricted by wearing face and mouth protective equipment.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

Mentioned specific recommendations are applied to the prisoner/accused person who is tested positively for the coronavirus. Responsible authorities must ensure that such person would be isolated and seeks medical attention.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Law firms in Lithuania according to Lithuanian Bar Association recommendations are responding to the coronavirus pandemic and organize their work from home, using digital meeting software for video conferencing if needed. The spread of coronavirus may require advocates to take some time off or become more involved in other aspects of the firm's operations. Although, allowing employees to work from home flexible, the production should not be greatly affected.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

The Government has adopted a number of financial aids focused on businesses. Business facing difficulties with COVID 19, may rely on such measures as guarantee limit increasement more than 4 times; interest to be reimbursed for 6 months (for loans after quarantine), when banks grant a loan repayment leave, etc.

- Are there initiatives to postpone tax-prepayment by independent workers?

State tax inspectorate has already announced that annual tax declaration submission is being postponed until 1 of July instead of 1 of May.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

Apparently, no.

- Any other support measures have been announced or discussed?

The Parliament is expected to adopt amendments to Employment Law which will allow all independent workers to get a monthly allowance of 257 Eur, if they will comply with certain conditions.

CCBE Survey: Exchange of experiences and best practices between bars – Norway

Response on the e-mail dated 17.03.2020 from CCBE concerning the corona virus.

The corona situation in Norway developed quickly, and new measures are taken every day. The answers below are based on the current situation. The health authorities have generally encouraged the use of home offices, reduced use of public transport and limited physical meetings.

General measures considering spread of the virus and hygiene are found at Norwegian Institute of Public Health's website, www.fhi.no and www.helsenorge.no. Measures taken by Norwegian authorities so far : <https://www.regjeringen.no/no/aktuelt/regjeringens-strakstiltak-for-a-dempe-de-okonomiske-virkningene-av-koronaviruset/id2693442/>

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Answer: *The courts are not closed. Estimated cases are wound up as planned until something else is notified. Operations have been greatly reduced, for the period 13 March to 26 March. Most of the main negotiations in the period are postponed and will be re-estimated.*

(<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/veiledning-til-advokater-som-folge-av-folkehelsetiltak-for-a-hindre-spredning-av-covid-19/>)

However, these types of cases will be dealt with despite reduced capacity:

- Petrial detention
- Judicial control of criminal proceedings
- Judicial review of (rush) decisions according to the use of administrative coercion
- Temporary decisions that is necessary due to life, health and important social interests.
-

(<https://www.domstol.no/kontakt-en-domstol/helse/>)

For cases with court attendance, several measures have been taken to reduce the risk of infection. Antibac has been placed in the prison halls, and a good distance between judges, actors and the accused must be ensured. In cases involving interpreters, halls with interpreting room shall be used. The courts recommend not to hand greet, but to greet in respectful manner without physical contact. Many of the courts have their own detailed information on the situation at their websites.

(<https://www.domstol.no/kontakt-en-domstol/helse/>)

and

<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/koronaviruset-informasjon-fra-domstolene/>

Communication with client prepared for imprisonment / is under arrest at Oslo Police Department: The Oslo District Court encourages defenders to recommend clients to consent to written treatment. It is also possible to communicate by telephone between the attorneys' rooms and the detention

area of the courthouse. The defendant and client can, if they wish, sit in their own rooms when they talk together before the prison meeting.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

- Are some physical proceedings still allowed and how will they proceed in practice?

Answer: See also the answer considering generic safety measures.

The usual rules apply on the urgent cases mentioned above, and you must meet in court. The only exception from this is if any of these points apply:

- If you already are sick or quarantined, you must notify the court as soon as possible
- If you have been abroad, you must stay home for 14 days after returning home due to restrictions from Institute of Public Health. This applies regardless of whether you have symptoms or not. You must report to the court as soon as possible.
- If you have infections or any other specific suspicion that you might be infected, you should also stay home until you have received a clear signal from a doctor. Report to the court as soon as possible.

A lawyer who is quarantined according to the rules set by the health authorities is not allowed to appear in court. There will thus be valid absences. The same applies to the party. It may require that the case be remanded.

In the absence of quarantine, the principle must be that there is no valid absence. Law and order are considered a critical function of society, which should be maintained as far as possible. Therefore, if there is no prohibition on, for example, flights or other public transport, the lawyer must be obliged to stand.

(<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/veiledning-til-advokater-som-folge-av-folkehelsetiltak-for-a-hindre-spredning-av-covid-19/>)

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Answer: In the present situation, there is special reason to consider the use of remote meetings to a somewhat greater extent. The courts have their own platform for video conferencing. In case of use, the lawyers will receive an e-mail with time and date, and a video link. The following refers to civil cases.

In small claims cases, there is general access to hold a hearing for the proceeding of the case as a video conference. For main negotiations, it requires the consent of all parties to use a video conference. It will vary to what extent the courts have the technical opportunity to offer the conduct of a court hearing as a remote meeting. What is proper case management will also have to be considered on a case-by-case basis. The Act also allows written treatment instead of oral treatment of District courts. There might be a reason to consider this.

Parties and witnesses abroad may face difficulties traveling to Norway (or returning home after being in Norway). To a certain extent, it can be remedied through remote interrogation. Remote interrogation should not be made if the explanation may be particularly important, or where other matters make it questionable. An example of other factors that make it questionable may be that remote questioning impact the party or witness statements from one of the sides of the case. The consideration of equality of arms and of proper treatment) can indicate that the case must be reassessed.

[\(https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/veiledning-til-advokater-som-folge-av-folkehelsetiltak-for-a-hindre-spredning-av-covid-19/\)](https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/veiledning-til-advokater-som-folge-av-folkehelsetiltak-for-a-hindre-spredning-av-covid-19/)

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

Answer: *See the answers on physical proceedings.*

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

Answer:

In general people tested positively for the virus are quarantined for 14 days. See the last two paragraphs of the answer on physical proceedings.

Each court have their own information at their web site. This is an example from Stavanger District Court :

« Jæren District Court and Stavanger District Court therefore plan that the prison meetings in these cases be conducted as a remote meeting as far as possible. The accused then meets via video link, while the other actors physically meet in the relevant district court. It will be envisaged that the defender can communicate with the client both before, during and after the prison meeting. We would like to ask the police for extra time for the prison meeting so that this communication can be taken care of »

<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/koronaviruset-informasjon-fra-domstolene/>

- 2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners' access to a lawyer?

Answer: *Information from Norwegian directorate of correctional services: Visitors are not allowed in the prisons. Exceptions are among others, made for lawyers in ongoing or forthcoming criminal trials.*

<https://www.kriminalomsorgen.no/informasjon-om-tiltak-i-forbindelse-med-korona-epidemien.525457.no.html>

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

Answer : *In the cases mentioned in the point above, video conferencing is the primary option. The directorate uses a specialized video solution via tablets. The solution makes it impossible for unauthorized to arrange meetings. It is impossible to control whether there are other people with the "visitor" during the video conference. The leader at each prison have the authority to decide whether the conservations are to be controlled. If the prisoner refuses to use this solution, the conservation will be held behind a wall of glass, without overhearing.*

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

Answer: *No specific measures taken or possible to identify at this point. The Norwegian Bar Association have stressed that it is important to point out the defence lawyers as a critical function in the society. In connection with kindergartens and schools now being closed, the Ministry of Justice and Emergency Management has prepared an overview of which employees in the 14 critical functions of the society should be offered school or kindergarten space if needed. Judges, state attorneys and the higher prosecuting authority are on the list. Défense lawyers are not mentioned explicitly. This may refer to an oversight. A lawyer who works for a lawfirm specialised on criminal law, have now asked the directorate to clarify whether defence lawyers are included or not.*

(<https://www.advokatbladet.no/forsvarergruppen-korona/justisdepartementet-definerer-ikke-forsvarsadvokater-som-en-samfunnskritisk-funksjon/148851>)

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

Answer: *In general measures stated by Institute of Public Health are to be followed. The measures mentioned at the website of the Correctional Service are preventive measures. These measures include limitations of reception and notice, single rooms, advanced releases in appropriate cases, stop on leave and release (work, school etc), considering transferring inmates, new temporary rules for penalties with electronic controls (foot link). Daily routines in the prisons are tried to be maintained. Imprisonment in custody will continue.*

<https://www.kriminalomsorgen.no/tiltak-som-gjelder-innsatte.525465.no.html>

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Answer:

- *In case you become completely unable to run the law business and follow up on clients and operations while you are ill, the Norwegian Bar Association recommends arranging a back up solution. The back-up solution involves a lawyer's colleague stepping in by consent. The*

authority must give the opportunity to open mail, including e-mail, contact the clients and dispose of client accounts. It should be clarified with the bank where you have a client account, what is needed for the bank to accept such authorization. (<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/rad-til-naeringsdrivende/>)

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Answer: *Several measures are taken by the authorities, and there probably are more to come. The following measure is referred to at 18th of March.*

The authorities have decided to postpone the payment of VAT with due date April 2020. It is not given further information about the details yet.

(<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/koronaviruset-utsatt-innbetaling-av-merverdiavgift/>)

The Government also proposes a temporary scheme with deferred payment of wealth tax on business assets for the 2020 financial year.

(<https://www.regjeringen.no/no/aktuelt/regjeringens-strakstiltak-for-a-dempe-de-okonomiske-virkningene-av-koronaviruset/id2693442/>)

- Are there initiatives to postpone tax-prepayment by independent workers?

Answer: *Yes, independent workers who will pay the first tax-prepayment on March 15, will be granted a deadline for payment until May 1.*

(<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/regjeringen-gir-utsatt-frist-for-betaling-av-forskuddsskatt/>)

- Are there any proposals to get credits which are backed up by a special state-owned bank?

Answer: *On March 15, the Minister of Finance presented a government loan guarantee for bank loans, especially aimed at small and medium-sized enterprises, with a limit of NOK 50 billion in the first place. The firms covered by the scheme and what it is about is not entirely clear. As far as we can see, the banks will manage the schemes, and it makes sense to be in dialogue with the bank if there is a need.*

(<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/rad-til-naeringsdrivende/>)

- Any other support measures have been announced or discussed?

