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Time limits on procedures - Belgium

1 What are the types of deadlines relevant for civil procedures?

The Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*) refers to a number of different time limits.

These can be split into two categories: waiting periods and extinctive time limits.

Waiting periods (délais d'attente/wachttermijnen) are periods that have to expire. In other words, these periods must expire before legal action can validly be taken.

An example of a waiting period is the summons period (*délai de citation/dagvaardingstermijn*). There must be a 'summons period' between the date on which the summons is served and the preliminary hearing: this is eight days in main proceedings (civil cases) and two days in interim proceedings.

Extinctive time limits (délais de forclusion/vervaltermijnen) are time limits within which a particular legal action has to be taken, at the latest on the last day of the time limit or the *dies ad quem*, failing which the right to take this legal action lapses.

Time limits within which legal proceedings must be started are examples of extinctive time limits, namely:

the time limit of one month to appeal against a judgment after trial (Article 1051 of the Judicial Code), from the date on which the judgment is served;

the time limit of one month to object to a default judgment (in absentia) (Article 1048 of the Judicial Code), from the date on which the judgment is served;

the time limit of three months to appeal on points of law to the Court of Cassation (*Cour de cassation/ Hof van Cassatie) (*Article 1073 of the Judicial Code);

the time limit of three months to bring third-party proceedings (Article 1129 of the Judicial Code);

the time limit of 30 days for lodging a claim for damages against a judge for miscarriage of justice (Article 1142 of the Judicial Code);

the time limit of six months for the reopening of civil proceedings (Article 1136 of the Judicial Code).

The **summons period** is therefore a waiting period.

Article 707 of the Judicial Code stipulates that the ordinary summons period in main proceedings is eight days for persons having their domicile or place of residence in Belgium.

The same applies when:

1. the summons is served in Belgium at the address for service;
2. the person upon whom the summons is served does not have a known domicile or place of residence in Belgium or abroad;
3. when a summons for a party domiciled abroad is served in person in Belgium.

The summons period in interim proceedings is reduced to two days (Article 1035 of the Judicial Code). The summons period for proceedings before the attachment judge (*juge des saisies/beslagrechter*) is also two days where the latter sits as in interim proceedings.

When the respondent does not have a domicile, place of residence or address for service in Belgium, the 'ordinary periods' of eight and two days indicated above are extended in accordance with Article 55 of the Judicial Code.

The period is therefore (eight or two days + ...):

1. 15 days when the party lives in a neighbouring country or in the United Kingdom;
2. 30 days when the party lives in another European country;
3. 80 days when the party lives in another part of the world.

This extension must, however, be provided for by law. For the summons in main proceedings, it is laid down in Article 709 of the Judicial Code, while for the summons in interim proceedings, it is laid down in Article 1035 of the Judicial Code.

It may be necessary in specific cases to proceed very quickly following the summons. In such situations, a request to shorten these periods may be submitted to the competent court by a lawyer or court officer (Article 708 of the Judicial Code in main proceedings, Article 1036 of the Judicial Code in interim proceedings).

When the summons is served, the court officer also delivers a copy of the decision to shorten the summons period in order to inform the respondent that this has been authorised.

One of the most important aspects of a time limit is its **calculation**. The procedure for the calculation is set out in Articles 48 to 57 of the Judicial Code (i.e. Chapter VIII of Part One of the Judicial Code) (see below).

These articles cover general points (Articles 48 and 49), extinctive time limits (Article 50, first paragraph), calculation of time limits (Articles 52 and 53, first paragraph, and Articles 53 *bis*, 54 and 57), *force majeure* situations, extension of the time limit (Article 50, second paragraph, Articles 51 and 53, second paragraph, and Article 55) and the case of suspension due to the death of one of the parties (Article 56).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

1 January (New Year's Day)

Easter Sunday and Easter Monday (variable dates)

1 May (Labour Day)

Ascension Day (sixth Thursday after Easter Sunday)

Whitsun and Whit Monday (seventh Sunday and Monday after Easter Sunday)

National holiday: 21 July
15 August (Assumption)
1 November (All Saints' Day)
11 November (Armistice of 1918)
25 December (Christmas Day)
This list does **not** appear in the Judicial Code.

3 What are the applicable general rules on time limits for the various civil procedures?

See question 1 (above).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The rule is that the *dies a quo* (day of the act or event triggering the time limit) is NOT included in the time limit, but that the *dies ad quem* (last day of the time limit) IS included ('*dies a quo non computatur in termino*').

Article 52 of the Judicial Code: 'A time limit is calculated from midnight to midnight. It is calculated from the day after the day of the act or event triggering the time limit and includes all days, even Saturdays, Sundays and public holidays.'

Consequently, the calculation of a time limit does not begin on the day of service of a summons or judgment (*dies a quo*), but on the following day (more precisely, at 00.00 on the following day).

For example, if a summons is served on Monday 4 May (*dies a quo*), the summons period begins on Tuesday 5 May. In other words, the first day of the eight-day time limit is Tuesday 5 May.

If 4 May falls on a Friday, then the summons period begins on Saturday 5 May. The first day of a summons period can therefore fall on a Saturday, Sunday or public holiday.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

A/ Service by a court officer:

Under Article 57 of the Judicial Code, unless otherwise stipulated by law, the time limit for an objection, appeal to a higher court or appeal on points of law to the Court of Cassation begins when the judgment is served on the person or at their domicile or, where applicable, when a copy of it is handed over or deposited, as set out in Articles 38 and 40.

For persons who do not have their domicile, place of residence or address for service in Belgium and who cannot be served in person, the time limit begins when a copy of the judgment to be served is handed over to the postal service or, where applicable, to the public prosecutor.

In the case of persons with no legal capacity, the time limit does not begin until the judgment has been served on their legal representative.

B/ Paper-based service (letter):

Unless otherwise stipulated by law, under Article 53 *bis* of the Judicial Code, time limits that begin when the paper document is served on the addressee are calculated:

where the document is served by judicial recorded delivery or by registered letter with acknowledgement of receipt, from the first day after the day when the letter was presented at the domicile of the addressee or, where applicable, at the addressee's place of residence or address for service;

where the document is served by registered letter or by ordinary letter, from the third working day after the day when the letter was handed over to the postal services, unless otherwise proven by the addressee;

where the document is served in return for a dated acknowledgement of receipt, from the first day thereafter.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The rule is that the *dies a quo* (day of the act or event triggering the time limit) is NOT included in the time limit, but that the *dies ad quem* (last day of the time limit) IS included.

DIES A QUO:

Article 52 of the Judicial Code: 'A time limit is calculated from midnight to midnight. It is calculated from the day after the day of the act or event triggering the time limit and includes all days, even Saturdays, Sundays and public holidays.'

Consequently, the calculation of a time limit does not begin on the day of service of a summons or judgment (*dies a quo*), but on the following day (more precisely, at 00.00).

For example, if a summons is served on Monday 4 May (*dies a quo*), the summons period begins on Tuesday 5 May. In other words, the first day of the eight-day time limit is Tuesday 5 May.

If 4 May falls on a Friday, then the summons period begins on Saturday 5 May. The first day of a summons period can therefore fall on a Saturday, Sunday or public holiday.

DIES AD QUEM:

Article 53 of the Judicial Code: 'The day of expiry is included in the time limit. However, where this day falls on a Saturday, Sunday or public holiday, the day of expiry is moved to the first working day thereafter.'

The *dies ad quem* is the day when a time limit expires. It is included in the time limit and is therefore the last day of the time limit.

However, if this *dies ad quem* falls on a Saturday, Sunday or public holiday, the day of expiry is moved to the next working day.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Under Article 52 of the Judicial Code, a time limit is calculated from midnight to midnight. It is calculated from the day after the day of the act or event triggering the time limit and includes all days, even Saturdays, Sundays and public holidays.

However, an act can be validly carried out at the court registry only on the days and during the times that this court registry is open to the public, unless it is carried out electronically.

Calendar days must therefore be used.

8 When such a period is expressed in weeks, in months or in years?

Under Article 54 of the Judicial Code, a time limit in months or in years is calculated from a calendar date in one month to the day prior to the corresponding calendar date in another month.

This article applies only to time limits in months or in years (for example, the time limit for an objection or appeal: one month); this means – when it is taken together with Article 53 of the Judicial Code – that a time limit of one month, for example, is not always 30 or 31 days, but can also be longer or shorter.

'Calendar date' means the first day of the time limit, namely the day after service.

9 When does the deadline expire if expressed in weeks, in months or in years?

Under the first paragraph of Article 53 of the Judicial Code, the day of expiry (i.e. the *dies ad quem*) is included in the time limit.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Under the second paragraph of Article 53 of the Judicial Code, it is, however, stipulated that, where this day falls on a Saturday, Sunday or public holiday, the day of expiry is moved to the first working day thereafter.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

a/ Time limits that do not cause an entitlement to lapse:

Article 49 of the Judicial Code states that time limits are laid down by law and that the courts can set time limits only where permitted by law.

Under Article 51 of the Judicial Code, before these expire, the courts can shorten or extend time limits that do not cause an entitlement to lapse. Unless otherwise stipulated by law, an extension cannot be longer than the original time limit and no further extension can be granted, unless this is done through a reasoned decision and on serious grounds.

b/ A party that has no domicile, place of residence or address for service in Belgium:

Under Article 55 of the Judicial Code, where the law provides that the time limits imposed on a party that has no domicile, place of residence or address for service in Belgium must be extended, this extension is:

15 days when the party lives in a neighbouring country or in the United Kingdom;

30 days when the party lives in another European country;

80 days when the party lives in another part of the world.

c/ During the court vacation:

Under the second paragraph of Article 50 of the Judicial Code, any time limit for an objection or appeal provided for in Articles 1048, 1051 and 1253 quater, paragraphs (c) and (d), that begins and ends during the court vacation is extended to the fifteenth day of the new judicial year.

The court vacation runs from 1 July to 31 August of each year.

If the time limit for an objection or appeal begins and ends during this period, then the *dies ad quem* of this time limit is extended to 15 September.

Example 1: a judgment is served on 30 June (*dies a quo*). The time limit begins on 1 July and ends (*dies ad quem*) on 31 July.

Example 2: a judgment is served on 31 July (*dies a quo*). The time limit begins on 1 August and ends (*dies ad quem*) on 31 August.

In both these examples, both the first day of the time limit and the *dies ad quem* fall within the court vacation, and the time limit is therefore extended to 15 September, which is the last working day for serving an objection or appeal.

Example 3: a judgment is served on 29 June. The time limit begins on 30 June. The *dies ad quem* falls on 29 July.

Example 4: a judgment is served on 1 August. The time limit beings on 2 August. The *dies ad quem* falls on 1 September.

In both these examples, either the first day of the time limit or the *dies ad quem* falls outside the court vacation, and the time limit is not therefore extended to 15 September.

It should be noted that both the second paragraph of Article 50 of the Judicial Code (extension due to the court vacation) and the second paragraph of Article 53 of the Judicial Code (movement of the expiry date to the next working day when it falls on a Saturday, Sunday or public holiday) may apply when the last day of the court vacation (31 August) falls on a Saturday or Sunday and the last day of the time limit (*dies ad quem*) falls on 31 August.

The second paragraph of Article 50 of the Judicial Code should be applied first, before the second paragraph of Article 53 of the Judicial Code is applied.

Example:

A judgment is served on 31 July. The time limit to an objection or appeal runs from 1 August to 31 August, which falls on a Saturday or Sunday.

Under the second paragraph of Article 50 of the Judicial Code, the first and last days of the time limit fall within the court vacation, which means that the time limit is extended to 15 September.

Only where 15 September falls on a Saturday or Sunday may the second paragraph of Article 53 of the Judicial Code be applied, with the last day of the time limit being moved to the Monday.

d/ Death of the party permitted to lodge an objection, appeal to a higher court or appeal on points of law to the Court of Cassation:

Under Article 56 of the Judicial Code, the death of the party suspends the time limit imposed on that party to lodge an objection, appeal to a higher court or appeal on points of law to the Court of Cassation.

This time limit resumes only after the judgment has been served again at the domicile of the deceased and will run only from the expiry of the time limits to draw up and consider an inventory, if the judgment is served before the expiry of those time limits.

The judgment can be served jointly on the heirs, without stating their names and capacities. However, any interested party can be exempted from the lapse of entitlement resulting from the expiry of the appeal time limits where it appears that said party was not aware of the service.

12 What are the time limits for appeals?

As a general rule, under Article 1050 of the Judicial Code, an appeal can be lodged in all cases as soon as the judgment has been given, even if it has been given by default. With regard to a judgment given on jurisdiction or, unless otherwise decided by the court, a provisional judgment, an appeal can be lodged only with the appeal against the final judgment.

Under Article 1051 of the Judicial Code, the time limit to lodge an appeal is one month from service of the judgment in accordance with the second and third paragraphs of Article 792. However, in accordance with Article 1054 of the Judicial Code, the respondent can lodge a cross-appeal against any parties in the proceedings before the appeal court at any time, even if the judgment was served without reservation or was accepted before its service.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Under Article 51 of the Judicial Code, before these expire, the courts can shorten or extend time limits that do not cause an entitlement to lapse. Unless otherwise stipulated by law, an extension cannot be longer than the original time limit and no further extension can be granted, unless this is done through a reasoned decision and on serious grounds.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Article 55 of the Judicial Code was introduced specifically for such a party. Where the conditions of that article are satisfied, said party may take advantage of this provision.

15 What are the consequences of non-observance of the deadlines?

Under the first paragraph of Article 50 of the Judicial Code, time limits that cause an entitlement to lapse cannot be shortened or extended, even with the agreement of the parties, unless this lapse is covered by the conditions laid down by law.

In other words, the legal act must be performed before the time limit expires, otherwise it risks falling outside the time limit and not being admissible.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

Allowing an extinctive time limit to expire is definitive. In other words, it is no longer possible to lodge an appeal, unless the law has been infringed.

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Time limits on procedures - Bulgaria

1 What are the types of deadlines relevant for civil procedures?

(A) The exercise of the right to judicial protection of subjective substantive rights is backed by limitation and absolute periods (calendar time periods) established by the law.

The limitation period is the period of inactivity of the holder of a subjective right, the expiry of which liquidates his/her ability to seek legal protection of that right. The expiry of a limitation period does not extinguish the substantive right itself but the associated right of action and right of enforcement, turning the right into a natural right (substantive right not subject to judicial protection). The limitation does not apply automatically but only following an objection by the debtor before the competent court or a bailiff.

The rules of duration, cessation and suspension of limitation periods are laid down in the Obligations and Contracts Act (ZZD). A general five-year limitation period is established for all claims without special time limits. (Article 110 ZZD)

A three-year limitation period is established for three groups of claims (Article 111 ZZD):

claims for remuneration for which no other limitation period is provided

claims for indemnity and compensations arising from an unperformed contract

claims for rent, interest and other periodic payments, such as the claims of heat and electricity suppliers, regardless of possible periodic variations of the amount. Repayment instalments under bank loan agreements, however, are not of the nature of periodic payments and are subject to the standard limitation period.

A three-year limitation period is also established for the right to request statutory invalidation of contracts concluded in error, or as a result of fraud or threat, as well as contracts concluded by incapacitated persons or their representatives without meeting the relevant requirements.

A one-year limitation period is established for the right to request statutory invalidation of a contract concluded because of exceptional necessity or obviously unfavourable conditions (Article 33 ZZD)

A six-month limitation period is provided for claims concerning deficiency in the sale of chattels, or deficient workmanship in a manufacturing contract, except for construction works where the claim is liquidated within the general five-year term (Article 265 ZZD).

A two-year limitation period is established in enforcement proceedings. Where the creditor in an instituted enforcement case fails to seek the performance of enforcement actions for two years, the enforcement proceedings will be terminated ex lege on the basis of point 8 of Article 433(1) GPK, and the new limitation period starts to run from the performance of the most recent valid enforcement action

The limitation period starts to run from the time when the right of action is formed and can be exercised, which depends on the nature of the substantive right affected. This may be the time when the contractual obligation has become payable, or the time of committing the wrongful act, or the time of identifying the doer in tort/delict, or the time of handing over the item in a claim for defects, etc.

The limitation period may not be shortened or prolonged by consent of the parties.

The limitation period may, however, be suspended and interrupted.

The limitation period ceases to run in the cases set out exhaustively in Article 115 ZZD:

between children and parents, while the latter exercise their parental rights;

between persons held in guardianship or trusteeship and their guardians or trustees while that guardianship or trusteeship lasts;

between spouses;

for claims of persons whose property, in law or by court order, is subject to administration, against the administrator while that administration lasts;

for claims concerning compensation of legal entities against their managers, while the latter are in office;

for claims of minors and persons under restraint for the period of absence of a legal representative or trustee, and 6 months after the appointment of such person, or after the incapacity has ended;

as long as the claim proceedings are taking place.

In these cases, the party is temporarily and legally deprived of the ability to exercise the right of action. The limitation period which has run until the suspension remains in effect and continues to run after the lapse of the circumstance that caused the suspension.

The limitation period is suspended in the following cases:

with the debtor’s recognition of the claim

with a claim or objection, or with a request for conciliation; however, if the claim or the objection is not satisfied, the limitation period is not be deemed to have been interrupted

by making a claim in the insolvency proceedings

by taking enforcement actions

In these cases, the period which has run from the time of origin of the right of action till suspension of the limitation loses its legal relevance and a new limitation period begins to run. Where the suspension is performed by a claim or an objection, the law also establishes another important consequence: the new limitation period which starts after the suspension is always five years.

Absolute (preclusion) time periods are those upon the expiry of which the substantive rights themselves lapse. These time limits begin to run from the time of origin of the subjective right, and not from the time of origin of the right of action.

Absolute periods may not be ceased or suspended like limitation periods.

They are applied by the court or by a bailiff of its or his/her own motion, which means that their protection does not require an objection made by the debtor. The expiry of an absolute period renders an action brought inadmissible, whereas the expiry of a limitation period (provided an objection has been made) renders the action unjustified.

Such preclusion time periods include: the three-month period in which the pledgee or mortgagee may object if payment of insurance indemnity is made to the owner of the item, and not to him/her; the two-month period in which a co-owner may bring an action for the purchase of a co-owned item if the other co-owner has sold his/her share to a third party; the one-year period for bringing an action to cancel a donation, etc.

B) Time limits for the performance of certain procedural actions by the parties and the court in claims proceedings, as well as in enforcement proceedings, are established by the Civil Procedure Code (GPK). Time limits for the performance of procedural actions in insolvency proceedings are established by the Commerce Act (Targovski zakon) (TZ) and, respectively, by the Bank Insolvency Act (Zakon za bankovata nesastoyatelnost) (ZBN) in respect of bank insolvency and in other special laws.

In respect of the parties, omission of the deadline results in liquidation of the right to carry out the relevant procedural action. Failure by the court to meet a set deadline for proceeding does not constitute an impediment to carrying out the procedural action later, since it is always due. The time limits established in respect of the court are merely indicative.

The time periods to carry out procedural actions by the parties are those which are established by the law, and those established by the court.
The time periods established by the law (legal time periods) include:
the time limit for remedying non-conformities of the statement of action (one week from the communication to the party under Article 129(2) GPK, but the court is free to set a longer time limit)
the time limit for response to the defendant's claim, for specifying evidence, for challenging the veracity of the evidence in the statement of claim, for making a counter-claim, for introducing third parties (accessories) by the defendant and bringing actions against them, and for objection against the procedure established by the court to consider the proceedings. It starts to run from the receipt of the duplicate copy of the statement of action by the defendant, and is one month or two weeks depending on whether the proceedings are under the standard procedure or under the special claims procedure for the examination of commercial disputes (Article 131 and Article 367 GPK)
the time limit for claiming an additional statement by the claimant in proceedings on commercial disputes – a two-week period from the receipt of the defendant's response (Article 372 GPK)
the time limit for response to the additional statement by the defendant in proceedings on commercial disputes – a two-week period from the receipt of the additional statement of claim (Article 373 GPK)
the time limit for appeal against the judgements pronounced by the court – a two-week period from the service of the judgement to the party (Article 259 GPK)
the time limit for response to the appeal by the opposite party and for submitting a counter-appeal – a two-week period from the receipt of an appeal copy (Article 263 GPK)
the time limit for cassation appeal against the judgements given by the court – a onemonth period from the service of the judgement to the party (Article 283 GPK)
the time limit for appeal against judgements given by the court – a one-week period from their communication to the party, and if they were given in a court hearing attended by the party, the time limit runs from the date of the hearing (Article 275 GPK)
the time limit for submitting an application for cancellation of an enforced decision – a three-month period from the occurrence of the reason for its cancellation (Article 305 GPK)
the time limit within which the party may request the judge's dismissal – the first hearing after the occurrence of the reason for dismissal, or of learning of it (Article 23 GPK)
the time limit within which the party may submit an objection for lack of exclusive jurisdiction – until completion of the proceedings at second instance (Article 119 GPK)
the time limit within which a party may submit an objection for lack of local jurisdiction by location of the immovable property – until completion of the judicial inquiry at first instance (Article 119 GPK), and in all other cases of a breach of the rules of local jurisdiction, an objection may be submitted only by the defendant within the period for response to the application (Article 119 GPK). In consumer actions and actions brought by an injured person against an insurer, the Guarantee Fund (Garantsionen fond) and the National Bureau of Bulgarian Motor Insurers (Natsionalno byuro na balgarskite avtomobilni zastrahovateli), the court of its own motion ensures compliance with local jurisdiction until the first court hearing has been closed
the time limit within which the claimant may withdraw the statement of claim without the defendant's consent – until completion of the first court hearing (Article 232 GPK)
the time limit within which a party may submit an incidental application – in the first hearing for the claimant and within the period for response to the statement of claim by the defendant (Article 212 GPK)
the time limit for challenging the veracity of a document – with the response to the legal action which it is presented with, at the latest, and if presented with the statement of claim, the defendant should contest it with his/her written response (Article 193 GPK)
the time limit for making an objection against a payment order – a two-week period from the service of the order (Article 414 GPK)
the time limit for appealing against a refusal to issue a payment order – a one-week period from the communication to the petitioner (Article 413 GPK)
the time limit for appealing against the order for issuing a writ of execution – a two-week period which runs from the service of the order for the petitioner, and from the service of the request for voluntary compliance for the debtor (Article 407 GPK)
the time limit for voluntary compliance by the debtor in the enforcement proceedings – a two-week period from the service of the request by the bailiff (Article 428 GPK)
the time limit for appealing against the actions of the bailiff – a one-week period from the performance of the action if the party attended that performance, or if it was regularly summoned, and in other cases – from the date of the notice (Article 436 GPK)
the time limit for submitting a claim in the insolvency proceedings – within one month, and within three months, respectively, from the entry into the commercial register of the decision to open the insolvency proceedings (Article 685 and Article 688 TZ)
the time limit for applying a recovery plan – within one month from the date of entry into the commercial register of the court's judgement for approval of the list of accepted claims (Article 696 TZ)
the time limit for making objections against the list of accepted claims – a sevenday period from disclosing the list in the commercial register (Article 690 TZ)
the time limit for submitting objections against the allocation account prepared by the insolvency administrator – a fourteen-day period from the entry of the account into the commercial register (Article 727 TZ)
absolute time limits for the performance of the relevant procedural actions are also regulated in other special laws which cannot possibly be listed exhaustively: the TZ regarding trader stabilisation proceedings, the ZBN, the Insurance Code (Kodeks za zastrahovaneto), etc.
The time limits determined by the court include:
the time limit for collecting evidence (Article 157 GPK)
the time limit for depositing the costs for the collection of evidence (summoning of witnesses, payment of reward for expert witnesses, etc.) – Article 160 GPK)
the time limit for remedy of the irregularities of a procedural action performed by the party (Article 101 GPK)
time limit for entry of the statement of action, which is usually longer than one week
The time limits are also divided into two types depending on whether they can be extended by the court, or this option is excluded. All time limits set by the court are subject to extension. The time limits for appeal and for the submission of a request for cancellation of an enforceable judgment are not subject to extension: Article 63(3) GPK.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Public holidays include:
1 January – New Year's Day;
3 March – Liberation Day – National holiday;
1 May – Labour Day;
6 May – St. George's Day, Day of Courage and the Bulgarian Army;

24 May – Day of Bulgarian Education and Culture and Slavonic Literature;
6 September – Unification Day;
22 September – Independence Day;
1 November – Day of National Awakeners: non-working day for all educational institutions and working day for all other legal entities;
24 December – Christmas Eve, 25 and 26 December – Christmas;
Good Friday, Holy Saturday and Easter Sunday – two days (Sunday and Monday), which are set for celebration in the respective year.
The Ministerial Council may also declare, on one occasion only, other days for public holidays, days for the celebration of certain professions, as well as shift non-working days during the year.

3 What are the applicable general rules on time limits for the various civil procedures?

The general rules on time limits for performance of procedural actions by the parties and the court in claims proceedings, as well as in enforcement proceedings, are established by the Civil Procedure Code (GPK). A number of special laws also establish absolute periods for the exercise of procedural rights, e.g. Article 74 of the TZ, Article 19 and Article 25 of the Commercial Register and the Register of Non-Profit Legal Persons Act (Zakon za targovskiya registar i registara na yuridicheskite litsa s nestopanska tsel) (ZTRRYLNT), etc. General information on the general rules set out in Chapter Seven of the Civil Procedure Code 'Time limits and recovery of time limits' is presented in the answers to Questions 4, 5 and 6.
The general rules on limitation periods are set out in Article 110 and the following of the Obligations and Contracts Act. See Item 1.
The general rules on the time periods for fulfilment of obligations arising from obligation relations are set out in Articles 69–72 of the Obligations and Contracts Act.
In the presence of preconditions defined in the procedural law (Article 61, Article 229, Article 432 GPK), the established procedural time limits cease to run, in which case the cessation starts from the event that occasioned the stay of the proceedings. Proceedings are stayed when an impediment to their continued progress has emerged and until it is removed the performance of procedural actions is inadmissible with the exception of securing the action. After the impediment is removed (e.g. a party dies, guardianship has to be instituted, underlying proceedings exist, etc.), the proceedings are subject to resumption, whereupon all actions taken before the stay retain their validity.
Special laws establish other time limits that are shorter than the standard limitation period.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting point from which the time limit to take a certain procedural action begins to run is usually the date on which the party is informed that he/she should perform that action, or notified accordingly of a pronounced act of the court against which a complaint may be lodged.
the time limit for remedy of any irregularities of the statement of claim runs from the date on which the court's instructions are communicated to the party.
the time limit for a written response to the statement of claim by the defendant runs from the receipt of a copy of the statement of claim and the evidence thereto, and in the notice by which the court sends the copies to the defendant it must specify the time limit for the reply and the consequences of the failure to do so.
the time limit for appealing against the judgement runs from its service to the party.
the time limit for appealing against a judgement pronounced in a case considered under the procedure 'Summary Proceedings' (Part Three, Chapter 25 of the Civil Procedure Code) runs from the date on which the court stated that it would disclose its judgement.
the time limit for appealing against the judgement runs from its communication to the party, and if pronounced in a court hearing attended by the party, the time limit runs from the date of the hearing.
the appeal against the actions of a bailiff is submitted within a one-week period from the performance of the action if the party attended that performance, or if it was regularly summoned, and in other cases – from the date of the communication.
time limits in insolvency proceedings run from the disclosure of the relevant action of the insolvency administrator (for example, completing a list of creditors with accepted claims), or an act of the court in the Commercial Register.
There are also time limits that start to run from the moment of initiation of the claims proceedings, as the law establishes only the final time for their performance.
For example:
the claimant may change the grounds or the petition of his/her claim or withdraw the claim without the consent of the defendant until completion of the first hearing in the case,
each of the successors in the partition proceedings may, by the time of the first hearing, request with a written application to have additional property included as subject of the partition, etc.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The time limit runs from the moment of notification to the party. The time at which the notice to the party is deemed to have been properly served is determined differently, depending on the manner of notification. Chapter VI 'Notices and summons' of the Civil Procedure Code sets out the rules on the manner of serving notices and summons to the parties, as well as on the time at which notices are deemed to have been properly served.
Where the notice is served personally to the addressee or his/her representative, or to another person, respectively, who lives or works at the address, the summons must state the date on which the notice was received by the person, whether served by a court agent or a postal worker. From that date the time limits for the relevant procedural action start to run.
Notices may also be served to an email specified by the party. They are deemed to have been served with their entry into the specified information system.
In the presence of legal preconditions (for example, when the party has changed the address that it has specified for the case without notifying the court), the court may order the service to be done by attaching the notice under the case, then the time limit begins to run from the date of the attachment. This is substituted service, which is resorted to when an imposed procedural obligation is not complied with.
Where a defendant cannot be found at his/her permanent address and no person is found to receive the notice, the server must affix a notification to the door, or to the mailbox, stating that the papers have been left in the court office and may be received within two weeks from the date of the notification. In this case, if the defendant does not appear to receive them, the notice and related papers are deemed to have been served with the expiry of the time limit for their receipt.
Substituted service in this situation results from the natural person's non-compliance with his or her administrative obligation to declare a permanent and current address at which he or she is supposed to be found.
Notices are served on traders and legal persons which are entered in a relevant register at the last address declared in the register. If an office does not exist at that address and corporate signage is not found, i.e. there is reason to believe that the person has left its address, all communications are placed in the case file and are deemed to have been duly served: Article 50(2) GPK.

If the trader is at the address entered in the register but the server does not obtain access to the office or does not find a person willing to accept the notice, the server affixes a notification and, unless the papers are received within two weeks of that affixation, they are deemed to have been served (service is substituted).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The time limit is calculated in years, weeks and days. A time limit counted in days is calculated from the day following the day on which the period begins to run and expires at the end of the last day. For example, if the party is instructed to remedy the irregularities of an action within seven days, and a notice is served on 1 June, it is the date on which the time limit begins to run, but the count begins on the next calendar day, 2 June, and the period will expire on 8 June.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Time limits are calculated in calendar days. If, however, the time limit expires on a non-working day (weekend or holiday), it is deemed to expire on the first working day after the non-working day.

8 When such a period is expressed in weeks, in months or in years?

A time limit which is counted in weeks expires on the respective day of the last week. For example, if the party is given instructions to remedy the irregularities of the statement of claim within one week, and a related notice is served on Friday, the time limit will expire on Friday of the following week.

A time limit which is counted in months expires on the respective date of the last month, and if the last month has no such date, the period will expire on the last day of the month.

A time limit which is counted in years expires on the respective date of the last year, and if the last year has no such date, the period will expire on its last day.

9 When does the deadline expire if expressed in weeks, in months or in years?

See the answer to Question 8.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

When the last day of the period is non-attendant, the time limit always expires on the first subsequent attendant day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only the time limits for appealing against judgements and orders, and for submitting requests for cancellation of an enforced judgement may not be extended by the court, as well as the time limit for filing an objection against a payment order.

All other legal and court-appointed time limits may be extended by the court at the request of the concerned party, submitted prior to the expiry of the time limit if there are good reasons (Article 63 GPK). The newly established time limit may not be shorter than the initial one. The extended time limit runs from the expiry of the initial one. The ruling whereby the time limit is extended (and the ruling whereby such an extension is refused) is not communicated to the party which, therefore, should actively follow the court's activity.

12 What are the time limits for appeals?

The Civil Procedure Code sets out the general rules for appealing against judgements and orders in all civil and commercial matters by providing for:

a two-week period for appealing against judgements pronounced by the court, running from the service of the judgement to the party

a one-month period for a cassation appeal against judgements pronounced by the court, running from the service of the judgement to the party

a one-week period for appealing against judgements pronounced by the court, running from their communication to the party, and if pronounced in a court hearing attended by the party, running from the date of the hearing

Exclusions to these general rules are exhaustively established by the law and are based on the specific features of the relevant proceedings. Such exclusions are provided for:

decisions to initiate insolvency proceedings that are subject to appeal within seven days of their entry into the Commercial Register;

decisions rejecting an application for opening insolvency proceedings, which are subject to appeal within seven days from the date of the notice under the procedure of the Civil Procedure Code;

a decision in partition proceedings which the court pronounces on the claims of the copartitioners for accounts, a decision to assign an indivisible immovable property to a public sale, a decision to assign an indivisible immovable property to one of the copartitioners, and a decision to disclose the final partition protocol may be appealed with a joint complaint within the time limit for appealing against the latest decision

a non-attendant decision is not subject to appeal, but within one month of its service the party against which it has been ordered may request the appellate court to cancel the decision if unable to participate in the case

a decision to allow a divorce by mutual consent is not subject to appeal,

there are also other special situations regulating time limits for appealing against a judgment: e.g. a decision on entry of a political party is appealable within seven days.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

There is no provision for the court to shorten the time limits established by it or by the law, but only to extend the time limits at the request of the parties. Only the time limits for appealing against judgements and orders, and for submitting requests for cancellation of an enforced judgement may not be extended by the court, as well as the time limit for filing an objection against a payment order.

However, there is no obstacle for the court to change, on its own motion, or at the request of one of the parties, the date of the hearing by scheduling it for an earlier or a later date, if required by important circumstances. In such cases, however, the court should notify the parties of the new date, and the notice should be served within one week prior to the date of the hearing at the latest.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The procedural rules of the Civil Procedure Code, including those related to the extension of the time limit, apply to all participants in the proceedings, regardless of their place of residence.

15 What are the consequences of non-observance of the deadlines?

The common principle is that procedural actions performed after the expiry of the time limits are not considered by the court. In addition to this rule, the GPK expressly provides that if the deficiencies of the statement of claim are not remedied in time, it is returned; if an appeal, a request for cancellation or an objection to an enforcement order is submitted after the expiry of the time limit, they are returned as overdue; if the party fails to submit in due time the evidence available to them, it will not be accepted in the case, unless the omission is due to special unforeseen circumstances. Non-compliance with procedural time limits precludes the exercise of the rights for which these time limits are envisaged.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

A party which has not observed the time limit established by the law or by the court may request its reinstation if it proves that the non-observance was due to special unforeseen circumstances which it was not able to overcome. No reinstation is allowed if it was possible to grant an extension of the time limit in order to carry out the procedural action.

A request for reinstation of the time limit must be submitted within one week of the notice of non-observance, indicating all the circumstances justifying it and any evidence of the merits of the request. The request must be submitted to the court before which the relevant procedural action should have been taken. Together with the request for reinstation of the time limit, the papers for which a recovery of the time limit is requested are also submitted, and if the time limit is for payment of expenses, the court sets a new time limit for their submission.
The request is mandatorily examined in open court. If the request is granted, the forfeited rights are restored.

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Time limits on procedures - Czechia

1 What are the types of deadlines relevant for civil procedures?

Generally, deadlines that are relevant in civil procedures are either procedural or substantive.
There are two types of procedural deadlines: statutory and judicial.
Statutory deadlines are laid down by law. A failure to adhere to a statutory procedural deadline always entails some kind of procedural consequence (e.g., loss of the possibility to successfully execute a certain task, the imposition of a disciplinary fine). The failure to meet a statutory deadline may be excused (see Section 58 of Act No 99/1963, the Code of Civil Procedure (*zákon č. 99/1963 Sb., občanský soudní řád, ve znění pozdějších předpisů*) (*Code of Civil Procedure*), as amended, if the party or its legal representative missed the deadline for an excusable reason, as a result of which he was unable to perform an action which he is entitled to effect. An application must be filed within 15 days of the day on which the obstacle ceased to be a factor, and the missed action must be effected at the same time. A court may, at a party's request, grant the application a suspensive effect, in order to excuse the missing of the deadline.
If a time limit for the execution of an action is not set directly by law, it is set by the chair of the judicial panel (or judge sitting alone). The chair of the judicial panel (or judge sitting alone) may set a deadline not only in those cases that are envisaged by the law, but also in cases when it is required to ensure proceedings proceed efficiently and with all due dispatch. A court can extend a judicial time limit based on the circumstances (see Section 55 of Act No. 99 /1963, the Code of Civil Procedure, as amended). Excusing the missing of a deadline is not permissible.
Deadlines set for the court, for example for the issuance of a decision, are not procedural deadlines; deadlines set for the court are administrative deadlines.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Day of Renewal of the Independent Czech State, New Year's Day: 1 January
Easter Monday: the day changes, but usually the holiday comes at the end of March or beginning of April.
Labour Day: 1 May
Victory Day: 8 May
Day of the Slavic Missionaries Cyril and Methodius: 5 July
Day of the Immolation of Jan Hus: 6 July
Day of Czech Statehood: 28 September
Date of the Creation of an Independent Czechoslovak State: 28 October
Day of Struggle for Freedom and Democracy: 17 November
Christmas Eve: 24 December
Christmas Day: 25 December
Boxing Day: 26 December

3 What are the applicable general rules on time limits for the various civil procedures?

The statutory rules for the method by which time limits are calculated are set in Sections 55-58 of Act No 99/1963, the Code of Civil Procedure, as amended.
A time limit determined in days starts on the day following the fact that is decisive for its commencement.
One half of a month means fifteen days.
The end of a period determined in weeks, months, or years falls on the day whose designation or number corresponds to the day on which occurred the event from which the period runs. If there is no such day in the last month, the end of the period falls on the last day of the month.
If the last day of a period falls on a Saturday, Sunday, or public holiday, the last day of the period is the next working day.
Periods determined in hours end upon the expiration of the hour whose designation corresponds to the hour when the event determining the start of the period occurred.
A procedural deadline is met if the action is executed at a court or a submission handed over to an authority that is obliged to deliver it, i.e., most frequently a postal licence holder, on the last day of the period.
If proceedings have been interrupted, the running of procedural time limits is also interrupted (Section 111 (1) of the Code of Civil Procedure). If proceedings are resumed, periods begin running again.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The day on which the event determining the start of a time limit occurred is not included in the calculation of the time limit. This does not apply in the event of a time limit determined in hours. Hence, a time limit generally runs from the day following the day on which the event decisive for the running of the limit occurred (see Section 57 (1) of Act No 99/1963 Code of Civil Procedure, as amended).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The day on which the event determining the start of a time limit occurred is not included in the calculation of the time limit. This does not apply in the event of a time limit determined in hours (see Section 57 (1) of Act No 99/1963 Code of Civil Procedure, as amended).

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

A period is calculated in calendar days.

8 When such a period is expressed in weeks, in months or in years?

Periods determined in weeks appear only rarely in the Code of Civil Procedure (Act No 99/1963, as amended) (e.g., Section 260 (3), Section 295 (1), and Section 295 (2)). More frequently, they appear as judicial deadlines in judicial practice.
Periods determined in months appear in the Code of Civil Procedure in the length of one month (e.g., Section 82 (3), Section 336m (2), and Section 338za (2)); two months (e.g., Section 240 (1) and Section 247 (1)); three months (e.g., Section 111 (3), Section 233 (1), and Section 234 (1)); and six months (e.g., Section 77a (2) and Section 260g (3)).

Periods determined in years are of two types in the Code of Civil Procedure: a one-year period (e.g., Section 111 (3)) and a three-year period (e.g., Section 99 (3), Section 233 (2), and Section 234 (2)).

9 When does the deadline expire if expressed in weeks, in months or in years?

Periods determined in weeks, months, or years end at the end of the day whose designation corresponds to the day on which the event determining the start of the period occurred, and if there is no such day in the month, then on the last day of the month (see Section 57 (2) of Act No 99/1963, Code of Civil Procedure, as amended).

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes (see Section 57 (2) of Act No 99/1963, Code of Civil Procedure, as amended).

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Statutory procedural deadlines cannot be changed by a court decision.

A judicial procedural period may be extended by a court, depending on the circumstances.

12 What are the time limits for appeals?

A party may challenge the decision of a district court (*okresní soud*) or the decision of a regional court (*krajský soud*) rendered in first instance proceedings by a judgement, unless the law excludes that (see Section 201 of Act No 99/1963, Code of Civil Procedure, as amended). An appeal is to be filed within fifteen days of the delivery of a written decision, at the court whose decision is being challenged. The period for submitting an appeal does not include the day on which the decision was served on the party. To adhere to this procedural deadline, it suffices if the appeal is handed over to an authority that is obliged to serve it (in particular, a postal licence holder, a prison institution in the event of persons incarnated in prison or in custody, an institution for institutional or protective upbringing of a person placed in it, etc.) or at the court on the last day of the period.

If a corrective ruling has been issued pertaining to the decision proper, the period runs from the effective date of the corrective ruling (see Section 204 (1) of the Code of Civil Procedure).

An appeal filed after the expiration of the fifteen-day period only due to the fact that the appellant followed an incorrect instruction given by the court with respect to an appeal is deemed to have been filed in a timely manner. If a decision does not contain instructions about appeal, about the time-limit for appeal, or about the court at which it is to be lodged, or if it contains incorrect instructions stating that an appeal is not permissible, an appeal may be lodged within three months of the service of the decision.

If an order for payment was rendered in a case, that order may be prevented from becoming effective solely by filing of a statement of opposition by the defendant, within the statutory period of 15 days from the day of the service of the order, at the issuing court (see Section 172 (1) of the Code of Civil Procedure). The order for payment is set aside by the filing of a statement of opposition, and the court orders a hearing. An appeal can be lodged only against the statement concerning the costs of procedures, but that naturally does not set aside the order for payment.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The Code of Civil Procedure (Act No 99/1963, as amended) makes it possible to adjourn a hearing for important reasons, if a matter cannot be deliberated on and decided in a single hearing (see Section 119 of the Code of Civil Procedure). An important reason for adjournment may be, for example, the fact that one of the parties to the proceedings failed to report to the court, and it is not possible to conduct the hearing in his absence (see Section 101 (3) of the Code of Civil Procedure), or if one of the parties did not have sufficient time to prepare for the hearing due to the summons not having been delivered to it with sufficient advance notice or for other important reasons.

A party may ask the court to adjourn a hearing. A court will decide about a request of a party for adjournment submitted in advance, on the basis of the seriousness of the reason claimed. If the court does not grant the party's request, the party must appear for the hearing.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The laws of the Czech Republic do not explicitly regulate such a situation.

In the case of proceedings involving an international element, during which a document is to be served on a party abroad, the procedural rules of the *lex fori* will be applied, i.e., the procedural rules of the court into whose jurisdiction the case falls.

15 What are the consequences of non-observance of the deadlines?

Every failure to adhere to a procedural deadline has procedural consequences.

If the Code of Civil Procedure (Act No 99/1963, as amended) sets a certain deadline for the execution of an action (e.g., the submission of an appeal or extraordinary appeal), the failure to meet the deadline results in the loss of the possibility to successfully execute the action. The missing of the deadline may be excused if the party or its representative has missed it for an excusable reason (e.g., a sudden illness, injury, etc.) and was therefore unable to execute the action he is entitled to effect (see Section 58 of the Code of Civil Procedure), unless the excusing of the missing of a specific deadline is excluded by the Code of Civil Procedure (for example, pursuant to Section 235 (1) of the Code of Civil Procedure, excusing the missing of a deadline is excluded in the case of applications for the renewal of proceedings and for annulment). In the event of a deadline set for compliance with a certain obligation, the failure to meet the deadline results in the imposition of a certain sanction (for example, a disciplinary fine).

Each case of the missing of a judicial procedural deadline is linked by law with certain consequences. A judicial deadline may be extended by the chair of a judicial panel (or a judge sitting alone). Excusing the missing of a judicial deadline is not permissible.

An order for payment against which a statement of opposition has not been filed has the effects of a final and enforceable judgement (see Section 174 (1) of the Code of Civil Procedure).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The missing of a hearing has different consequences than the missing of a deadline. If a duly summoned party fails to appear for a hearing and has failed to request an adjournment in a timely fashion and for an important reason, the court may deliberate on the matter and rule in his absence (see Section 101 (3) of Act No 99/1963, Code of Civil Procedure, as amended) and, if the conditions set out in Section 153b of the Code of Civil Procedure are met, it can render a default judgement.

If the defendant misses the first hearing in a matter in which a default judgement was rendered for excusable reasons, the court shall set aside the judgement at the defendant's request and order a hearing in the matter. A party can submit such an application up until the date on which the default judgement takes effect (see Section 153b (4) of the Code of Civil Procedure).

An appeal on the merits of the case is also permissible against a default judgement. If the defendant, in addition to filing an application for setting aside a first-instance court judgement, has also appealed the judgement, and the application for setting aside the judgement has been granted by an enforceable ruling, the appeal shall be disregarded (see Section 153b (5) of the Code of Civil Procedure).

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Time limits on procedures - Germany

1 What are the types of deadlines relevant for civil procedures?

Sections 214-229 of the Code of Civil Procedure (*Zivilprozessordnung*) lay down general rules on procedural time limits, and other sections of the Code contain specific provisions governing particular time limits.

A distinction is drawn between 'real' time limits (*eigentliche Fristen*), i.e. periods within which those involved in proceedings can or – to avoid forfeiting rights – must perform procedural acts or formalities, and 'unreal' time limits (*uneigentliche Fristen*), within which the law requires the court to perform certain official acts.

'Real' time limits are further divided into statutory time limits, which are prescribed by statute, and judicial time limits, which are set at the court's discretion. Statutory time limits include the 'mandatory periods' (*Notfristen*) provided for by Section 224(1), second sentence, of the Code of Civil Procedure, which are always designated as such in the Code and may not be shortened or extended.

However, the parties may by agreement shorten judicial and statutory time limits other than mandatory periods and unreal time limits, though they cannot extend them. The court may extend or shorten a time limit it has set, but it may change a statutory time limit only as provided for in the statute. In either case, the Court will make a change only where a party can provide convincing grounds for such action.

The following time limits are also important for parties involved in civil proceedings:

(a) In an order for payment procedure

In the order for payment procedure (*Mahnverfahren*), objections to the order for payment under Section 692(1) No 3 of the Code of Civil Procedure and appeals against an order for enforcement under Sections 700(1) and 339(1) must be lodged within two weeks. If no objection is raised and the applicant does not apply for the issue of an enforcement order within a period of six months, the order for payment ceases to have effect pursuant to Section 701.

(b) In contentious proceedings

Section 132 of the Code of Civil Procedure lays down the general rule that the preparatory pleadings must be submitted to the court in time for them to be served on the other party at least one week before the hearing, in order to ensure that preparations can be made for hearings in good time and to ensure proper access to justice. Preparatory pleadings containing a statement of opposition to new submissions must be submitted in time for them to be served at least three days before the hearing.

When setting a date for a preliminary hearing, the judge must allow the defendant at least two weeks to reply (Sections 275(1), first sentence, 275(3) and 277 (3) of the Code). If the judge orders written preliminary proceedings, the defendant has a two-week mandatory period in which to indicate whether he or she intends to defend the action (Section 276(1), first sentence); the court will allow him or her at least a further two weeks to submit a statement of defence in writing (Section 276(1), second sentence). The presiding judge may, in turn, set the plaintiff a time limit within which to submit written observations on the statement of defence (Section 276(3)).

If the defendant fails to indicate an intention to defend the action within the time allowed, the court will, on application by the claimant and without a hearing, issue a judgment upholding the (conclusive) claim under Section 331(3) of the Code of Civil Procedure (a 'default judgment' (*Versäumnisurteil*)). The court will also issue a default judgment if the claimant or defendant fails to attend the hearing or to plead his or her case. The party against whom a default judgment has been issued has a mandatory period of two weeks from the service of the default judgment to lodge an objection (Sections 338 and 339(1)). Where the objection is admissible (and, most importantly, submitted within the time allowed), the proceedings return to the stage they were at prior to the default.

The mandatory period for lodging an appeal (*Berufung*) is one month (Section 517 of the Code of Civil Procedure), while the grounds for the appeal can be submitted within two months (Section 520(2)). Both time limits commence on service of the full judgment or, at the latest, five months after it has been pronounced. There is a judicial deadline of at least two weeks to reply to the appeal (Section 521(2) and Section 277(3) of the Code of Civil Procedure). Where the appeal court (*Berufungsgericht*) in its judgment refuses leave for a further appeal on points of law (*Revision*), a renewed application for leave to appeal may be lodged within a mandatory period of one month from service of the full judgment (Section 544(1) and (3), first sentence, of the Code). The grounds for the appeal must be submitted within two months of the date on which the full judgment is served, but no later than seven months after the judgment has been delivered.

The time limit for lodging an appeal on points of law is also a mandatory period, and is set at one month (Section 548 of the Code), while the grounds for the appeal can be submitted within two months (Section 551(2), second sentence). Both time limits commence on service of the full judgment or, at the latest, five months after it has been pronounced.

An immediate objection (*sofortige Beschwerde*) against a ruling made by order (*Beschluss*) must be lodged within a mandatory period of two weeks from service of the ruling, or not later than five months and two weeks after it has been pronounced (Section 569(1)). An objection on points of law (*Rechtsbeschwerde*), which must be based on an infringement of the law, has to be lodged within a mandatory period of one month after the order was served (Section 575(1), first sentence), while the grounds for the objection must be submitted within a further month (Section 575(2)).

Where a party fails to comply with a procedural requirement listed in Section 233 of the Code of Civil Procedure (e.g. a mandatory period or time limit for the submission of grounds of appeal) through no fault of his or her own, that party may apply for the position before the default to be restored. The application must be made within two weeks of the removal of the obstacle (Section 234(1) and (2)).

If the start date for a time limit depends on the time of service (see the answer to question 4), it is necessary to check whether service was effective. In the case of substituted service, the effectiveness of service does not depend on whether the addressee actually receives the document. It is, however, always necessary for the addressee's home or business premises at the time of service to be located at the address where the document is served.

An addressee who had no knowledge of the proceedings, and was consequently unable to challenge the ruling made, may in certain circumstances be able to apply for restoration of the position before the default: see the answer to question 4. For the date at which the time limit begins to run please refer to the answer to question 16.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

New Year's Day: 1 January

Epiphany: 6 January (only in Baden-Württemberg, Bavaria and Saxony-Anhalt)

International Women's Day: 8 March (only in Berlin)

Good Friday: the date varies, but is some time around the end of March or beginning of April

Easter Sunday: the date varies, but is some time around the end of March or beginning of April

Easter Monday: the date varies, but is some time around the end of March or beginning of April

1. Mayday/Labour Day: 1 May
Ascension Day: in May, the date varies
Whit Sunday: the date varies, in May or June
Whit Monday: the date varies, in May or June
Corpus Christi: the date varies, but is some time between the end of May and the middle of June (only in Baden-Württemberg, Bavaria, Hessen, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony (regional) and Thuringia (regional))
Assumption: 15 August (only in Bavaria (regional) and Saarland)
Day of German Unity: 3 October
Reformation Day: 31 October (only in Brandenburg, Bremen, Hamburg, Mecklenburg-Western Pomerania, Lower Saxony, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia)
All Saints' Day: 1 November (only in Baden-Württemberg, Bavaria, North Rhine- Westphalia, Rhineland-Palatinate and Saarland)
Repentance Day (Buß- und Bettag): the date is variable, but is some time between the middle and end of November (only in Saxony)
Christmas Day: 25 December
Boxing Day/St Stephen's Day: 26 December.

3 What are the applicable general rules on time limits for the various civil procedures?

Section 222(1) of the Code of Civil Procedure states that all procedural time limits must be calculated in accordance with the rules laid down in Sections 187-193 of the Civil Code (*Bürgerliches Gesetzbuch*).
Details of how time limits are calculated can be found in the answers to questions 7 to 9.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

Generally, the commencement date for a time limit is tied to service of the document to which a reply is to be given, or the ruling against which an appeal is to be made (see, for example, Sections 276(1) first sentence, 329(2), second sentence, and 339(1) of the Code of Civil Procedure). The time allowed for lodging an appeal starts to run on service of the ruling (Sections 517, 548 and 569(1), second sentence, of the Code); however, if the ruling is not served, or not effectively served, and this is not remedied under Section 189 of the Code, time starts to run at the end of the fifth month after the ruling is pronounced. The time limit of five months then replaces service. There is a similar rule for a renewed application for leave to appeal, but in this case a period of six months operates to replace service (Section 544(3), first sentence, of the Code).
There is a different commencement date for time limits for those appeals which can, in exceptional cases, overcome the finality of a judgment:
the time limit for applying for restoration of the former position (*Wiedereinsetzung in den vorigen Stand*) commences on the day the obstacle is removed (Section 234(2) of the Code of Civil Procedure);
the time limit for an objection against refusal of the right to a fair hearing under Section 321a of the Code of Civil Procedure (*Anhörungsrüge*) commences when the person becomes aware of the breach of their right to a proper hearing (Section 321a(2), first sentence);
the time limit for an application for annulment (*Nichtigkeitsklage*) or an application for revocation (*Restitutionsklage*, reopening of the proceedings, Sections 578 et seq. of the Code) commences on the day on which the party in question became aware of the grounds on which the challenge is based, although not before the judgment has become final (Section 586(2), first sentence).
If the question refers to the time when an act that has to be carried out within a time limit becomes effective, so that the time limit is met, the answer is as follows:
A procedural time limit is met if the procedural step is performed by the end of the final day allowed, i.e., as a rule, the relevant document is forwarded to the court within the allotted time. The crucial factor is when the document is received by the court, not when it was dispatched. The time allowed may, however, be used to the full, i.e. until 24.00 at the end of the final day, even if it is unlikely that anyone at the court will actually see the document then.
If the question is intended to establish how the start of the time limit is arrived at, the answer is as follows:
Under Section 187(1) of the Civil Code, where an event or a specific time in the course of a day determines the start of a time limit, the day in question is not included in any calculation of the time limit.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No. Where a time limit starts from the time of service (see answer to question 4), the method of service is irrelevant. Documents are deemed to be served either at the moment they are handed to the recipient (Section 177 of the Code of Civil Procedure), or on completion of one of the methods of substituted service (listed in Sections 178, 180 and 181 of the Code, e.g. given to an adult member of the family or placed in the letterbox).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Under Section 187(1) of the Civil Code, where an event or a specific time in the course of a day determines the start of a time limit, the day in question is not included in any calculation of the time limit.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

The days indicated are calendar days, not working days. However, if the time limit ends on a Sunday, Saturday or generally recognised public holiday, the limit is extended to the next working day (Section 222(1) of the Code of Civil Procedure and Section 193 of the Civil Code).

8 When such a period is expressed in weeks, in months or in years?

If an event or specific time in the course of a day is relevant to trigger the commencement of a time limit expressed in weeks, months or period of several months – a year, half-year, quarter – i.e. this day is not included in the calculation of the time limit –, then the time limit will end at the end of the day of the last week or last month, corresponding through its designation or number to the day in which the event or specific time occurs. On the other hand, if the beginning of a day is the relevant time to trigger the commencement of a time limit – i.e. this day is included in the calculation of the time limit –, then the time limit will end at the end of the day in the last week or the last month before the day corresponding through its designation or number to the commencement date of the time limit (Section 222(1) of the Code of Civil Procedure and Section 188(2) of the Civil Code).
Where the last day of a time limit expressed in months does not have an equivalent day in the month, the time limit ends on the last day of the month (e.g. a one-month time limit that started on 30 January would end on 28 February) (Section 188(3) of the Civil Code).

9 When does the deadline expire if expressed in weeks, in months or in years?

See question 8.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Where the time limit expires on a Saturday, Sunday or public holiday, this day does not count, and the period expires on the following working day, in accordance with Section 222(1) of the Code of Civil Procedure and Section 193 of the Civil Code.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Any extension of time limits set is generally at the discretion of the court. However, mandatory periods may not be extended. In some cases, the consent of the other party is required.

12 What are the time limits for appeals?

The mandatory period for lodging an appeal (*Berufung*) is one month (Section 517 of the Code of Civil Procedure), while the grounds for the appeal can be submitted within two months (Section 520(2)). Both time limits commence on service of the full judgment or, at the latest, five months after it has been pronounced. There is a judicial deadline of at least two weeks to reply to the appeal (Section 521(2) and Section 277(3) of the Code of Civil Procedure).
Where the appeal court (*Berufungsgericht*) in its judgment refuses leave for a further appeal on points of law (*Revision*), a renewed application for leave to appeal may be lodged within a mandatory period of one month from service of the full judgment (Section 544(1) and (3), first sentence, of the Code). In accordance with Section 544 of the Code of Civil Procedure, the grounds for the appeal must be submitted within two months of the date on which the full judgment is served, but no later than seven months after the judgment has been delivered.
The time limit for lodging an appeal on points of law is also a mandatory period, and is set at one month (Section 548 of the Code), while the grounds for the appeal can be submitted within two months (Section 551(2), second sentence). Both time limits commence on service of the full judgment or, at the latest, five months after it has been pronounced.
An immediate objection (*sofortige Beschwerde*) against a ruling made by order (*Beschluss*) must be lodged within a mandatory period of two weeks (Section 569(1) of the Code of Civil Procedure). The mandatory period starts to run from the date of service, or not later than five months after it has been pronounced. An objection on points of law (*Rechtsbeschwerde*), which must be based on an infringement of the law, has to be lodged within a mandatory period of one month after the order was served (Section 575(1), first sentence), while the grounds for the objection must be submitted within a further month (Section 575(2)).
Where a party fails to comply with any of the procedural requirements listed in Section 233 of the Code of Civil Procedure (e.g. a mandatory period or time limit for the submission of grounds of appeal) through no fault of his or her own, that party may apply for the position before the default to be restored. The application must be made within two weeks of the removal of the obstacle (Section 234(1) and (2)).
German civil law and law of civil procedure also set other time limits, for example:
Unless the parties have agreed otherwise, arbitration awards may be contested by an application for annulment lodged with the court within three months of receipt of the award (Section 1059(3), first and second sentences).
Proceedings that have ended in a final judgment can be reopened by an application for annulment (*Nichtigkeitsklage*) or an application for revocation (*Restitutionsklage*) (Section 586(1) and (2) of the Code of Civil Procedure) within a mandatory period of one month from the day on which the party becomes aware of the grounds for setting aside the judgment.
The court may also fix a time within which a party must commence an action in cases involving the independent procedure for taking evidence (*selbständiges Beweisverfahren*) (Sections 494a(1) of the Code of Civil Procedure) or attachment (*Arrest*) (Section 926(1)).
Where a tenant has not consented to the landlord's wish to increase the rent up to the rent customary in the locality by the end of the second calendar month after receipt of the demand, the landlord may sue for grant of approval within a further three months (Section 558b(2)).
Where an employee argues that his or her dismissal was ineffective, he or she must bring an action before the Labour Court within three weeks after the written notice is given (Section 4, first sentence, of the Protection against Dismissal Act (*Kündigungsschutzgesetz*)). Should the employee fail to meet this deadline, the dismissal is deemed effective.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The principle is that it is up to the court to set times and dates for appearances, although its discretion is circumscribed by its duty to expedite proceedings and to fix hearings for Saturdays, Sundays or public holidays only in emergencies.
When issuing a summons to appear before the court in cases where legal representation is compulsory, at least one week's notice must be given; the period of notice in other cases is three days. These periods may be shortened only if the parties agree following an application by one party.
Under Section 141(1) of the Code of Civil Procedure, the court requires both parties to attend a hearing where this is necessary to establish the facts of the case. However, where long distances are involved, the court may waive the requirement for a person to attend if it is unreasonable to expect the party to travel a great distance (see question 8) or for any other pressing reason. 'Any other pressing reason' (*sonstiger wichtiger Grund*) within the meaning of Section 141(1), second sentence, means any reason that is important to the party, including, for example, illness, planned holidays, overwork or the likelihood of psychological problems arising from an encounter with the other party.
Furthermore, Section 227(1), first sentence, of the Code of Civil Procedure allows the court to cancel or defer a hearing on the application of a party citing 'substantial grounds' (*erhebliche Gründe*) or to postpone a hearing for oral argument. For the purposes of this provision, failure to appear due to a party's own fault or an unexcused failure to prepare are not regarded as proper grounds. Proper grounds include a failure to observe notice periods when issuing summonses, a necessary change of legal counsel, the illness of a witness, of the legal representative or of the party, or the inability of any of these to attend owing to the death of a close relative. The court may require evidence of the grounds for an application for postponement, and these grounds are to be examined all the more critically the closer the application is to the date set. Even though the old court vacation has been abolished, Section 227(3) of the Code of Civil Procedure still allows greater flexibility where a party applies for a postponement of a hearing set for a date between 1 July and 31 August.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The territory of Germany has no special geographical characteristics that would justify special rules. Consequently the rules of civil procedure in Germany do not provide for a general extension of time limits for people who live at a great distance from the relevant court. However, under Section 141(1), second sentence, of the Code of Civil Procedure, the court may decide not to require a party to attend in person where a 'great distance' (*große Entfernung*) from the place of residence to the court makes it unreasonable to do so. Given today's generally good transport facilities, a distance of several hundred kilometres is not regarded as 'great'. However, each case must be assessed on the basis of all the circumstances, including the party's health.
As the rules do not extend time limits for the benefit of parties living in remote areas, the German legal system does not have the problem of longer time limits being recognised elsewhere.

15 What are the consequences of non-observance of the deadlines?

The non-observance of a time limit can have a variety of legal consequences, for example:
Under Section 296(1) of the Code of Civil Procedure, pleas in law and arguments not submitted until after a relevant time limit has expired are admissible only if the court is satisfied that admitting them will not delay the resolution of the dispute, or if the party provides adequate justification for the delay in presenting them. Pleas in law and arguments properly dismissed under these provisions may not be submitted on appeal (Section 531(1) of the Code).
If during preliminary written proceedings under Section 276 of the Code of Civil Procedure the defendant fails to indicate within two weeks of service of the application that he or she is prepared to defend the action, a default judgment may be issued against the defendant on application by the claimant (Sections 276(1), first sentence, 276(2) and 331(3) of the Code).
Where the debtor allows the time limit for opposing an order for payment to expire during the order for payment procedure (Sections 692(1) No 3 and 694 of the Code of Civil Procedure), an order for enforcement is issued on application by the creditor (Section 699(1), first sentence, of the Code of Civil Procedure).

If the period for lodging an appeal is not observed, the decision becomes final (Section 705 of the Code of Civil Procedure). This also applies where the period for lodging an objection against a default judgment or enforcement order is not complied with. (An objection of this kind (*Einspruch*) is not an 'appeal' in the technical sense, as it is examined by the same court, and not by a higher court.) Failure to observe the time limit for stating the grounds for an appeal or objection results in the appeal or objection being dismissed as inadmissible (Sections 522(1), 552(1) and 577(1) of the Code).
The same applies to the time limit for stating the grounds for a renewed application for leave to appeal (Section 544(4)).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

Where deadlines are missed, the party has the following remedies against the consequences set out in point 15:
In cases covered by Section 296(1) of the Code of Civil Procedure, the party may submit an explanation for the delay (see above). In such a case, the party has to plead and, if so required by the court, satisfy the court that he or she is not to blame for missing the deadline. If the party is able to show this, the court must also allow the late submission.
A party against whom a default judgment has been issued may object to it (Section 338 of the Code of Civil Procedure). If the objection is admissible, i.e. in particular, if it is in the required form and within the time allowed (Sections 339 and 340 of the Code), and is well-founded, the proceedings are returned to the stage before the deadline was missed (Section 342).
An objection can also be filed against an order for enforcement issued in an order for payment procedure, because under Section 700 of the Code of Civil Procedure this is equivalent to a default judgment.
The time limits for appeals and objections are mandatory periods. A party who is prevented from observing a mandatory period through no fault of his or her own may apply for restoration of the position before the default (Sections 233 et seq. of the Code of Civil Procedure). This must be done within the statutory time limit and in the required form (Sections 234 and 236(1) of the Code). The facts intended to excuse missing the deadline must be pleaded and evidenced (Section 236(2)). Any procedural steps a party has missed, e.g. filing an appeal, must be performed within the time limit for the application.
It is also possible to apply for restoration of the position before the default where the deadline missed was the time limit for submitting grounds for an appeal or objection.

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Time limits on procedures - Estonia

1 What are the types of deadlines relevant for civil procedures?

The provisions of the General Part of the Civil Code Act (*tsiviilseadustiku üldosa seadus*, TsÜS) concerning terms and due dates apply when calculating procedural time limits, unless otherwise provided by law. Under Section 134(2) TsÜS, a term is defined in years, months, weeks, days, hours or shorter units of time or with reference to an event that will definitely occur. A term begins to run on the day following the calendar day or the occurrence of the event which was set as the beginning of the term, and it ends on the due date. If a due date is defined as a term calculated in days or longer units of time, the term expires at 24:00 on the due date, unless otherwise provided by law. A declaration of intention due to be communicated within a term to a person engaged in economic or professional activity is to be communicated to the person and any acts to be performed within a term in respect of the person are to be performed at the latest on the due date by the end of the normal working time of the place at which the declaration of intention is to be communicated or the act is to be performed. If a procedural act is to be performed on the premises of a court, the end of the working day of the court is deemed to be the end of the term.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Non-working days are set out in the Public Holidays and Days of National Importance Act (*pühade ja tähtpäevade seadus*) (entered into force on 23 February 1998). They are:

1) 24 February – Independence Day and anniversary of the Republic of Estonia;
2) 1 January – New Year's Day;
3) – Good Friday;
4) – Easter Sunday;
5) 1 May – May Day;
6) – Whitsun;
7) 23 June – Victory Day;
8) 24 June – Midsummer Day;
9) 20 August – Day of Restoration of Independence;
10) 24 December – Christmas Eve;
11) 25 December – Christmas Day;
12) 26 December – Boxing Day.