Answer:

- Sick leave insurance can help offset the financial loss that often results from illness. The Norwegian Bar Association therefore recommends that all lawyers who work alone or in small communities to sign a sickness insurance.
- (<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/koronaviruset---fortsatt-mulig-a-tegne-sykeavbruddsforsikring/>)
- The coronavirus can cause various disruptions and thus provide the basis for labour termination because the workers cannot be employed. Norwegian authorities have agreed to pay full wages of behalf of a company during the first 20 days of the termination period before welfare pay kicks in.
- (<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/koronavirus-permittering/>)
- The Norwegian Bar Association recommends to immediately to consider how costs can be reduced. Consider all costs, go through agreements and see if anything can be renegotiated. Avoid incurring new expenses as far as possible.
- ((<https://www.advokatforeningen.no/aktuelt/Nyheter/2020/mars/rad-til-naeringsdrivende/>))
- The Norwegian Bar Association experiences great demand from their members these days. A survey is sent out to identify how lawyers are affected by the corona crisis.
- (<https://www.advokatbladet.no/arbeidsrett-korona/tilbyr-gratis-arbeidsrettslig-bistand-til-medlemmer/148926>)
- The Norwegian Bar Association offers members up to one hour of free legal advice from external lawyers concerning labour law. This offer started 01.01.2020, and is not offered as a consequence of the corona virus. The external labor law advisers have not experienced a rush of inquiries due to the corona virus. Nevertheless, there are more requests on labour termination.
- (<https://www.advokatbladet.no/arbeidsrett-korona/tilbyr-gratis-arbeidsrettslig-bistand-til-medlemmer/148926>)

CCBE Survey: Exchange of experiences and best practices between bars – Poland

1. Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Courts so far have suspended proceedings officially to the end of March, but mostly there are informations from courts, that there will be no hearings until the end of April (except urgent matters f.e. arrest decision). Courts are closed for public, only in urgent matters parties and lawyers are allowed to enter to the building.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

We are waiting for regulations, we are expecting that 2 months of cancelled hearings will result average in 3- 12 months of delay of the case (from personal experience, court hearing in middle size city in district court (I instance) in commercial proceedings planned on 8.04 and cancelled because of coronavirus will be proceeded on 5.08, it will be much longer in larger cities or courts)

- Are some physical proceedings still allowed and how will they proceed in practice?

Courts still proceed hearings in urgent matters such as f.e. detention decision in criminal cases, urgent decision in family cases f.e. regarding parental care, only in these urgent matters parties and lawyers are allowed to enter to the building. In the court buildings disinfectants are in common use.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

The same as in any other cases- only in urgent matters.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings? Lawyers can only enter the court building in urgent matters for the time of hearing. You cannot personally file any documents in the court, the income of outside delivery is now restricted.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

The absence of such person in court hearing will be excused. If there would be information, that such person was involved in court hearings, all participants who also were present in the same court room or any other having direct contact, will be quarantined.

2. Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?
- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?
- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?
- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

It is known that the number of detention on remand is decreasing and that visibility with external persons has been reduced (however, we talk about families of detained / convicted prisoners, not about issues related to the exercise of the right of defense. There have been information about the suspension of external employment of prisoners and what else) the need to extend access to hot water and cleaning products. It is also known that in some prisons, masks and overalls are sewn.

Everyone entering prisons has their body temperature measured. Criteria for the eligibility of prisoners for whom there is a risk of coronavirus infection (based on guidelines developed for people who meet certain criteria - who were in countries with or at risk of being infected) may have been developed. Sanitary inspection shall be informed of possible cases.

The Ministry of Justice is preparing draft regulations on the basis of which it will be possible to use the electronic surveillance system more widely than before for prisoners serving sentences that do not exceed 18 months in prison. A special break is also foreseen in the course of serving a sentence in connection with the epidemic threat (for a crime punishable by up to three years imprisonment). There is a significant extension of the videoconferencing system (to reduce the risk of personal contact).

All this is currently happening, but there is no hard data in the form of draft legislation or other official documents. Certainly in detention centers and penitentiary establishments with detention units - when it comes to contact with lawyers - it is still being implemented, but precautions are taken (contact through glass, hand sanitizing)

The Prison Service observes what is happening in connection with the functioning of the penitentiary sector in other countries with the epidemic (i.e. in Italy and Spain), and there the situation is very dynamic and from what is being written - it is difficult to talk about the effective functioning of the guarantee system resulting from EU directives (especially those regarding access to a lawyer).

3. Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Very important is access to useful information regarding current situation in courts, available tools for on-line communication and even personal contact with members (especially in senior age) who may need help in every-day life matters during crisis.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?
- Are there initiatives to postpone tax-prepayment by independent workers?
- Are there any proposals to get credits which are backed up by a special state-owned bank?
- Any other support measures have been announced or discussed?

Polish government has filed package of drafts of statutes called “anti-crisis shield” which shall be voted in Polish Parliament on Friday. It includes support measures for business (including lawyers). F.e. : coverage by the state of contributions to social insurance for three months - for micro-enterprises that employ up to 9 employees (this refers to contributions for all employees); and self-employed; monthly benefit in the amount of up to about 2,000 PLN - for those employed under a mandate or specific task contract and self-employed; the right to delay the payment of income tax advances for your employees by three months, the legal possibility for employer of a 20% reduction salary and working time for an employee, however, not less than half-time, the state will pay no more than 40 percent. average salary for three months, another option is an additional payment to the salary of employees who have reduced working time due to "economic downtime" - if the employer reduces the employee's salary, but not less than to the minimum wage, the state will finance half of it together with insurance contributions social (the last two forms of assistance are conditioned by a decrease of income due to coronavirus).

CCBE Survey: Exchange of experiences and best practices between bars – Portugal

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Yes, due to the coronavirus the Superior Council for the Judiciary has decided to close courts and tribunals starting from March 13. Fundamental Rights cases will nonetheless, proceed. This includes cases where a judicial decision is necessary because of the link with the rights of suspects or parties seeking justice. If possible, videoconference is used during court cases.

Portuguese Government has also released a Decree establishing a State of Emergency, for social distancing and exceptional measures to restrain pandemic spread. Public places such as gyms, shops, theatres, restaurants are closed and only operate on line and take away.

Only supermarkets, delies, gas stations, pharmacies are open under sanitary measures (queues with distance in between clients, limited number of people inside, alcohol gel outside for every person entering)

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

Deadlines are currently suspended and treated as being judiciary holidays whilst this legal situation prevails.

- Are some physical proceedings still allowed and how will they proceed in practice?

Yes, please check first question.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Yes, videoconferencing is (being) adapted to make it better applicable in more cases

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The precautions or special safety measures as the Portuguese government has taken, also apply to lawyers. The General Directorate for Health is providing advice and information on the new coronavirus. (more information: <https://www.dgs.pt/publicacoes/comunicados-e-despachos-do-diretor-geral.aspx>)

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

People confirmed positive and under authority surveillance are not allowed to leave home and circulate for at least 14 days.

All people were requested to telework whenever possible and to stay home, there are social networks for elderly citizens to be supported, schools and universities are providing on line classes, parents are staying home with children under 12 until Easter holidays beginning. Companies are advised to maintain operations as long as they don't interact with public lively.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Prisoners may get legal assistance by phone/e-mail instead of live meetings. Legal aid scale charts in courts were established to ensure safety before entering courts.

<https://portal.oa.pt/comunicacao/comunicados/2020/comunicado-escalas-presenciais-organizadas-nos-tribunais-para-fazer-face-a-diligencias-urgentes-e-confirmacao-de-honorarios-no-ambito-do-sadt/>

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

Yes, confidentiality has been highlighted to prevail.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

Replied above, through a court scale chart.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

Unknown to us – general rule is to call sanitary authorities.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Lawyers have been advised through several releases, the Bar has been providing on line services.

<https://portal.oa.pt/comunicacao/comunicados/2020/comunicado/>

Last but not least: lawyers are among the liberal professions who are immediately affected by the social distancing and safety measures taken by the authorities. The economic and financial impact of those measures will be felt soon. Therefore a last question concerns potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

• Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

There are lines of credit for small companies and payments due to tax authorities and social security may be delayed.

• Are there initiatives to postpone tax-prepayment by independent workers?

Yes, Tax authorities are admitting declarations to enter later on.

• Are there any proposals to get credits which are backed up by a special state-owned bank?

Yes, please check here <https://www.iapmei.pt/Paginas/Medidas-de-apoio-as-empresas-relacionadas-com-o-im.aspx>

• Any other support measures have been announced or discussed?

Not specifically relevant to the legal profession.

CCBE Survey: Exchange of experiences and best practices between bars – Romania

1. Court Proceedings

Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Special measures are provided by the presidential decree instituting the state of emergency in Romania, from the 16th of March 2020 in certain fields, among others in judicial proceedings. Trials are suspended during this period (until the 16th of April 2020) with an exception for those cases which are urgent by their nature. Time limits are suspended or interrupted, with no impact upon the calculation of delays and interests.

Physical proceedings are still allowed in such cases and will be dealt expeditiously.

Hearings by video conferencing are allowed in criminal urgent proceedings.

In case one of the parties involved has been tested positively for the virus, he/she has to be quarantined in hospital or isolated at home for a period of 14 days. Thus the proceeding is suspended.

2. Access to a lawyer – in prison / during preliminary proceedings

Access to a lawyer is permitted to prisoners.

If possible, consulting a lawyer by videoconferencing can take place.

3. Individual measures by Bars or Law firms

The National Association of Romanian Bars has decided to take measures in order to ease the financial situation of lawyers. There will not be taken measures to inflict financial penalties upon lawyers for default interests for late payment of taxes and contributions to the budget of bars and the social security system of the legal profession.

4. Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

The legal profession being considered a free profession, it's members (in need) can benefit from an indemnity for technical unemployment (75% of the average medium income) provided for by the state.

CCBE Survey: Exchange of experiences and best practices between bars – Slovakia

First measures were adopted on 10 March and were applicable until 23 March 2020. New government that took office on 21st March March adopted new measures applicable from 23 March 2020.

COVID-19 Act was adopted on 26 March and stipulates the following:

- legal time limits in private law relations, including the time limits for appeal and retrial, are frozen from 12 March to 30 April 2020 (exception motivated by threat to life, health, security, freedom or significant damage to a party)
- adjournment of court proceedings and exclusion of public for the period of emergency state
- Public health authority allowed to use telecommunication/mobile phone provider data to track people in quarantine

1. Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

- General restriction on movement and concentration of persons in the court building and premises
- Access of public restricted and reasons to enter building must be well-motivated (judicial guards dispose of a list with names of parties, legal counsels and persons summoned for the given day)
- Court Registry remains open, entry limited in time and access only to one office
- Court Information Centres provide assistance only by phone and e-mail
- Protective material and disinfectant provided to personnel

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests? Are some physical proceedings still allowed and how will they proceed in practice?

- Protective material and disinfectants allowed to be used by participants during the court proceeding
- First a recommendation was issued on 10 March to reconsider court hearings and other actions of the court and take account of requests for postponement based on health reasons or COVID-19 related reasons.
- This was not observed in practice, however, and Slovak Bar Association addressed a request to the Minister of Justice to freeze the legal time limits (based on the similar Act adopted after the Warsaw Pact troops entered Czechoslovakia in 1968)
- On 23 March the Government crisis team accepted this proposal and legal time limits, including the time limits for appeal and retrial, are frozen from 12 March to 30 April 2020. Courts may conduct hearing only on when strictly necessary (the Act does not stipulate which case, but it is to be understood that is in case of detention and guardianship of minors). Courts may exclude public from the proceedings. According to the Ministry the audio record of the hearing should be made available to public (this is not stipulated by the Act).

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

- In principles yes, but the use of videoconferencing in Slovakia has been very low so far.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

- No

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

- No, but request for postponement should be approved in that case

2. Access to a lawyer – in prison / during preliminary proceedings

- Ban on visits in prisons and detention centres
- Temperature measurement at the entry (max. 37,5 °C), check for the disease presentation signs

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

- Access of law enforcement personnel, judges, advocates/defence counsels and persons providing legal aid will be individually assessed
- Prison guard provides for face protection at entry upon request (Bar Association will cover the costs)
- If the lawyer was denied access, a record will be established, the Bar Association will help dealing with objections vis-à-vis Directorate-General of Prison and Judicial Guard

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

- In principles yes, but the use of videoconferencing in Slovakia has been very low so far.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

- In principles yes, but the use of videoconferencing in Slovakia has been very low so far.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

- Yes. There is one case so far. Apart from the quarantine of the premises, the prisoner was escorted to a different prison that focuses on medical treatment of prisoners from all institutions in Slovakia and is best suited for protective measures and treatment (whole body protective measure, special germicidal beams, re-profiling of premises, quarantine).

3. Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Access to a lawyer in general – Legal Aid Centre closed all its offices from 10 to 27 March 2020 (expected to be prolonged for indefinite period) but continues to provide services by phone, e-mail and via Central public administration portal.

Slovak Bar Association initiated provision of legal aid services for the duration of the emergency status. The project is called “legal aid in quarantine” and it is provided by advocates who registered on a specific list of lawyers pro bono. At the moment there are 240 persons who signed for the provision of legal advice and assistance via e-mail, every request must be answered in 7 days’ time.

The Bar Association Presidency decided to postpone the deadline for annual fees payment from 30 April to 30 June.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

Law offices were ordered to close their premises for public as from 16 March 2020. However, as the Order of the Public health authority referred to “retail establishments and service providers”, the new government interpreted the order in a way that it does not apply to law offices, notary offices and bailiffs as their offices do not fall under retail establishments category (applicable from 23 March 2020). This is on one hand an improvement of the access to a lawyer, on the other hand, law offices risk being fined if the Public health authority provides for different interpretation as the one of the Ministry is not binding. Also, by letting law offices being “open” there is a risk of losing the entitlement to incentives and exception related to employees and other entrepreneurial aspects. Minister of Justice should issue a legislative proposal in this respect.

Minister of Justice agreed to allow lawyers to register their unfitness for work or quarantine. Exception to court proceedings will be regulated by law soon.

- Are there any specific **tax reductions** foreseen or other measures to reduce the impact of the crisis?
- Are there initiatives to **postpone tax-prepayment** by independent workers?
- Are there any proposals to get credits which are backed up by a special state-owned bank?
- Any other support measures have been announced or discussed?

General potential fiscal and economic measures or incentives to be adopted (proposal as of 22 March, work in progress)

1. Three months postponement of obligations as regards tax declaration
2. Three months postponement of income tax duties
3. Cancellation of duty to pay income tax advances
4. Health and social security contributions/and VAT duties for February, March, April postponed in case of small businesses and services effected by the school closure
5. Introduction of „quarantine sick leave and leave to care for family member“ in case of small businesses, well-motivated cases and services effected by the school closure
6. Allow employers to apply compensation of salary in the amount of 60% of salary in case of obstacle on the part employer without consent of trade unions
7. Allow employers to order mandatory leave without prior consent of employee representatives
8. Amendments of collective redundancies rules
9. Compensation for dismissal in monthly instalments
10. Prolongation of payment of customs debts
11. Postponement of travel agencies duty to refund
12. Waiver of obligation to pay minimum levies for self-employed persons (feb, march, april, may)
13. Possibility to suspend trade from 1 month to 3 years
14. Waiver of tax loss duties limits
15. Acceleration of tax eligibility of bad debts

- 16.Compensation of interests on loans and leasing
- 17.Three months of bank loans postponement
- 18.Compensation for the loss of rent in case of premises closed due to the preventive measures
- 19.Compensation for the damage caused in perishable products
- 20.Cancellation of various state controls/checks/inspections
- 21.Extension of time limits for all registered mail
- 22.Prolongation of various delays – VAT declaration, salary declaration, preventive medical examination, final accounts, authorisations, accounts, continuous training, health and safety at work conditions, etc.
- 23.Cancellations of reporting duties
- 24.Contributions to maintain jobs
- 25.Enable provision of services by notaries should they fulfil preventive measures (gloves, disinfection, drapes)
- 26.Possibility to create a quarantine at the workplace
- 27.Legal persons may take decision in distance/per rollam.
- 28.Auctions and executions are suspended.
- 29.Public sector partner register will relax its conditions – if necessary a contract with state authorities may be conducted with subjects that are not registered there

CCBE Survey: Exchange of experiences and best practices between bars – Slovenia

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

From 16 March courts hold hearings and take decisions only in urgent matters. Clients and lawyers must take preventive health measures as recommended by the National Institute of Public Health (NIPH). They must follow the instructions of the security service or the police officers at the entrance to the court building. The safety distance rules of 1 meter must be observed. The judge can suspend all or part of the main hearing, therefore the presence of media representatives at hearings will be limited or excluded. The Supreme Court has provided an adequate amount of protective equipment for participants in urgent cases.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

Except in the urgent cases, the procedural deadlines due to the Court decree and intervention law shall not run during the period of the specific measures nor shall judicial documents be served. If a judicial document has already been served, the procedural deadlines shall start running on the first day after the end of the specific measures.

- Are some physical proceedings still allowed and how will they proceed in practice?

The Article 83.a of the Courts Act provides that during major epidemics that can disrupt to a great extent the smooth and regular exercise of judicial authority, individual courts shall hold hearings and shall make decisions only in urgent cases, as provided by Article 83 of this Act.

The President of the Supreme Court of the Republic of Slovenia has issued, on the proposal of the minister responsible for justice, a decree determining that the conditions mentioned above have occurred. From 16 March courts hold hearings and take decisions only in urgent matters.

The following matters will be considered as urgent:

- investigations and trials in criminal cases in which the accused is deprived of liberty or restricted, as well as in criminal cases of foreign people not residing in the Republic of Slovenia,
- enforcement matters relating to the childcare and child support arising from the law,
- non-civil cases concerning the detention of persons in psychiatric healthcare organizations.

Client and lawyers must announce their arrival in advance via email and telephone numbers. The judge can suspend all or part of the main hearing, therefore the presence of media representatives at hearings will be limited or excluded. Appropriate safeguards to prevent viral infection are in place.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

The Bar has submitted a proposal for the adoption of amendments, inter alia, for the hearings of the detained person and in criminal proceedings running as an urgent matters to be held via videoconference. In urgent criminal matters (detention or house arrest), the normal functioning of the courts and the smooth running of criminal proceedings must be ensured. Videoconferencing reduces the risk of infection for participants in the process. It is necessary to establish technical possibilities for the participation of the State Prosecutor and the advocate at the videoconference. The proposal was

not accepted, but we received a reply from the Ministry of Justice that they would definitely endeavor to create, within the existing legal bases and capabilities, the legal basis and the implementation of solutions with the use of technical means to carry out individual procedural acts or hearings.

- **Are there any precautions or special (safety) measures for lawyers involved in these proceedings?**

Lawyers must take preventive health measures as recommended by the NIPH. They must follow the instructions of the security service or the police officers at the entrance to the courtroom. The Supreme Court has provided an adequate amount of protective equipment for participants in urgent cases.

- **Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?**

People who have been tested positively for the virus and also those showing clear signs of respiratory infection (coughing, sneezing, shortness of breath) are not allowed to enter the courts.

2) Access to a lawyer – in prison / during preliminary proceedings

- **What kind of measures are implemented in prisons to ensure to prisoners' access to a lawyer?**

At the time of the outbreak, the state provides defense attorneys with the necessary protective equipment. In order to protect prisoners as well as the lawyers themselves, lawyers are allowed to visit them behind the glass barrier.

- **Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?**

No possibilities of consulting through VC.

- **What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?**

The accused have the right to conduct his own defence or to avail himself of the expert assistance of a lawyer. If the accused does not retain a lawyer, the court shall appoint defence counsel for him. At the time of the outbreak, the state provides defense attorneys with the necessary protective equipment.

- **Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?**

At the time of the outbreak, the state provides defense attorneys with the necessary protective equipment, regardless of whether the suspect / defendant has been tested for coronavirus.

3) Individual measures by Bars or Law firms

- **Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?**

The Bar Association of Slovenia accepted some measures to reduce the consequences of the coronavirus epidemic. Between March 13 and May 16, members do not pay membership fees for the

Bar and the membership fee for regional Assembly nor contributions to the humanitarian fund for the year 2020. Pursuant to an agreement between the Bar and the insurance company, with which the Bar has a collective insurance of a lawyer's professional liability, the payment of the insurance contribution of the members shall be deferred until 16 May 2020.

4) Potential fiscal and economic measures or incentives

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

On 19 March 2020, the Government of the Republic of Slovenia accepted the Act Determining Intervention Measures in Public Finance, which contains measures, such as extending the deadlines for submission of tax returns and annual reports, extending deadlines for paying tax obligations arising from the submitted tax returns and the possibility of instalment payments of tax obligations. The proposed measures are intended to help ensure taxpayers to meet their tax obligations.

- Are there initiatives to postpone tax-prepayment by independent workers?

It is not entirely clear whether the measures taken also apply to self-employed lawyers. The Bar has asked for clarifications and endeavors that this would apply also to them.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

No, but an Act on Emergency Measures of Payment Deferral of the Borrowers is being prepared so to prevent liquidity crisis of businesses credited by banks. The main purpose is to sustain financial stability in Republic of Slovenia as the epidemics of SARS CoV-2 deepens.

The emergency measures as set forth in the Act will entail a unilateral payment deferral (unless any such payment was already due prior to the declaration of epidemics) for a period of 12 months after the entry into force of the Act. The bank and the borrower will also be able to agree on a different, more favorable delay for the borrower.

The deferral of credit obligations will also apply to new loans that will be approved during the period of validity of this Act.

- Any other support measures have been announced or discussed?

Lawyers' situation is becoming alarming, therefore the Bar proposes certain measures. The Bar has submitted a proposal for total exemption from contributions for employees and self-employed persons and proposal for partial reimbursement of wages for self-employed lawyers.

CCBE Survey: Exchange of experiences and best practices between bars – Spain

1) Judicial proceedings

- Are there generic safety measures applied in their respective courts (civil, commercial, criminal, administrative) in relation to hearings and judicial proceedings?