3 What are the applicable general rules on time limits for the various civil procedures?

Under Section 65(1) of the Code of Civil Procedure (*tsiviilkohtumenetluse seadustik*, TsMS), the provisions of TsÜS concerning terms and due dates apply when calculating procedural time limits, unless otherwise provided by law.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The general rule is set out in Section 135(1) TsÜS, under which a term begins to run on the day following the calendar day or the occurrence of the event which was set as the beginning of the term, unless otherwise provided by law or a contract. A term set by a court begins to run on the day following the day on which the document in which the term is set is served, unless otherwise prescribed when the term is set. If the document does not need to be served, the term begins to run once notice is received of the term having been set (Section 63 TsMS).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No. The Code of Civil Procedure states that a term set by a court begins to run on the day following the day on which the procedural document is served. This applies to all methods of service of documents.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No – under Section 135(1) TsÜS, a term begins to run on the day following the calendar day or the occurrence of the event which was set as the beginning of the term, unless otherwise provided by law or a contract.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Under Section 136(9) TsÜS, for the purposes of defining a term, one day is deemed to be the period of time from midnight to midnight. Thus, if a term is expressed in days, the number of days refers to calendar days.

8 When such a period is expressed in weeks, in months or in years?

As a rule, procedural time limits are expressed in days.

A term is expressed in months if, for example, no appeal can be filed on expiry of the term. According to Section 632 TsMS, an appeal may be filed within 30 days of the judgment being served on the appellant, but no later than five months after the date when the judgment of the court of first instance was made public. Once five months have passed since the date on which the judgment was made public, no appeal can be filed even if there are fewer than 30 days until the end of the five-month period following the service and making public of the judgment. This absolute limitation has been put in place in order to ensure legal certainty. A similar five-month absolute limit for filing an appeal has also been put in place with regard to, for instance, filing an appeal against a ruling or an appeal in cassation.

An example of a term expressed in years is the term for expiry of a claim for a refund of a state fee or security — the claim expires when two years have passed since the end of the year during which the security or state fee was paid, but not before the proceedings have ended with a judgment entering into force. This is, nevertheless, the term for expiry of a claim and not a procedural time limit — such a timeframe can be neither extended nor restored.

A term for the expiry of a claim is also expressed in years. This is not a procedural time limit either. In accordance with Section 143 TsÜS, a court will take the expiry of a claim into consideration only at the request of the obligated person.

9 When does the deadline expire if expressed in weeks, in months or in years?

A term ends on the due date. If a due date is defined as a period of time calculated in weeks, the due date is the corresponding day of the last week of the period of time. If a due date is defined as a term calculated in months, the due date is the corresponding day of the last month. If a due date is defined as a term calculated in years, the due date is the corresponding day and month of the last year. If a due date is defined as a term calculated in months or years and the due date falls in a month without that particular date, the due date is deemed to be the last day of the month (Section 136(2)–(5) TsÜS).

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes. Section 136(8) of the General Part of the Civil Code Act states that, if a due date for making a declaration of intention or performing an obligation falls on a public holiday or any other non-working day, the due date is deemed to be the first working day following the non-working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Under Section 64(1) TsMS, a court may, on the basis of a reasoned petition or on its own initiative, extend a procedural time limit that it has set if there is good reason for doing so. A time limit may be extended on more than one occasion only with the consent of the opposing party.

12 What are the time limits for appeals?

An appeal must be filed within 30 days of the judgment being served on the appellant but not later than within five months as of the date on which the judgment of the court of first instance (*esimese astme kohus*) was made public (Section 632(1) TsMS). However, there are exceptions to this general rule:

1) If, when adjudicating a case, a county court (*maakohus*) declares in the operative part of the judgment that the relevant legislation of general application is in conflict with the Constitution (*põhiseadus*) and refuses to apply it, the period for appeal does not begin to run until a ruling concerning the legislation of general application that was not applied is pronounced by way of constitutional review by the Supreme Court (*Riigikohus*);

2) If a supplemental judgment is made in a matter during the period for appeal, the period for appeal begins to run as of the date on which the supplemental judgment is handed down, including with regard to the initial judgment. In cases where the omitted part is added to a judgment made without the descriptive part or statement of reasons, the period for appeal begins to run anew as of the date on which the full judgment is handed down.

If the parties reach an agreement to this effect and inform the court, the period for appeal may be reduced, or it may be increased to up to five months as of the judgment being made public.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Under the Code of Civil Procedure, a court schedules a court session immediately after receipt of a petition or application and the response thereto, or on expiry of the term set for responding. The court may also schedule a court session before receiving a response or before expiry of the term set for responding if it may be presumed that a court session will be required for adjudication of the matter regardless of the response or if immediate scheduling of the session is reasonable under the circumstances for other reasons. If the court does not require a response, it schedules the court session immediately after receipt of a petition or application. If possible, the court obtains and considers the opinion of the participants in the proceedings when scheduling a court session.

A court may cancel, alter the time of or adjourn a court session only with good reason (Section 352(1) TsMS).

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

If the proceedings are conducted subject to Estonian procedural law, a person does not lose the right to have the procedural time limit extended solely on the basis of whether or not the time limit can be extended in the location where the person became aware of the act.

15 What are the consequences of non-observance of the deadlines?

If a procedural act is not performed on time, the party to the proceedings is not entitled to perform the procedural act at a later time, unless a court restores the term provided by law, extends the term it has set or hears the petition, application, evidence or objection filed by the party to the proceedings. This applies regardless of whether or not the party to the proceedings was warned of such consequences beforehand.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a court has made a default judgment as a result of the defendant's failure to appear, the defendant may file a petition to set aside the default judgment (Section 415 TsMS). The defendant may file a petition to set aside the default judgment if the defendant's failure to act which led to the judgment by default was for good reason. Good reasons for failure to respond to an action or to appear at a court session and for failure to notify the court thereof are, above all, traffic disruption, unexpected illness of a party or unexpected serious illness of a person close to a party due to which the party failed to respond to the action or to appear at court and to send a representative to the court (Section 422(1)).

A petition to set aside a default judgment may be filed regardless of whether a good reason exists if:

1) in the case of failure to respond to an action, the action was served on the defendant or representative thereof in any manner other than by personal delivery against a signature or electronically;

2) in the case of failure to appear at a court session, the summons was served on the defendant or representative thereof in any manner other than by personal delivery against a signature or delivery in a court session or in electronic form;

3) the default judgment could not legitimately have been made.

A petition to set aside a default judgment may be filed within 30 days after the default judgment is served. If a default judgment is served by public announcement, a petition to set aside the default judgment may be filed within 30 days of the date on which the defendant became aware of the default judgment or of the enforcement proceedings initiated to enforce the default judgment. If another default judgment is made against the defendant after proceedings are reopened, the defendant may file an appeal against that judgment only on the basis of failure to verify the required conditions for the default judgment to be made.

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Time limits on procedures - Ireland

1 What are the types of deadlines relevant for civil procedures?

The main types of deadlines are as follows:

Time for responding to a claim: On having been served with a High Court claim, a defendant has 8 days to file an acknowledgement of service, known as an 'appearance'. However, the 8 day time limit does not apply to a 'special summons', per Rules of the Superior Courts Ord. 12, r. 2, which allows for an appearance to be filed at any time.

The general 8 day period is 'exclusive' of the date of service, unless the Court directs otherwise. The defendant then has a further period of 28 days from the date of delivery of the statement of claim or from the time limited for appearance, whichever be later, to deliver a defence [Rules of the Superior Courts, Order 21. r. 1].

In Circuit Court civil proceedings, a defendant is required to deliver his defence to the plaintiff within 10 days of entering an appearance [Circuit Court Rules 2001, Ord. 15, r. 4]. In the District Court, an Appearance and Defence must be filed not later than 28 days after service of the Claim Notice [District Court Rules, Order 42].

Time to enforce a judgment: In the High Court, proceedings for the enforcement of a judgment can be brought within six years from the date on which the judgment became enforceable [Rules of the Superior Courts Ord. 42, r. 23]. Application to the court for liberty to issue execution is necessary where six years has elapsed or where a change has taken place in the parties by death or otherwise. An action on a judgment is statute barred after 12 years from the date on which the judgment became enforceable [Statute of Limitations 1957, s. 11].

Limitation periods: In contract cases, a party to the contract has 6 years within which to bring a claim from the date on which the cause of action accrued. In tort cases, a person generally has 6 years within which to bring their claim although special rules apply in respect of personal injury and defamation cases. In personal injury cases, a person has 2 years within which to bring a claim from the date of injury or from the date of knowledge of the cause of the injury if later [Civil Liability and Courts Act 2004, s. 7].

In defamation cases, a person has 1 year within which to bring a claim, which can be extended to 2 years in exceptional circumstances.

In an action against the estate of a deceased person, the claim must be brought within two years after death, or within the ordinary limitation period, whichever is the lesser period [Civil Liability Act 1961, s. 9(2)].

Proceedings issued by cohabitants pursuant to Part 15 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 must be brought within 2 years after the end of the relationship.

For cases involving the recovery of land, the limitation period is 12 years.

For recovery of arrears of conventional rent, the limitation period is 6 years. For redemption of mortgage, the period is 12 years. For salvage claims, a 2 year limitation period applies. For a claim for damages arising from breach of implied conditions arising from a defective motor vehicle, a person has 2 years within which to bring the claim [Sale of Goods and Supply of Services Act 1980, s. 13(8)]. For a claim for damages in respect of a defective product, the action must be commenced within 3 years [Liability for Defective Products Act 1991, s. 7(1)].

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

The rules regarding sittings of the courts and court vacations are to be found at the link at the end of this document.

In addition to Saturday and Sunday, the following is a list of non-working days in Ireland:

New Year's Day (1 January)
St Patrick's Day (17 March)
Easter Monday
Christmas Day (25 December)
St Stephen's Day (26 December)
The first Monday in May, June and August
The last Monday in October

Where Christmas Day, St. Stephen's Day or New Year's Day falls on a weekend, the next weekday becomes a public holiday. Note also the court vacations, during which there are limited court sittings, such as "vacation sittings" and urgent applications. For example, during the long vacation in August and September, there are limited court sittings in the Superior Courts and in the Circuit Court.

3 What are the applicable general rules on time limits for the various civil procedures?

The Statute of Limitations 1957, as amended, specifies time limits within which legal proceedings are to be taken. A claim brought after the expiration of the limitation period is only precluded or disbarred if a defendant pleads the Statute of Limitations in his or her defence. Consequently, the Statute of Limitations does not affect a plaintiff's right to sue but it may affect his or her right to succeed. Also of interest is the fact that even where a claim is brought within the relevant time period, the High Court still has an inherent jurisdiction to dismiss the claim in the interests of justice where the lapse of time involved between the date of the cause of action and the date of the proceedings or the claim is so great that it would cause an injustice to a defendant. See also the answer to Question 1, above.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

Time begins to run from the date of the relevant event or the 'date of knowledge of a relevant event' (e.g. an injury). For example, if given a week within which to do something by a court, the act in question must be done or the relevant document must be filed within a week of the making of the order directing that it be done. Similarly, if a party has 6 years within which to enforce a judgment, that is 6 years from the date on which the judgment became enforceable. In general, and except where the contrary intention appears in an enactment, where a time period is expressed to begin on a particular day, that day is included in that time period [Interpretation Act 2005, s.18(h)]. However, Order 122 r.10 of the Rules of the Superior Courts provides that where a particular number of days (other than "clear" days), is prescribed by those Rules, the first day is excluded when reckoning the time period.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

If a document is to be served on the other party to an action by a particular date or within a particular number of days, it will usually be directed to be served either by ordinary prepaid post or by registered post. If the document is served by ordinary prepaid post, it is deemed to be served on the other party at the time at which the envelope containing the document would be delivered in the ordinary course of post, usually the day after posting. [For rules governing service of a civil bill in the Circuit Court, see Circuit Court Rules 2001 Ord 11, r. 10 and Ord 14, r. 3(vi); for rules governing service of a Claim Notice in the District Court, see Rules of the District Court Ord 41; for rules governing service of a summons in the High Court, see Rules of the Superior Courts Ord 9].

Order 122 of the Rules of the Superior Courts govern the general rules in relation to time including when service is deemed to be effected [Rules of the Superior Courts Order 122 r9].

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where a period of time is expressed to begin on or be reckoned from a particular day, for example if a document is to be served on a party "within 7 days", the first day (for example, the day on which the order is made) shall, subject to statute or rules of court, be deemed to be included in that period. However, Order 122, Rule 10 of the Rules of the Superior Courts provides that where a particular number of days (other than "clear" days), is prescribed by those Rules, the first day is excluded. Where a period of time is expressed to end on or be reckoned to a particular day that day shall be deemed to be included in the period. Where less than six days is allowed for serving any document or taking any proceeding, then Saturday, Sunday, Christmas Day and Good Friday shall not be reckoned in the calculation of the time period. [Rules of the Superior Courts, Ord. 122].

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Calendar days, unless otherwise stated.

8 When such a period is expressed in weeks, in months or in years?

Where the time for doing any act or taking any proceedings is limited by months or years, such time is computed by calendar months, unless otherwise expressed.

9 When does the deadline expire if expressed in weeks, in months or in years?

In general, and except where the contrary intention appears in an enactment, where a period of time is expressed to begin on or be reckoned from a particular day, that day shall be included in the period and, where a period of time is expressed to end on or be reckoned to a particular day, that day shall be included in the period [Interpretation Act 2005, s.18(h)]. However, Order 122 r.10 of the Rules of the Superior Courts provides that where a particular number of days (other than "clear" days), is prescribed by those Rules, the first day is excluded when reckoning the time period.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Where rules of court prescribe the time for doing any act or taking any proceedings and that time expires on a Saturday, Sunday or other day on which court offices are closed, and where the act cannot therefore be done on that day, that period will expire on the next day on which the court offices are open. However, where statute prescribes the time for doing any act or taking any proceedings and that time expires on a Saturday, Sunday or other day on which court offices are closed, there is not a fixed rule. Any presumption that the period is extended to the first following working day may be displaced by the content or purpose of the relevant statute.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Where a statute provides a limitation period, the courts do not have the power extend that period. There is, however, a discretionary jurisdiction given to the courts to extend or shorten time periods that are set out in the rules of court or in court orders in certain cases. If the plaintiff thinks there are exceptional circumstances for doing so, he or she can ask the court to consider an application immediately without waiting to serve the defendant with any documents. This is known as an *ex parte* or "without notice" application. If an *ex parte* order is made, the other party will be notified of the making of that order and then given an opportunity to come to court and seek to have the order varied or discharged. Generally, the time for filing any court document may be extended between the parties by consent. Where a party to an action seeks to extend the time within which to appeal, he or she must establish that he or she formed the intention to appeal within the limited time, that the failure to so appeal on time was due to a mistake and that he or she has an arguable case. If there has been any prejudice caused to the other party by reason of the lapse of time, that may be a relevant factor and the court may in those circumstances exercise its discretion to refuse to extend the time.

12 What are the time limits for appeals?

An appeal against a decision of the High Court, must be brought within 28 days from date of the perfecting of the order appealed against.

If a person wishes to appeal against a decision of the Circuit Court, he or she must bring the appeal within 10 days from the date on which the judgment or order appealed from was pronounced [Rules of the Superior Courts, Order 61 r. 3]

If a person wishes to appeal against a decision of the District Court, he or she must bring the appeal within 14 days from the decision of the District Court [Order 101 r. 1 District Court Rules].

In order to judicially review a decision of a judge or an administrative body, an application must be brought promptly and within 3 months from the date when the grounds for the application first arose, unless the court is of the view that there are good reasons for extending the period. [Rules of the Superior Courts, Ord. 84 r. 21(1)]

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Where a statute provides a limitation period, the courts do not have the power to extend or shorten that period. However, subject to any relevant provision of statute, the court has a discretionary power to extend or shorten the time for doing certain acts. Both the Rules of the Superior Courts and the Rules of the Circuit Court provide that the Court has power to enlarge or abridge the time appointed by those Rules, or fixed by any court.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No, the party does not lose the benefit of the extended time limit.

15 What are the consequences of non-observance of the deadlines?

Any party who fails to abide by time limits imposed by the court or set out in the rules of court or in legislation is liable to have their case struck out. For example, if a defendant fails to enter an appearance to a claim or fails to enter a defence, then the plaintiff may bring an application for judgment in default of defence.

If judgment is entered against a defendant in those circumstances, he or she can seek to have the judgment set aside or can appeal to a higher court. If a plaintiff does not deliver the details of their claim in time, a defendant may bring an application to have the claim struck out on the grounds of delay. The plaintiff can appeal against this decision to a higher court. The court may also exercise its discretion regarding the costs of the case in such a way as to penalise a party who has been guilty of any unreasonable delay or who has failed to abide by the relevant time limits.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defaulting party can seek an order from the court extending the time limits. If the expiry of the deadline has resulted in a default judgment, they can apply to have the judgment set aside or, if unsuccessful in that application, they can appeal to a higher court.

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Time limits on procedures - Greece

1 What are the types of deadlines relevant for civil procedures?

Time limits are the periods within which an action must be performed or which must elapse before a case is heard or before an action is performed. The introduction of time limits aims to deliver swift justice and to guarantee the right to be heard. Procedural time limits are those the compliance or non-observance of which has procedural consequences. They are distinguished into two main categories: 1) The prescribed period for performing an ACTION are those within which a procedural act must be performed, such as the legal time limit for lodging an appeal (see Article 318(1) of the CCP) and 2) PREPARATORY time limits are those after the lapse of which the procedural act must be performed. These time limits, such as the time limit for summoning the defending party (see Article 228 of the CCP) usually benefit defendants, since they are provided with time to prepare. This distinction is significant since time limits for performing an action may be extended by mutual agreement of the parties, whereas preparatory time limits may not be extended. Time limits for performing an action expire on the following working day if their expiry date coincides with a legal non-working day, whereas preparatory time limits expire on their expiry date regardless of whether that day is a holiday or a non-working day. Important procedural time limits under the Code of Civil Procedure (CCP) are, indicatively, the following:

Time limit for summoning the parties after an action is brought (sixty [60] days before the hearing, unless the party resides abroad or his/her domicile is unknown, in which case the time limit is ninety [90] days before the hearing - see Article 228 of the CCP).

Deadline for application to set aside a judgment [fifteen [15] days from service of the decision, if the party tried *in absentia* resides in Greece, unless the party which did not enter an appearance resides abroad or his/her domicile is unknown, in which case the time limit is sixty [60] days after the judgment has been served - see Article 503 of the CCP).

Time limit for appeal (thirty [30] days after the final judgment has been served if the party lodging the appeal resides in Greece, unless the party lodging the appeal resides abroad or his/her domicile is unknown, in which case, the time limit is sixty [60] days after the final judgment has been served. If the final judgment is not served, the time limit for appeal is three [3] years from the publication of the judgment - see Article 518 of the CCP).

Time limit for reopening a trial (sixty [60] days if the party bringing the proceedings resides in Greece, unless the party bringing the proceedings resides abroad or his/her domicile is unknown, in which case, the time limit is one hundred and twenty [120] days - see Article 545 of the CCP).

Time limit for further appeal (thirty [30] days after the judgment has been served if the appellant resides in Greece, unless the party lodging the appeal resides abroad or his/her domicile is unknown, in which case, the time limit is ninety [90] days after the judgment has been served. If the judgment is not served, the time limit for further appeal is three [3] years from the publication of the judgment - see Article 564 of the CCP).

The CCP also lays down, in particular, procedural time limits for other proceedings, such as those relating to matrimonial matters (divorce, marriage annulment, etc.), application for a payment order and opposition to such application (see Article 632 of the CCP), tenancy disputes, labour disputes, interim measures, enforcement proceedings and objection to such enforcement proceedings.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

In Greece, holidays are set out, in a non-exhaustive list, in Law No 1157/1981. The criterion for establishing the existence of a holiday is the non-performance of transactions in general and, therefore, holidays for specific professions or services are irrelevant. They may be national, religious or other holidays, even of a local or non-permanent nature. The holidays for public services are non-working days. The following are considered as holidays: 25 March (national holiday), 28 October (national holiday), New Year's Day, Epiphany (6 January), Good Friday, Easter Saturday, 1 May, 15 August, Christmas Day and Boxing Day, Whit Monday, Clean Monday (first day of Lent), Easter Monday and all Sundays.

3 What are the applicable general rules on time limits for the various civil procedures?

Articles 144 - 151 of the CCP refer to procedural time limits. Depending on the source determining their duration, time limits are distinguished into legal (those specified by law, such as time limits for bringing an action), judicial (those determined by the court hearing the case, such as the time limit for the appearance of the parties in person – see Article 245 of the CCP), suspensive (non-compliance with which is punishable by adjournment of the hearing) and mandatory time-limits (non-compliance with which is punishable by forfeiture of the right). The commencement and expiry of the time limits will be mentioned below. A time limit is interrupted if a party dies during its duration. If the service of a document set the time limit running, the new time limit runs from the date of fresh service of the legal successors to the deceased person. If another event set the time limit running, the new time limit runs from the date of service of the relevant declaration to the above-mentioned persons. The interruption of a trial during a time limit interrupts the time limit and the new time limit runs from the date of the retrial. The period from 1 to 31 August is not calculated for time limits for performing an action which are referred to in Article 147(7) of the CCP. These include time limits for bringing an action and time limits for opposition.

The law permits the extension of a time limit not only by mutual agreement of the parties, but also with the consent of the judge. Both legal and judicial time limits are subject to an extension, with the restriction that this does not prejudice rights of third parties. The judge is not bound by the application for extension of the agreement and he/she may uphold it in part or reject it, assessing the circumstances on a case-by-case basis. This means that the parties must put forward grounds justifying the extension. Finally, the time limit may be shortened by judicial decision, upon agreement of the parties. All legal time limits may be shortened, except for time limits for bringing an action.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The time limit runs from the day after the date on which the event that set the time limit running occurred (*a momento ad momentum).*

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The Code of Civil Procedure does not provide for the extension or reduction of the time limit if documents are transmitted or sent by post or other type of transport service

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The day on which the event that set the time limit running occurred may be included only if it is provided for expressly in the law, the judgment or the contract. The provision that a specified time limit runs from the date of service does not constitute such a case. Therefore, the critical time limits for the legal remedies of appeal, further appeal or opposition run from the day after the date of service or of publication of the judgment. However, when it is provided that the time limit runs from a particular day, such day is taken into account in the calculation. When the event that set the time limit running is the service, any other manner of receiving notice of the content of the document to be served is irrelevant for the calculation of the time limit.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Whether there are holidays in between is irrelevant. Working days are taken into account in the calculation only if this is provided for explicitly (such as in the case of the time limit for appeal against a payment order).

8 When such a period is expressed in weeks, in months or in years?

Likewise, if the time limit is expressed in months or years, it is irrelevant whether there are holidays in between or not, unless the law provides for explicitly that the time limit pertains to working days.

9 When does the deadline expire if expressed in weeks, in months or in years?

If the time limit is expressed in years it expires when the corresponding date of the last year passes. Please note that it is irrelevant for the calculation whether a leap year lies in between or not.

If the time limit is expressed in months, it expires when the day of the last month which corresponds to its starting day passes. If there is no such correspondence, the last day of the month is used. Please note that the number of the days of each month is irrelevant.
The time limit of half a year applies as a time limit of six (6) months and the time limit of half a month applies as a time limit of fifteen (15) days.
If the time limit is expressed in weeks, it expires when the corresponding day of the week which corresponds to its starting day passes; namely, if the event occurred on Monday, the weekly time limit expires on the following Monday.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the time limit expires on a Saturday, a Sunday, a holiday or non-working day, it is extended to the following working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

The law permits the extension of a time limit not only by mutual agreement of the parties, but also with the consent of the judge. Both legal and judicial time limits are subject to an extension, with the restriction that this does not prejudice rights of third parties. The judge is not bound by the application for extension of the agreement and he/she may uphold it in part or reject it, assessing the circumstances on a case-by-case basis.

12 What are the time limits for appeals?

. Deadline for application to set aside a judgment [fifteen [15] days after the judgment has been served, if the party tried *in absentia* resides in Greece, unless the party which did not enter an appearance resides abroad or his/her domicile is unknown, in which case, the time limit is sixty [60] days after the judgment has been served - see Article 503 of the CCP).
The time limit for appeal is laid down in Article 518(1) of the CCP. If the appellant resides in Greece, such time limit is thirty (30) days, and if he/she resides abroad or his/her domicile is unknown, it is sixty (60) days. The time limit of sixty (60) days does not concern persons who reside abroad temporarily (leisure travel, a few days' absence for a specific purpose), but it has a certain duration which is linked to their professional or marital status.
Time limit for reopening a trial (sixty [60] days if the party bringing the proceedings resides in Greece, unless the party bringing the proceedings resides abroad or his/her domicile is unknown, in which case, the time limit is one hundred and twenty [120] days - see Article 545 of the CCP).
Time limit for further appeal (thirty [30] days after the judgment has been served if the appellant resides in Greece, unless the party lodging the appeal resides abroad or his/her domicile is unknown, in which case, the time limit is ninety [90] days after the judgment has been served. If the judgment is not served, the time limit for further appeal is three [3] years from the publication of the judgment - see Article 564 of the CCP).

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The claim for judicial protection under Greek legislation covers, regardless of the nature of the dispute, both permanent and interim judicial protection. The cases where, in view of the urgency of the matter or in the interests of preventing imminent danger, courts may order measures to secure or to safeguard a right or to regulate a situation as well as reform or repeal them, are settled by way of summary procedure (pursuant to Articles 682-738 of the CCP). In view of their urgency, the judge, acting to ensure a swift resolution, and taking into account the parties' right to be heard, has jurisdiction to determine the time and place of hearing of the application for interim measures. Thus, the judge has discretion to select the method of issuing a summons and the time limit for entering an appearance even for persons residing abroad or whose domicile is unknown. The hearing may also be fixed on a Sunday or on a holiday. The above-mentioned time limits, apply to all civil proceedings apart from interim measures, without their extension being provided for.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

There is no such provision in the Greek legislation.

15 What are the consequences of non-observance of the deadlines?

Non-compliance with time limits relating to a judicial action does not have procedural consequences. Exceeding the time limit for action against acts of the parties results in forfeiture of the right, whereas other kinds of consequences, such as the inadmissibility of the hearing, ensue in the case of preparatory time limits (see Article 271(1) of the CCP).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

Restitutio in integrum is a legal remedy provided for in the Constitution, by means of which if a party, either due to *force majeure* or due to the fraudulent intent of the other party, failed to comply with a time limit, it is entitled to apply to have his/her position restored to the *status quo* before the time limit expired. However, exceptionally, such application cannot be lodged if it relies (a) on an error of the authorised attorney or of the legal representative of the applicant, (b) on facts which the judge appraised during the hearing of the application for extension or postponement of a time limit in order to grant the relevant extension or postponement. The application must state the grounds for which the time limit was not complied with, the evidence for ascertaining the truth and the omitted act, or state that it has been performed. The application for *restitutio in integrum* must be heard within thirty (30) days from the date on which the obstacle which constitutes *force majeure* is removed or fraudulent intent is notified, provided that a new time limit may not be applied if the above-mentioned time limit is not complied with for any reason (see Articles 152-158 of the CCP).

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Time limits on procedures - Spain

1 1 What are the types of deadlines relevant for civil procedures?

Procedural acts must be performed by specific ***deadlines*** or within the ***time periods*** stipulated by law.
A **deadline** specifies the time by which a given procedural act must take place.
A **time period** specifies the time available for carrying out the process. Periods may be expressed in days, weeks, months or years.
If the law does not stipulate a time period or deadline, it is to be understood that the act must be performed without delay.
According to the case law of the Constitutional Court (*Tribunal Constitucional*), any delay in court proceedings may result in an infringement of the right to a trial without undue delay. However, the criterion of proportionality needs to be applied, and Article 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and the case law of the European Court of Human Rights (ECHR) introduce the concept of reasonable time (which takes account of factors such as the complexity of the case, how long the type of case in question would normally take, the interests of the litigant and his or her procedural conduct, the conduct of the authorities or the consideration of available resources). If the court fails to respect the concept of reasonable time, this will affect the right enshrined in Article 24(2) of the Spanish Constitution.
Moreover, failure by the courts and court staff to observe the deadlines and time periods without good reason will result in disciplinary action under the Organic Law on the Judiciary (*Ley Orgánica del Poder Judicial*). This is without prejudice to the injured party's right to claim any damages that may be due.
In addition to the procedural time periods, there is the separate issue of time limits for the exercise of substantive legal rights (limitation and prescription).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

With regard to the regulation of administrative procedures, Regulation No 1182/71 is currently transposed into national law by Article 48 of the Law establishing the Legal Regime governing Public Bodies and the Common Administrative Procedure (*Ley de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común*). Article 48 provides as follows:
Unless Spanish law or EU legislation states otherwise, where time periods are expressed in days they are deemed to refer to working days, and Sundays and public holidays are excluded. Where the time period is expressed in calendar days, this will be specified in the related notifications.
Where the time period is expressed in months or years, these will start to run from the day following that on which the act is notified or published, or from the day following that on which an application is deemed to have been allowed or refused in the absence of a response from the relevant authorities. If there is no equivalent to the starting date in the last month of the period, the expiry date is taken to be the last day of the month.
If the last day of the period is a non-working day, the period is extended to the next working day.
Where the time period is expressed in days, these are counted from the day following that on which the act in question is notified or published, or from the day following that on which an application is deemed to have been allowed or refused in the absence of a response from the authorities concerned.
Where a day is a working day in the municipality or Autonomous Community in which the party concerned is resident and a non-working day in the place where the administrative body is located, or vice versa, it will be treated as a non-working day in all cases.
The fact that a day has been declared as working or non-working for the purpose of calculating time periods does not in itself determine how public administration offices operate, how working hours are organised or public access to registers.
For the purpose of calculating time limits, the calendar of non-working days will be determined by the Central Government and Autonomous Community administrations for their respective areas of responsibility, subject to the official calendar of working days. The calendar approved by the Autonomous Communities will include the non-working days for the various local government bodies in the geographical area in question, to which the calendar will apply.
The calendar must be published before the start of each year in the relevant official gazette and other media to ensure that it is made known to the public.
Non-working days for the purpose of judicial proceedings are laid down in Article 182 of the Organic Law on the Judiciary. This provides as follows:
The following are non-working days for procedural purposes: Saturdays and Sundays; 24 and 31 December; national, regional and local public holidays. The General Council of the Judiciary may, by regulation, authorise judicial procedures on these days in cases not expressly provided for by law.
A working day runs from 8 a.m. until 8 p.m., unless the law provides otherwise.
In accordance with Article 183 of the same legal document, days in August are non-working, as is every day from 24 December to 6 January of the following year, inclusive, for all legal proceedings, except those declared urgent by procedural law. However, the General Council of the Judiciary may, by means of a regulation, authorise them for the purposes of other proceedings.