On 23 March, the Minister of Justice issued a resolution on occupational safety of the Administration of Justice during the covid-19 pandemic, including preventive measures, protocol for positive cases and/or isolation in case of positive cases and definition of acts and risk of exposure.

Preventive measures include collective protection measures such as: not allowing access to the seat of court unless the corresponding justification is); limit the number of people accessing and the time of exposure to the minimum possible; alcoholic-based gels or hydroalcoholic solutions; give a mask to the user/justice/detainee; establish minimum safety distances of at least 2 metres; provide collective protection in public service posts (safety screens, security tapes, beaconing...); and intensify the cleaning and disinfection of surfaces and workspaces.

Work organizational measures have also been put in place, such as encouraging and optimizing the use of available telematics means to prevent displacement; non-exhaustive individual protection measures, such as strengthening personal hygiene measures in all areas of work and against any exposure scenario; and measures on the physical environment of work such as intensifying aeration and ventilation measures in workplaces.

<https://ficheros.mjusticia.gob.es/aviso/Resoluci%C3%B3n%20Ministro%20de%20Justicia%20Seguridad%20Laboral.pdf>

- If proceedings and judicial hearings are deferred, how will this affect the calculation of delays and interest?

Royal Decree 463/2020, declaring the state of alarm, in its second additional provision, declares suspended the terms and suspended and interrupted the deadlines provided for in the procedural laws for all judicial orders, and continues to establish that the calculation of the deadlines will resume at the time when this royal decree or, where appropriate, its extensions thereof, is lose force. In addition, provision 4 stipulates for: "Suspension of limitation periods and their expiry":

"The periods of limitation and expiration of any actions and rights shall be suspended during the term of the alarm status and, where appropriate, any extensions thereto".

Clearly, this suspension operates both in favour of citizens and public sector entities since tur rule contains no specification of the contrary.

- Are some physical procedures still allowed and how will they be implemented?

As it has already been expressed, the decree establishing the State of alarm suspends the procedures, but it provides for a number of exceptions, given the importance and essential nature of certain processes or actions. In this regard, the criminal jurisdiction is noteworthy, and no suspension is applied either in actions entrusted to the shift guard services, proceedings with

detainees, protection orders, urgent prison surveillance actions and any precautionary measures in the area of violence against women or minors.

In these cases, the measures already referred to and agreed upon by the Minister of Justice are applied, and the Bars try to ensure that the conditions under which lawyers provide their services are adequate, although this is not always achieved given the current shortage of protective material in Spain.

- Are videoconferencing hearings/processes allowed? If so, do they comply with the European recommendations promoted by CCBE?

Both Article 229.3 of the LOPJ and 325 of the LECr already allowed the use of videoconference or other similar systems in cases where the appearance of those to intervene in any type of criminal proceedings are particularly serious or harmful.

The use of telematics or similar systems for the practice of procedural proceedings is recommended by all bodies, including the General Council of the Judiciary.

The *Consejo General de la Abogacía Española* has been insisting on its claim that assistance to detainees and victims of gender-based violence, both in police and judicial headquarters, should be provided throughout Spain by telematic means. The Institution considers that the provision of these essential services through electronic means is the best guarantee to minimize the risks of contagion and to help curb the spread of the Covid-19 epidemic. In addition, Council officials are insisting that, where telematic provision is not possible, all participants should keep basic safety measures, such as the use of spacious facilities and the wearing gloves and masks. Under no circumstances it should take place in prison cells.

In relation to the crossborder aspects of the videoconference, no assessment can be provided as there has not been any such cases yet referred to our organization in this framework.

- Are there precautions or special (security) measures for lawyers involved in these procedures?

As already mentioned, the measures already mentioned and agreed by the Minister of Justice are applied, and the Bars attempt to ensure that the conditions under which lawyers provide their services are adequate, although this is not always achieved given the current shortage of material protection in Spain.

- Are there specific safety instructions or measures if one of the parties involved tested positive for the virus?

The decision of the Ministry of Justice of 23 March establishes a protocol for positive and/or isolation cases, with precise instructions for both the affected person and for the hierarchical superior and for the Territorial Management or equivalent body of the Autonomous Community.

2) Access to a lawyer - in prison / during preliminary proceedings

- What kind of measures are applied in prisons to guarantee prisoners access to a lawyer?

At the moment for exceptional cases, the lawyer is allowed access to prisons. However, the forecast is that this access will be interrupted. Communication must be telephone. The local Bar organization will serve as an intermediary between the lawyer and the Prison Centre.

- Are lawyers available for videoconferencing? If so, do they comply with the recommendations promoted by CCBE?

There is a project to implement the video conference service in prisons. At the moment it is not operational due to insufficient means. The implementation of this system should not completely replace the presence of lawyers in prisons, but should complement it.

- What kind of measures are envisaged to ensure access to a lawyer for persons accused of crimes or questioned in this regard?

We know that improvisation is total. Each Commissioner and Court is taking different measures. Legal assistance is being provided by telephone and videoconference. When attendance at the lawyer is face-to-face, concerns have been raised due to gloves and masks unavailability in the Courts.

- Have specific safety measures been taken for cases where the inmate/accused test positive for coronavirus?

We are not aware of these safety measures being carried out. Firstly because no test is usually available to determine if the prisoner has coronavirus. Secondly there is a large lack of sanitary material (gloves, masks).

3) Individual measures of the Bars or law firms.

- Are there other relevant measures that you know or think are worth mentioning or sharing with your peers?

The Consejo General de la Abogacía Española has published a guide "The legal and institutional response to COVID19. Handbook for lawyers available at the following link: <https://www.abogacia.es/publicaciones/informes/otros-informes/la-respuesta-legal-e-institucional-al-covid19-manual-para-abogados-abogadas/>

This guide will have daily updates and presents the main impacts in 12 different areas (blocks).

In addition, the Spanish Bar organizations have independence to take their own specific measures in addition to the legal provisions and the indications of the regional Bar organizations, so that not all Bars take the same measures, yet among the usual ones are the following:

Security measures to prevent spread

- Restricting the use of facilities
- Encouraging online training
- Issue certificates for lawyers' mobility
- Encouraging telephone advice
- Acquisition of material to increase hygiene in Bar premises

Economic measures

- Suspend the payment of school fees, with possible future cancellation of the same
- No late fees withholding
- Create aid funds for lawyers in need
- Free or significant rebates in online training

Last but not least: lawyers are among the liberal professions that are immediately affected by social estrangement and by safety measures taken by the authorities. The economic and financial implications of these measures will be felt soon. Therefore, one final question concerns the possible fiscal and economic measures or incentives that the authorities in your country have adopted or are about to take to reduce the negative financial impact of the crisis on the sustainability of law firms lawyers, among others.

- Measures for self-employed lawyers (Social Security regime): extraordinary benefit if your activity is suspended or if your turnover is reduced by 75% compared to the previous month. If they have workers in charge they can submit an ERTE. Compatible with bonuses you are receiving.
- Measures for mutual lawyers:
 - Mutualidad General Abogacía Española: suspension of payment of fees
 - Alter Mutua: aids
- Special lines of credit
- Power supply companies allow splitting and will not make cuts for non-payment
- Tax measures: the possibility of the self-employed to apply for tax deferment

- Are specific tax reductions or other measures envisaged to reduce the impact of the crisis?

Royal Decree Ley 8/2020 and regional rules provide for fiscal support measures

- Are there initiatives to postpone the payment of taxes by self-employed workers?

Yes, in Royal Decree Law 8/2020

From the fiscal and tax point of view, measures have been imposed that make tax deferrals for a period of six months more flexible, upon request, with interest rate rebates during the first three months.

The grace period is 3 months, i.e. nothing is paid in the first 3 months and if it is paid after 3 months there will be no interest and if it is paid after 6 months there will be interest for late payment.

- Are there proposals to obtain credits that are backed by a special state-owned bank?

The Banco de España is the national central bank and, within the framework of the Single Monitoring Mechanism (MUS), the supervisor of the Spanish banking system together with the European Central Bank. In the management of the crisis we are experiencing, its actions are

coordinated with the ECB and the MUS, and its proposals will always be in line with what has been agreed.

The public guarantees announced will be provided through the Instituto de Crédito Oficial (ICO). The ICO is a public bank with the legal form of a public business entity (E.P.E.), attached to the Ministry of Economic Affairs and Digital Transformation through the Secretary of State for the Economy and Business Support (www.ico.es). A line of public sector guarantees of up to 100 billion euros has been announced, which will raise 150 to 200 billion euros in financing if the private sector is included. This is a guarantee offered by the State to the country's private banks through the (ICO) to provide credit to companies that need it on advantageous terms. It will be available to all types of companies, large, SMEs and the self-employed. The Council of Ministers approved the terms of these guarantees for the first cut of 20 billion euros.

- Have other support measures been announced or discussed?

One of the measures adopted by the Government to alleviate the effects of COVID 19 is the provision of a moratorium on the payment of mortgages for the purchase of primary residences, a measure intended only for cases of economic vulnerability. Specifically, this is provided for in Articles 7 to 16 of Royal Decree Law 8/2020 of 17 March. Article 9 defines what is meant by a situation of vulnerability.

As the rule is provided for, on the one hand, cases of mortgages intended for the purchase of a habitual residence and, on the other, having as its beneficiaries people in a particularly vulnerable situation, it does not seem to be extrapolated to the cases of the Bars or law firms.

At a local level, in some municipalities, the decision has been taken not to charge rent for social housing. Two examples of this are Catalonia, Madrid, the Valencian Community and Murcia. Catalonia was the first Community to carry out this measure, agreeing to a truce on the payment of rent for the public housing stock of the Generalitat, which consists of around 23,500 households. In the case of Madrid, the City Council has agreed to establish a moratorium on the payment of rent for the buildings of the Municipal Housing and Land Company of Madrid and will not issue payment receipts as of April. Likewise, evictions will not be carried out until 30 June. In the Valencian Community, an extraordinary bonus and a renewal of the ordinary one will be done at the same time. One of them, extraordinarily, refers to a 3-month bonus on the payment of public housing rent for families in the event of permanent loss of employment or temporary loss (ERTE) or income. The ordinary one will be an extension of the public housing rental subsidy for tenants who already had it granted on 14 March 2020. Murcia was, on the date of response to this survey, the last region to announce the measure.

In both cases the case law is not applicable to the Bars and law firms as they refer to social housing and tenants who are part of vulnerable groups.

CCBE Survey
Exchange of experiences and best practices between bars in times of Coronavirus
Reply by the Swedish delegation/Swedish Bar Association

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

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.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

At this stage it is not possible to know how great delays there 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.

- Are some physical proceedings still allowed and how will they proceed in practice?

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.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Hearings/proceedings by video conferencing are allowed. Chapter 5, section 10 of 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.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

Normal measures of precaution are taken.

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

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.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

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.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

It is possible for prisoners and detained persons to consult their lawyers by telephone.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

Lawyers may still visit detained persons as long as the lawyers are symptom-free.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

No, but special measures of precaution are of course of utmost importance.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

Due to the Corona-crisis the Swedish Bar Association has cancelled several conferences and meetings. When possible meetings are being held by telephone or by video conferencing. The Swedish Bar takes special measures in relation to training and mandatory requirement of continuing mandatory training (e-learning, special rules of exemption from mandatory training requirements, etc.). As a whole, 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.

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.

Last but not least: lawyers are among the liberal professions who are immediately affected by the social distancing and safety measures taken by the authorities. The economic and financial impact of those measures will be felt soon. Therefore a last question concerns **potential fiscal and economic measures or incentives** taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

- Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Companies and individuals who have had payment problems as a direct consequence of the corona virus can apply for payment respite from the Swedish Tax Agency. The Swedish Government has proposed that companies also should be given the opportunity to defer payment of employers' social

security contributions, preliminary tax on salaries and value added tax that are reported monthly or quarterly.

- Are there initiatives to postpone tax-prepayment by independent workers?

We refer to the previous answer.

- Are there any proposals to get credits which are backed up by a special state-owned bank?

The central bank of Sweden, the Riksbank, has decided to offer loans to the banks up to SEK 500 billion. The purpose of these loans is to maintain the supply of credit to Swedish companies.

- Any other support measures have been announced or discussed?

The Swedish Government has made an announcement meaning that the sickness benefit qualifying day will temporarily be abolished and that sickness benefit for the first day of sickness will be paid by the central government.

**CCBE Survey: Exchange of experiences and best practices between bars
Switzerland**

Measures taken in your country to address the impact of the crisis on justice matters

Which precautions and safety measures can be taken to protect the lawyers (and co-workers) who must engage in physical meetings and contacts? How can we ensure that social distancing and containment measures do not negatively impact on fundamental rights?

Switzerland	<p>A titre liminaire, la FSA rappelle que la Suisse est un Etat fédéral composé de 26 cantons, qui disposent d'une large autonomie, notamment dans l'organisation judiciaire. L'autorité exécutive au niveau fédéral, soit le Conseil fédéral, peut certes intervenir dans ce domaine en se fondant sur le droit d'urgence consacré dans la constitution ainsi que dans la loi fédérale sur les épidémies et d'autres lois spéciales, notamment la loi fédérale de poursuites pour dettes et faillites.</p> <p>Dans un premier temps, ce sont ainsi les cantons qui ont pris des mesures dans le domaine judiciaire. Si un certain nombre ont décidé de reporter les procédures judiciaires et de suspendre les délais judiciaires, d'autres n'ont pris des mesures se limitant à des mesures de sécurité générique dans les cours de justice et les ministères publics.</p> <p>Dans un second temps, le Conseil fédéral, a pris des mesures en rapport avec le système judiciaire au niveau national (cf. ci-dessous), ce qui n'empêche toutefois pas les cantons de prendre des mesures plus strictes.</p> <p>Vu la situation extraordinaire en lien avec le coronavirus, le Conseil fédéral a fait usage de sa compétence pour prolonger les vacances des tribunaux, ou « feries judiciaires », situées normalement autour de Pâques, en matière civile et administrative, en les faisant commencer plus tôt. Elles dureront cette année du 21 mars au 19 avril compris. Le Conseil fédéral veut de la sorte permettre aux tribunaux de faire une pause pour s'adapter à cette période difficile. Tant les juridictions fédérales que cantonales sont concernées. La mesure ne s'applique pas aux procédures qui ne bénéficient pas en droit actuel de feries judiciaires, soit les cas urgents et les procédures pénales.</p>
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Court Proceedings

Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Switzerland	<p>L'organisation judiciaire est du ressort des cantons, qui mettent en œuvre des mesures de sécurité génériques. La plupart ont reportés la tenue de séances non urgentes, p.ex. De manière générale, tous veillent à mettre en œuvre les recommandations de</p>
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	l'Office fédéral de la santé publique (OFSP), soit de garder les distances, de permettre aux gens de se laver les mains, d'éviter les poignées de mains, et d'interdire l'accès aux personnes ayant de la fièvre ou en proie à la toux.
If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?	
Switzerland	Les délais ne courent pas pendant la période de suspension. En revanche, la mesure des fêtes judiciaires n'a aucun effet de droit matériel (i.e. sur le calcul des intérêts ou des délais de prescription).
Are some physical proceedings still allowed and how will they proceed in practice?	
Switzerland	Le Conseil fédéral se refuse pour l'heure à prendre des mesures qui entraveraient le fonctionnement de la justice. Il renonce notamment à reporter toutes les audiences prévues au niveau national. Le Conseil fédéral indique que les lois procédurales en vigueur donnent aux tribunaux et autres autorités du système judiciaire suffisamment de marge de manœuvre pour maîtriser les défis actuels. Les audiences non urgentes peuvent ainsi être annulées ou reportées. Les tribunaux ont la possibilité de prolonger ou de restituer certains délais. Le Conseil fédéral est donc convaincu qu'aucune mesure supplémentaire n'est nécessaire pour l'instant.
Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?	
Switzerland	Sauf dans un cas spécifique auprès d'un tribunal zurichois où une audience par vidéoconférence a été ordonnée en vertu du droit prétorien, les audiences ou procédures par vidéoconférences n'ont, à notre connaissance, pas été autorisées d'une manière généralisée.
Are there any precautions or special (safety) measures for lawyers involved in these proceedings?	
Switzerland	D'une manière générale, il n'existe pas de mesures de sécurité particulières pour les avocats. Les mesures concernent tous les participants à la procédure ou aux audiences et doivent garantir le respect des recommandations de l'OFSP (en particulier distance entre personnes présentes ; cf. point a) ci-dessus).
Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?	
Switzerland	A notre connaissance, il n'existe pas de mesures autres que celles prescrites par l'OFSP, qui prescrit l'auto-isollement pendant dix jours en cas de dépistage positif au virus.
Access to a lawyer – in prison / during preliminary proceedings	
What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?	

Switzerland	D'une manière générale, les règles de visite dans les centres de détention ont été restreintes dans de nombreux endroits en raison de la situation actuelle. Les prisons s'efforcent de réduire au minimum les contacts extérieurs afin d'empêcher le virus de se propager au sein de l'établissement. Chaque canton prend ainsi les précautions nécessaires et judicieuses dans ses institutions respectives. Il y aura donc aussi différentes solutions pour assurer le contact avec les avocats. Toutefois, nous ne disposons d'aucune connaissance sur des mesures particulières qui seraient prises pour garantir aux détenus l'accès à un avocat.
Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?	
Switzerland	Cf. ci-dessus.
What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?	
Switzerland	A notre connaissance, aucune mesure particulière.
Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?	
Switzerland	A notre connaissance, aucune mesure de sécurité spécifique autre que les recommandations de l'OFSP ne sont appliquées dans ce cas. Ceci dit, dans la mesure où une personne détenue ou accusée est infectée du virus (comme pour toute autre maladie) et que de ce fait une détention n'est pas exigible du point de vue médical, alors il peut être transmis dans une structure hospitalière selon le droit en vigueur.
Individual measures by Bars or Law firms	
Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?	
Switzerland	Mis à part la tentative généralisée d'introduire le télétravail pour les avocat/es, il existe certains Ordres d'avocats cantonaux qui ont décidé de surseoir à la facturation de leurs cotisations annuelles.
Potential fiscal and economic measures or incentives	
Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?	
Switzerland	Enfin, les avocats font partie des professions libérales qui sont immédiatement touchées par les mesures de distanciation sociale et de sécurité prises par les autorités. Les répercussions économiques et financières de ces mesures se feront bientôt sentir. Par

	<p>conséquent, une dernière question concerne les mesures ou incitations fiscales et économiques potentielles prises ou sur le point d'être prises par les autorités de votre pays pour réduire les répercussions financières négatives de la crise sur la viabilité (entre autres) des cabinets d'avocats :</p> <p>Plusieurs mesures ont été prises pour tenter d'atténuer les conséquences économiques de la situation pandémique :</p> <ul style="list-style-type: none"> - Aide immédiate sous la forme de crédits transitoires spécifiques : la Confédération va mettre sur pied un programme de garantie d'un volume de 20 milliards de francs visant à ce que les PME affectées (entreprises individuelles, sociétés de personnes et personnes morales) obtiennent des crédits bancaires transitoires - Report du versement des contributions aux assurances sociales : les entreprises frappées par la crise auront la possibilité de différer provisoirement et sans intérêt le versement des contributions aux assurances sociales - Réserve de liquidités dans le domaine fiscal et pour les fournisseurs de la Confédération : les entreprises pourront repousser sans intérêt moratoire les délais de versement. Le taux d'intérêt sera abaissé à 0,0% pour la TVA, certains droits de douane, des impôts spéciaux à la consommation et des taxes d'incitation entre le 21 mars et le 31 décembre 2020 ; aucun intérêt moratoire ne sera perçu durant cette période. - Extension du chômage partiel et simplification des démarches : l'instrument de la réduction de l'horaire de travail (chômage partiel) permet de pallier une baisse temporaire de l'activité et de préserver des emplois.
Are there initiatives to postpone tax-prepayment by independent workers?	
Switzerland	Cf. ci-dessus
Are there any proposals to get credits which are backed up by a special state-owned bank?	
Switzerland	Cf. ci-dessus
Any other support measures have been announced or discussed?	
Switzerland	<p>Les personnes exerçant une activité indépendante qui subissent une perte de gain due aux mesures prises par le gouvernement en vue de lutter contre le coronavirus seront indemnisées si elles ne bénéficient pas déjà d'une indemnité ou de prestations d'assurance. Une indemnisation est prévue en cas de fermeture des écoles, en cas de quarantaine ordonnée par un médecin, en cas de fermeture d'un établissement géré de manière indépendante et ouvert au public.</p>

CCBE Survey: Exchange of experiences and best practices between bars – The Netherlands

Measures mainly published on below two websites:

<https://www.government.nl/topics/coronavirus-covid-19>

<https://www.rivm.nl/en>

1) Court Proceedings

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

Yes, due to the coronavirus the Council for the Judiciary has decided to close courts and tribunals starting from March 17. Urgent cases will proceed. This includes cases where a judicial decision is necessary because of the link with the rights of suspects or parties seeking justice. If possible, videoconference is used during court cases.

- If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?

This is still being assessed.

- Are some physical proceedings still allowed and how will they proceed in practice?

Yes, see first question.

- Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

Yes, videoconferencing is (being) adapted to make it better applicable in more cases. Prior or intermediate confidential meetings between lawyer and client is a point of attention.

- Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

The precautions or special safety measures as the Dutch government has taken, also apply to lawyers. The National Institute for Public Health and the Environment (RIVM) is providing advice and information on the new coronavirus. (more information: <https://www.rivm.nl/en>)

- Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?

People with a cold, a cough or a fever as well as people who have been tested positively for the virus are not allowed to enter the courts anymore.

2) Access to a lawyer – in prison / during preliminary proceedings

- What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?

Prisoners could get legal assistance by phone instead of in person, prior as well as during the hearing.

- Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?

Yes, point of attention is confidentiality.

- What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?

Soon more will be known about this in the Netherlands.

- Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

Not known to us.

3) Individual measures by Bars or Law firms

- Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?

In the period ahead childcare will be provided exclusively to children whose parents or guardians are key workers. This allows key workers to go to work and keep society running. Key workers are people who work in sectors where continuity is essential in the current situation. The legal profession is classified as crucial. Lawyers can therefore send their children to school or childcare.

Potential fiscal and economic measures or incentives taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

• Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

Yes, for all entrepreneurs. It will be made easier for companies that have been impacted by the coronavirus to request a deferment of tax payment. The Dutch Tax and Customs Administration will halt the collection of taxes at once upon receiving the request for deferment. The deferment of payment applies to income tax, corporation tax, payroll tax and value-added tax (VAT). Any fines that may be imposed for the late payment of taxes do not need to be paid. Moreover, companies are excused from having to submit evidence at once. They will be granted more time to do so. The interest on overdue tax normally levied after the term of payment has expired will be temporarily lowered from 4% to nearly 0%. This rule will apply to all tax debts. The rate for interest on tax will be temporarily lowered to practically 0% as well. This reduction will apply to all types of tax that are subject to interest on tax. The Dutch government will lower the interest rate as soon as possible.

• Are there initiatives to postpone tax-prepayment by independent workers?

Yes, see previous answer.

• Are there any proposals to get credits which are backed up by a special state-owned bank?

No, but two measures are taken to facilitate banks to continue to grant or maintain credits: i) banks can apply for broadened credit arrangements (Guarantee SME Loans and GO) with the Netherlands Enterprise Agency.

ii) the government will allocate up to €6 million to Qredits, a provider of microcredit, finances and coaches a large number of small start-ups, which generally have difficulty obtaining loans from a bank. This will enable Qredits to reduce interest-rates for small companies.

See: <https://www.government.nl/latest/news/2020/03/19/coronavirus-dutch-government-adopts-package-of-new-measures-designed-to-save-jobs-and-the-economy>

• Any other support measures have been announced or discussed?

Not specifically relevant to the legal profession.

CCBE Survey: Exchange of experiences and best practices between bars

Response by the UK delegation

“Exchange of experiences and best practices between bars” in relation to COVID-19

1. Court Proceeding

- Are there generic safety measures implemented in your respective (civil, commercial, criminal, administrative) courts and tribunals regarding court hearings and proceedings?

England and Wales

In order to ensure public safety, the Courts of first instance that are currently operating face-to-face hearings are the Magistrates', Crown, Civil and Family Courts. Matters that are being heard physically are those that cannot be heard remotely and which are considered a priority e.g. custody, terrorism and extradition, committals, freezing orders and such like. See guidance at: <https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance/>

In the Civil and Family courts, all hearings that are not priority are being conducted via telephone or video conferencing software. A very large proportion of cases scheduled prior to the lockdown have been conducted in this way. The judiciary and chambers/law firms have adopted – and adapted to -- remote hearings with positivity and have seen results, which has gone a considerable way to ensure the continued functioning of the justice system under unprecedented circumstances.

The courts have been divided into three: 'priority' courts and tribunals (161 courts) remaining open for essential business; staffed courts (125 courts) where court staff and judges are present but which are handling hearings remotely; and closed courts (80 courts). A regularly updated 'tracker' list of these courts is available on www.gov.uk¹ but currently 78% of courts are continuing to decide cases.

As mentioned above, the Crown Court and Magistrates' Court, alongside the High Court and Court of Appeal, are hearing 'urgent' matters. 'Urgent matters' are recognised as anything that would constitute an out of hours application or emergency business based on the features of the case. Most of these matters are conducted remotely where possible.

The Royal Courts of Justice Fees Office and Employment Appeals Tribunal have closed. Personal attendance at hearings in the First-tier Tribunal (Immigration and Asylum Chamber) has been suspended.

All new jury trials have been postponed until further notice, but those already underway will continue.

Decisions on whether individual hearings should take place in person or remotely are a matter for the judge in that particular case, taking into account open justice, the matters at stake in the hearing, and the needs of court users.

We are hearing from practitioners that this discretionary approach is leading to inconsistencies as to which hearings should and should not take place in person.

Her Majesty's Courts and Tribunals Service (HMCTS) has issued the following guidance for court and tribunal users: <https://www.gov.uk/guidance/coronavirus-covid-19-courts-and-tribunals-planning-and-preparation#our-court-and-tribunal-buildings-during-coronavirus>

The judiciary have issued guidance for some courts, including the Crown Court which can be found here: <https://www.judiciary.uk/coronavirus-covid-19-advice-and-guidance/>.

Northern Ireland

The Lord Chief Justice in Northern Ireland issued guidance on 24 March stating that all court business is to be consolidated in The Royal Courts of Justice, Laganside Courts, Craigavon, Dungannon and Londonderry Courthouses and only urgent matters will be addressed by way of a court hearing until further notice. The full guidance can be [found here](#) and examples of urgent matters typically involve the immediate liberty, health, safety and wellbeing of individuals. The form of the hearing will be determined by the relevant judge. All other matters will be adjourned without the need for a hearing meaning that members of the profession and the public do not need to attend court. In most cases the adjournment period will be one of eight weeks.

Any application for an urgent hearing must be accompanied by the relevant form which can be found on the Judiciary NI's website which now has a dedicated COVID-19 [information hub](#). Alongside this sits more detailed guidance for each court tier in Northern Ireland. For example, the Crown Court will only sit to hear urgent matters or those where the legal representative or party to the proceedings has requested a hearing and the judge considers it appropriate. The Lord Chief Justice announced on 17 March that no new jury trials will begin in Northern Ireland for the foreseeable future.

Scotland

In Scotland, courts have already ceased all jury trials, are adjourning most summary and solemn business as far as possible administratively and adjourning all civil hearings involving witnesses. Tribunals will only proceed with essential hearings by audio conference.

Emergency legislation was passed by the Scottish Parliament on 1st April, 2020². The draft Bill as published sought temporarily to suspend criminal jury trials and permit cases to be heard by a judge sitting alone. However, this proposal met strong opposition from both civil society and the legal profession, and was withdrawn. Alternative proposals to permit the resumption of criminal jury trials are awaited

The courts are continuing to deal with custodies (145 reported in Scotland on Monday 31 March) and may continue to hear other business whilst respecting the social distancing measures, though this is still to be decided.

The Supreme Courts remain open to deal with essential business only and at Sheriff Court level, only cases where the accused is in custody or emergency civil applications will go ahead and will be consolidated into ten Sheriff Courts across Scotland (the remaining 31 are closed).

The Scottish Courts and Tribunals Service has published several pieces of guidance³ for courts and court users; and the Crown Office and Procurator Service has published guidance⁴ for those due to arrive in court.

Supreme Court

Supreme Court hearings are being conducted via video conferencing facilities and parties will have been contacted with the necessary information about the hearing and the testing arrangements beforehand. Hearings will be live streamed as usual.

2

[https://www.parliament.scot/S5_Bills/Coronavirus%20\(Scotland\)%20Bill/SPBill66S052020.pdf](https://www.parliament.scot/S5_Bills/Coronavirus%20(Scotland)%20Bill/SPBill66S052020.pdf)

3

³ <https://www.scotcourts.gov.uk/>

4

⁴ <https://www.copfs.gov.uk/media-site-news-from-copfs/1875-coronavirus-covid-19-information-for-those-due-to-attend-court>

- **If court proceedings and hearings are postponed, how will this impact on calculation of delays and interests?**

England and Wales

We are not sure to what this question refers to, but if it is a question of interest charges on debt and judgments there has been no legislation to deal with the issue. The charging of interest is generally in the discretion of the court in any event. After proceedings have been issued there are no limitation/prescription issues other than those that existed of commencement of proceedings. There is no legislation (as yet) extending limitation periods for any delays caused in the issue of proceedings resulting from the lockdown.

Northern Ireland

No specific guidance has been given on this in Northern Ireland to date. The Office of the Lord Chief Justice and the Northern Ireland Courts and Tribunals Service has [stated](#) that creative and flexible mechanisms will be pursued in attempts to maintain a reasonable balance between protecting the health of all and maintaining legal certainty and finality. Judges are continuing to deal with priority proceedings which typically involve the immediate liberty, health, safety and wellbeing of individuals. In criminal proceedings this may include first remands in the Magistrates' Courts, bail applications, PACE applications and sentencing where delay may mean time on remand exceeds any likely/realistic custody period under the sentence.

Scotland

Most cases with imminent time bars will have their time bars extended. Emergency primary legislation⁵, passed by the Scottish Parliament on Wednesday 1 April 2020, deals in part with court time bars.

Time limits applicable to criminal proceedings are set out in the Criminal Procedure (Scotland) Act 1995. Of particular note is the strict time limit for the commencement of a trial in respect of an accused person who is being held in custody. The emergency legislation makes provision to suspend these time limits so that there is a period during which a 6-month extension will be made to all time limits in effect on the date of commencement or taking effect during the period in which this provision has effect, with the exception of those limits relating to summary cases where the accused is held in remand, where the extension has effect for a 3-month period.

- **Are some physical proceedings still allowed and how will they proceed in practice?**

Yes – see above.

England and Wales

HMCTS for England and Wales has urged courts to adhere to social distancing when physical hearings are taking place, and have also set out other guidelines on ensuring safety.⁶

In relation to social distancing, The Lord Chief Justice in his guidance to judges in the Civil and Family Courts stated that, subject to variations in court facilities, courts should:

5

⁵ [https://www.parliament.scot/S5_Bills/Coronavirus%20\(Scotland\)%20Bill/SPBill66S052020.pdf](https://www.parliament.scot/S5_Bills/Coronavirus%20(Scotland)%20Bill/SPBill66S052020.pdf)

6

⁶ [\[4\] These include changes in the way security searches are conducted, additional cleaning and hygiene measures, allowing people to take hand sanitizer into court, and encouraging context-specific measures within waiting areas and the court room to ensure people stay 2m metres apart.](#)

“avoid large numbers of members of the public congregating in small waiting areas.... avoiding or reducing block listing; identifying empty courts or other areas that can be used for waiting; if necessary, requiring people to wait outside until called. Whatever solutions are identified, people must not be required to wait in close proximity to one another.”