3 What are the applicable general rules on time limits for the various civil procedures?

The rules are set out in Articles 130 to 136 of Chapter II, Title V, Book I of Civil Procedure Law (*Ley de Enjuiciamiento Civil*, hereinafter 'CPL') 1/2000, as amended by Law 42/2015 of 5 October 2015.
The main features of the current rules are as follows:
a) all judicial procedures must be carried out on **working days and during working hours**:
Working days are all those of the year, except Saturdays and Sundays, and the days between 24 December and 6 January of the following year, inclusive, national holidays and public holidays for work purposes in the respective Autonomous Community or locality. Days in August are also non-working days and the courts will not send legal practitioners electronic notifications on these days, unless they are deemed to be working days for the purposes of the formalities in question.
Working hours are from 8 a.m. to 8 p.m. unless the law stipulates otherwise for a specific procedure. For notification and enforcement purposes the hours from 8 p.m. to 10 p.m. are also deemed to be working hours.
By way of exception, for certain procedures, such as submitting bids in an **electronic auction**, the time limit is defined in terms of **calendar days**, and there are no nonworking hours. Article 649 of the Civil Procedure Law lays down a period of 20 calendar days from the start of the auction, and the auction will not close until 1 hour after the last bid is made, provided that this is higher than the previous highest bid, even if this means that the initial 20-day period referred to in that article is extended by up to 24 hours.
b) Days and times may be deemed **working days and hours** for the purposes of procedures deemed **urgent**, i.e. where a delay could be seriously detrimental to the parties concerned or to the proper administration of justice, or could make a court ruling ineffective. *(Examples include non-voluntary admission to a psychiatric hospital, and judicial measures taken in the best interest of minors in conflicts arising from civil proceedings.)* This may be done at the initiative of the court or at the request of the party concerned and may be ordered by either the legal counsel or by the court itself, as the case may be.
In any event, urgent measures can be taken in August without the need of express authorisation. Similarly, authorisation is not required if urgent measures initiated during working hours must necessarily be continued in non-working hours.
c) With regard to the **calculation of time periods**, the period starts to run from the **day following** that of the legal notification of the start of the period, and includes the last day of the period, which ends at midnight.
However, where the law stipulates that a time period starts to run as soon as another one expires, it will start to run from the day following the expiry of the former period, without any need for fresh notification.
d) Except where there are exceptions (natural persons in claims of under EUR 2 000), **documents are submitted** (Art. 135 of the CPL) through the courts' online and electronic systems. These are mandatory for legal practitioners and for certain litigants even when not represented by a court representative (for example, legal persons, notaries and registrars: see Article 273 of the CPL). Parties may also choose to use these systems even when not required to do so.
Where documents are submitted electronically, confirmation is provided in the form of an electronic receipt that is issued automatically. The receipt includes the registry entry number and the date and time of submission, which is the time at which the document will be deemed to have been submitted for all purposes. Practitioners may submit pleadings and other documents electronically **24 hours a day, every day of the year**. Where a document is submitted on a non-working day or outside working hours, it will be deemed to have been submitted at the start of the next working day. There is also provision for time periods that are about to expire to be extended where a mandatory document cannot be filed by the time limit due to an unplanned interruption to the online submission service.
Whatever submission method is used, any documents that are subject to a time limit may be submitted **until 3 p.m. on the working day following that on which the time period expires**.
In proceedings in the civil courts, claim documents may not be submitted to the duty court.
e) Time periods **cannot be extended**: if a party fails to observe the time limit, he or she forfeits the opportunity to carry out the procedural act in question.
WEB LINK:
CIVIL PROCEDURE LAW (*LEY DE ENJUICIAMIENTO CIVIL*)

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The general rule in Article 151 of the Civil Procedure Law is that notice of all decisions issued by the courts or legal counsels must be served within three days of the date of the decision or the publication date.
Article 151(2) states that where notice is served on the Public Prosecutor, the Government Legal Service, Counsel for the *Cortes Generales* and the Legislative Assemblies or Counsel for the Legal Service of the Social Security Administration or other Autonomous Community bodies or local government organisations, and where notice is served via the Professional Bodies representing Court Procedural Representatives, it will be deemed to have been given **on the next working day after the date of receipt recorded in the formal record, or in the confirmation of receipt where notice has been served electronically or online**. Where notice is sent after 3 p.m. it will be deemed to have been received on the following working day.
Article 151(3) adds that where delivery of a document or order that is to accompany the notice takes place on a date subsequent to receipt of the notice, notice will be deemed to have been given when delivery of the document has been recorded, provided that the effects of the notice are linked to the document.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Where notice of a decision is served by **a bailiff or by post**, the relevant date is the date on which the document is delivered by the bailiff or the postal service and signed for on receipt.
Where notice is served by **publication** under Article 164 of the Civil Procedure Law because the defendant's address is not known, the period starts to run from the day following that on which it is posted on the court notice board or published either in the Official State Gazette or electronically, as applicable.
Where copies of **documents submitted by court representatives** need to be transferred to the court representatives of the other parties, Article 278 of the Civil Procedure Law stipulates that if by law the act transferred triggers the start of a time period in which a procedural step needs to be taken, that period will start to run without the involvement of the court and will be calculated from the date following that recorded on the copies that were transferred or the date on which they are deemed to have been transferred where delivered electronically.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The calculation begins on the day following that on which the event that by law triggers the start of the time period took place.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Non-working days are excluded from calculations of time periods, except as explained above for bids in electronic auctions, where the period is expressed in calendar days.
When calculating time periods for urgent actions, days in August are not classed as non-working days: only Saturdays, Sundays and public holidays are excluded from the calculation.

8 When such a period is expressed in weeks, in months or in years?

Time periods expressed in months or years are calculated from one date to another. Spanish legislation does not provide for any time periods expressed in weeks.

9 When does the deadline expire if expressed in weeks, in months or in years?

If there is no equivalent to the starting date in the last month of the period, the expiry date is taken to be the last day of the month.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Where a time limit expires on a Saturday, Sunday or other non-working day it will be deemed to be extended until the next working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Time periods cannot be extended. However, periods can be interrupted, and deadlines extended where they cannot be complied with for reasons of *force majeure*. In these cases, the clock starts again when the reason for the interruption or extension has ceased. The court, either of its own motion or at the request of the party affected by the situation, must find evidence of such a situation of *force majeure* at a hearing attended by the other parties (see the answer to question 13).

12 What are the time limits for appeals?

The time limits for the various types of appeal are laid down by law and cannot be extended. For appeals to the next higher court (*recursos de apelación*) and to the Supreme Court (*recursos de casación*) the time period is 20 days from the day following notification of the judicial decision (Articles 458 and 479 of the CPL).

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The statutory time limits cannot be extended. In some cases, the law requires the court to fix a specific date and time for an act.
By way of an exception, there is provision for periods to be interrupted and deadlines to be extended in the event of ***force majeure***:
a. This is contained in Article 134(2) of the Civil Procedure Law. The legal counsel, either of his or her own motion or at the request of the party affected by the situation, must find evidence of such a situation of *force majeure* at a hearing attended by the other parties. An appeal for review of the counsel's decision may be filed with the court.
b. Once a date has been set for a hearing, if any of those summoned to appear is unable to do so for reasons of *force majeure* or for similar causes, they must inform the court immediately, providing evidence of the reason, and request a new hearing or decision (Article 183(1) and Articles 189 and 430 of the CPL). A new hearing is announced if the evidence of the situation is accepted and if this situation prevents the following from attending: the lawyer (Article 183(2) and Article 188(1)(5) and (6) of the CPL); a party whose presence is necessary because he or she is not assisted by a lawyer or has to be questioned; (Articles 183(3) and 188(4) of the CPL); or a witness or expert. In the latter case, the witness or expert may instead be called to examine the evidence outside the hearing, once the parties have been heard (Article 183(4) of the CPL).
c. The time limit for a person in contempt of court to request annulment of a final judgment can be extended in the event of *force majeure* (Article 502(2) of the CPL).
d. Where evidence is examined before the trial takes place (which may be authorised by the judge under Article 293 et seq. of the Civil Procedure Law if there is a well-founded fear that it will not be possible to examine the evidence at the usual stage of the proceeding), the application must be filed within two months of examination of the evidence, unless it is proved that it was not possible to initiate the trial within that time period for reasons of *force majeure* or similar causes (Article 295(3) of the CPL).
The two parties may **by mutual agreement** also apply for proceedings to be suspended without giving reasons or in order to enable them to try and reach an agreement or settlement or to submit to mediation or arbitration. Proceedings may not be suspended for more than 60 days or until the mediation is completed (Article 19(4) and Article 415 of the CPL).
If an **application for legal aid** is made, there are two possible scenarios, covered by Article 16 of Law 1/1996 of 10 January 1996 (the Legal Aid Law), as amended by the above-mentioned Law 42/2015:
1. If the application is made when the proceedings are already under way, in order to prevent the right to an action being prescribed or either party being denied the right to a trial due to expiry of the time period, the legal counsel or the administrative body, of its own motion or at the request of the parties, may

order the period to be suspended until there is a decision on whether or not to grant legal aid, or there is a provisional appointment of a lawyer and court representative in cases where legal representation is either mandatory or required in the interests of justice, provided that the application was made within the time periods laid down in the civil procedure legislation.
2. When the application for legal aid is made before the start of proceedings and the action may be adversely affected by the expiry of the limitation or prescription periods, these periods will be interrupted or suspended, respectively, until there is a provisional appointment of a legal aid lawyer and, if required, a court representative, handling the case on behalf of the applicant; and, if no such appointment can be made, until a definitive administrative decision is issued on whether or not to grant legal aid.
In any case, the limitation period will restart when the applicant is notified of the provisional appointment of a lawyer by the Bar Association (*Colegio de Abogados*) or, where applicable, when the Legal Aid Board issues its decision on whether to grant legal aid and, in any event, within two months of the application being made.
Should the application be refused, be clearly abusive and intended merely to extend the time periods, the court dealing with the case may calculate the time periods in the strictest terms permitted by law, with all of the consequences arising therefrom.
In **oral proceedings concerning the launch or eviction of a habitual residence, such as eviction for non-payment or expiry of the time limit**, Article 441 (5) of the CPL provides for another case of suspension of proceedings, where the household concerned is in a situation of social or economic vulnerability, in order for the competent authorities to make a proposal for alternative decent social rental housing, immediate care measures or possible financial aid and subsidies from which the defendant may benefit. After obtaining information from the public authorities responsible for housing and social assistance and hearing the parties, the court decides by order on whether it suspends the proceedings for the adoption of the measures proposed by the public authorities for a maximum period of two months if the claimant is a natural person, or four months in the case of a legal person.
Once the measures have been adopted by the competent public authorities or after the expiry of the maximum period for suspension, the suspension shall be automatically lifted and the procedure shall continue with all its formalities.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Not applicable.

15 What are the consequences of non-observance of the deadlines?

In general, a party who fails to comply with a time period or deadline **loses the right** to perform the action in question (Article 136 of the Civil Procedure Law). Some of the most significant examples are as follows:
With regard to the defendant's appearance at the trial, he or she is declared to be in contempt of court (Articles 442(2) and 496(1) of the Civil Procedure Law) and the trial continues without the defendant being summoned again. He or she is notified only of this decision and of the final decision which puts an end to the trial (Article 497 Civil Procedure Law).
In ordinary proceedings, if the applicant or the applicant's lawyer fails to appear at the pre-trial hearing and the defendant either does not appear or appears but does not assert a legitimate interest in the continuation of the proceedings, the case is dismissed (Article 414).
In oral proceedings, if the applicant fails to appear and the defendant does not assert a legitimate interest in the continuation of the proceedings, the applicant will be deemed to have discontinued proceedings. The applicant will be ordered to pay costs and to pay the defendant compensation where the defendant requests it and provides evidence of the damage and loss suffered (Article 442(1) of the Civil Procedure Law).
Notwithstanding the court's duty to actively manage cases, where there is no activity in the proceedings they will lapse, and all forms of actions and appeals at all instances are deemed to have been abandoned (Article 237 of the Civil Procedure Law). Proceedings at first instance lapse after two years of inactivity and are deemed to have been withdrawn, meaning that it is possible to bring a new action. Proceedings at second instance or awaiting an extraordinary appeal on grounds of procedural irregularity or an appeal to the Supreme Court lapse after one year of inactivity and the party is deemed to have abandoned all forms of appeal. Time periods are calculated from when notice was last served on the parties. Proceedings do not lapse where they are stalled due to *force majeure* or other reasons beyond the parties' control.
Enforcement proceedings do not lapse and may be continued until judgment is enforced, even if they remain inactive for the periods described above. But for this to apply it is necessary for enforcement proceedings to have commenced, because Article 518 of the Civil Procedure Law imposes a limitation period of five years on any enforcement action founded on a court judgment, court decision or mediation agreement. The five-year period starts to run when a decision becomes final and unappealable. Therefore, if an enforcement claim is not filed within this time period, the time limit expires and the right to enforce the judgement through the courts is lost.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

Where a party is informed that the deadline for a particular action has expired, prompting the start of the next procedural stage, or where a party's submission or application is rejected on the grounds that it is out of time, the party may appeal against the decision. This is the case, for example, if the defence to a claim is rejected on the grounds that it was submitted after the deadline.
Someone who has been convicted *in absentia* and on whom judgment has been served in person may appeal only by means of an appeal to the next higher court (*recurso de apelación*) or to the Supreme Court (*recurso de casación*). These appeal routes are also available where notice is served by publication in official publications or electronically. In both cases the appeal must be filed within the period stipulated by law (Article 500 of the Civil Procedure Law).
Where someone has persistently failed to appear in court, they may seek to have a final judgment set aside if they were unable to appear in court or were unaware of the existence of the proceedings for reasons of *force majeure* (Article 501 and following of the Civil Procedure Law).

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Time limits on procedures - France

1 What are the types of deadlines relevant for civil procedures?

French law provides for 'periods of prescription' (*délais de prescription*), 'periods of limitation' (*délais de forclusion*) and procedural time limits (*délais de procédure*).
Periods of prescription are periods of time at the end of which a person acquires a right in respect of property by virtue of possession, referred to as an acquisitive prescription period (*délai de prescription acquisitive*) or, as a result of failing to exercise a right, loses it or sees it expire, referred to as an extinctive prescription period (*délai de prescription extinctive*). Periods of prescription may be suspended (*suspendu*) or broken off (*interrompu*).

Periods of limitation are particularly strict and are generally set by law for the purpose of bringing an action. When they expire, the action is deemed to have terminated. Periods of limitation may not be suspended. As a general rule they may not be broken off either: however, under Articles 2241 and 2244 of the Civil Code, certain steps, such as institution of legal proceedings or an attachment or other enforcement measure, do break off these time limits.
Procedural time limits (*délais de procédure*) are those applying to court proceedings once the proceedings have been initiated. They may be laid down by law or imposed by the court. In contrast to periods of limitation, the time limits set for court proceedings do not bar the action. These time limits may not be suspended or broken off.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Under the current legislation the following days are public holidays:
• 1 January;
• Easter Monday;
• 1 May;
• 8 May;
• Ascension Day;
• Whit Monday;
• 14 July;
• The Assumption (15 August);
• All Saints' Day (1 November);
• 11 November;
• Christmas Day (25 December).
Public holidays have been established in certain places (certain departments (*départements*) and territorial communities (*communautés territoriales*)) to commemorate the abolition of slavery: 27 May for Guadeloupe, 10 June for French Guiana, 22 May for Martinique, 20 December for Réunion and 27 April for Mayotte.
In the departments of Alsace-Moselle, 26 December and Good Friday are public holidays.

3 What are the applicable general rules on time limits for the various civil procedures?

Since the entry into force of Law No 2008-561 of 17 June 2008 (which includes transitional provisions), the period of prescription after which a right is lost under ordinary law is five years (it was previously 30 years).
However, there are a number of exceptions to this principle, e.g. for civil liability actions arising from an event resulting in bodily injury, for which the period of prescription is fixed at 10 years.
The duration of periods of limitation and procedural time limits varies according to the subject-matter and the procedure involved.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

For procedural time limits, Article 640 of the Code of Civil Procedure states that when an act or a formality has to be carried out within a given period, the period is calculated from the date of the act, event, decision or service that causes it to run.
The starting point of the extinctive prescription period under ordinary law of personal actions or actions involving moveable property is set at 'the date on which the holder of a right was aware or should have been aware of the facts entitling him to exercise the right'. Specific starting points are set in some fields, such as civil liability actions arising from an event resulting in bodily injury. Under Article 2226 of the Civil Code, the starting point of the period of prescription of 10 years is the date on which the initial or aggravated injury is considered to be consolidated.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

According to Article 664-1 of the Code of Civil Procedure, when a document is served by a bailiff (*huissier*), the date of service is the date of personal service, at the home or residence of the addressee, or the date of the official report drawn up by the bailiff listing the steps taken to find the addressee when that person has neither home nor residence nor a known workplace. When a document is served electronically, the date and time of service are those of the transmission of the document to its addressee.
When a document is served by post, according to Articles 668 and 669 of the Code of Civil Procedure, the date of service is, with respect to the sender, the date of dispatch, and, with respect to the addressee, the date of receipt of the letter. The date of dispatch is the date that appears on the postmark of the office of dispatch. The date of receipt is the date of the signed receipt (*récipissé*) or signature (*émargement*) of the addressee. If the document is served by registered letter with a form for acknowledgment of delivery (*avis de réception*), the date of receipt is that which is affixed by the postal service when the letter is handed to the addressee.
By way of exception, Article 647-1 of the Code of Civil Procedure indicates that the date of service of a judicial or extrajudicial document in French Polynesia, the Wallis and Futuna Islands, New Caledonia, the French Southern and Antarctic Lands or abroad is, with respect to the sender, the date of dispatch of the writ by the bailiff or the court registry (*greffe*), or failing that the date of receipt by the responsible public prosecutor's office (*parquet*).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

According to Article 641 of the Code of Civil Procedure, where a time limit is expressed in days, the day of the act, event, decision or service that causes it to run is not counted. This rule applies to procedural time limits.
An extinctive prescription period is also expressed in days, so that the day of the event that causes the time limit to run is not counted. With regard to time limits for appeals, when a document is not served personally, certain provisions allow the time when the period starts to run to be deferred to the date when the document is in fact notified to the person or the date when enforcement measures are taken on the basis of the document.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

According to Article 642 of the Code of Civil Procedure, a time limit that would otherwise expire on a Saturday, Sunday, public holiday or non-working day is extended until the first following working day.
Thus time limits do continue to run on Sundays and public holidays, but are extended until the first following working day when they would otherwise end on a Saturday, Sunday, public holiday or non-working day.

8 When such a period is expressed in weeks, in months or in years?

According to Article 641 of the Code of Civil Procedure, where a time limit is expressed in months or years, it expires on that day of the last month, or of the month in the last year, that bears the same number in the month as the day of the act, event, decision or service from which the time limit runs. Where the relevant subsequent month has no day bearing the same number, the time limit expires on the last day of that month.
Where a time limit is expressed in months and in days, the months are counted first, then the days.
The rule laid down in Article 642 of the Code of Civil Procedure (see previous question) applies to all time limits, whether expressed in days, months or years.

9 When does the deadline expire if expressed in weeks, in months or in years?

According to Article 641 of the Code of Civil Procedure, where a time limit is expressed in months or years, it expires on that day of the last month, or of the month in the last year, that bears the same number in the month as the day of the act, event, decision or service from which the time limit runs. Where the relevant subsequent month has no day bearing the same number, the time limit expires on the last day of that month.
Where a time limit is expressed in months and in days, the months are counted first, then the days.
The rule laid down in Article 642 of the Code of Civil Procedure (see previous question) applies to all time limits, whether expressed in days, months or years.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

As explained above, a time limit that would otherwise expire on a Saturday, Sunday, public holiday or non-working day is extended until the first following working day.
The extension of the time limit to the first following working day applies to all subject-matter and in all procedures.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

According to Article 643 of the Code of Civil Procedure, when the action is brought before a court sitting in metropolitan France, the time limits for appearance (*comparution*), lodging an ordinary appeal (*appel*), lodging an objection (*opposition*), seeking review of a judgment (*révision*) and lodging an appeal on points of law to the Court of Cassation (*pourvoi en cassation*) are extended by:
• one month for persons living in Guadeloupe, French Guiana, Martinique, Réunion, Mayotte, Saint Barthélemy, Saint Martin, Saint Pierre and Miquelon, French Polynesia, the Wallis and Futuna Islands, New Caledonia or the French Southern and Antarctic Lands;
• two months for persons living in a foreign country.
According to Article 644 of the Code of Civil Procedure, when an action is brought before a court sitting in Guadeloupe, French Guiana, Martinique, Réunion, Mayotte, Saint Barthélemy, Saint Martin, Saint Pierre and Miquelon or the Wallis and Futuna Islands, the time limits for appearance, lodging an ordinary appeal, lodging an objection and seeking review of a judgment are extended by:
• one month for persons not living in the territorial community for which the court sitting has jurisdiction;
• two months for persons living in a foreign country.

12 What are the time limits for appeals?

In principle, according to Article 538 of the Code of Civil Procedure, the time limit for an ordinary appeal is one month in contentious matters, or fifteen days in non-contentious matters. However, several other provisions make exceptions to this principle. For instance, the time limit for such an appeal is fifteen days in cases of orders made in interim proceedings, enforcement court decisions, family court decisions, juvenile court decisions in matters of educational support, etc.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

As a general rule, the time limits for appearance and serving summons in the civil courts may be shortened in emergencies, subject to authorisation by the court. These time limits may also be shortened in application of the law or regulations.
For example, the parties may be authorised to serve a summons for a specially indicated date in interim/short notice proceedings, but also within the context of the expedited procedure.
As a general rule, the courts may decide to postpone their consideration of the case to a later hearing date in order to allow the appearance of the parties.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

In accordance with Article 647 of the Code of Civil Procedure, when an act intended for a party resident in a place where he/she would benefit from an extension of the time limit is served on him/her personally in a place where local residents would not benefit from such an extension, only the time limits allowed to the local residents will apply.

15 What are the consequences of non-observance of the deadlines?

When a period of prescription or limitation expires, any proceedings are barred; an application will be declared inadmissible without consideration of its substance.
In the case of a procedural time limit set by law or imposed by the court, the penalties for non-observance vary according to the role of the time limit and the nature of the step to be taken. No provision is made in legislation for penalties for failure to comply with a time limit for appearance: under case-law, failure to comply with that time limit nullifies a judgment delivered before the time limit expires if the defendant has not appeared.
Lack of due diligence on the part of the parties, where a time limit has been set for that purpose, is generally penalised by removal from the case-list.
However, failure to perform a procedural step may also be penalised by nullity (for example if the summons is not served in the court registry within the prescribed time limit) or by closure of the investigation in the context of preparation of the case file (standard written procedure).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

No remedies are available to reverse the lapsing of the right to take legal action, which is a legal effect of the expiry of the period of prescription or limitation.
However, where the law so provides, the court has the option partially to relieve a party from the limitation consequent on failure to observe a time limit.
Article 540 of the Code of Civil Procedure allows a partial lifting of the bar resulting from failure to comply with the time limit for challenging a judgment rendered by default, or deemed to have been given on a defended action, if the party, without any fault on his or her part, was not aware of the judgment in time to be able to challenge it, or if he or she was unable to act.
An application for relief may be brought against the decision of a court declaring that a procedural step is null and void. In addition, nullity of this kind puts an end to the current proceedings, but leaves the right to bring an action intact. A fresh application may therefore be made provided that no cause for barring the proceedings applies, notably the expiry of the period of limitation.
No appeal can be brought against the decision to remove a case from the case-list. However, removal leaves the action itself intact. Periods of prescription or limitation will have been broken off by the serving of the summons, and that effect remains. The suspension can be ended by an application to re-register the case in the case-list indicating the steps taken which justified removal.

Related links

Site Legifrance – Code of Civil Procedure (in French)
Site Legifrance - Code of Civil Procedure in English and Spanish
Site Legifrance – public holidays

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Time limits on procedures - Croatia

1 What are the types of deadlines relevant for civil procedures?

In the Republic of Croatia, time limits for civil procedures are governed by the provisions of Articles 111 - 114 of the Civil Procedure Act (*Zakon o parničnom postupku*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia), Nos 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123 /08, 57/11, 25/13, 89/14 and 70/19; hereinafter: ZPP).

A time limit is a specific period of time during which a procedural action may be undertaken, or before the expiry of which it may not be undertaken.

Croatian procedural law recognises several types of time limits:

• statutory (*zakonski*) and judicial (*sudski*) time limits — the duration of statutory time limits is laid down by law and cannot be altered by the court or by the parties, and the duration of judicial time limits is determined by the court, at its discretion for each specific case, on the grounds of legal authorisation.

• extendable (*produživi*) and non-extendable (*neproduživi*) time limits — statutory time limits are not extendable , while judicial time limits may be extended, which is decided on by the court, but only on the motion of a person concerned, where there are reasonable grounds for doing so (Article 111(2) ZPP);

• subjective (*subjektivni*) and objective (*objektivni*) time limits — subjective time limits are those, the beginning of which depends on the authorised person gaining knowledge of an event which is relevant for the calculation of the time limit, and objective time limits are calculated from the occurrence of the relevant fact, irrespective of the authorised person gaining knowledge thereof;

• negative prescription (*prekluzivni*) and indicative (*instruktivni*) time limits —failure to comply with a negative prescription time limit leads to the loss of the right to undertake the procedural action subsequently, while failure to comply with an indicative time limit does not lead to harmful consequences and the procedural action may be undertaken subsequently;

• minimum (*dilatorni*) and performance (*paricijski*) time limits — minimum time limits mean that a procedural action may not be undertaken before a certain period of time has lapsed, while time limits for performance mean that the court may not undertake a certain activity before the time limit for performance has expired;

• civil (*građanskopravni*) and procedural (*procesnopravni*) time limits — civil time limits mean those that fix a time period to achieve authorisation or fulfil duties that arise from the provisions of civil, substantive law, while procedural time limits fix a time period to achieve authorisation or fulfil duties arising from the provisions of (civil) procedural law.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

In the Republic of Croatia, the list of non-working days is governed by the Act on Holidays, Memorial Days and Non-Working Days in the Republic of Croatia (*Zakon o blagdanima, spomendanima i neradnim danima u Republici Hrvatskoj*) (NN No 110/19).

Public holidays in the Republic of Croatia are as follows:

– 1 January - New Year’s Day
– 6 January - Epiphany
– Easter Sunday and Easter Monday
– Corpus Christi
– 1 May - Labour Day
– 30 May - Statehood Day
– 22 June - Day of Anti-fascist Struggle
– 5 August - Victory and Homeland Thanksgiving Day and Homeland Veterans' Day
– 15 August - Assumption
– 1 November - All Saints' Day
– 18 November - Remembrance Day for the victims of the Homeland War and Remembrance Day for the victims of Vukovar and *Škabrnja*
– 25 December - Christmas
– 26 December - Boxing Day/St Stephen’s Day

In the Republic of Croatia, public holidays are non-working days.

3 What are the applicable general rules on time limits for the various civil procedures?

Time limits are calculated in days, months, and years.

The rules on calculating time limits apply to all time limits. The time limits are calculated in complete days, from midnight to midnight (*computatio civilis, a die ad diem*), and not from moment to moment, by calculating hours and minutes (*computation naturalis, a momento ad momentum*). For more information on the general rules see the reply under 1).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date is the date of initiation of proceedings, or of some other action (e.g. service, announcement) from which point the duration of time must be calculated. The starting date is not included in time limits expressed in days. The first following day is taken as the beginning of the time limit.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The general rule of service is that it is to be effected on a working day and specifically from seven a.m. to eight p.m., in the dwelling or the workplace of the person on whom service is to becarried out, or at the court when the said person is found there. The exception to the above rule that service is to be effected on a working day and specifically from seven a.m. to eight p.m. does not apply to service by post or by a notary public.

Service may also be effected in another time and place with the consent of the person on whom service is to becarried out.

If the court deems it to be necessary, it issues an order for service to be effected in any other place or at any other time. In the case of this form of service, the person on whom the communication is served is to be handed a copy of the court ruling by which it was ordered. This ruling does not need to include an explanation.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

If a time limit has been calculated in days, the day when service or notification was carried out or the day of the event from which the time limit begins to run is not included in such time limit. Rather, the time limit is to start on the first following day.

For instance, if the event from which a time period of 15 days is to begin occurred on 5 February, the 15-day time limit expires at midnight on 20 February. Therefore, the calculation of the time limit does not begin on the day of an event (*dies a quo*), but on the following day.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

When a time limit is expressed in days, the indicated number of days refers to calendar days. However, if the last day of a time limit falls on a public holiday or on a Sunday or on any other day when the court is not open, such time limit expires at the end of the first following working day.

8 When such a period is expressed in weeks, in months or in years?

Time limits calculated in months or years terminate at the end of the day of the last month or year bearing the same number as the day on which the time limit began to run.

If there is no such date in the last month, the time limit expires on the last day of that month.

9 When does the deadline expire if expressed in weeks, in months or in years?

See point 8.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

A time limit fixed by a court may be extended only once on the motion of a person concerned if there are legitimate reasons for this.

The motion is to be put forward before the expiration of the time limit for which extension is requested.

No appeal lies against a ruling about the extension of a time limit.

The extended time limit commences on the first following day after the expiry of the time limit for which the extension was requested.

12 What are the time limits for appeals?

Parties may lodge an appeal against a judgment rendered by a court of first instance within fifteen days from the date when a copy of the judgment is served unless this Act provides for another time limit. In disputes involving checks and bills of exchange, such time limit is eight days.

These time limits for lodging an appeal are suspended between 1 August and 15 August.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A time limit fixed by a court may be extended only once on the motion of a person concerned if there are legitimate reasons for this.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The rules of civil procedure in the Republic of Croatia do not provide for an extension of the time limit according to the place of residence of the parties.

15 What are the consequences of non-observance of the deadlines?

The consequences depend on the legal nature of the deadlines, i.e. in the case of statutory time limits which are non-extendable and the party fails to undertake a procedural action within the prescribed time limit such non-observance of the deadline results in the loss of the right to subsequently undertake that procedural action.

On the other hand, there are time limits for which non-observance does not result in loss of the right to subsequently undertake action, and such time limits are referred to as indicative.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a party fails to appear at a hearing or to meet a deadline for taking action in the proceedings, and, for that reason, loses the right to take that action, the court may permit such party, on his or her motion, to take that action at a later time (motion to restore a prior status), if it deems that there were legitimate reasons for the omission.

The motion is to be lodged within eight days of the day when the reason for the omission ceased to exist; if the party learned about the omission at a later time, the above time period starts running on the date when he or she learnt about it. After the expiration of two months of the date of the omission, no motion to restore a prior status may be lodged.

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Time limits on procedures - Italy

1 What are the types of deadlines relevant for civil procedures?

Procedural time limits, i.e. the period of time within which a particular step must be taken, may be a) mandatory (*perentorio*), meaning that failure to comply makes the step invalid; b) indicative (*ordinatorio*), meaning that failure to comply does not entail invalidity or nullity; c) minimum (*dilatorio*), meaning that the step is invalid if taken before the date in question (Code of Civil Procedure, Sections 152 to 155, see annex referred to below).

2 List of the various days envisaged as non-working days pursuant to Regulation (EEC, Euratom) No 1182/71 of 3 June 1971.

The following are regarded as non-working days: all Sundays, 1 January, 6 January, 25 April, Easter Monday, 1 May, 2 June, 15 August, 1 November, 8 December, and 25 and 26 December.

3 What are the applicable general rules on time limits for the various civil procedures?

When calculating a procedural time limit, the starting day (*dies a quo*) is not considered. If the final day (*dies ad quem*) is a non-working day, the time limit is automatically extended to the next working day. If the law refers to the concept of 'clear days' (*giorni liberi*), both the starting and final day are excluded from the calculation.

If the law does not expressly state that the time limit is mandatory, the time limit will be considered indicative.

To compute time limits expressed in months or years, the common calendar is used; thus the time limit expires upon the expiry of the last moment of the day of the month corresponding to the initial one or, in the case of time limits in years, on the last moment of the day of the month and (subsequent) year corresponding to the initial ones, irrespective of whether the months have 31 or 28 days or whether the calculation includes February of a leap year.

Mandatory time limits cannot be extended.

Procedural time limits in ordinary and administrative courts (with the exception of employment cases) are automatically suspended during the summer recess from 1 to 31 August of each year, in accordance with the reform implemented by Decree Law No132/2014 (previously the suspension lasted until 15 September), and their calculation resumes or commences from the end of this suspension period.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

If the starting date is not specified by the judge, the time limit will normally begin to run from the moment the party actually or legally becomes aware of the obligation (for example: the time limit for an appeal starts at the moment the judgment is notified or, failing that, published).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

This may occur in the following two cases:

a) With reference to time limits that begin to run from the date of service or notification of a document (as, for example, the time limits for appealing a judgment):

In these cases, for the purposes of an appeal within the short time laid down in Section 325 of the Code of Civil Procedure (30 days for a first appeal, or 60 days for an appeal on a point of law to the Court of Cassation), what counts is the moment of receipt of the copy of the judgment by the addressee. Therefore, the moment from which the time limit begins to run may indeed vary depending on the method of service, since postal delivery might be slower than delivery by a court bailiff.

b) With regard to service by post, the Constitutional Court (judgments No 477 of 2002 and No 28 of 2004) has held that the service of a court document is completed on the sender's side when the document is handed over to the court bailiff, whatever the method of transmission thereafter (by post or delivery by the bailiff), whilst it is completed on the recipient's side on the date of receipt of the document.