Northern Ireland

The legal profession and members of the public are no longer required to attend physical hearings with most proceedings now being adjourned in accordance with latest guidance from the Lord Chief Justice issued on 24 March. During early to mid-March concerns were raised by the legal profession in Northern Ireland around social distancing in courtrooms and this resulted in guidance being issued to state that where a physical court hearing is required no more than 10 persons should be in the court (taking into account the judge, court staff etc.) and where there is space to accommodate recommended social distancing measures should be applied. The Bar of Northern Ireland also [issued guidance](#) to all barristers advising them that they should not attend any non-priority hearings in person.

Scotland

Yes. Similar guidelines on ensuring safety have been introduced.

• Are hearings/proceedings by video conferencing allowed? If yes, do they comply with the attached recommendations?

The UK government has passed legislation ([Coronavirus Act 2020](#)) which expands the availability of video and audio link in criminal court proceedings and public access to proceedings in all courts. This includes:

- allowing specific civil applications (relating to infectious diseases / coronavirus) in the magistrates' court to take place by phone or by video, should an individual appeal against restriction of movement due to quarantine measures
- expanding the availability of video and audio link in various criminal proceedings, including fully video and audio hearings in certain circumstances
- allowing the public to participate in court and tribunal proceedings through audio and video.

As such, all non-urgent hearings are to take place by either video or teleconferencing. HMCTS has opted to use Skype for Business video conferencing software for its online proceedings. Bespoke software for this purpose is under development, but it is not yet ready to use.

England and Wales

In England, all Mental Health Tribunal hearings are taking place by video or phone. In Wales, Mental Health Tribunal hearings are taking place solely by the Welsh government's telephone conferencing system, which has the disadvantage of not allowing the patient to be physically seen, which is a necessary component of such hearings.

For the most part, we do not believe that the use of Skype for Business for the purposes of videoconferencing complies with the CCBE recommendations. As far as we are aware, there has been no pilot programme, and Skype for Business does not have the capability to allow lawyers to confer confidentially with their client. Skype for Business does not have the functional capability to allow for virtual break-out sessions.

HMCTS have issued the following guidance in relation to hearings taking place by video or phone: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876566/Guide_on_joining_court_hearings_by_video_call_or_phone_27_March_2020.pdf

The senior judiciary has also issued a guidance protocol on how to conduct remote hearings: https://www.judiciary.uk/wp-content/uploads/2020/03/Remote-hearings.Protocol.Civil_GenerallyApplicableVersion.f-amend-24_03_20-1.pdf

Northern Ireland

The Northern Ireland Assembly passed a Legislative Consent Motion on 24 March in relation to [The Coronavirus Act 2020](#) of which [Schedule 27](#) provides for the use of live links in legal proceedings in this jurisdiction. This gives the Court of Appeal, the High Court, the Crown Court, a county court, or a magistrates' court the power to direct the use of live links.

Urgent matters will be undertaken remotely where possible in accordance with the guidance above issued by the Lord Chief Justice. The Northern Ireland Courts and Tribunals Service has produced a guide which sets out the technical options that will be provided for remote hearings via audio and video conferencing during this period using Sightlink. SightLink is a cloud based video conferencing solution that enables multiple parties to meet using video and/or audio in a Virtual Meeting Room from any type of device. There are also plans that audio and video conferencing options will be extended through the use of Zoom and BTMeetMe.

It is worth highlighting that there has been no piloting of this technology in courtrooms in Northern Ireland to date that the Bar of Northern Ireland is aware of. We will be receiving feedback from practitioners on how this is working in due course but we would query whether this technology complies with CCBE recommendations and it is unclear as to whether it is envisaged that it may be rolled out more widely depending on how the COVID-19 situation develops in the coming weeks and months in Northern Ireland.

Scotland

Likewise, the emergency legislation provides that any participant in either criminal or civil proceedings (judge, tribunal members, clerk, legal representatives, parties to proceedings, accused, convicted persons, appellants, witnesses) can take part in any proceedings by way of live visual (television) or audio (telephone) link from any location. This will extend to the ability to conduct fully audio or video-enabled procedural hearings, where no one is physically in the same place, or in a court or tribunal building.

The Scottish Courts and Tribunals Service has issued guidance on use of electronic documents and alternative means of appearing at hearings, available here: <https://www.scotcourts.gov.uk/docs/default-source/default-document-library/cos-covid-emergency-guidance-20-03-20.pdf?sfvrsn=0>

[However, at the present time, there has been no resumption of business as the Scottish Courts and Tribunals Service is still grappling with the technical and staffing issues involved.](#)

• Are there any precautions or special (safety) measures for lawyers involved in these proceedings?

England and Wales

Not with regard to proceedings taking place by videoconference.

Northern Ireland

Barristers in Northern Ireland have been issued with technical guidance on how to connect to SightLink for urgent hearings. The court clerk will manage the Sightlink remote hearing with all parties (police, prosecution, defence and judge). However, no reference is made to precautions or safety measures for lawyers involved in these proceedings.

Scotland

As above. Generally, facilities are provided in each court building, subject to availability, where solicitors can take instructions from clients whilst maintaining appropriate social distancing.

- **Are there any specific safety instructions or measures in case one of the parties involved has been tested positively for the virus?**

England and Wales

Any party that has tested positive for COVID-19 is advised to self-isolate in accordance with the UK government and Public Health England's guidance.

If a party to the proceedings is in a serious condition the hearing will be adjourned; if it can still be conducted via video conference, it may carry on in this way, at the judge's discretion.

Northern Ireland

Prior to the Lord Chief Justice's guidance on 24 March, advice was issued on what to do if a serving juror indicates they are experiencing possible symptoms of COVID-19. However, the position in Northern Ireland is now that there will be no new jury trials until further notice.

Scotland

Only for accused persons (see below).

2. Access to a lawyer – in prison / during preliminary proceedings

- **What kind of measures are implemented in prisons to ensure to prisoners access to a lawyer?**

England and Wales

We are still trying to clarify this with the Ministry of Justice. Prisons are currently in lockdown and general visits have been prohibited. We are not clear on whether this means that lawyers are also prohibited from entering prisons to meet with their clients in person, and whether the lawyers will be provided with protective equipment if they are allowed to enter.

Her Majesty's Prison and Probation Service have announced that prisoners at some prisons will be given secure phone handsets in order for them to contact family members, but they Service has not announced what measures they are taking to ensure prisoners can speak to their lawyers.

As regards trials, HMCTS has announced that their Justice Video Service (JVS), which has been designed to work between fixed endpoints (prisons, courts and police stations), is in the process of being unlocked so that it can be accessed from lawyers' laptops. Thus criminal trials can be joined remotely.^[5]

- **Breakout room for lawyer & prisoner?**

As above, we are currently seeking clarification on this.

- **Are possibilities of consulting lawyers through video conferencing made available? If yes, do they comply with the attached recommendations?**

See the first answer in this section.

- **What kind of measures are foreseen to ensure access to a lawyer for persons who are charged with criminal charges or interrogated in this sense?**

Police Stations

Most police stations are currently still open however, solicitors have raised concerns about hygiene and their inability to follow guidelines about distancing in certain police stations. Some examples are: lack of protective clothing (masks, gloves etc); being locked in small rooms in close proximity with detainee who may have the virus; lack of hand-washing facilities, etc. The ability for solicitors to have the necessary

private access is dependent on the co-operation of the police at the police station and the availability of facilities. This is a matter of immediate and great concern.

The Legal Aid Agency has published guidance which allows solicitors to attend a police interview by phone and claim the full attendance fee (there is other advice for legal aid firms at this link):

<https://www.gov.uk/guidance/coronavirus-covid-19-legal-aid-agency-contingency-response>

The National Police Chief's Council has published guidance to police forces on ensuring the health and safety of visitors, including solicitors, to police custody facilities where suspects are held following arrest, to ensure their health and safety during the exercise of the suspect's right to legal advice but ultimately this depends on the availability of facilities locally and the co-operation of the police officers on duty.

See the first answer in this section.

• Are there any specific safety measures taken for cases when the prisoner/accused person is tested positively for the coronavirus?

There is guidance for prisons and the precautions that they should take when prisoners have symptoms of coronavirus, or if they have been diagnosed. Please see:

<https://www.gov.uk/government/publications/covid-19-prisons-and-other-prescribed-places-of-detention-guidance/covid-19-prisons-and-other-prescribed-places-of-detention-guidance>.

Northern Ireland

No specific guidance has been issued on these specific issues by the Northern Ireland Prison Service or Department of Justice and further clarification is being sought. However, to date the Northern Ireland Prison Service suspended visits, aimed at gradually closing down the prison estate to non-essential personnel and limiting movement within each prison. There have been no confirmed cases of COVID-19 to date in Northern Ireland's prisons but in anticipation of this the Justice Minister also [announced](#) a temporary release scheme for certain prisoners. A range of prisoners are excluded from the scheme, including:

- (i) a prisoner serving an extended custodial sentence, an indeterminate custodial sentence or a life sentence;
- (ii) a prisoner serving a sentence under a hospital order or transfer direction within the meaning of the Mental Health (Northern Ireland) Order 1986 (NI 4);
- (iii) a sentence that engages the notification requirements of Part 2 of the Sexual Offences Act 2003;
- (iv) a prisoner who is liable to removal from the United Kingdom at sentence completion point;
- (v) a prisoner who has been recalled from license during their current sentence;
- (vi) a prisoner on a restricted transfer from another jurisdiction;
- (vii) a prisoner subject to management under public protection arrangements or judged to present a Risk of Serious Harm (ROSH); and
- (viii) A prisoner serving a sentence for an offence:
 - involving homicide or manslaughter – (including any offence which has contributed to or led to the death of an individual or individuals);
 - connected or related to terrorism;
 - involving the use or possession of explosives;

- involving the possession or use of a firearm or the use of an offensive weapon;
- involving domestic violence or cruelty; or
- perpetrated on the grounds of race, religion or sexual orientation.

Scotland

All accused persons with symptoms of COVID-19 appearing from custody will have their case conducted via video link. The Scottish Court Service is also working to extend this to all custodies – and are developing an approach that will allow agents to represent clients by telephone.

A number of solicitors are already signed up to video conferencing at prison as part of measures suggested by the Scottish Legal Aid Board to reduce time and expense of travel to prison so the facilities exist but possibly not to the extent which may be required.

We have seen additional Police Scotland guidance in relation to police station interviews (for those ‘at risk’ ie, with confirmed or suspected COVID-19), which includes information about the use of mobile phones for access to a solicitor as well as to personal contacts (parents, appropriate adults). It advises that solicitor rooms should also be considered, however any individual using these will require to be provided with and wear Police Scotland standard COVID-19 PPE as these rooms may not have closed ventilation systems.

Ultimately the use of section 32(4) of the Criminal Justice (Scotland) Act 2016 could be utilised which would involve an interview proceeding without a solicitor attending but this would be at the last resort.

This information is not yet in the public domain, due to the evolving nature of the situation.

3. Individual measures by Bars or Law firms

- **Are there other relevant measures you know of or think of and that are worth mentioning or sharing with your peers?**

England and Wales

The Bar Council has given and continues to give advice to the profession on a daily basis, dealing with the numerous issues arising for the profession. This can be found at the following link:

<https://www.barcouncil.org.uk/useful-information/coronavirus-advice-and-updates.html>

The Law Society of England and Wales is providing advice and updates on it’s website:

<https://www.lawsociety.org.uk/support-services/advice/articles/coronavirus-covid-19-advice-and-updates/#>

We are also providing updates via social media and holding regular meetings with relevant government departments and agencies to raise issues of concern for solicitors and to press for solutions.

Northern Ireland

The Bar of Northern Ireland has been issuing daily updates to members of the profession in this jurisdiction. This includes advice and guidance from the Lord Chief Justice’s Office, NI Courts and Tribunals Service, guidance on home working and remote access. The Bar has also been liaising with the Department of Justice daily on support for members of the Bar and has raised a number of issues with them, including interim payments and other areas of flexibility that we consider must be afforded to members by the Legal Services Agency (responsible for legal aid in NI). In addition, the Bar Library building in Belfast, from which many independent self-employed members of the profession operate, is currently closed for the foreseeable future. The Bar Council is currently working on the detail of providing an enhanced financial support scheme to our members which will be finalised in the coming days to include assistance around Bar

Library fees. Members can also consider making hardship applications in Northern Ireland which will be evaluated on a case by case basis.

Scotland

Law Society of Scotland: We have a dedicated [COVID-19 section of our website for members and the public, which we are updating regularly with useful information and signposts to online resources.](#)

We are continuing to monitor official advice and updates from the Scottish Government and NHS to ensure that we are acting in accordance with the latest guidance to protect the health, safety and wellbeing of our employees, members and stakeholders, while continuing to carry out our duties as the professional body for Scottish solicitors and provide services for our members and for members of the public.

We are already undertaking a range of activities to support solicitors deal with this challenge, including (but not limited to) suspending minimum CPD requirements for the year, being flexible on deadlines for information relating to complaints, and issuing various pieces of guidance on issues such as home working and remote access, colleague and client communication (including taking instruction from clients who are self-isolating), supervising trainees and managing issues that may arise with property transactions. However, we want to do more and are looking carefully at what additional measures including financial measures that we could take.

We have been working with the Scottish Government and the Scottish Legal Aid Board to secure relaxation of the legal aid rules to allow for easy access to clients and also to arrange for interim billing to help cash flow at this time. We are expecting provisions to appear to support this relaxation in the emergency legislation and subsequent regulations.

Last but not least: lawyers are among the liberal professions who are immediately affected by the social distancing and safety measures taken by the authorities. The economic and financial impact of those measures will be felt soon. Therefore, a last question concerns **potential fiscal and economic measures or incentives** taken or about to be taken by the authorities in your country to reduce the negative financial impact of the crisis on the sustainability of – amongst others – the law firms?

The Faculty of Advocates: The Faculty Office Bearers have been heavily involved in discussions with both the Scottish Government and the SCTS to bring about a resumption of court business. The Faculty and, in particular, the Criminal Bar, were highly successful in lobbying for the removal of the proposals to permit trials by a single judge instead of by a jury. In addition, the Faculty's Training and Education Department is holding a number of webinars to assist members in adjusting to the "new normal".

• Are there any specific tax reductions foreseen or other measures to reduce the impact of the crisis?

The UK Chancellor stated that UK VAT-registered businesses will be able to defer VAT payments until 30 June 2020.

Income tax payments for the self employed due to be made in July have been deferred, see below.

All businesses and self-employed people in financial distress, and with outstanding tax liabilities, may also be eligible to receive support. This is agreed on a case-by-case basis and tailored to individual circumstances and liabilities.

Mortgage payments can also be deferred for up to three months.

• **Are there initiatives to postpone tax-prepayment by independent workers?**

The Chancellor has agreed to delay the next set of self-assessment tax payments to January 2021. If the majority of tax is paid via self-assessment (i.e. it is not taken as part of PAYE (Pay-As-You-Earn)), then the second of the two payments usually made each year in July will be delayed.

• **Are there any proposals to get credits which are backed up by a special state-owned bank?**

No.

N.B. The Bank of England has lowered interest rates to 0.1%.

• **Any other support measures have been announced or discussed?**

The UK Chancellor announced a number of measures for the self-employed and businesses, including:

- Self-employed workers affected by Covid-19 are entitled to a taxable grant of 80% of their salary up to £2,500 pcm, calculated using average monthly profits over the last three financial years. This will be available for up to 3 months, but it might be extended if necessary. The scheme is open to anyone with trading profits of up to £50,000. In order to combat fraud, only those self-employed who have submitted a tax return for 2019 are eligible.
- All UK employers with a PAYE scheme will be eligible to access support to continue paying part of their employees' salary for those employees that would otherwise have been laid off during this crisis. HMRC will reimburse 80% of such "furloughed" workers' wage costs, up to a cap of £2,500 per month. It is not yet clear if the 80% figure applies to the "wage" or the "wage costs" (ie, including Employer's NICs), as different Government websites use these different terms; the Bar Council is seeking clarification. The position on PAYE and employee's NICs is not yet known. It is not yet known if an employee can move from being on furlough to employment and back on furlough; it is suspected that this will not be possible in the current 3-month period of the scheme. HMRC are working urgently to set up the portal through which employers are to apply for reimbursement.
- Business Interruption Loan Scheme: This scheme is available to small and medium-sized businesses. It has been confirmed that this includes self-employed sole traders with a business bank account and chambers who operate through an unincorporated Trade Protection Association, as well as those with incorporated limited companies. Loans of up to £5M will be available, with the first 12 months of the loan being interest-free. See [here for further information](#).
- Businesses eligible for Small Business Rate Relief will receive a grant of £10,000, if their rateable value of their one business property (i.e. its open market rental value on 1 Apr 2015, based on the estimate by the Valuation Office Agency) is £15,000 or less.
- Employers can reclaim the costs of Statutory Sick Pay (SSP) paid to employees for sickness absence, covering up to two weeks' SSP per eligible employee who has been off work due to COVID19.
- The UK government is offering full welfare benefits to those who are out of work as a result of COVID19, including those who are self-employed.

For further information on financial support for the self-employed, please see: <https://www.gov.uk/government/news/chancellor-gives-support-to-millions-of-self-employed-individuals/>

For further information on financial support for businesses, please see: <https://www.gov.uk/government/publications/guidance-to-employers-and-businesses-about-covid-19/covid-19-support-for-businesses>

England

The Law Society of England and Wales is in discussion with the Ministry of Justice and The Legal Aid Agency to try to obtain a package of measures to maintain cash flow for legal aid providers that will enable firms and not for profit agencies to survive the crisis.

Although many of these measures will be available to businesses throughout the UK, some elements of business support are devolved, and so some measures may differ for businesses in Scotland, Wales or Northern Ireland.

Northern Ireland

The position in Northern Ireland is similar to the rest of the UK in many areas and articular reference should be made to the Chancellor's announcement that UK VAT-registered businesses will be able to defer VAT payments until 30 June 2020.

The Chancellor has also agreed to delay the next set of self-assessment tax payments to January 2021. If the majority of tax is paid via self-assessment then the second of the two payments usually made each year in July will be delayed.

The Self- Employed Income Support Scheme from the UK Government will also be helpful for our members, although there is concern that some members will fall outside its scope. Further information:

- The scheme will involve a taxable grant worth 80% of average profits over the last three years, up to £2,500 per month, for at least three months. For those with less than three years of tax returns, it will be open to those with a tax return just for 2019 to apply.
- Those with taxable profits of £50,000 or less, who make the majority of their income from self-employment, will be eligible.
- Those who are eligible will be contacted directly by HMRC to apply using an online form. This will be paid straight into a bank account.
- The scheme will be up and running by June 2020.
- The welfare system has also been with extended with universal credit now [available](#) for the self-employed too in Northern Ireland.

Some other measures of note specifically for Northern Ireland. [NI Business Info](#) has full details:

- [Small Business Support Grant Scheme](#) – grants of £10,000
- [Hospitality, Tourism and Retail Sectors Grant Scheme](#) – grants of £25,000
- The Finance Minister has also [announced](#) a £100m emergency rates package for businesses

Businesses in Northern Ireland can access the following schemes:

- COVID Small Business Grant - Small business grant of £10,000 to be issued immediately with a cost of £267m providing support to 27,000 businesses in NI. This is for all businesses with a NAV up to £15,000
- Hospitality, Tourism and Retail Sectors Grant Scheme - An immediate grant of £25,000 will be provided to companies in these sectors with a rateable value up to £51,000.

[Information on these schemes will be made available at NI Business Info.](#)

Further to this, the Department of Finance has announced a £100m emergency rates package for businesses. All NI businesses will pay zero rates for the next three months (April, May, June). This automatically reduces rates by 25%, in addition to any existing rate reliefs. This applies to all businesses and does not need to be repaid.

Scotland

The Scottish Government has announced a [package of measures worth £2.2 billion to support Scottish businesses](#).

Changes have been made to [business rates in Scotland for 2020-2021 along with extra rates relief](#).

Businesses in Scotland can apply to the [Business Support Fund for a grant to help them deal with the impact of the outbreak](#).

Additional information is available on the Scottish Enterprise [business support finder](#).

Wales

Business support package

The Welsh Government has [published details of its £1.4 billion business support package to help businesses across Wales](#).

Capital repayment holidays

The Welsh Government has announced the Development Bank of Wales will be offering all its business customers [a three-month capital repayment holiday to help them manage the financial fallout from the virus](#).

Economic Resilience Fund

The [£500m fund will support Welsh firms of all sizes, including social enterprises, with a focus on those which have not already benefited from coronavirus grants](#).

[1] <https://www.scotcourts.gov.uk/>

[2] <https://www.copfs.gov.uk/media-site-news-from-copfs/1875-coronavirus-covid-19-information-for-those-due-to-attend-court>

[3] [https://www.parliament.scot/S5_Bills/Coronavirus%20\(Scotland\)%20Bill/SPBill66S052020.pdf](https://www.parliament.scot/S5_Bills/Coronavirus%20(Scotland)%20Bill/SPBill66S052020.pdf)

[4] <https://www.gov.uk/guidance/keeping-court-and-tribunal-buildings-safe-secure-and-clean>

[5] <https://www.gov.uk/guidance/hmcts-telephone-and-video-hearings-during-coronavirus-outbreak>