This principle means that the time of service of the document by the sender is distinct from the time of receipt by the addressee, a principle also accepted by Council Regulation (EC) No 1348/2000. The principle is concerned only with the timeliness of the service of the document, in that the legal time limit is deemed to have been observed by the serving party if the document is given to the court bailiff before the applicable time limit expires. It does not affect the starting time for other time limits, which is the time of notification or delivery of the document to the addressee, or of publication of a judgment, or another event as explained in greater detail above.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No, the day when the event occurred is not taken into account.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

All days are counted; only if the deadline falls on a holiday is it extended to the next working day.

8 When such a period is expressed in weeks, in months or in years?

Where a period is expressed in months or years, calendar months and years are meant.

9 When does the deadline expire if expressed in weeks, in months or in years?

In those cases, the time limit expires upon the expiry of the last moment of the day of the month corresponding to the initial one or, in the case of time limits in years, on the last moment of the day of the month and (subsequent) year corresponding to the initial one, irrespective of whether the months have 31 or 28 days or whether the calculation includes February of a leap year.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Mandatory time limits cannot be extended. However, parties may apply to the court for an extension where they can prove that they failed to meet the deadline for reasons over which they had no control.

12 What are the time limits for appeals?

A first distinction must be made between long and short time limits.

The long time limit is six months from the publication of the judgment. The short time limit, which starts from the moment the judgment is notified, is 30 days for appeals before a court of appeal and 60 days for appeals before the Court of Cassation. Applications in third-party opposition (*opposizione di terzo revocatoria*) and applications for revision (*revocazione*) must be lodged within 30 days after discovery of the deceit or mistake that the application relies on. Appeals for lack of jurisdiction must be lodged within 30 days.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

As a general rule, the court may set time limits at will within an interval established by law. However, the time limits for the appearance of the parties are established by law and not by the court. Under Section 168bis of the Code of Civil Procedure, the court may postpone the date of the first hearing by up to a maximum of 45 days.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

In Italy there is no general rule for granting extension of time limits. However, in certain cases, time limits have been suspended on account of natural disasters. Thus, as a rule the extension applies only to the person or area covered by a measure or a ministerial decree.

15 What are the consequences of non-observance of the deadlines?

Non-compliance with a mandatory time limit leads to loss of the power to perform the act covered by the time limit.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defaulting parties may apply for extension of the deadline if they are able to demonstrate that they failed to comply for reasons outside their control.

Related annexes

Procedural time limits: Code of Civil Procedure, Sections 323–338 (72 Kb) it

Procedural time limits: Code of Civil Procedure, Sections 152–155 (41 Kb) it

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Time limits on procedures - Cyprus

1 What are the types of deadlines relevant for civil procedures?

The following are the most important deadlines based on the rules of civil procedure:

Time to register judicial documents:

In the case of a generally endorsed writ of summons, the plaintiff must file a statement of claim with the court and deliver it to the defendant within 10 days from the date on which the defendant files his/her memorandum of appearance, unless otherwise specified by the court.

The statement of defence for a defendant who has already filed his/her memorandum of appearance must be entered within 14 days from the date of receipt of the statement of claim, unless this deadline is extended by the court.

Time to enforce a court judgment:

A court judgment can be enforced within 6 years from the date on which it became enforceable. If it is impossible to enforce a judgment within the set deadline, the plaintiff may request renewal of the judgment (which constitutes indirect extension of the deadline).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Apart from Saturday and Sunday, non-working days in Cyprus include the following days:

New Year's Day: 1 January

Epiphany: 6 January

Clean Monday (movable holiday)

National Holiday: 25 March (commencement of the 1821 revolution)

National Holiday: 1 April (commencement of the 1955-1959 Cyprus liberation struggle)

May Day: 1 May

Good Friday: Friday before Easter

Easter Monday: Monday after Easter

Pentecost (movable holiday)

Dormition of the Virgin Mary: 15 August
Independence Day: 1 October
National Holiday: 28 October (the 1940 ‘NO’ anniversary)
Christmas Eve: 24 December
Christmas Day: 25 December
Boxing Day: 26 December
In addition, according to Civil Procedure Rule No 61, the following are the official non-working days for the legal system:
The period from 10 July to 9 September inclusive (summer vacation).
The period from 24 December to 6 January inclusive (Christmas vacation).
The period from the Thursday before Easter to the Sunday of St Thomas inclusive (Easter vacation).
Hearings or other proceedings may be held in the above periods only based on instructions from the Supreme Court or any judge in the case of proceedings that fall under his/her jurisdiction.

3 What are the applicable general rules on time limits for the various civil procedures?

The Civil Procedure Rules apply to the various civil procedures.
The provisions of the Limitation Act 165(I)/2002 apply to the deadlines for bringing an action.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The deadline starts on the day following service since, under Article 2 of the Interpretation Act, ‘days’ means ‘clear days’.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

According to the Civil Procedure Rules, documents are served in the Republic of Cyprus in person through a bailiff [process server] (except in exceptional cases where the Court may order otherwise upon request). The deadline is not affected by the date of service.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No. Please see the answer to question 4 above.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

When a time limit is expressed in days, it indicates ‘calendar days’, except if the court stipulates otherwise in a specific case. For example, the court may stipulate that the respondent’s objection should be registered ‘within 3 working days of today’s date’ or that the injunction should be served (e.g. to the defendant in *ex-parte* proceedings or to a banking institution in account freezing proceedings) ‘within 5 working days of its drafting’.
Under the Interpretation Act, ‘days’ always means ‘clear days’.

8 When such a period is expressed in weeks, in months or in years?

The deadline refers to calendar weeks or months.

9 When does the deadline expire if expressed in weeks, in months or in years?

In these cases the deadline expires upon lapse of the last hour of the last day of the week, month or year of the deadline.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, in these cases the deadline is extended until the first following working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

According to Civil Procedure Rule No 57, Order 2, the court may extend or shorten any deadlines which are provided for in the above rules or are set out in a relevant injunction, without imposing any conditions or subject to such conditions as are required in the interests of justice.

12 What are the time limits for appeals?

An appeal against a temporary or final injunction on a matter that does not constitute an action and against the dismissal of an interim application may be lodged within 14 days from the date on which the injunction becomes binding or from the date of dismissal of the application.
In all other cases (e.g. against a final judgment in a civil action) the appeal must be lodged within 6 weeks from the date on which the judgment becomes binding.
The deadline may only be extended in rare and exceptional cases.
The deadlines for bringing an action are set out in the Limitation Act 165(I)/2002.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

After the action is served, there is a 10-day deadline for the defendant to file his/her memorandum of appearance.
As for the rest, the dates set for the parties to appear in court are set by the court itself.
The *first* date for appearance in the case of an application is set by the *registration department* of the court upon filing of the application, unless there is a special reason for setting a specific date for appearance. In that case, the specific date is set only after permission is granted by the court that is hearing the case.
As regards modification of other time limits, see the answer to question 11 above.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

If the applicable law in the jurisdiction is that of Cyprus, the same rules and the same deadlines apply irrespective of the place of residence of the party on which service is made.

15 What are the consequences of non-observance of the deadlines?

If a defendant fails to file his/her memorandum of appearance or, subsequently, to enter his/her statement of defence within the set deadlines, the plaintiff may lodge an application for a decision issued in his/her favour.
Similarly, a defendant may lodge an application for dismissal of the action if, in the case of a generally endorsed writ of summons, the plaintiff has failed to file a statement of claim within the set deadline.
In addition, an objection to an application lodged after expiry of the relevant deadline may be ignored by the court and therefore the defaulting defendant may lose his/her right to be heard during the proceedings.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

A defaulting plaintiff whose action has been dismissed may ask for the action to be reinstated.
A defaulting defendant against whom a judgment was rendered may ask for the judgment to be set aside.
Such requests are granted by way of derogation.

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Time limits on procedures - Latvia

1 What are the types of deadlines relevant for civil procedures?

Procedural time limits are periods of time within which some procedural step must be taken.

Time limits can be classified as follows, depending on who is bound by them:

- time limits with which a court, judge or bailiff must comply are prescribed by law, and are usually short. In civil proceedings, these time limits range from 1 to 30 days (for example, Article 102(2) of the Law on civil procedure (*Civilprocesa likums*, hereinafter 'CPL'), 15 days; CPL Article 140(9), 30 days; CPL Article 341.6(2), 15 days). A judge must rule on whether to accept an application within seven days of receiving it, but when an application seeks the return of a child to Latvia and will have to be submitted to a foreign country, a decision must be taken at a court hearing within 15 days after proceedings are initiated. A ruling on measures to secure a claim must be made no later than the day after proceedings are initiated. An adjudication on provisional protection against violence must be made no later than on the next working day after the receipt of the application, if no additional evidence needs to be requested or if a delay might significantly affect the plaintiff's rights; in other cases it must be made within 20 days after the receipt of the application. For certain categories of cases there is a time limit within which examination of the case must begin or the case must be reviewed and concluded with a ruling. A copy of a judgment or decision is to be sent no later than three days after the judgment or decision is pronounced, or, if an abbreviated judgment is given, within three days of the drawing up of the full judgment. There are other time limits provided for by law. Sometimes a court or bailiff must take certain steps at once. In certain cases prescribed by law there are general time limits which courts or judges can render specific, thereby themselves setting the time within which a step must be taken. In complex cases a court may draw up an abbreviated judgment consisting only of an introductory part and an operative part. It will then draw up a full judgment within 14 days, and will specify the date when the full judgment will be ready. The Law on civil procedure does not specify time limits within which a court has to prepare and adjudicate a civil case. Nevertheless, Article 28 of the Law on judicial power (*Likums par tiesu varu*) states that, in order to ensure defence of a person's infringed rights, a court must examine the case 'in a timely manner', meaning that the case must be adjudicated as fast as possible. At the same time, by way of exception to the ordinary court procedure, the Law on civil procedure lays down specific time limits for the examination of applications for certain categories of civil case that are subject to special procedures: for example, a judge must take a decision on an application for undisputed enforcement of obligations within seven days of its receipt. Moreover, there are provisions in specialised legislation that stipulate which matters are to be adjudicated by an extraordinary procedure (for example, priority has to be given to any action related to ensuring children's rights and interests as provided for in the Law on the protection of the rights of the child (*Bērnu tiesību aizsardzības likums*)).
- Time limits for procedural steps that have to be taken by parties to the proceedings – these time limits are established by the Law on civil procedure - 14 days prior to a court hearing for submission of evidence, unless the judge has set a different time limit (seven days in the case of a written procedure); 10 days for the submission of an ancillary complaint (*blakus sūdzība*); 20 days for the lodging of an appeal (*apelācija*), etc. In most cases, however, time limits applicable to the parties to the proceedings and any other interested parties are determined by the court, judge or bailiff, who sets a specific date for a time limit that the legislation lays down only in general terms, or sets a date independently, taking due account of the type of procedural step, the distance from a person's place of residence or whereabouts, and other circumstances.

Time limits applicable to persons that are not parties to the case are set only by a court or a judge.

The main time limits are as follows:

• time limit for the submission of evidence: unless the judge determines otherwise, evidence must be submitted no later than 14 days before a court hearing (seven days before the opening of proceedings under the written procedure). While a case is being heard, evidence may be submitted at the reasoned request of a party to the dispute or a third party, provided that this will not delay the adjudication of the case, or that the court accepts that there are good reasons why the evidence was not submitted on time, or that the evidence concerns facts that have come to light in the course of the proceedings. A decision by the court to refuse to accept evidence may not be challenged, but objections to the decision may be put forward in a full appeal (*apelācija*) or an appeal on a point of law (*kasācija*);

• time limit for a defendant to submit observations: once proceedings have been initiated, the application must be sent to the defendant at once, to their official electronic address or by registered mail, setting a time limit for the submission of written observations of 15 to 30 days from the date the application is sent;

• time limit to rectify deficiencies in an application for the reopening of proceedings and a fresh trial of the case: when a judgment is given in default of appearance, the defendant has 20 days from the day on which the judgment is sent to apply to the court asking to have the proceedings reopened and the case heard afresh;

Time limit for stay of proceedings:

where a natural person has died or a legal person has ceased to exist that is a party to the proceedings or a third party with an independent claim, and where the legal relationship in dispute permits the transfer of rights, the relevant period is the time it takes to determine a successor or appoint a legal representative ;

where the court has determined such restriction for the capacity to act for a party or third person which prevents him or her from the independent exercise of civil-procedural rights and obligations, the relevant period is the time it takes to appoint a legal representative;

- where a party to the proceedings or a third party cannot participate in the proceedings because of serious illness, age or disability, the relevant period is the time until the deadline set by the court for appointing a representative;

where the court takes a decision on the submission of an application to the Constitutional Court or the Constitutional Court has brought an action in relation to a constitutional complaint by the plaintiff (appellant); if the court decides to refer a question to the Court of Justice of the European Union for a preliminary ruling; where examination of the case is not possible before another civil, criminal or administrative case has been resolved, the relevant period is the time it takes for a ruling or judicial decision in civil, criminal or administrative proceedings of the Constitutional Court or the Court of Justice of the European Union to become final;

where a party to the proceedings or a third party with an independent claim is outside the borders of Latvia in connection with a long-term mission or official business, the relevant period is the time it takes to issue a warrant requesting the presence of the defendant; where a party to the proceedings or a third party with an independent claim cannot participate in the adjudication of a matter because of illness, or where the court orders an expert's report, the relevant period is the time it takes for the circumstances referred to in these paragraphs to cease to apply;

where the parties agree to stay the proceedings and no third party with an independent claim objects, the relevant period is the time until the deadline laid down in the court decision;

where proceedings concerning the insolvency of a legal or natural person have been declared for a defendant in respect of actions of a pecuniary nature, the relevant period is the time until insolvency proceedings have been completed.
Time limit for submission of an appeal – an appeal against a decision of a court of first instance may be submitted within 20 days of the judgment being pronounced. Where an abbreviated judgment is pronounced, the time limit for an appeal runs from the date set by the court for drawing up of the full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment. An appeal submitted after a deadline has passed shall not be admissible and shall be returned to the submitter;
An ancillary complaint may be submitted within 10 days of the day on which the court takes the contested decision, unless the Law on civil provides otherwise. An ancillary complaint submitted after the time limit has passed shall not be admissible and shall be returned to the submitter.
Time limit for submission of an application seeking consideration of newly discovered facts - the time limit for submission of such an application runs:
- in respect of circumstances essential to the case that existed at the time of the proceedings but were not and could not have been known by the applicant: from the day these facts come to light;
- in respect of intentionally false witness statements, experts' opinions or translations, or forged written or material evidence brought to light in relation to a court judgment that has taken legal effect in a criminal case, on the basis of which the judgment was handed down, or in respect of criminal activities brought to light in relation to a court judgment that has taken legal effect in a criminal case, on the basis of which an unlawful or unfounded judgment has been handed down or a decision taken: from the day on which the judgment in the criminal case takes legal effect;
in respect of the annulment of a court judgment, or of a decision by another institution that formed the basis for the court judgment or decision in the case: from the day that the court decision annulling the judgment in the civil or criminal case entered into force or from the day of the annulment of the decision of the other institution that formed the basis for the judgment or decision whose annulment is sought in the light of newly-discovered facts;
where it is recognised that a legal provision that was applied in deciding the case is not compatible with a higher-ranking legal provision: from the day of entry into force of a judgment or other decision whereby the provision applied loses its force because it fails to comply with the higher-ranking legal provision.
Time limits for submission of enforcement documents: an enforcement document may be submitted for enforcement within 10 years of the day that a decision of a court or a judge takes effect, unless other limitation periods are laid down by law.
Where a court judgment orders that a debt is to be recovered through periodic payments, the enforcement document remains in effect throughout the period within which the payments are to be made; however, the 10-year period referred to above begins to run on the final day allowed for each payment.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to the Law on Public Holidays, Remembrance Days and Festive Days, the following dates have been determined as public holidays:
1 January: New Year's Day;
Good Friday, Easter Sunday and Easter Monday;
1 May: Labour Day, commemoration of the Convocation of the Constituent Assembly of the Republic of Latvia;
4 May: commemoration of the Declaration on the Restoration of the Independence of the Republic of Latvia;
second Sunday of May: Mother's Day;
Whit Sunday;
23 June : St John's Eve;
24 June: St John's Day, Midsummer Day;
Final day of the Latvian Nationwide Song and Dance Festival;
18 November: commemoration of the proclamation of the Republic of Latvia;
24, 25 and 26 December: Christmas (winter solstice);
31 December: New Year's Eve.
The Orthodox, old-believers and believers of other religious denominations celebrate Easter, Whit Sunday and Christmas on the days determined by these religious denominations.
If either 4 May, the final day of the Latvian Nationwide Song and Dance Festival, or 18 November falls on a Saturday or Sunday, the next working day becomes a holiday.

3 What are the applicable general rules on time limits for the various civil procedures?

Procedural actions shall be carried out within the time limits set by law. Where the law does not set a time limit, the time limit is set by the court or judge. The time limit set by a court or a judge must be long enough to allow the procedural step to be taken.
The time limit may be a precise date, or a period ending on a set date, or a period expressed in years, months, days or hours. Where the step does not have to be taken on a set date, it may be carried out at any time during the period indicated. The period may be determined by reference to the occurrence of an event that must certainly happen.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

A procedural time limit computed in years, months or days starts to run on the day following the date or event indicating its commencement.
A procedural time limit computed in hours starts to run in the next hour following the event indicating its commencement.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Judicial documents are sent to persons primarily by electronic means, via an online system, if the addressee has notified the court that he or she agrees to communicate with the court via the online system; to the electronic address provided by the addressee, if the addressee has informed the court that they agree to the use of electronic mail for correspondence with the court; to the official electronic address of the addressee. Where the documents are transmitted electronically, they shall be deemed to have been served on the third day following the date on which they were sent.
If it is not possible to transmit court documents electronically to a natural person, they shall be sent to the natural person's declared address of residence or residence. The court documents may also be delivered to a person's workplace. If it is not possible to transmit court documents electronically to a legal person, they shall be sent to its registered office. Where the documents are sent by post, they shall be deemed to have been served on the seventh day following the date on which they were sent.
Judicial documents may be served on the addressee in person or on any adult family member residing with the addressee. In that case, the documents shall be deemed to have been served on the date on which they were accepted by the addressee or by another person.
Whether court documents have been notified is not determined per se by whether they have been delivered to the declared place of residence of a natural person, to an additional address indicated in the declaration of residence, to the address indicated by a natural person for correspondence with the court, or to the registered office of a legal person, whether notification is received from the post office advising that the item has been delivered or whether the documents are being returned. The addressee may refute the presumption that documents have been served on the seventh day from the day of dispatch if

sent by post or on the third day from dispatch if sent by e-mail or notified on-line by citing objective circumstances beyond their control which prevented them from receiving the documents at the address indicated. If the addressee refuses to accept the court documents, the documents will be considered to have been served on the date when the addressee refused to accept them.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No. If a period begins upon the occurrence of a particular event, time begins to run on the next day after the occurrence of the event that determines its commencement.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

If a period is expressed in days, the number of days includes all calendar days.

8 When such a period is expressed in weeks, in months or in years?

Periods expressed in years, months or days include calendar days.

9 When does the deadline expire if expressed in weeks, in months or in years?

A period expressed in years expires on the respective month and on the respective date of the period's final year.

A period expressed in months expires on the respective date of the period's final month. Where a period expressed in months ends in a month that has not got the respective date, it expires on the last day of that month.

A period that extends until a particular date expires on that date.

A procedural step whose time limit is expiring may be carried out until 24:00 on the period's final day.

A time limit for any procedural step to be carried out in court expires at the time when the court ceases work. Where an application, appeal or other document is delivered to a communications operator by 24:00 on the final date of the period, it is considered to have been submitted within the time limit.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the period expires on a Saturday, a Sunday or a statutory national holiday, the last day of the period is deemed to be the next working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only time limits set by a court or a judge may be extended at the request of a party to the case. Other time limits set by law may, however, be renewed by a court, at the request of a party to the case. An application for a time-limit extension or reinstatement of a missed time limit shall be submitted to the court where the delayed action was to be carried out, and the application shall be examined by written procedure. Prior to the examination of the application by written procedure, the parties to proceedings shall be notified thereof and they shall be sent an application to have a time limit extended or a missed time limit reinstated at the same time. An application for a reinstatement of a procedural time limit shall be accompanied by documents required for execution of the procedural action, and the grounds for the reinstatement of the time limit.

A time limit set by a judge may be extended by a judge sitting alone. An ancillary complaint may be made with regard to a refusal of a court or a judge to extend or reinstate a time limit.

12 What are the time limits for appeals?

An ancillary complaint may be submitted within 10 days of the day on which the court takes the decision.

If a decision is adopted by written procedure, the time limit for the submission of an ancillary complaint runs from the day the decision is served.

If a decision is taken in the absence of a party (for example a decision ordering the taking of evidence or ordering a provisional protection measure), the time limit for the submission of an ancillary complaint runs from day of the service or dispatch of the decision.

If a court decision has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit an ancillary complaint within 15 days from the day of service of the decision or, if the court has given an abbreviated decision, from the day of service of the full decision.

Any full appeal (*apelācija*) must be submitted within 20 days from the day the judgment is pronounced, or if an abbreviated judgment is pronounced, from the date set by the court for the drawing up of a full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment.

If a court judgment has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit a full appeal within 20 days from the day of service of the judgment.

An appeal on a point of law (*kasācija*) must be submitted within 30 days from the day the judgment is pronounced but if an abbreviated judgment is pronounced, from the date set by the court for the drawing up of a full judgment. If the judgment is drawn up after the date indicated, the time period for submitting an appeal against the judgment runs from the date of the actual drawing up of the judgment.

If a court judgment has been sent to the person whose place of residence, whereabouts or registered office is not in Latvia but their address is known, in accordance with the EU legislation or the international agreements binding on Latvia, the person may submit an appeal on a point of law within 30 days from the day of service of the judgment.

Whether an appeal is a full appeal or an appeal on a point of law only, if it is submitted after the time limit has passed it is inadmissible and will be returned to the submitter. An ancillary complaint may be submitted against a judge's decision to reject a full appeal or an appeal on a point of law within 10 days of the day the court took the decision.

In the case of certain categories of dispute, for example concerning the recognition of a decision taken by a foreign court, specific time limits may be laid down for appeals, set on a case-by-case basis within the rules governing civil procedure.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A court must postpone consideration of a case, and set another date for the court hearing, if:

any party to the case is absent from the hearing and has not been notified of the time and place of the hearing;

any party to the case who has been notified of the time and place of the hearing is nevertheless absent from the hearing for reasons that the court considers valid;

the application has not been served on the defendant, and for that reason the defendant asks for the postponement of the adjudication of the matter;

it is necessary to summon, as a party to the case, a person whose rights or lawful interests might be infringed by the judgment of the court;

if postponement might help to restore the cohabitation of the spouses or promote an amicable settlement, whereupon the court may on its own initiative postpone the hearing. at the request of a party, consideration of the case for this purpose may also be postponed repeatedly;

the defendant's place of residence or whereabouts is not in Latvia, and notification has been sent to the defendant regarding the time and place of the court hearing, and confirmation of service of the documents has been received, but the defendant has not received the notification in good time, and fails to appear at the court hearing;

the defendant's place of residence or whereabouts is not in Latvia, and notification has been sent to the defendant regarding the time and place of the court hearing, or the application has been sent, but no confirmation has been received, and the defendant fails to appear at a court hearing.

consent of the parties for mediation is received.
A court may postpone consideration of the case in some other circumstances too.
A court may postpone consideration of the case:
if a plaintiff who has been notified of the time and place of the court hearing fails to appear for reasons unknown;
if a defendant who has been notified of the time and place of the court hearing fails to appear for reasons unknown;
if the court considers it is impossible to decide the case because of the failure to appear of a party whose presence is mandatory in accordance with law, or of a witness, expert or interpreter provided by the court;
at the request of a party to the case who asks to be given the opportunity to produce additional evidence;
if a person is unable to participate at a court hearing by videoconferencing, owing to technical or other reasons beyond control of the court;
if an interpreter is absent from the hearing for reasons that the court considers valid.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. Under the rules of civil procedure, delivery and service of court documents to a person whose place of residence or whereabouts is outside Latvia follows a different mechanism, and procedural time limits that start running from the moment of receipt of the court documents are calculated differently.
For example, as a general rule, an appeal against a decision made by a court of first instance may be lodged within 20 days of the day the judgment is given. If a judgment is sent to a party whose place of residence or whereabouts is outside Latvia, that person is entitled to submit an appeal within 20 days of the day the court judgment is served. Where different time limits for the submission of appeals against a judgment of a court of first instance are set for different parties to the case, the judgment takes effect if no appeal is submitted within the time allowed for appeals computed from the last date of service of the judgment unless a full appeal is submitted.

15 What are the consequences of non-observance of the deadlines?

Entitlement to take a procedural step comes to an end upon the expiry of the time limit set by law or by the court. Challenges and documents submitted after the time limit has expired will not be admitted.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

On application by a party to the proceedings, the court shall reinstate missed procedural time limits if it finds the reasons for failing to meet them justified.
For example, it is not possible to reinstate a time limit for the submission of an enforcement document after the expiry of a 10-year limitation period that started to run on the day that the relevant decision of a court or judge took effect.
When reinstating a missed procedural time limit, the court shall also allow the delayed procedural action to be carried out.
Procedural time limits laid down by a court, judge or bailiff may at the request of a party be extended before they expire. Time limits laid down by law may not be extended. Where a time limit laid down by a court, judge or bailiff has been missed, the person bound by the time limit may request that a new time limit be set for the execution of a procedural step.
An application for the extension of a time limit or for the reinstatement of a time limit that has been missed should be submitted to the court where the delayed step was to have been carried out. The application is decided at a court hearing, and the parties are notified in advance of the time and place of the hearing. Failure by a party to appear is no impediment to a decision on the application.
An application for a reinstatement of a procedural time limit shall be accompanied by documents required for execution of the procedural action, and the grounds for the reinstatement of the time limit.
A time limit set by a judge may be extended by a judge sitting alone.
An ancillary complaint may be made with regard to a refusal of a court or a judge to extend or reinstate a time limit.

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Time limits on procedures - Lithuania

1 What are the types of deadlines relevant for civil procedures?

The Civil Code (*Civilinis kodeksas*) provides for a general limitation period and shorter limitation periods. Limitation periods may be restoratory, acquisitionary or resolutory.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Sundays;
1 January: New Year’s Day;
16 February: Day of the Restoration of the State of Lithuania;
11 March: Day of the Restoration of Lithuania's Independence of Lithuania;
Easter Sunday and Easter Monday (according to Western tradition);
1 May: International Labour Day;
First Sunday in May: Mother’s Day;
First Sunday in June: Father’s Day;
24 June: Midsummer's Day, Feast of St. John;
6 July: Statehood Day (Coronation of King Mindaugas);
August 15: Assumption Day
November 1: All Saints’ Day
December 24: Christmas Eve
December 25 and 26: Christmas

3 What are the applicable general rules on time limits for the various civil procedures?

A limitation period determined by laws, by a contract or by a judicial authority is expressed in terms of a calendar date or a number of years, months, weeks, days or hours.
A limitation period may also be defined in terms of an event that must inevitably occur. It may be restoratory, acquisitionary or resolutory. A restoratory limitation period on one which may be restored by a court after it has expired provided that the relevant deadline has been missed for important reasons. An acquisitionary limitation period is a period at the end of which a certain civil right or duty arises (is acquired). A resolutory limitation period is a period at the end of which a certain civil right or duty expires. Resolutory limitation periods may not be restored by a court or arbitration.
The general limitation period is ten years.

Lithuanian legislation lays down shorter limitation periods for particular types of claims.
A shorter one-month limitation period is applied to claims arising from the results of tendering procedures.
A shorter three-month limitation period is applied to claims to have the decisions of a legal entity's bodies declared invalid.
A shorter six-month limitation period is applied to:
claims concerning the enforcement of default (a fine, late payment interest);
claims concerning defects of sold items.
A shorter six-month limitation period is applied to claims arising from relations between transport companies and their clients with regard to consignments dispatched from within Lithuania while a one-year limitation period is applied to consignments dispatched abroad.
A shorter one-year limitation period is applied to insurance claims.
A shorter three-year limitation period is applied to claims for damages, including claims for damages resulting from the inadequate quality of products.
A shorter five-year limitation period is applied to claims for enforcement of interest and other periodic payments.
10. Claims regarding defects of works carried out are subject to shorter limitation periods.
Claims arising from the transport of cargo, passengers and luggage are subject to the limitation periods set out in the codes (laws) applicable to specific transport modes.
A limitation period or rules for calculating such a period may not be changed by agreement between the parties.
A limitation period does not apply to:
1) claims arising from the violation of personal non-property rights, except in cases established by the laws;
2) depositors' claims for the repayment of their deposits held in a bank or other credit institution;
3) other claims for damages resulting from the following crimes specified in the Criminal Code (*Baudžiamasis kodeksas*):
1) genocide (Article 99);
2) treatment of persons prohibited under international law (Article 100);
3) killing of persons protected under international humanitarian law (Article 101);
4) deportation or transfer of civilians (Article 102);
5) causing bodily harm to, torture or other inhuman treatment of persons protected under international humanitarian law (Article 103);
6) forcible use of civilians or prisoners of war in the armed forces of an enemy (Article 105);
7) destruction of protected objects or plunder of national treasures (Article 106);
8) aggression (Article 110);
9) prohibited military attacks (Article 111);
10) use of prohibited means of warfare (Article 112);
11) negligent performance of a commander's duties.
4) cases specified in other laws and other claims.
Time-limits applicable to hearings of civil cases. A court must aim to hear a civil case as promptly as possible, avoid delays and ensure that a civil case is heard at a single court session.
Laws may establish specific time-limits for certain categories of civil cases to be heard. If a court of first instance fails to perform the procedural action that is required under the Civil Code, a party to the proceedings with an interest in that action being performed is entitled to apply to a court of appeal to apply for a deadline to be set for its performance. The application must be filed via the court that is hearing the case, and the latter must decide on its admissibility not later than on the working day following its receipt. If the court which failed to perform the procedural action giving rise to the application performs the actions in question within seven working days of receiving the application, the party in question is deemed to have waived the application. Otherwise the application is transferred to the court of appeal within seven working days of the date of its receipt. Such applications are usually examined by written procedure without the parties being notified of the time and place of the session or being invited to it. The application must be examined within seven working days of its receipt by the court of appeal. It must be examined and a decision on it taken by the president of the court of appeal, the president of the civil cases division or by a judge designated by them. The ruling handed down may not be contested by filing a separate appeal.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The time-limit begins to run from 0 hours 00 minutes on the day following the calendar date or event defining its start, unless otherwise provided for in specific laws.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Any written applications and notifications posted, telegraphed or transmitted by other means of communication before midnight on the last day of a time-limit are considered to have been sent on time (Article 1.122 of the Civil Code).
Article 123 (3)–(4) of the Code of Civil Procedure (*Civilinio proceso kodeksas*) stipulates that where a person delivering a procedural document does not find the addressee at his/her place of residence or workplace, the document must be served to any adult family member residing with him/her (children (foster children), parents (foster parents), spouse, etc.), except where family members have opposing legal interests in the outcome of the case, or, if they are absent as well, to the administration of the workplace.
Where a person delivering a procedural document does not find the addressee at a legal entity's registered office or other location specified by the legal entity, the procedural document must be served to any employee of the legal entity who is present at the place of delivery. If a procedural document is not delivered in the manner specified in this paragraph, it must be mailed to the address of the legal entity's office and is deemed to have been delivered within ten days of the date of posting.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The time-limit begins to run from 0 hours 00 minutes on the day following the event defining its start, unless otherwise provided for in specific laws. (Article 73 of the Code of Civil Procedure).

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

A limitation period is calculated in calendar days. It begins to run from 0 hours 00 minutes on the day following the calendar date or event defining its start, unless otherwise provided for in specific laws.

8 When such a period is expressed in weeks, in months or in years?

A procedural time-limit expressed in years, months, weeks or days begins to run from 0 hours 00 minutes on the day following the calendar date or event defining its start, unless otherwise provided for in specific laws.

9 When does the deadline expire if expressed in weeks, in months or in years?

A time-limit expressed in weeks expires at 24 hours 00 minutes on the appropriate day of the last week included in the time-limit. A time limit expressed in months expires at 24 hours 00 minutes on the appropriate day of the last month included in the time-limit. A time-limit expressed in years expires at 24 hours

00 minutes on the appropriate day of the appropriate month of the last year included in the time-limit. If a time limit expressed in years or months expires in a month not containing the date in question, the time-limit expires on the last day of that month.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Official holidays and rest days (Saturdays and Sundays) are included in the time-limit. If the last day of the time-limit is a rest day or official holiday, it is considered to expire on the next working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Restoration of procedural time-limits. Persons who miss a deadline set by specific laws or by a court for reasons acknowledged by the court to be important may have the time-limit in question restored. A court has the right to restore a time-limit at its own initiative where the case file indicates that the deadline in question has been missed for important reasons.

An application to have a time-limit restored must be filed with the court at which the procedural action was to be performed. It will be examined by written procedure. The procedural action (filing of a claim, submission of documents or performance of other actions) in respect of which the deadline has been missed must be performed in parallel to the application. An application to have a time-limit restored must be reasoned. It must be accompanied by evidence justifying the need to restore it.

A procedural time-limit is restored by court ruling. A refusal to restore a procedural time-limit is issued in the form of a reasoned court ruling. A court ruling rejecting an application to have a missed procedural time-limit restored may be contested by filing a separate appeal.

12 What are the time limits for appeals?

An appeal against a judgment of a regional court may be lodged within 30 days from when the judgment was passed by the court of first instance.

A separate appeal against a ruling of a regional court may be filed:

within 7 days from when the ruling was issued in cases in which the ruling of the court of first instance under appeal has been issued in oral proceedings;

within 7 days from when a certified copy of the ruling was served in cases in which the ruling of the court of first instance under appeal has been issued in written proceedings.

Appeals may be filed against judgments of regional courts hearing a case on its merits, while separate appeals may be filed against interim rulings of regional courts expressly referred to in the Code of Civil Procedure (e.g. against a ruling rejecting an application for restoration of a procedural time-limit (Article 78(6) of the Code of Civil Procedure), against a ruling on litigation costs (Article 100 of the Code of Civil Procedure) or against a ruling preventing further proceedings).

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A court session must in each case be conducted continuously except where an adjournment is announced, which may not be for longer than five working days. An adjournment may be announced to enable the court and the parties to the proceedings to rest from a prolonged hearing and to gather any missing evidence, thereby guaranteeing that the case is resolved as swiftly as possible.

If a court adjourns a hearing, the time of the next court hearing must be set and notified to the participants against a signed acknowledgement. Persons who have not appeared in court or who are newly included in the proceedings are notified of the time of the next court hearing in accordance with the Code of Civil Procedure.

In certain situations a court hearing may be suspended. Such suspension means that any procedural action to be performed with a view to deciding the case on its merits is temporarily suspended for an indefinite period of time. A case may be suspended for objective reasons specified in specific laws that prevent the hearing of a civil case and are not subject to the discretion of the parties or the court, or in circumstances which are not provided for in specific laws but nevertheless prevent the court from hearing the case on its merits.

The court must suspend a hearing in the following circumstances:

in the event of the death of a natural person or termination of a legal entity that was a party to the case where the succession of rights is permitted in the light of the legal relations involved in the dispute; where a party loses its legal capacity, the case must be suspended until the successor of the deceased natural person or terminated legal entity or the circumstances resulting in the failure of succession have been clarified or a statutory representative of a natural person who has lost his/her legal capacity has been designated;

where a particular case cannot be heard until another case has been decided, a case in civil, criminal or administrative proceedings will be suspended until a court decision, judgment, ruling or resolution comes into effect or until a ruling in administrative proceedings is handed down;

where it transpires in a case involving property claims against a defendant that the satisfaction of such property claims is related to the hearing of a criminal case, the case will be suspended until the criminal case has been tried or temporary restrictions on property rights are lifted; other circumstances are also indicated in specific laws.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Not applicable.

15 What are the consequences of non-observance of the deadlines?

The expiry of a limitation period before a claim is filed will result in the claim being rejected.

Where the court acknowledges that a deadline has been missed for an important reason, the violated right must be defended and the limitation period in question must be restored.

Property-law issues relating to property the recovery of which is subject to limitation periods which have expired are resolved in accordance with the provisions of Volume IV of the Civil Code.

The right to perform a procedural action expires when the time-limit set by law or by a court has itself expired. Any procedural documents filed after the expiry of a time-limit are returned to the applicants. Missing a deadline for performing a certain procedural obligation does not release the person concerned from that obligation.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If deadlines have been missed for important reasons and not more than three months have passed since the court judgment was passed, the court may, on the appellant’s application, restore the time-limits in question. A time-limit for filing an appeal may be restored where the court acknowledges that the deadline in question has been missed for important reasons. A court ruling rejecting an application to restore an appeal time-limit may be contested by separate appeal. If the court of appeal grants this separate appeal and restores the time limit for appeal, the president of the civil cases division of the court of appeal must transfer the appeal, together with the case file, to the judicial panel of the court of appeal or refer the issue of the appeal's admissibility back to the court of first instance for a decision. If, in these circumstances, the case file is referred to the judicial panel of the court of appeal, the court of appeal must send copies of the appeal and its annexes to the parties to the proceedings within three working days of when the appeal was allowed. Once the time-limit for contesting a judgment and for responding to an appeal has expired, the court of first instance will send the case to the court of appeal within seven days and notify the parties. Where the case is sent to the court of appeal and the latter determines that the deadline for appeal has been missed, the court

may restore the time-limit at its own initiative (*ex officio*) provided that the case file clearly indicates that the deadline has been missed for important reasons, or suggest to the party to the proceedings that it file an application for the appeal time-limit to be restored (Articles 307(2)–(3), 338 and 78 of the Code of Civil Procedure). A ruling rejecting the appellant's application to have a time-limit restored may be contested by filing a separate appeal (Article 78(6) of the Code of Civil Procedure).

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Time limits on procedures - Luxembourg

1 What are the types of deadlines relevant for civil procedures?

Under Luxembourg law, there are time limits for bringing proceedings, for procedural formalities, for appearing in court, extensions for distance, etc.
Time limits after which actions lapse or become time-barred are not always purely procedural: only those that are purely procedural are dealt with here.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Saturday and Sunday are considered to be non-working days, as are the following statutory public holidays:
New Year's Day, Easter Monday, 1 May, 9 May, Ascension Day, Whit Monday, Luxembourg National Day on 23 June,
the Assumption, All Saints' Day, and Christmas and Boxing Day/St Stephen's Day.

3 What are the applicable general rules on time limits for the various civil procedures?

Procedural time limits may vary depending on the subject-matter and the type of proceeding.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The time limit runs from midnight on the day of the act, event, decision or service of the act.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Yes: if service (*signification*) by a bailiff or notification (*notification*) by the clerk of the court is required by law, the service or notification may be deemed to have taken place on a day other than the day on which the document actually reaches the hands of the person concerned (for instance if the document is refused, if the document is left at the party's home, etc.).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

All time limits are calculated from midnight on the day of the act, event, decision or service that starts time running.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Statutory public holidays, Saturdays and Sundays are counted for purposes of time limits.

8 When such a period is expressed in weeks, in months or in years?

Statutory public holidays, Saturdays and Sundays are counted for purposes of time limits.

9 When such a period is expressed in weeks, in months or in years?

Any procedural time limit expires at midnight on its last day.
If a time limit is expressed in weeks, it will expire on that day of the last week that bears the same name as the day of the act, event, decision or service from which the time limit runs.
If a time limit is expressed in months or in years, it will expire on that day of the last month or year that bears the same number as the day of the act, event, decision or service from which the time limit runs. If the relevant subsequent month has no day bearing the same number, the time limit expires on the last day of that month.
If a time limit is expressed in months and days or in fractions of a month, whole months are counted first, and then days or fractions of months; where fractions of a month are to be calculated, a month is considered to have 30 days.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Any time limit that would otherwise expire on a Saturday, a Sunday, a statutory public holiday or a public holiday in lieu is extended to the first working day following it. The same applies when documents have to be submitted to municipal offices and on the final day of the time limit municipal services are closed to the public.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

If legal proceedings are brought in a Luxembourg court against a person resident abroad, time limits are extended for distance. These extensions vary from 15 to 35 days depending on where the defendant lives.

12 What are the time limits for appeals?

As a general rule, appeals (*appels*) must be brought within 40 days, extended for distance in the case of persons resident abroad. Appeals against judgments that are not provisionally enforceable cannot be brought until eight days have elapsed.
The time limit for applying to have a judgment by default set aside (*opposition*) is 15 days, running from the date of service or notification.
Interim orders (*ordonnances de référé*) may be appealed within a time limit of 15 days from the date of service. If an interim order is made by default, the time limit for applying to have it set aside is eight days from the date of service. The time limit for applications to set aside runs concurrently with the time limit for appeals.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

In the case of summary proceedings for an interim order, a summons is issued to attend a hearing held for the purpose on the normal day and time for such proceedings. If the case is urgent, however, the presiding judge or his or her replacement may allow a summons to attend a hearing open to the public in court or at his or her own home, at a stated time, even during weekends, public holidays or days that are not normally working days.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

When a party resident outside Luxembourg is summoned to appear in person in Luxembourg, the ordinary time limits apply, unless the court decides to extend them.

15 What are the consequences of non-observance of the deadlines?

If an action is not brought within the time limit, it is time-barred and can no longer be brought. If the time limit for a procedural formality expires, the action will as a rule lapse or be struck out.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a party has not brought an action within the required time limit, the time bar resulting from the expiry of the time limit may be lifted if, for reasons for which the party was not responsible, the act from which the time limit ran was not brought to the party's attention in good time or if it was impossible for them to take action. An application to that effect is admissible only if it is made within 15 days from the time at which the party concerned became aware of the act

from which the time limit ran or from the time at which it became possible for them to take action. Such an application is not admissible more than one year after the expiry of the time limit that would normally run from the act. These time limits do not have suspensory effect.
Any action lapses if proceedings have been discontinued for three years. This time limit is increased by six months in all cases in which there are grounds for applying for a new party to step into the shoes of an existing party, or for appointing new counsel. When proceedings lapse, it does not follow that no further action is possible. A party wishing to act must then bring a fresh legal action to uphold their rights, unless such an action is itself time-barred.
An order to strike out an action on the ground that counsel has failed to comply with time limits is not open to appeal.

Related links

http://www.legilux.lu/

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Time limits on procedures - Hungary

1 What are the types of deadlines relevant for civil procedures?

As a general rule, procedural steps to produce a desired legal effect may be performed within time limits provided for in legislation. Provision for this can be found in both substantive law and procedural law.
The relevant conditions under substantive law are in part laid down in rules on judicial recourse and in part governed by rules on limitation. These prescribe the time limits for initiating civil procedures. The law grants exemption from these restrictions solely to ensure the unconditional enforcement of claims (property claims, for example). Some procedural steps may only be performed lawfully within a specified time period (time limit). In certain cases the duration of the time limit is clearly defined in law, such as when filing for redress (statutory time limit), whereas in others – for instance, when rectifying deficiencies – it depends on the decision of the court (judicial time limit).
The method for calculating procedural time limits under substantive law is considerably different from that used in the case of procedural law, as are the legal consequences of failing to comply with these two types of time limit. Failure to comply with a time limit under substantive law leads to a loss of rights, and cannot be remedied by providing justification. An ‘excuse’ may be accepted only if a limitation period applies and only in accordance with the relevant rules of substantive law. For procedural time limits, a distinction must be drawn between subjective and objective time limits. Subjective time limits include time limits for which the starting date must be the date on which the party concerned received notification, and failure to comply with these can generally be remedied by making an application for *restitutio in integrum* (an application for extension), whereas objective deadlines are not linked to receipt of notification by the party concerned and failure to comply with them may not be remedied by application for *restitutio in integrum*.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to Section 102(1) of Act I of 2012 on the Labour Code, the following days are envisaged as non-working days: 1 January, 15 March, Easter Monday, 1 May, Whit Monday, 20 August, 23 October, 1 November and 25 and 26 December.

3 What are the applicable general rules on time limits for the various civil procedures?

Time limits are calculated in days, months or years. The starting date is not included in time limits expressed in days. The starting date is the date on which the action or other event (e.g. service, publication) giving rise to the commencement of a time limit takes place. Time limits expressed in months or years expire on the day in the month of expiry corresponding to that on which the time limit started or – if no such day exists in the month of expiry – on the last day of that month. If the last day of the time limit is a non-working day, the deadline will expire only on the first working day following that date. The time limit expires at the end of the last day; however, deadlines for submissions to a court or actions to be taken in court expire already at the close of office hours. The general rules applicable to time limits in all other civil procedures are laid down in Sections 103 to 112 of Act III of 1952 on the code of civil procedure (‘the Code of Civil Procedure’).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date is the date on which the action or other event (e.g. service, publication) giving rise to the commencement of a time limit takes place. The starting date is not included in time limits expressed in days.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

With regard to the calculation of time limits, the Code of Civil Procedure does not make any distinction between different methods of service of documents. However, some special provisions apply if documents are exchanged electronically. Some documents are sent to the expert in hard copy even if the expert maintains contact with the court by electronic means: the court provides the expert with annexes to court documents in hard copy or on another data medium if, owing to the large volume of the annexes or the nature of the data medium, digitalisation would impose a disproportionate or insurmountable burden, or if the authenticity of the paper-based document is doubtful. If, for the above reasons, electronic documents sent by the court are accompanied by annexes in hard copy, the basis for calculating the time limit is the date of receipt of the annex. Submissions related to proceedings and the service of court documents in the cases defined by the Code of Civil Procedure already take place electronically. Days on which the delivery system for this purpose is not in operation for at least four hours are not included in the time limit specified by law or the court.
If communication in the proceedings is conducted by electronic means, the consequences of failing to comply with the time limit cannot apply if the submission to the court was submitted electronically on the final date at the latest, in accordance with the IT requirements. As regards the calculation of the time limit, a submission is considered to have been submitted after the court’s IT system has sent an acknowledgement of receipt, in accordance with the provisions of the legislation. The President of the National Judicial Office provides a form for submissions on storage media. The storage medium must be submitted to the court in person or by post no later than three working days after the contact person for electronic submissions has received confirmation of receipt of the form by the court. By means of the service system, the court automatically sends the contact person for electronic submissions a confirmation of receipt of the storage medium. The submission is considered to have been served on the court on the date specified in the confirmation of receipt of the form by the court.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The starting date is not included in time limits expressed in days. The starting date is the date on which the action or other event (e.g. service, publication) giving rise to the commencement of a time limit takes place.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

When a time limit is expressed in days, the number of days indicated means calendar days. If, however, the last day of the time limit is a non-working day, the time limit expires only on the first working day following that date.

8 When such a period is expressed in weeks, in months or in years?

Time limits expressed in months or years expire on the day in the month of expiry corresponding to that on which the time limit started or – if no such day exists in the month of expiry – on the last day of that month.

9 When does the deadline expire if expressed in weeks, in months or in years?

Time limits expressed in months or years expire on the day in the month of expiry corresponding to that on which the time limit started or – if no such day exists in the month of expiry – on the last day of that month.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

In addition to the cases mentioned above, the court can, for any important reason, extend a time limit set by it only once; the time limit – together with its extension – cannot exceed forty-five days, unless a longer period is required to enable an expert opinion to be delivered. Statutory time limits may only be extended in cases mandated by law. The period from 15 July to 20 August each year is not included in time limits expressed in days (due to judicial holidays). If a time limit expressed in months or years were to expire during the judicial holidays, it will expire on the day of the following month corresponding to that on which the time limit started or, if that day also falls within the period of the judicial holidays, on the first day following the judicial holidays. The law also provides for exceptions to the judicial holidays. The court must specifically draw the attention of the parties to such exceptions. In out-of-court proceedings regulated in acts other than the Code of Civil Procedure, the provisions on judicial holidays can only be applied if a separate law so provides.

12 What are the time limits for appeals?

As a general rule, an appeal may be lodged within 15 days of notification of the decision, and within 3 days in actions relating to bills of exchange.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The court can, for any important reason, extend a time limit set by it only once; the time limit – together with its extension – cannot exceed forty-five days, unless a longer period is required to enable an expert opinion to be delivered. Statutory time limits may only be extended in cases mandated by law.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The rules of civil procedure in Hungary do not provide for an extension on the grounds of the place of residence of the parties. However, non-compliance with the time limit may be excused if the parties were not reachable at the address indicated in the personal data and address register for a justified reason.

15 What are the consequences of non-observance of the deadlines?

Unless otherwise provided for by law, the parties can no longer validly perform defaulted procedural actions. The consequences of the failure to perform these actions – except in cases provided for by law –ensue automatically, without prior notice. If, in accordance with the law, the consequences of a default ensue only upon prior notice or at the request of the adverse party, the defaulted action can be performed during the period indicated in the notice or until submission of the request or, if the request is made at a hearing, up until the time the relevant decision is taken. Should any party be hindered in performing an action by a commonly known natural event or other obstacles beyond his or her control, this shall not be regarded as a default. The consequences of non-compliance with time limits will not apply if a submission to the court is posted as registered mail no later than on the last day of the time limit.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The parties may submit an application for *restitutio in integrum* to provide an excuse for their default. The court must take a fair decision on the application. In the event that a party or its representative fails to appear in court on a particular date or misses a deadline for a reason beyond his or her control, the consequences of the default – except in the cases referred to below – may be remedied by providing justification for the default. No justification can be provided if the option of justification is excluded by law, if the consequences of the default can be prevented without justification, if the default does not entail any disadvantage expressed in a court ruling or if the party fails to meet the new deadline set on the basis of an application for *restitutio in integru*m.

Applications for *restitutio in integrum* may be submitted within fifteen days. This time limit must run from the missed closing date or the last day of the missed deadline. If, however, a party or its representative becomes aware of the default at a later date or if an obstacle is removed only at a later date, the time limit for the application for *restitutio in integrum* starts from the point when the party becomes aware of the default or the obstacle is removed. No application for *restitutio in integrum* can be submitted later than three months from the time of the default.

The application for *restitutio in integrum* must state the causes of default and the circumstances making it likely that the default was unintentional. In the event of failure to meet a deadline, the defaulted action must be performed at the same time as the application for *restitutio in integrum* is submitted.

If the option of justification is excluded by law or if the application for *restitutio in integrum* has been submitted out of time, the application must be rejected without consideration being given to the merits of the case. The same applies if – in the case of non-compliance with a time limit – the party submitting the application for *restitutio in integrum* did not perform the defaulted action when submitting the application.

An appeal may be submitted against decisions rejecting an application for *restitutio in integrum*.

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Time limits on procedures - Malta

1 What are the types of deadlines relevant for civil procedures?

The general procedure under Cap 12 of the Laws of Malta is that a person has twenty days from the date of service to file his reply. There are special laws, however, that stipulate different time limits.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

1 January, 10 February, 19 March, 31 March, Good Friday, 1 May, 7 June, 29 June, 15 August, 8 September, 21 September, 8 December, 13 December, 25 December.

3 What are the applicable general rules on time limits for the various civil procedures?

In general, a person against whom civil proceedings have been brought has twenty days in which to file his reply in court. However, there are special laws that stipulate shorter or longer time limits, as the case may be.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

From the date of service.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No, the method of transmission does not affect the starting time. It is the date of service that is taken into account.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

In general, the time period begins elapsing from the next day. However, it is possible for the law or the Court to set a time limit whereby the date of service is taken into account for the calculation of the time period.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

In Maltese law, unless it is expressly indicated that the law refers to working days, the days mentioned by law are considered to be calendar days.

8 When such a period is expressed in weeks, in months or in years?

When calculating the time period, a day is considered to be a 24-hour period, while months and years are calculated according to the calendar.

9 When does the deadline expire if expressed in weeks, in months or in years?

When calculating the time period, a day is considered to be a 24-hour period, while months and years are calculated according to the calendar.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, if the deadline expires on a non-working day (i.e. a Saturday, Sunday or public holiday) this is extended to the next working day in accordance with section 108 of Cap 12 of the Laws of Malta.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

The deadline can only be extended if authorised by a court and the person is permitted to file his reply if he can demonstrate, to the court's satisfaction, solid grounds for failing to file the sworn reply.

12 What are the time limits for appeals?

After the delivery of a judgement by a court of first instance, a person may file an appeal within twenty days (calendar days) from the date of its delivery. The respondent is allowed twenty days to reply. In constitutional cases, if the action was brought by means of an application, the time limit for an appeal is twenty days from the delivery of the judgement. If the case is referred to the Constitutional Courts by another court, an appeal has to be filed within eight working days. The respondent in a constitutional case has eight working days within which to reply. If a ruling is being appealed before the final judgement, the appeal must be filed within six days from the day the ruling is read out in open court. This is the general procedure. It must be noted, however, that there are special laws that stipulate different time limits for appeal if the appeal is to be heard in a different tribunal from those mentioned above.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

All ordinary civil cases must be appointed for hearing within two months and sittings must be held on a bi-monthly basis. The court may choose not to fix hearings from 16 July to 15 September of each year.

In constitutional cases, the court must fix a date for hearing which falls within eight working days from the date of filing of the application, or from the filing of a reply by the respondent in the time given for that reply or, if no reply is filed, from the expiry of that time limit.

In the case of summary or special proceedings, the defendant must be summoned to appear no earlier than fifteen days and no later than thirty days from service.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

In Malta there are no places where a resident might benefit from an extension of a time limit.

15 What are the consequences of non-observance of the deadlines?

If time limits are not respected, the party involved is held to be in contempt of court and loses the right to file a reply and produce evidence. Before delivering its judgement, however, the court will still give the defendant a brief and peremptory period of time to make written or oral submissions against the plaintiff's claim. The party in default retains the right to appeal against the final judgement should this not be in his favour.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

They are required to provide justification for their default. If the court decides that they have good reason for defaulting, it may authorise them to file a reply.

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Time limits on procedures - Netherlands

1 What are the types of deadlines relevant for civil procedures?

The deadlines that apply in civil procedural law can broadly be grouped as follows:

a. Minimum notice periods for summoning the other party and any third parties and witnesses to appear in the proceedings. Ordinarily, a period of at least 1 week applies. In principle, a period of at least 1 week also applies when summoning interested parties to appear in application proceedings, unless the court specifies otherwise (Articles 114-119 and 276 (summoning parties and third parties) and Articles 170 and 284 (summoning witnesses) of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*)). It is important to note that if the defendant has a known address or is known to actually reside outside the Netherlands, the notice period for summoning that party is at least 4 weeks (Article 115 of the Code of Civil Procedure).

b. Maximum periods for seeking legal remedies. The legal remedy of objection (*verzet*) normally has to be sought within 4 weeks. Generally, periods of 3 months apply to an appeal (*hoger beroep*), an appeal to the Supreme Court (*cassatie*) and an action to repeal a judgment that has become final (*herroeping*) (see Article 143 (objection), Articles 339 and 358 (appeal), Articles 402 and 426 (appeal to the Supreme Court) and Articles 383 and 391 (repeal of a final judgment) of the Code of Civil Procedure).

c. Time limits for the performance of procedural acts by the parties and for decisions by the court. These generally range from 2 to 6 weeks. Under certain circumstances the court may allow the performance of procedural acts to be deferred.

d. Limitation periods for commencing legal actions and exercising enforcement authority. The general limitation period is 20 years. In many cases, however, a shorter limitation period of 5 years applies. Incremental penalty payments expire 6 months after the day on which they are incurred. A limitation period that is already in progress may be interrupted, after which a new limitation period may commence. For example, the limitation period that applies to enforcement authority may be interrupted by serving the judgment or by any other act of enforcement (Articles 306-325, Book 3, of the Civil Code (*Burgerlijk Wetboek*).

Statutory time limits are also subject to the rules laid down in the General Extension of Time Limits Act (*Algemene Termijnenwet*).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Apart from Saturdays and Sundays, the General Extension of Time Limits Act specifies the following as generally recognised public holidays:

New Year's Day: 1 January

Good Friday: Friday before Easter

Easter Monday: Monday after Easter

Ascension Day: Thursday 40 days after Easter

King's Day: 27 April

Liberation Day: 5 May

Whit Monday: Monday after Pentecost

Christmas Day and Boxing Day: 25 and 26 December.

3 What are the applicable general rules on time limits for the various civil procedures?

Statutory time limits are subject to the rules laid down in the General Extension of Time Limits Act. This Act stipulates that a time limit set in an act that ends on a Saturday, Sunday or generally recognised public holiday is extended until the end of the next day that is not a Saturday, Sunday or generally recognised public holiday. If necessary, a time limit comprising at least 3 days is extended so as to include at least 2 days that are not Saturdays, Sundays or generally recognised public holidays.

In the national rules of procedure for civil cases initiated by summons (*Landelijk procesreglement voor civiele dagvaardingen bij de rechtbanken*) a time limit of 6 weeks is taken as a starting point for the performance of procedural acts by the parties and the pronouncement of the judgment. In accordance with the national rules of civil procedure for the cantonal court sectors (*Landelijk reglement voor de civiele rol van de kantonsectoren*), in principle the cantonal courts employ time limits of 4 weeks (http://www.rechtspraak.nl/).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting time is always the first day following the decisive event.

Summons

Not applicable.

Legal remedies

The time limit for the legal remedy of **objection** (only possible against judgments in default of appearance) has three different starting times:
the moment the judgment is served on the convicted party in person;
in the event that another method of service is used: the moment the convicted party performs an act proving that he or she is aware of the judgment or the commencement of enforcement; and
in other cases: the moment the enforcement of the judgment is completed.

The time limit for **appeals and appeals to the Supreme Court** against judgments is calculated from the date on which the judgment is delivered. The first day of the period is the day following that of the judgment. See also question 12.

The time limit for appeals and appeals to the Supreme Court against decisions is calculated:
from the date on which the decision is delivered, in the case of the applicant and the interested parties appearing in the proceedings, and
after the decision has been served or otherwise notified, in the case of other interested parties.

The time limit for an **action to repeal** a judgment or decision that has become final commences after the ground for repeal has arisen and the claimant or applicant has become aware of it, but in any case not before the judgment or decision has become final, i.e. it can no longer be set aside by an objection, appeal or appeal to the Supreme Court.

Procedural acts

The fixed time limits for performing procedural acts are generally calculated from the previous case-list date in full weeks. Example: following a case-list hearing on a Wednesday the case is placed on the case list again on the Wednesday 4 weeks later and the submission deadline is 10 a.m. If the case is taken off the list, for example, the court then determines the date on which it will be restored to the list.

Limitation periods

The starting time of the limitation periods that apply to legal actions depends on the nature of the action. For example, a right of action to claim performance of a contractual obligation to provide or do something expires 5 years after the start of the day following that on which the claim became exigible. Example: a right of action to claim termination of an unlawful situation expires 5 years after the start of the day following that on which immediate termination of the situation can be claimed.

Enforcement

In principle, enforcement authority expires 20 years after the start of the day following that on which the judgment is delivered.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No. However, in some cases the manner in which a party becomes aware of the judgment influences the start of the time limit for seeking a legal remedy, e. g. for lodging an objection. See also question 4.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No. The time limit commences on the day following that on which the event occurred.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Unless indicated otherwise, Dutch law uses calendar days. The General Extension of Time Limits Act stipulates that a time limit that ends on a Saturday, Sunday or generally recognised public holiday is extended until the end of the next day that is not a Saturday, Sunday or generally recognised public holiday. Furthermore, if necessary, a time limit set in an act comprising at least 3 days is extended so as to include at least 2 days that are not Saturdays, Sundays or generally recognised public holidays.

8 When such a period is expressed in weeks, in months or in years?

These also refer to calendar months and calendar years.

9 When does the deadline expire if expressed in weeks, in months or in years?

Summons

Not applicable.

Legal remedies

In summons proceedings legal remedies are sought by issuing a summons. Unless permitted to do so by the court before which the party is being summoned to appear, the bailiff may not issue the bailiff's notification after 8 p.m. The time limit therefore actually ends at 8 p.m. on the last day. In such proceedings it should also be borne in mind that neither the day on which the summons is issued, nor the day on which the party is summoned to appear (the first case-list date), is counted when calculating the notice period for the summons. The minimum notice period therefore has to lie between these two dates.

In application proceedings legal remedies are sought by filing an application with the court registry. This can be done by post or in person during the registry' s opening hours, or by fax until midnight on the last day of the period.

For appeals in family cases the starting time differs slightly from that applicable to appeals in other application proceedings (see also question 4. 'Legal remedies'). The applicant may lodge an appeal within 3 months of the day on which the judgment is delivered. Other interested parties may lodge an appeal within 3 months of the decision being served on or otherwise notified to them.

Procedural acts

If a case is on the case list, the following applies to the submission of documents. In principle, a document intended for a case-list date is submitted to the court registry by the submission deadline. This is the latest time by which any documents, with the exception of the summons, and reports must be in the court's possession. In accordance with the national rules of procedure the day and time by which documents must be submitted are: Wednesday at 10 a.m. If

no hearing is held because the case is being dealt with in writing, the documents are submitted to the court registry on or before the case-list date. The cantonal sector of a court always holds a hearing, as procedural acts may also be performed orally in that case. Documents must be submitted to the court registry on the day preceding the case-list date at the latest. This can be done by post or in person during the registry's opening hours, or by fax until midnight on the day in question.

Limitation periods

See also 'Limitation periods' under question 4. For some rights of action the time when a party becomes aware of a certain fact is important. Example: a right of action to claim the recovery of undue payment expires 5 years after the start of the day following that on which the creditor became aware of both the existence of the claim and the identity of the recipient, and in any case 20 years after the claim arose.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, a deadline that expires on a Saturday, Sunday or generally recognised public holiday is extended until the end of the next day that is not a Saturday, Sunday or generally recognised public holiday. However, in accordance with the General Extension of Time Limits Act this does not apply to deadlines determined by counting back from a particular time or event. In other words, this rule applies to maximum periods and not to minimum periods.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

In some cases the law provides for an extension to a deadline. For example, if the unsuccessful party dies during the period for lodging an appeal and that party's heirs wish to succeed him or her in the appeal proceedings, a new three-month period applies.

Generally, however, the rules relating to time limits are strictly enforced, although the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*) has made an exception for cases in which the party appealing was not made aware of the judgment promptly due to an error or omission on the part of the court. In such a case that party missed the deadline through no fault of his or her own and a short extension is granted.

12 What are the time limits for appeals?

The time limit for lodging an appeal is usually 3 months. In certain civil cases, such as interlocutory proceedings (expedited proceedings), shorter time limits apply for appeals and appeals to the Supreme Court, namely 4 and 8 weeks respectively.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

All periods relating to whether a party has to appear are minimum periods. No maximum period has been set.

Summons

Notice periods for summoning a party may be shortened by the court at the claimant's request, if necessary subject to certain conditions. In interlocutory proceedings a summons is only issued after the judge has specified the date and time of the hearing, which may even be held on a Sunday. If necessary, a party can be summoned at very short notice. The court may also set a shorter notice period for summoning a party in application proceedings.

The court cannot extend notice periods for summoning a party, although it may set a longer notice period for appearing in application proceedings (see questions 7 and 8).

Procedural acts

The court may extend the time limits within which the parties must perform procedural acts if this is jointly requested by the parties. If a request is made unilaterally, a deferral is only granted on the basis of compelling reasons or force majeure. Compelling reasons include, for example, the actual or legal complexity of the case, the need to await a judgment in other relevant proceedings or a situation in which the party or his or her lawyer is ill or on holiday.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Dutch law contains no provisions for such a situation.

15 What are the consequences of non-observance of the deadlines?

Summons

If a party is summoned with insufficient notice, the summons becomes invalid in the event that the defendant fails to appear and will be declared invalid by the court. It does not become invalid automatically. The claimant may rectify such a defect by issuing an amended bailiff's notification before the first case-list date.

If the defendant fails to appear on the first case-list date, the summons is checked for any defects that may render it invalid. If it is in order, the defendant is declared to be in default through non-appearance and the claim is generally allowed in default of appearance. If the defendant fails to appear and it is likely that he or she did not receive the bailiff's notification as a result of the defect, the court will declare the notification invalid.

If the defendant fails to appear or to appoint a lawyer despite having been given notice to do so in the summons and it emerges that the bailiff's notification contained a defect that renders it invalid, the defendant is not declared to be in default through non-appearance. The court sets a new case-list date and orders the defect to be remedied at the claimant's expense. If the defendant appears and does not invoke the defect, the summons is deemed to have been issued correctly.

Legal remedies

If the time limit for seeking a legal remedy is exceeded, the penalty is the disallowance of the appeal. The underlying court decision then becomes final, i.e. it can no longer be set aside by an objection, appeal or appeal to the Supreme Court.

Procedural acts

If a procedural act is not performed within the set time limit, under certain conditions a deferral may be obtained (see question 10). If a deferral cannot be obtained, the right to perform the procedural act expires.

Limitation periods

If the interested party has allowed the period for commencing legal action to expire, the right of action protected by the claim continues to exist. However, it is no longer possible to exercise it through the courts.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The following legal remedies are available to parties who have missed deadlines.

Summons

A defendant who fails to appear on the first case-list date is generally judged in default of appearance. Until the final judgment has been delivered this defendant can prevent a default judgment by appearing as a party in the proceedings. After the final judgment has been delivered the party judged in default of appearance may seek the legal remedy of objection. Judgment in default of appearance, prevention of a default judgment by appearing in court and objection do not apply in application proceedings. In such cases the interested party who has failed to appear is able to lodge an appeal.

Legal remedies

Time limits for seeking legal remedies are enforced by the court of its own motion. Time limits for lodging appeals and appeals to the Supreme Court are mandatory. The courts are very strict in the application of these limits in the interests of legal certainty. However, the Supreme Court of the Netherlands has introduced a certain amount of flexibility for appeals in application proceedings. The notice of appeal must set out the grounds for the appeal, but in cases in

which the decision has been pronounced but not yet sent and the appellant therefore does not have access to the underlying reasoning, it is permitted to present the grounds for the appeal in a subsequent, supplementary notice of appeal. The appeal itself must, however, have been lodged within the time limit. Only in occasional cases where the court has committed a double error is the time limit extended by 14 days following receipt of the decision. This is the case if the party lodging the appeal did not know and could not have known when the decision would be pronounced as a result of an error on the part of the court (or court registrar) and the decision was only sent out or issued after the time limit for appeals had expired, as a result of an error that cannot be attributed to the appellant. In summons proceedings the notice of appeal does not have to set out the grounds for the appeal. These are not presented until a later stage of the proceedings.

Procedural acts

Under certain circumstances a deferral may be requested for the performance of procedural acts (see question 13). If a deferral is not obtained, the right to perform the procedural act expires.

Limitation periods

No remedy is available against the expiry of limitation periods, other than interrupting them in due time (see question 1. d.). Nevertheless, under very exceptional circumstances the court may rule that invoking limitation is contrary to the principles of reasonableness and fairness.

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Time limits on procedures - Austria

1 What are the types of deadlines relevant for civil procedures?

There are various types of time limit under Austrian law.

A distinction is made between procedural time limits, i.e. deadlines by which a party or other person involved in the proceedings can or must take specific action for the purpose of the proceedings, and substantive time limits, i.e. deadlines by which a particular event must have taken place in order to produce certain substantive effects under the legal system (e.g. the deadline for filing a trespass claim under Section 454 of the Code of Civil Procedure (*Zivilprozessordnung*, ZPO) or for giving tenants notice under Section 560 ZPO). An important point is that the time required for delivery by the postal service is not included for procedural time limits, but it is for substantive time limits. This means, for example, that an appeal is considered to have been filed on time if it was posted by the last day of the procedural time limit for appeal (date of postmark), even if the court receives it after the deadline.

A distinction is also made depending on whether the time limit is set directly by the law (e.g. deadlines for appeals) or by the judge depending on the requirements of the individual case (e.g. deadline for lodging security to cover costs). Investigation deadlines, for which the law merely stipulates a particular timeframe (minimum or maximum duration or approximate duration, as in Section 257(1) ZPO for the date for a preliminary hearing) represent a combination of the two.

Absolute time limits are determined by the date on which they end (usually one calendar day), whereas relative time limits are defined by the duration. Start dates are determined on the basis of the event which triggers the time limit.

Generally speaking, judges may extend time limits (extendable time limits). Exceptional cases in which the law prohibits an extension are known as non-extendable or mandatory time limits.

A distinction is made between reversible and non-reversible time limits, depending on whether restoration of the previous position is possible if a deadline is missed. Reversibility is the general rule. In the exceptional cases in which restoration of the previous position is prohibited, the deadline is referred to as a preclusive or fixed time limit (*Fallfrist*). Examples of preclusive procedural time limits are the absolute deadlines for filing an application for annulment or an application for a retrial (Section 534(3) ZPO).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Saturdays, Sundays, Good Friday and public holidays are non-working days in Austria. 1 January (New Year's Day), 6 January (Epiphany), Easter Monday, 1 May (May Day), Ascension Day, Whit Monday, Corpus Christi, 15 August (Assumption Day), 26 October (Austrian National Day), 1 November (All Saints' Day), the 8 December (Feast of the Immaculate Conception), 25 December (Christmas Day) and 26 December (Boxing Day) are all public holidays in Austria

3 What are the applicable general rules on time limits for the various civil procedures?

Most provisions on time limits can be found in Sections 123 to 129 and 140 to 143 of the Code of Civil Procedure (ZPO), Section 222 ZPO and in Section 89 of the Court Organisation Act (*Gerichtsorganisationsgesetzes*, GOG).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

In most cases, a time limit starts on the service date of the decision ordering or triggering the time limit; otherwise it starts when that decision is delivered (Section 124 ZPO).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Yes; contrary to the general rule, according to which the service date is the service or delivery of the decision triggering or ordering the time limit, electronically transmitted judicial resolutions and legal petitions (Section 89a(2) GOG) are deemed to have been served on the working day immediately following their arrival in the electronic domain of the addressee (Saturday is not classed as a working day for this purpose) (Section 89a(2) GOG).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

When a time limit is expressed in days, the date, or the date of the event, used for calculating the starting date is not included for the purpose of calculating the deadline.

On the other hand, time limits expressed in weeks, months or years expire at midnight on the day of the last week or the last month which corresponds in name or number to the starting date. If there is no such date in the last month, the time limit will expire on the last day of that month.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Time limits expressed in days are calculated in calendar days.

8 When such a period is expressed in weeks, in months or in years?

Due to the nature of the calculation applied for time limits expressed in weeks, months or years (see questions 6 and 9), this is not an issue in the case of such time limits.

9 When does the deadline expire if expressed in weeks, in months or in years?

Time limits expressed in weeks, months or years expire at midnight on the day of the last week or the last month that corresponds in name or number to the starting date. If there is no such date in the last month of the time limit (if, for example, a one-month time limit starts on 31 January), the time limit will expire on the last day of that month (in this case, on 28 or 29 February). Saturdays, Sundays, public holidays and Good Friday do not affect the starting date or duration of time limits.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, time limits that end on a Saturday, Sunday, public holiday or Good Friday expire on the next working day (as long as it is not one of the aforementioned days).

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Mandatory time limits in appeal proceedings are stayed from 15 July to 17 August and from 24 December to 6 January. If one of these periods starts during a mandatory time limit or the start of the mandatory time limit falls in one of these periods, the time limit is extended by the entire period or by the period remaining when it starts.

This does not apply in certain special proceedings, especially not in disputes involving trespassing, maintenance, enforcement claims and interim injunctions, and not to deadlines for appeals against default acknowledgement judgments.

12 What are the time limits for appeals?

As a rule, time limits for appeal depend on the type of decision (judgment or order) and the subject matter. In contentious civil cases, the time limit for appeal against an order (*Rekurs*) is generally 14 days, while the time limit for appeal against a judgment (*Berufung*) is four weeks.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Generally speaking, judges may extend time limits (extendable time limits). Exceptional cases in which the law prohibits an extension are known as non-extendable or mandatory time limits (e.g. deadlines for filing appeals).

All time limits can be shortened subject to documented agreement between the parties. The court may shorten a time limit at the request of one party, provided that they can demonstrate that a shorter time limit is required in order to avoid the risk of considerable losses and the other party is easily able to take the procedural action required by the shorter deadline (Section 129 ZPO).

A time limit may be extended on request, if the party which benefits from the extension has unavoidable or very serious reasons for being unable to take the procedural action on time and, in particular, if it would sustain irreparable damage without an extension (Section 128(2) ZPO). Time limits cannot be extended by agreement between the parties (Section 128(1) ZPO).

However, summons are generally linked to a certain date. Therefore, the modification of "summons time limits" or "special dates" does not apply to summons.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No, because what is important here is that procedural steps in relation to an Austrian court are taken on time.

15 What are the consequences of non-observance of the deadlines?

As a general rule, a party which fails to take a procedural step in time is prevented from taking that step (preclusive effect, Section 144 ZPO). There are exceptions, such as Section 289(2) ZPO (which regulates failure to appear for the taking of evidence) and Section 491 ZPO (which regulates the consequences of failure to appear at an appeal hearing).

Procedural steps taken late are generally dismissed by operation of law, but in some cases an application (by the opposing party) is required.

Sometimes failure to act has specific consequences in addition to the usual results. These vary considerably. The most important specific consequence of failure to act is that, where, in civil proceedings, one party fails to act, the other party can, under certain circumstances, apply for judgment in default (Sections 396 and 442 ZPO). Other examples are: if both parties fail to appear in court, proceedings are stayed for at least three months (Section 170 ZPO) and, if the petitioner fails to appear in matrimonial proceedings, the petition may be held to be withdrawn, but not abandoned, at the respondent's request (Section 460 no 5 ZPO).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The following remedies are available for reversing the specific consequences of missing a deadline or a fixed date:

Restoration of the previous position (Sections 146 et seq. ZPO):

Restoration of the previous position can be used to reverse the consequences of failure to appear in court or failure to comply with a time limit for a procedural act where the failure by the party or their representative was due to an unforeseen or unavoidable event and the party or their representative was not to blame or was only slightly to blame (slight negligence). An application for this remedy must be filed within 14 days of removal of the obstacle.

Objection (Sections 397a and 442a ZPO):

Objection is a legal remedy aimed at reversing a default judgment under Section 396 or Section 442 ZPO. As a rule, objections must be filed with the adjudicating court, in the form of preparatory pleadings, within 14 days of service of the default judgment (non-extendable time limit).

Appeal (Sections 461 et seq. ZPO):

An appeal may be filed against a default judgment mainly on the grounds that there was no failure to comply, as one of the grounds for invalidity listed in Section 477(1) No 4 and No 5 ZPO applies (incorrect service or lack of representation of the party in the proceedings). However, the appeal for invalidity cannot be based on an actual failure of a party to comply; like all legal remedies, it must be based on an error of the court, due to which the party seems to have failed to comply.

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Time limits on procedures - Poland

1 What are the types of deadlines relevant for civil procedures?

Polish civil procedure distinguishes between the following types of time limit:

as regards the procedural acts of the parties: statutory, judicial and contractual time limits;

as regards the procedural acts of the court: indicative time limits.

Statutory and judicial time limits are final and cannot be exceeded.

Statutory time limits, which are defined as preclusive time limits (meaning that failure to meet them renders a given procedural act null), are laid down in statutory laws. Such time limits cannot be extended or shortened. A statutory time limit starts running at the moment specified in a statutory law. There are two kinds of statutory time limit: time limits *before* which an action must be performed and time limits *after* which an action may be performed. Statutory time limits include time limits for lodging legal remedies, e.g. the time limit for lodging an appeal or a complaint.

Judicial time limits are also defined as preclusive time limits, but they are set by a court or judge. Judicial time limits may be extended or shortened, but only for an important reason and on a motion filed before expiry of the time limit, even without hearing the opposing party. These time limits start running from the moment when a decision or an order to that effect is pronounced; where the Code of Civil Procedure provides for automatic service, they start running when the decision or order is served.

Judicial time limits include time limits for regularising a judicial or procedural incapacity or for making good formal defects in an appeal or complaint.

Contractual time limits, as the name suggests, are set by agreement between the parties. A classic example is the staying of proceedings at the joint motion of the parties. If the parties file such a motion, the court may (but is not obliged to) stay the proceedings. The application of this type of time limit depends on the will of the parties alone.
Indicative time limits are normally addressed to judicial authorities (courts), not to parties. Not meeting them has no adverse procedural consequences. Their basic purpose is to apply the principle of swiftness of proceedings. An example of such a time limit is the time limit for a court to draw up ground of a judgment.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to the Act of 18 January 1951 on non-working days, the following statutory non-working days apply:
1. all Sundays (Saturdays are not statutory non-working days),
2. the days listed below:
(a) 1 January - New Year's Day,
(b) 6 January - Epiphany,
(c) Easter Sunday,
(d) Easter Monday,
(e) 1 May - Public Holiday,
(f) 3 May - National Holiday of the Third of May,
(g) Whit Sunday,
(h) Corpus Christi,
(i) 15 August - Assumption of Mary,
(j) 1 November - All Saints' Day,
(k) 11 November - National Holiday - Independence Day,
(l) 25 December - Christmas Day,
(m) 26 December - Boxing Day.
In 2024 Easter Sunday falls on 31 March, Easter Monday on 1 April, Whit Sunday on 19 May and Corpus Christi on 30 May.

3 What are the applicable general rules on time limits for the various civil procedures?

In civil law, the term 'time limit' can have two meanings.
It can be either a specific moment (e.g. 5 April 2017) or a specific period with a beginning and an end (e.g. 14 days).
Where a final time limit is set (*a date by which* something must be done), what matters is the exact moment at which it expires. A time limit does not have to be specified as a day, but it must be defined by the occurrence of the event provided for by the contracting parties in a specific situation.
Procedural time limits are set using such units of time as a day, week, month or year. Pursuant to Article 165 of the Code of Civil Procedure, the method for calculating time limits in a civil procedure is regulated by the provisions of the Civil Code concerning time limits, if a statutory law, a court ruling, a decision by another state authority or a legal act sets a time limit without specifying how it is to be calculated (Article 110 of the Civil Code). The posting of a petition at a Polish post office of the national postal service provider in the territory of the Republic of Poland or at a foreign post office of a national postal service provider in the territory of another Member State of the European Union is deemed to be equivalent to lodging that document with the court. The same applies to the lodging of a document by a soldier with unit headquarters, by a person deprived of liberty with the administration of their prison or by a member of the crew of a Polish sea-going vessel with the captain of that vessel.
A day has 24 hours, beginning and ending at 24:00 hours.
A time limit specified in days expires at the end of the last day. A time limit expressed in weeks, months or years expires at the end of the day corresponding, by name or date, to the first day of the time limit or, if there is no such day in the last month, on the last day of that month. If a time limit is expressed as the beginning, middle or end of a month, this is understood to mean the first, fifteenth or last day of the month, while a half-month corresponds to 15 days. If a time limit is set in months or years and continuity is not required, a month is assumed to have 30 days and a year 365 days. If the end of the time limit for performing an act falls on a statutory non-working day or Saturday, the time limit expires on the next day which is not a non-working day or Saturday.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

If the beginning of a time limit defined in days is a specific event, the day on which the event occurs is not taken into account when calculating the time limit. For example, if a court served a party with process summoning it to perform a specific act within a seven-day time limit on 11 January 2017, that time limit expired at midnight (24.00) on 18 January 2017.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

A court may serve process in a number of ways: by post, a bailiff, ushers or court process service. Service on the addressee may also be performed by handing the document to the addressee at the court's registry. As long as service has been duly performed, all these methods are equally valid and the choice of method does not affect the running of time limits.
Since 8 September 2016 the rules have allowed a court to serve process by a data transmission system if the addressee has lodged documents via such a system or opted to do so. An addressee who has opted to lodge documents via a data transmission system may opt out of electronic service.
A document served via electronic means is deemed to have been served on the date specified in the electronic acknowledgement of receipt of correspondence, even if that date falls on a statutory non-working day. The fact that electronic correspondence is received at night has no bearing on the effectiveness of service. In the absence of an electronic acknowledgement of receipt of correspondence, service is deemed effective 14 days after the date on which the document is uploaded to the data transmission system. The above rules require parties to check their electronic account at least once every 14 days.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

If the beginning of a time limit defined in days is a specific event, the day on which that event occurs is not taken into account when calculating the time limit.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Time limits laid down in days are expressed in calendar days. If the end of the time limit for performing an act falls on a statutory non-working day or Saturday, the time limit expires on the next day which is not a non-working day or Saturday.

8 When such a period is expressed in weeks, in months or in years?

A time limit expressed in weeks, months or years expires at the end of the day corresponding, by name or date, to the first day of the time limit or, if there is no such day in the last month, on the last day of that month.
If a time limit is expressed as the beginning, middle or end of a month, this is understood as the first, fifteenth or last day of the month. A half-month corresponds to 15 days.
If a time limit is set in months or years and continuity is not required, a month is assumed to have 30 days and a year 365 days.

9 When does the deadline expire if expressed in weeks, in months or in years?

A time limit expressed in weeks, months or years expires at the end of the day corresponding, by name or date, to the first day of the time limit or, if there is no such day in the last month, on the last day of that month.

If a time limit is expressed as the beginning, middle or end of a month, this is understood as the first, fifteenth or last day of the month. A half-month corresponds to 15 days.

If a time limit is set in months or years and continuity is not required, a month is assumed to have 30 days and a year 365 days.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the end of the time limit for performing an act falls on a statutory non-working day or Saturday, the time limit expires on the next day which is not a non-working day or Saturday.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only judicial time limits, namely time limits set by a court or presiding judge, may be extended or shortened. A decision to extend or shorten a time limit may be taken either by a presiding judge or a court, but only for important reasons, with the assessment of the reasons being left to their discretion.

A time limit may be extended or shortened only at the motion of a party, a participant in non-contentious proceedings, an intervening party, a public prosecutor, a labour inspector, the consumer ombudsman, a non-governmental organisation, a court-appointed expert or a witness, if the time limit concerns their acts. Such a decision may not be taken of the court's or judge's own motion.

A motion must be lodged before the time limit fixed expires.

12 What are the time limits for appeals?

The Polish Code of Civil Procedure lays down statutory procedural time limits for lodging legal remedies according to the type of judicial decision (judgment (*wyrok*), decision on the substance of the case in non-contentious proceedings (*postanowienie co do istoty sprawy w postępowaniu nieprocesowym*), default judgment (*wyrok zaoczny*), order for payment in a procedure by writ of payment (*nakaz zapłaty w postępowaniu upominawczym*), order for payment in an order for payment procedure (*nakaz zapłaty w postępowaniu nakazowym*) and decision (*postanowienie*)). In particular, the following statutory time limits have been laid down:

a judgment and decision on the substance of the case in non-contentious proceedings: the grounds of the judgment must be drawn up in writing, if a party so requests within one week of the date on which the operative part of the judgment was pronounced. The court must, of its own motion, serve the judgment on the parties where a party acting without an advocate, a legal counsel or a patent agent was not present when the judgment was delivered because they were deprived of liberty and the judgment was issued in closed session. A judgment and information on the manner and time limit for lodging a motion for service of the grounds, and on the conditions, method and time limit for lodging an appeal must be automatically served on any party that acted without an advocate, legal counsel, a patent agent or the General Counsel to the Republic of Poland. If there is an obligation to be represented, a party must be represented by an advocate or a legal counsel; the party should also be informed of the provisions on the obligation to be represented and of the consequences of non-compliance with those provisions. An appeal may be lodged with the court which issued the judgment being challenged within two weeks of service on the appellant of the judgment and the grounds. In the event of an extension of the time limit for drawing up written grounds of the judgment, the time limit for lodging an appeal is three weeks. The court notifies the party of the time limit when serving the judgment and the grounds. If the time limit is indicated incorrectly in the notice, and the party has complied with it, the appeal is deemed to have been lodged in compliance with the time limit. The time limits referred to above (two weeks and three weeks) are also deemed to have been complied with if, before their expiry, the party has lodged an appeal with the court of second instance. In such cases, that court notifies the first-instance court of the appeal and asks that the case file be presented;

a decision: the time limit for lodging a complaint is one week counting from the date of service of the decision and the grounds of the decision, including where service was performed of the court's own motion. If, at the time of issuing the decision, the court decided to refrain from drawing up the grounds of the decision, the time limit begins to run from pronouncement of the decision or, if it was subject to service, from the date of service. The court is required to draw up the grounds of decisions pronounced in open session only if they are appealable and only if a party so requests within one week of the date of pronouncement. Such decisions are served only on the party who filed a motion to the effect that the grounds of the decision be drawn up and served on the party together with the decision. Unless otherwise provided for in a specific statutory law, the court must serve decisions issued in open session on the parties of its own motion. When serving a decision on a party that acted without an advocate, a legal counsel, a patent agent or the General Counsel to the Republic of Poland, the party should be informed of the admissibility, conditions, time limits and method of lodging a motion for service of the grounds and for lodging an appeal, or of the fact that the decision is non-appealable or that the grounds of the decision need not be drawn up. In the case of an appealable decision issued in closed session, the court draws up the grounds only if a party so requests within one week of service of the decision. The decision with the grounds is served only on the party that requested that the grounds of the decision be drawn up and served with the decision. Whenever a special statutory law requires the court, by operation of law, to draw up the grounds of a decision pronounced in closed session, the decision and the grounds must be served automatically. The court may draw up the grounds of an appealable decision pronounced in closed session if this streamlines the procedure or if the decision concerns reimbursement of the costs to a person who is not a party to the proceedings. In such cases, the decision and the grounds are served on all the parties or persons concerned. Automatic service by the court of a decision issued in closed session together with the grounds relieves the party of the obligation to file a motion for the service of the decision and the grounds. When issuing an appealable decision, the court may, in line with its assessment based on consideration of all the circumstances of the case, decide not to draw up the grounds of the decision, provided it fully grants the party's claim in its petition and endorses the arguments put forward by the party in support of that request. The decision must refer to the pleadings concerned. If the procedural document is served later than the decision, the time limit for lodging an appeal begins to run from the date of service of that pleading. A decision by a judicial officer is appealable if an appeal could be lodged against that decision had it been issued by the court. An appeal is lodged with the court where the judicial officer issued the decision being challenged within one week of service of the decision. If the decision has been served without the grounds, and the party filed a motion to the effect that the grounds be drawn up, the time limit for lodging an appeal begins to run on the date of service of the decision together with the grounds;

a default judgment with respect to the defendant: the defendant against whom a default judgement has been issued may file an objection within two weeks of being served with the judgement;

a default judgment with respect to the claimant: The court draws up the grounds of a default judgment if the action has been dismissed in whole or in part, and the claimant, within one week of service of the judgment, files a motion to the effect that the grounds of the decision be drawn up;

order for payment in a procedure by writ of payment and order for payment in an order for payment procedure: in an order for payment procedure, the court orders the defendant to pay the claim in full, including costs, within the time limit specified in the order for payment, or to lodge an appeal (statement of opposition to the order for payment in the order for payment by writ of payment procedure, statement of opposition to the order for payment in the order for payment procedure). The time limits are as follows: two weeks from the date of service of the order for payment in the case of an order for payment issued in an order for payment by writ of payment procedure, where service of the order on the defendant is to take place in the country; one month from the date of service of the order for payment in the case of an order for payment issued in an order for payment by writ of payment procedure, where service of the order

on the defendant is to take place outside Poland but within the European Union; one month from the date of service of the order in the case of an order for payment issued in an order for payment procedure, where service on the defendant is to take place within the European Union; three months from the date of service of the order where service of the order is to take place outside the European Union. If, after the order for payment has been issued, it transpires that service of the order for payment is to be performed in a place which, in accordance with paragraph 2, justifies the setting of a time limit other than that specified in the order issued, the court issues, of its own motion, a decision amending the order as appropriate.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

A witness or a party to proceedings has an absolute duty to appear before the court. A witness must also appear before the court even if they have no knowledge of the circumstances of the case or if they have already decided to exercise their right to refuse to testify. A witness must excuse their absence (failure to appear) in writing before the date of the hearing. Submitting excuses for failure to appear at a later date will not prevent the court from imposing a fine on the witness at the hearing.

A witness should enclose a document substantiating the reason for their failure to enter an appearance with the written excuse. A witness's failure to appear may be excused on the grounds of illness, an important business trip or a serious unforeseen incident. Where illness is claimed as the reason for failure to appear when summoned, a certificate confirming the inability to appear must be issued by a court doctor. In such a case, the court will set another date for appearing.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

A party or witness is subject to the rules of civil procedure applied by the judicial authority (court).

15 What are the consequences of non-observance of the deadlines?

A procedural act carried out by a party after expiry of the time limit is null.

This principle applies both to statutory and judicial time limits. The nullity of a procedural act means that an act carried out late has no legal effects associated with performing it by statutory laws. A procedural act carried out after the expiry of the time limit is null even if the court has not yet issued the ruling being the consequence of the expiry of the time limit.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a time limit is exceeded, a party may seek to have it reinstated or apply for proceedings to be re-opened.

If the party has missed the time limit for performing a procedural act through no fault of their own, the court will reinstate the time limit at their motion. Reinstatement is not admissible, however, if the failure to meet the time limit has no adverse procedural consequences for the party. A pleading containing a motion to reinstate the time limit is to be lodged with the court before which the act was to be carried out no more than one week after the reason for failing to meet the time limit ceases to apply. The circumstances justifying the motion should be substantiated in the pleading. The party should perform the procedural act at the same time as it files the motion. After one year from the missed time limit, it may be reinstated only in exceptional cases. The reinstatement of a time limit for filing an appeal against a judgment annulling a marriage or pronouncing a divorce, or declaring the non-existence of a marriage is not admissible if even one of the parties has remarried after the judgment became final. A motion to reinstate a time limit that is filed late or is inadmissible under statutory laws is rejected by the court. The fact of filing a request to reinstate a time limit does not halt the proceedings or the enforcement of the ruling. The court may, however, depending on the circumstances, halt the proceedings or the enforcement of the ruling. If the motion is granted, the court may immediately proceed to hear the case.

The re-opening of proceedings makes it possible to hear again a case concluded by a final ruling. A complaint requesting the re-opening of the proceedings is often treated as an extraordinary legal remedy (or an extraordinary appeal) to be used to challenge final rulings, as opposed to ordinary remedies (to be used in relation to non-final rulings). 'The re-opening of proceedings on grounds of invalidity may be requested: if the panel of judges included an unauthorised person, or if a ruling judge was excluded by law and the party had been unable to request that the judge be dismissed before the judgment became final; if a party had no legal standing or no capacity to be a party to the proceedings, or was not properly represented, or was deprived of the ability to take action as a result of an infringement of the law; however, resumption may not be requested if, before the judgment became final, the party had regained the ability to take action or if the lack of representation was raised by means of a plea, or if the party approved the procedural steps taken. Re-opening of proceedings may also be requested if the Constitutional Tribunal declares the regulatory instrument on the basis of which the judgment was issued to be contrary to the Constitution, a ratified international treaty or statutory laws.

The re-opening of proceedings may be sought on the grounds that:

the judgment was based on a forged or altered document or on a criminal conviction that was subsequently set aside;

or the judgment was obtained through a crime.

The re-opening of proceedings may also be sought:

if a final judgment concerning the same legal relationship is revealed later, or facts or evidence is revealed which might influence the outcome of the case and which could not be used by the party in previous proceedings;

if the content of the judgment was influenced by a decision that did not end the proceedings in the case, issued on the basis of a normative act recognised by the Constitutional Tribunal as contrary to the Constitution, a ratified international treaty or statutory laws (set aside or amended in accordance with the Code of Civil Procedure).

Re-opening of proceedings on account of a criminal offence may be requested only if the criminal act has been established by a final conviction, unless criminal proceedings cannot be initiated or have been discontinued for reasons other than lack of evidence.

A request for the re-opening of proceedings in respect of a judgment annulling a marriage, pronouncing a divorce or declaring the non-existence of a marriage is not admissible if even one of the parties has remarried after the judgment became final. A request for the re-opening of proceedings must be lodged within three months; that time limit begins to run from the date on which the party became aware of the grounds for the re-opening or, where the grounds are that the party was not properly represented, or was deprived of the ability to take action, from the date on which the party or a constituent body thereof or legal representative thereof became aware of the judgment. Where the Constitutional Tribunal has ruled that a normative act is contrary to the Constitution, a ratified international agreement or the law on the basis of which a judgment was issued, a request for re-opening must be submitted within three months of the date of entry into force of the Constitutional Tribunal's ruling. If, at the time of the Constitutional Tribunal's ruling, a ruling (issued on the basis of a normative act declared contrary to the Constitution by the Constitutional Tribunal, a ratified international agreement or a statutory law) has not yet become final as a result of the lodging of an appeal which was subsequently rejected, the time limit begins to run from the date of service of the rejection decision or, where the decision was pronounced in open session, from the date of pronouncement of that decision.

The re-opening of proceedings cannot be sought more than ten years after the date on which a judgment became final (unless a party was unable to act or was not properly represented).

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Time limits on procedures - Portugal

1 What are the types of deadlines relevant for civil procedures?

Procedural time limits may be **peremptory** (*perentório*), when their expiry extinguishes the right to carry out an act, or **dilatory** (*dilatório*), when they defer until a particular time the possibility of carrying out an act or the point at which another time limit starts to run.

Procedural time limits are subject to the rules laid down in Articles 138 to 143 of the Code of Civil Procedure.

The calculation of procedural time limits or time limits set by the courts is governed by the rules laid down in Articles 278, 279 and 296 of the Civil Code.

For time limits in civil matters, their length and effect on legal relations is governed by Articles 296 to 333 of the Civil Code.

In particular, limitation periods (*prazos de prescrição*) and time bars (*prazos de caducidade*) are governed by the rules in Articles 300 to 327 and Articles 328 to 333 of the Civil Code, respectively.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

For this purpose, Portugal notified the European Commission of the following public holidays:

1 January; 7 April (Good Friday); 9 April (Easter Sunday); 25 April; 1 May; 8 June (Corpus Christi); 10 June; 15 August; 5 October; 1 November 1, 8 and 25 December.

The Commission published this list in the Official Journal of the European Union No 2023/C 39/07, available here

The Member States provide this list to the Commission each year. Some of the public holidays are variable and do not always fall on the date indicated above.

3 What are the applicable general rules on time limits for the various civil procedures?

The general rule in Portuguese civil procedural law is that in the absence of any specific provision, the time limit is 10 days for the parties to apply for any act or judicial proceeding, plead nullity, file an incidental plea or exercise any other procedural right; the time limit is also 10 days for the party to respond to the other party's claim (Article 149 of the Code of Civil Procedure).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

As a rule, the time limit for any response always starts to run from the service of the act in question (Article 149(2) of the Code of Civil Procedure).

Service on the parties during proceedings is made to their legal representatives.

When the service is intended to summon a party to appear in person, in addition to service on the representative, a registered notice will also be sent by post to the party itself, indicating the date, place and purpose of the appearance.

Service on representatives is by email (see Implementing Order (*Portaria*) No 280/13 of 26 August 2013, which may be consulted here), and the computer system will certify the date on which the service was made, with notification presumed to have taken place on the third subsequent day or, if that day is not a working day, on the first working day after that.

Summons by recorded delivery letter, with advice of receipt, 'is deemed to have taken place on the day on which the advice of receipt is signed and to have been effected by the person summoned even if the advice of receipt was signed by a third person, assuming, unless there is evidence to the contrary, that the letter was promptly delivered to the recipient' (Article 230(1) of the Code of Civil Procedure).

When the summons is effected by the legal representative, a court bailiff or a court clerk contacting the person summoned, the time limit begins to run from when that person signs the record of service.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Yes. See the answer to the previous question.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The actual date of the act, event, decision, summons or service does not count (Article 279(b) of the Civil Code).

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Where the time limit for carrying out a procedural act ends on a day on which the courts are closed, the period is extended to the next working day (Article 138(2) of the Code of Civil Procedure).

Judicial vacations run from 22 December to 3 January, from Palm Sunday to Easter Monday and from 16 July to 31 August.

The court may, by reasoned order and after hearing the parties, suspend the procedural time limit, in accordance with Article 269(1)(c) of the Code of Civil Procedure.

8 When such a period is expressed in weeks, in months or in years?

The calculation of any time limit does not include the day – nor the hour, if the time limit is expressed in hours – on which the event occurred from which the period begins to run, in accordance with Article 279(b) of the Code of Civil Procedure.

9 When does the deadline expire if expressed in weeks, in months or in years?

A period expressed in weeks, months or years and starting from a certain date ends at 24.00 of the corresponding day in the last week, month or year; if the corresponding day does not exist in the last month, the period ends on the last day of that month (Article 279(c) of the Civil Code).

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

As the courts are only open on working days, and Sundays and public holidays are treated as judicial vacations, periods that end on Sundays or public holidays are extended to the first working day if the act in question has to be carried out in court.

The rule for calculating all procedural time limits is that the end of the period for carrying out the procedural act is extended to the following working day if it falls on a date when the courts are closed (Article 138(2) of the Code of Civil Procedure).

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

The procedural time limit established by law can be extended in the cases provided for.

With the parties' agreement, the time limit can be extended once and for the same length of time (Article 141 of the Code of Civil Procedure).

In the event of a justified impediment: the law allows an extension of the time limit (Article 140 of the Code of Civil Procedure).

The law also allows the act to be carried out within the first three working days following the expiry of the time limit, subject to the payment of a fine (see Article 139 of the Code of Civil Procedure).

12 What are the time limits for appeals?

The deadline for lodging an appeal is 30 days to be counted from service of the decision (Article 638 of the Code of Civil Procedure), and 15 days in urgent cases and in the cases laid down in Article 644(2) and Article 677 of the Code of Civil Procedure.

In those cases where the decision is not notified: the period runs from the day on which the person concerned became aware of the decision.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Statutory procedural time limits cannot be shortened. However, the Court may set a date or time limit for the appearance of the parties involved.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Where the writ of summons is served outside the geographical area of the district of the court in which the action is pending, the time limit for the person summoned to lodge a defence to challenge a particular civil claim is extended (Article 245 of the Code of Civil Procedure).

15 What are the consequences of non-observance of the deadlines?

The expiry of the mandatory time limit extinguishes the right to carry out the act. However, the act may be carried out outside the time limit in the event of a justified impediment and, regardless of this, it may also be carried out within the first three working days following the deadline, subject to immediate payment of a fine (Article 139 of the Code of Civil Procedure).

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The act can be carried out after the time limit in cases of justified impediment.

In accordance with Article 140 of the Code of Civil Procedure, a justified impediment is deemed to be an event not attributable to the party or its representatives or authorised agents which prevents a given act from being carried out in good time. In this case, the party that claims the justified impediment must immediately provide supporting evidence.

Regardless of justified impediment, the act can be carried out within the first three working days following the end of the time limit, subject to payment of a fine, as noted above, and the court may, exceptionally, decide to reduce or waive the fine in cases of clear financial hardship or when the amount is deemed manifestly disproportionate, particularly in actions that do not require a legal representative to be appointed and where the act has been committed by the party themselves.'

Related links

Directorate-General for Justice Policy

Directorate-General of Justice Administration

Code of Civil Procedure

Civil Code

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Time limits on procedures - Romania

1 What are the types of deadlines relevant for civil procedures?

From a procedural point of view, the procedural time limit is, as a general rule, defined as the time interval within which certain procedural acts must be carried out or, on the contrary, are prohibited. The relevant provisions are laid down in Articles 180 to 186 of Law No 134/2010 on the Code of Civil Procedure, republished, as subsequently amended and supplemented (entered into force on 15 February 2013).

With regard to the various types of time limits applicable under the civil procedure, they are all classified according to the manner in which they were defined, as legal, judicial or conventional time limits (regardless of their nature). Legal time limits are those expressly provided for under the law and they are fixed in principle, so that they cannot be shortened or extended by the judge or by the parties (for example, the five-day time limit for service of the summons). As an exception, the law allows the extension or shortening of certain legal time limits. Judicial time limits are those that are set by the court during the settlement of cases, for the appearance of parties, for the hearing of witnesses, for the administration of the other evidence, i.e. documents, expert's reports, etc. Conventional time limits are those that can be fixed by the parties during the hearing of disputes and do not require approval from the court.

Depending on their type, procedural time limits are overriding (manifest) and prohibitive (deferrable), the former being the ones within which a certain procedural act must be carried out (for example, the time limits within which an appeal must be lodged – appeal, second appeal, etc.) and the latter being those within which the law prohibits any procedural acts.

Another criterion for the classification of time limits relates to the sanction applicable in the event of failure to observe them, time limits being absolute and relative. Absolute time limits, if not observed, ultimately affect the validity of the procedural acts, whereas non-observance of relative time limits, even if it does not necessarily result in the invalidation of the procedural acts, can trigger the application of disciplinary or financial sanctions for the guilty parties (the ruling time limit, the preparation time limit, etc.).

Finally, in connection with their duration, time limits can be expressed in hours, days, weeks, months and years and this classification is also provided in Article 181 of the Code of Civil Procedure. Moreover, there are particular cases when the law does not provide specifically for a certain type of time limit (hour, day, etc.), but for a moment in time for the completion of the procedural act (for example, the case of an objection to enforcement, which can be filed until the last enforcing act) or it lays down provisions indicating that the act should be carried out 'without delay' or 'as soon as possible' or 'as a matter of urgency'.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Under the Romanian law, non-working days are all the Saturdays and Sundays, to which the following public holidays are added: 1 and 2 January (New Year); 6 January (Epiphany); 7 January (Saint John the Baptist); 24 January (Romanian Principalities Unification Day); Easter – two days depending on the calendar dates (Good Friday included); 1 May (Labour Day); 1 June (Children's Day); Pentecost – one day depending on the calendar dates; 15 August (Assumption of Mary); 30 November (St. Andrew's Day); 1 December (National Day); 25 and 26 December (Christmas).

3 What are the applicable general rules on time limits for the various civil procedures?

The applicable rules on time limits are those laid down in Articles 180 to 186 of the Code of Civil Procedure.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

Each time limit has a starting point and a completion point, with the duration in-between.

With regard to the starting time, Article 184(1) of the Code of Civil Procedure provides that time limits start to run from the date of service of the procedural acts, unless otherwise provided for by the law.

However, there are also cases when the service of the procedural act set as a starting point for the time limits can be replaced with equivalent procedural acts (equipollence cases). Thus, the service of the procedural act that starts the running of the time limit is replaced, in some cases, by other proceedings that are the starting point for the time limit (for example, the request to serve the procedural acts on the opposing party, the lodging of an appeal or the service of the writ of enforcement).

By way of derogation from the general rule, there are also cases when time limits start to run from other moments than service, namely from the ruling (finding the expiry of the limitation period, supplementing the judgment); from the acknowledgment of the evidence (for submission of the requested amounts or list of witnesses within five days), from the publication of certain documents (for the advertisement for selling a building within five days).
As regards the completion point, it is defined as the moment when the effect of the time limit is achieved, which is the end of the possibility to carry out the proceeding for which a time limit was set (for overriding time limits) or, on the contrary, it determines/marks the moment when the right to carry out certain procedural acts arises (for prohibitive time limits).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Between the starting point and the completion point, time limits run uninterruptedly, in principle, without any possibility of interruption or suspension.
However, hindrance due to a circumstance that is beyond the party's will – which is referred to in Article 186 of the Code of Civil Procedure – is a reason to interrupt the procedural time limits. Other special circumstances for interruption are added to this case: (for example, the interruption of the appeal time limit – Article 469 of the Code of Civil Procedure). At the same time, the law provides that the procedural time limit can also be suspended (as is the case for the limitation period – Article 418 of the Code of Civil Procedure). If the time limit is interrupted under Article 186 of the Code of Civil Procedure, after the hindrance has ceased, an invariable time limit of 15 days starts to run, irrespective of the duration of the interrupted time limit. In the event of suspension, the time limit will continue to run from the point where that suspension has stopped, and the time elapsed before the suspension of the time limit will also be added thereto.
In accordance with Article 183 of the Code of Civil Procedure, the procedural document submitted within the legal time limit by a registered letter submitted to the post office or to an express courier service or to a specialised communication service or sent by fax or email is deemed to be within the time limit. The document submitted by the interested party within the legal time limit at the military unit or at the administration office of the place where that party is detained is also deemed to be within the time limit. The receipt from the post office and the registration or certification by the express courier service, the specialised communication service, the military unit or the administration office where the interested party is detained, where appropriate, on the document submitted, as well as the mention of the date and time of receipt of the fax number or e-mail, as attested by the court's receiving computer or fax, stand as proof for the date when that interested party submitted the act.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

In accordance with Article 181 of the Code of Civil Procedure, the time limits expressed in days are calculated according to the exclusive system, i.e. according to free days, neither the day when it starts to run – dies a quo – nor the day when it ends – dies ad quem being taken into account, and the applicable rules are those specified in connection with the starting point, as presented in Section 4.
The time limits expressed in days are always calculated in clear days; however the act can be submitted only within the working hours of the court services. This shortcoming can be however remedied by sending the procedural act by post, with the postal official indicating the date and the means of effective service to the recipient. Please see also the answer to Question 4.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

For example, if a person must act or is served an act on Monday, 4 April 2005, and is requested to provide a response within 14 days of service, does it mean that the person concerned must respond before:
Tuesday, 19 April (calendar days) or
Friday, 22 April (working days)?
The correct answer is that the specified number of days includes calendar days. The person concerned must take effective action by 19 April inclusive.

8 When such a period is expressed in weeks, in months or in years?

In accordance with Article 182 of the Code of Civil Procedure, the time limits expressed in years, months or weeks end on the day of the year, month or week corresponding to the starting day.
The time limit which, starting on the 29th, the 30th or the 31st of the month, ends in a month with no such day is to be considered ended on the last day of the month.
The time limit ending on a public holiday or when the service is suspended will be extended until the end of the first following working day.

9 When does the deadline expire if expressed in weeks, in months or in years?

The time limit expressed in weeks, months or years expires on the corresponding day in the last week or month or in the last year. If the last month does not have a corresponding day to that when the time limit started to run, the time limit ends on the last day of that month. When the last day of a time limit is a non-working day, the time limit is extended to the first following working day.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, when the last day of a time limit is a non-working day, the time limit is extended to the first following working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Article 184 of the Code of Civil Procedure specifies that the procedural time limit is interrupted and a new time limit starts to run from the date of the new service in the following cases:
when either of the parties is deceased; in this case, a new document is served to the last domicile of the deceased party, upon the heir, without showing the name and the position of each heir;
when the representative of either party is deceased; in this case, a new document is served upon the party concerned.
The procedural time limit does not start to run and, if it started to run before, it is interrupted in respect of the party lacking the capacity to act or having limited capacity to act until a person has been appointed to represent or assist that party, where appropriate.

12 What are the time limits for appeals?

Yes, there are special time limits for various fields of law. The general time limits for appeal and second appeal are 30 days in the Code of Civil Procedure. In certain matters (special procedures), for example, in the case of an interlocutory injunction, the time limit for appeal is five days, which is shorter than the time limit for lodging an appeal under ordinary law.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The answer is yes, in certain exceptional cases, the law allows the judge to shorten it (for example, under Article 159 of the Code of Civil Procedure – in connection with the time limit for the service of summons five days before the hearing date).

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Under Article 1088 of the Code of Civil Procedure, in international civil proceedings, the court applies Romanian procedural law subject to express contrary provisions. See also the answer to Questions 5, 11 and 16.

15 What are the consequences of non-observance of the deadlines?

As stated above, failure to observe an absolute time limit ultimately affects the validity of proceedings, whereas failure to observe relative time limits, even if it does not necessarily result in the invalidation of the procedural acts, can trigger the application of disciplinary or financial sanctions for the guilty parties (ruling time limits, preparation time limits, etc.).
Failure to observe procedural time limits is likely to result in the application of various sanctions, as follows:
nullity of the procedural act;
revocation of the time limit laid down for carrying out the procedural act;
expiry of the validity of the request referred to the court;
limitation on the right to seek enforcement;
financial sanctions;
disciplinary sanctions;
obligation to carry out again or to amend an act done without any legal formalities;
obligation to grant compensation to the injured party for breach of procedural formalities.
Article 185 of the Code of Civil Procedure provides that, when a procedural right must be exercised within a certain time limit, failure to comply with this obligation triggers the revocation of that right, unless otherwise provided for by the law. The procedural act carried out after the time limit has elapsed is null. Where the law provides for discontinuation of a procedural act within a time limit, the act done before the time limit has ended may be annulled at the request of the interested party.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

Article 186 of the Code of Civil Procedure states that the party who missed a procedural time limit will be given a new time limit only if they prove that the delay is duly justified. The party concerned will carry out the procedural act within not more than 15 days from the date when the discontinuation has ceased and, at the same time, they will request to be given a new time limit. If they seek remedies, the time limit is the same as that provided when lodging an appeal. The request for a new time limit will be handled by the competent court handling the request regarding the right not exercised within the time limit. Where the party is at fault, no procedural remedies are available.

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Time limits on procedures - Slovenia

1 What are the types of deadlines relevant for civil procedures?

According to Slovenian procedural law, a time limit is a period of time restricted by two points in time – the start and end of the time period – in which a particular procedural act can be performed and, exceptionally, cannot be performed.
Slovenian law recognises different time limits:
substantive and procedural time limits: substantive time limits are determined by substantive law for asserting rights and are divided into negative prescription time limits, upon the expiry of which a right terminates by law, and limitation time limits, when a right can no longer be asserted if the opposing party objects. Procedural time limits are set for performing procedural acts;
statutory and judicial lime limits: statutory time limits and their duration are laid down directly by law, while judicial time limits are set by a court taking into account all the circumstances of a particular case;
extendable and non-extendable time limits: judicial time limits may be extended, while statutory time limits may not;
subjective and objective time periods: subjective time periods start when an eligible person learned of a particular event or acquired an opportunity to perform a procedural act, while objective time periods start when a particular objective circumstance has occurred;
procedural prescription and indicative time limits: upon the expiry of a procedural prescription time limit, a procedural act to which the time limit applies can no longer be performed with an effectual consequence, whereas breaching an indicative time limit does not have direct legal consequences.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

According to Regulation No 1182/71, 'working day' mean all days other than public holidays, Sundays and Saturdays. The following **public holidays** are designated as non-working days in Slovenia by the Public Holidays and Non-Working Days in the Republic of Slovenia Act (Zakon o praznikih in dela prostih dnevih v Republiki Sloveniji; abbreviated ZPDPD):
1 January - New Year's Day;
8 February - Prešeren Day, the Slovenian Cultural Holiday;
27 April - Day of Uprising Against Occupation;
1 and 2 May - May Day Holiday;
25 June - Statehood Day;
1 November - All Saints' Day;
26 December - Independence and Unity Day.
Non-working days in Slovenia also include:
Easter Sunday and Monday;
15 August - Assumption Day;
31 October - Reformation Day;
25 December - Christmas Day.

3 What are the applicable general rules on time limits for the various civil procedures?

The general rules on procedural time limits in Slovenian law are prescribed by the Civil Procedure Act (Zakon o pravdnem postopku; abbreviated: ZPP). Articles 110 to 112 and 116 to 120 of the ZPP are directly applicable in civil proceedings, and mutatis mutandis in non-contentious proceedings, enforcement and security proceedings, and in proceedings for compulsory settlement or bankruptcy due to insolvency of an undertaking or its liquidation.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

Slovenian law recognises the civil counting of time periods, which is counting by days. Time periods are calculated in days, months and years. If a time period is expressed in days, the day of service of a court document or the day of the event from which the time period starts is not included in the time period. Rather, the first day of the time period is the first following day. Time limits which are expressed in months or years expire at the end of the day of the last month or year whose number corresponds to the date when the time limit started. If such a day does not exist in the last month, the time limit expires on the last day of that month. Time periods in these cases start on the day on which the event – from which the time period is counted – occurred (for example, if a

procedural act needs to be performed within one year from service of a document and service took place on 25 April 2005, the time period expires on 25 April 2006). If the last day of a time period is a Saturday, Sunday, public holiday or other non-working day defined as such by the Public Holidays and Non-Working Days in the Republic of Slovenia Act (see point 2 above), the time period expires on the first following working day. The above-mentioned days do not have an effect on the start and the course of proceedings because the time period runs without interruption on these days as well. An exception to this rule is the judicial vacation (between 15 July and 15 August), during which a time period cannot start to run; rather, it commences on the first day after the judicial vacation.

The events after which time periods start are most often the service of a court document, an action by the opposing party or a non-procedural event.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

According to Slovenian law, documents are served by post, by a bailiff, at a court or in any other manner prescribed by law. When a time period starts running upon service, the method of service of documents has no effect on when the time period starts running. The time period starts running when service actually took place or is regarded as having taken place in accordance with the law.

Service of documents is governed by Articles 132 ff. of the ZPP. It distinguishes between non-personal (ordinary) and personal service by post, and service by secure electronic means, which can also be personal or ordinary.

In **non-personal service of documents** (Articles 140 and 141 of the ZPP), service is regarded as having taken place on the day a process server gives documents to an addressee at their home or workplace. If the addressee cannot be found at their home, the documents may be given to an adult person in their household. If the process server serves the documents at the workplace of the addressee who is not there at the time of service or the process server cannot reach the person because of work procedures at the place of work, the service is regarded as having taken place when documents are given to a person authorised to accept post or to a person who is employed at such a place of work. If the addressee lives in accommodation and the process server cannot find them there, the documents are given to a person there who is authorised to accept residents' post. The time limit starts the day after such service. If such service is not possible, the process server deposits the documents in a letterbox at the address of the residence. Service shall be deemed to have been effected on the day the document was left in the letterbox. If the addressee does not have a letterbox or it is not usable, the documents may be delivered to the court which had requested service or a local post office, leaving a notice of service on the home's front door stating where the documents can be retrieved. Service is deemed to have taken place on the day the notice of service is affixed to the door. The post office retains the documents for 30 days. If the addressee does not pick up the documents within that time period, the documents are returned to the court. If documents must be served on a legal entity, registered in the registry, or on a sole entrepreneur, and service is not possible at the address of the establishment registered in the register, service is carried out by leaving the documents or the notice of service at the address which is registered in the register, provided such address actually exists.

Personal service (Articles 142 and 143 of the ZPP) is performed when service concerns an action, a court decision against which an appeal or an extraordinary legal remedy is allowed, a payment order for the court fee for submissions under Article 105a of the ZPP, an invitation to a settlement hearing or the first main hearing. Other documents are personally served only when required by law or when a court assesses it is necessary because the documents are originals or for some other reason requiring greater caution. The time period starts running the day after such service. The time period may expire on a non-working day, meaning that if it expires on a non-working day, the time period is not extended to the next working day.

If direct personal service is required but is not possible, the process server may leave the document in a letterbox or affix to the home's front door a notice of documents, which sets out the 15-day time limit in which the addressee can collect the documents at a local post office, when service was attempted by post, or at the court which had ordered service. Service is regarded as having taken place when the addressee collects the documents from the post office or after 15 days if the addressee does not collect the documents. When the addressee does not collect the documents, the time period starts running the day after service took place or is regarded as having taken place.

Electronic service of documents may be carried out by secure electronic means. The judicial information system automatically sends documents to the registered address for service or to a secure electronic mailbox by legal or natural persons which carry out service of documents by secure electronic means as a registered activity on the basis of a special permit from the Ministry of Justice. The addressee must collect the documents within 15 days. The addressee collects the documents from the information system by proving their identity in the manner prescribed, signs the proof of service electronically and returns it to the sender by secure electronic means. Service is regarded as having taken place on the day the addressee accepts the electronic documents. If the documents are not accepted within 15 days, service is regarded as having taken place after the expiry of this time period. The addressee must have the possibility to learn about the content of the documents at least three months after the expiration of the 15-day period after having received the electronic documents. If the addressee does not collect the documents, the time period starts running the day after service took place or is regarded as having taken place. **It must be emphasised that despite having a statutory legal basis, electronic service is not yet possible in civil and commercial judicial proceedings, with the exception of enforcement, insolvency and land registry proceedings. Regarding the use of electronic operations, please see the subject 'automated processing'.**

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where a time period is expressed in days, the day of service of a court document or the day of an event from which a time period starts is not included in the time period; instead, the first day of the time period is the day after the service of the court document or the day after the event.

Time limits which are expressed in months or years expire at the end of the day of the last month or year whose number corresponds to the date when the time limit started. If such a day does not exist in the last month, the time limit expires on the last day of that month. Time periods in these cases start on the day on which an event from which the time period is counted occurred (for example, if a procedural act needs to be performed within one year from service of a document and service took place on 25 April 2005, the time period expires on 25 April 2006).

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Where a time limit is expressed in days, this means calendar days. Time periods run without interruption, including Saturdays, Sundays and non-working days. For example, if a judgment was served on a Friday, the time period for an appeal starts running on Saturday. If the last day of the time period is a Saturday, Sunday, public holiday or other non-working day prescribed as such by the Public Holidays and Non-Working Days in the Republic of Slovenia Act, the time limit expires on the first following working day.

When counting time limits it is necessary to also apply the special rules in Article 83 of the Courts Act (Zakon o sodiščih), which govern judicial vacations. Between 15 July and 15 August courts only conduct hearings and decide on urgent matters, which are defined as such by law (injunctions, custody and care of children, maintenance obligations, etc.). Except in urgent matters, procedural time periods do not run. If service was made during the judicial vacation (for example, on 20 July) the procedural time limit starts running on the day following the last day of the judicial vacation, which is 16 August. Procedural time limits too may not expire during the judicial vacation. For example, if service was made on 10 July, the 15-day time limit expires on 26 August. The running of time limits is interrupted by the judicial vacation.

8 When such a period is expressed in weeks, in months or in years?

Slovenian law does not express time limits in terms of weeks. Time limits are calculated in days, months and years. Saturdays, Sundays and other non-working days do not have an effect on a time limit, and a time limit may not expire on such a day. If the last day of a time limit is a Saturday, Sunday, public holiday or other non-working day defined as such by the Public Holidays and Non-Working Days in the Republic of Slovenia Act, the time limit expires on the first following working day.

The provisions in the Courts Act concerning time limits during the judicial vacation are deficient with regard to time limits which are expressed in months or years, and for which Article 111(3) of the ZPP provides that they expire on the day whose number corresponds to the date when the time limit started. The judicial vacation does not affect the running of time limits expressed in years. According to case law, time limits expressed in months do not run during the judicial vacation and thus are extended by one month (for example, a three-month procedural time limit that starts running on 20 June expires on 20 September, a three-month time limit that would have expired during the judicial vacation, for example on 5 August, is extended by one month and expires on 5 September).

9 When does the deadline expire if expressed in weeks, in months or in years?

Time limits which are expressed in months or years expire at the end of the day of the last month or year whose number corresponds to the date when the time limit started. If such a day does not exist in the last month, the time limit expires on the last day of that month (for example, if a particular procedural act needs to be performed within one year of service of documents, and the documents were served on 25 April 2005, the time limit expires on 25 April 2006; if a particular procedural act needs to be performed within one month of service, which took place on 31 May 2005, the last day of the time limit is 30 June 2005).

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Time limits do not expire on a Saturday, Sunday or other non-working day. If the last day of a time limit is a Saturday, Sunday, public holiday or other non-working day defined as such by the Public Holidays and Non-Working Days in the Republic of Slovenia Act, the time limit expires on the first following working day.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Only those time limits which are determined by a court, so-called judicial time limits (Article 110 of the ZPP), can be extended. A judicial time limit may be extended by a court upon a request of a party when there are justified reasons for its extension. An extension of a time limit must be requested before it expires. Time limits prescribed by law are non-extendable. The provision on the non-extendable nature of statutory time limits is mandatory.

12 What are the time limits for appeals?

Parties may lodge an appeal against a judgment or decision issued at first instance within the general appeal time limit of 30 days after the service of a copy of the judgment and 15 days after the service of a copy of the first instance court decision unless the ZPP (Article 333 or 363(2)) provides otherwise.

A shorter 15-day appeal time limit is laid down in disputes involving bills of exchange or cheques (Article 333 of the ZPP), and an 8-day limit in disputes involving trespass (Article 428 of the ZPP), small-claims (Article 458 of the ZPP), for notifying an appeal in small-claims commercial disputes and for issuing a payment order. The shorter 8-day time limit also applies to lodging legal remedies (appeals and objections) in proceedings for enforcing and securing claims (Article 9 of the Enforcement and Securing of Civil Claims Act (Zakon o izvršbi in zavarovanju)).

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Courts hold hearings when they are prescribed by law or necessary in the course of proceedings (Article 113 of the ZPP). A hearing is an appointment at a particular place and time for conducting a procedural act. A court may defer a hearing to a later date when there are justified reasons for doing so (Article 115 of the ZPP).

A court may also extend the time limit it set for a party to perform a procedural act (judicial time limit) if there are justified reasons for its extension and the party requested that the time limit be extended before it would expire.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Under Slovenian law, it is not possible to extend a time limit on the grounds that a party is resident in a particular place or area.

15 What are the consequences of non-observance of the deadlines?

Missing a deadline generally means losing a right. A party loses the right to lodge a legal remedy (negative prescription) and a legal remedy lodged too late will be dismissed. A court will dismiss an application which a party does not amend or supplement within a prescribed time limit.

If a deadline is missed, the party may be considered to have withdrawn its claim (for example, in a case when a party does not pay a court fee within the statutory time limit, it is considered to have withdrawn its claim and the proceedings are stayed; the same applies when neither party requests that proceedings continue within four months after they were stayed).

If a party fails to appear at a hearing, in some cases it is regarded as having withdrawn the action (for example, if no party appears at the first hearing, the claimant is considered to have withdrawn the action).

Missing a deadline may also have consequences for a party in evidentiary proceedings. Missing a deadline to pay an advance for taking proposed evidence means that this evidence will not be taken.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If a party misses a deadline for a particular procedural act, which results in negative prescription (meaning that the party loses the right to perform the procedural act), a court may grant the party's request to perform it later (i.e. to return to the previous state; Articles 116 to 121 of the ZPP).

Conditions for returning to the previous state are:

a party missed a deadline for a justified reason, as determined by a court in the light of all the circumstances of the case;

negative prescription arose because a deadline was missed;

a party lodges a petition for return to the previous state before the court where the procedural act would have had to be performed, within 15 days from the cessation of the reason that caused the party to miss the deadline; if the party only learned of the missed deadline subsequently, then within 15 days from the time it learned of this; in all cases, within three months, or 30 days in commercial disputes, from the day on which the deadline was missed;

a procedural act that had not been performed is performed at the same time as the petition for return to the previous state is lodged.

Lodging a petition for return to the previous state generally does not affect the course of the proceedings, but a court may decide that the proceedings should be suspended until a decision on the petition becomes final. After receiving a timely petition for return to the previous state, a court generally holds a hearing at which it decides on the petition. If a return to the previous state is allowed, the proceedings return to their state before the delay, and decisions issued by the court due to the delay are annulled.

Related links

http://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/preciscenaBesedilaZakonov

http://www.sodisce.si/

https://www.uradni-list.si/glasilo-uradni-list-rs

http://www.pisrs.si/Pis.web/

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Time limits on procedures - Slovakia

1 What are the types of deadlines relevant for civil procedures?

a) Statutory – their duration is determined by law;

b) Judicial – the court can extend a deadline at the request of the entity concerned.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Non-working days are those days designated for the rejuvenation of workers during the week, and statutory holidays,

a) Non-working days in the Slovak Republic: 6 January, Good Friday, Easter Sunday, Easter Monday, 1 May, 8 May, 15 September, 1 November, 24 December, 25 December, 26 December

b) Statutory holidays in the Slovak Republic: 1 January, 5 July, 29 August, 1 September, 17 November.

3 What are the applicable general rules on time limits for the various civil procedures?

a) According to Act No 160/2015, the Code of Civil Adversarial Procedure (*zákona č. 160/2015 Civilný sporový poriadok*) (hereinafter referred to as "CCAP"), and in the absence of provisions to the contrary, a time limit for the execution of an act is determined by a court. The day on which the event determining the start of the period occurred is not included in the calculation of a period determined in days.

b) A time-limit does not run with respect to a person who has lost his capacity to be a party to a proceedings or capacity to act before a court (Section 119 CCAP).

c) If a new party, legal representative, or guardian of a party joins the proceedings, new time-limits run with respect to them, from the time on which they joined the proceedings (Section 120 CCAP).

d) A time-limit has been adhered to if the act concerned is executed at the court or a submission handed over to an authority obliged to deliver it, on the last day of the period (Section 121 (5) CCAP).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

A period starts to run on the day following that on which the event determining the start of the period occurred.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

No.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

No.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Calendar days are used in calculating time limits.

8 When such a period is expressed in weeks, in months or in years?

Periods determined by weeks, months, and years are also calculated according to calendar days.

9 When does the deadline expire if expressed in weeks, in months or in years?

Deadlines of periods determined in weeks, months, or years fall at the end of the day whose designation is the same as that of the day of the event determining the start of the period, and if there is no such day in a month, then on the last day of the month. If a deadline falls on a Saturday, Sunday, or holiday, the last day of the period is the working day immediately thereafter (Section 121 CCAP).

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

If the law does not state a deadline for the execution of an act, it shall be determined by a court, if required. A court may also extend a deadline it has set (Section 118 (2) CCAP).

12 What are the time limits for appeals?

An appeal is filed within 15 days of the service of a decision at the court to which it is addressed (Section 362 CCAP).

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Yes, but only a time limit pertaining to informative questioning.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

15 What are the consequences of non-observance of the deadlines?

The consequence of non-observance of a deadline is the missing of the deadline.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

A court may forgive the missing of a deadline if the missing thereof was due to a party or its representative having an excusable reason that rendered it unable to effect an act which it was entitled to exercise. An application must be filed within 15 days of the cessation of the obstacle, and the missed act must be effected at that time (Section 122 CCAP). It is fully at the discretion of the court to evaluate whether the reason due to which the party or its representative missed a statutory deadline is excusable.

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Time limits on procedures - Finland

1 What are the types of deadlines relevant for civil procedures?

Deadlines refer to the time limits that have been set for completing a certain stage in a proceeding. Some time limits are laid down in law, others imposed by courts.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

In addition to Saturdays and Sundays, the following days are considered holidays in Finland:

New Year's Day (1 January)

Epiphany (6 January)

Good Friday (movable)

Easter Sunday (movable)
Easter Monday (movable)
May Day (1 May)
Ascension Day (movable)
Pentecost (movable)
Midsummer's Eve (movable)
Midsummer's Day (movable)
All Saints' Day (movable)
Independence Day (6 December)
Christmas Day (25 December)
St Stephen's Day (26 December)

3 What are the applicable general rules on time limits for the various civil procedures?

Rules for calculating time limits are included in the Time Limit Act (*määräaikalaki*) (150/1930). Provisions on the lengths of time limits are also included in the Code of Judicial Procedure (*oikeudenkäymiskaari*) and several other regulations.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

Time limits are generally calculated from the start of the day following the date on which the event giving rise to the act or formality occurred. For example, the time limit for contesting a will is calculated from the start of the day following the date on which notice of the will was given.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The method of transmission or service of documents does not affect the starting time. The time limit only begins to run once notice of a document has been served.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where a period of time is expressed as a number of days after a certain date, the latter is not taken into account. For example, the date on which notice is served does not count.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

The indicated number of days includes all calendar days, not just working days. If, however, the last day of the time limit falls on one of the days listed in question 2, the time limit is extended to the following working day.

8 When such a period is expressed in weeks, in months or in years?

Time limits that are expressed in weeks, months or years after a certain date end on the day of the week or month that corresponds in name or number to that date. If there is no corresponding date in the month when the time limit is due to expire, the time limit ends on the last day of that month.

9 When does the deadline expire if expressed in weeks, in months or in years?

See answer to question 8.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

See answer to question 7.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Deadlines can be extended if the need for an extension can be justified. Extensions to deadlines applicable to ongoing court cases, for example, can be granted by the court concerned upon application. The person assigned to the case decides whether an extension is granted.

12 What are the time limits for appeals?

A party in a court case who wishes to appeal a district court's (*käräjäoikeus*) ruling must give notice of intent to appeal no later than on the seventh day from the date on which the district court's ruling was given. The deadline for submitting an appeal is 30 days from the date on which the district court's ruling was given. The appellant must submit his or her letter of appeal to the district court's registry no later than on the last day of the deadline, during office hours.
With regard to rulings delivered by a Court of Appeal (*hovioikeus*), the time limit for applying for leave to appeal and submitting a letter of appeal is 60 days from the date on which the Court of Appeal delivered its ruling. The appellant must submit his or her letter of appeal, which must be addressed to the Supreme Court (*korkein oikeus*) and be accompanied by an application for leave to appeal and the appeal itself, to the Court of Appeal's registry no later than on the last day of the deadline.
If the appeal relates to a case that the Court of Appeal heard as the court of first instance, the time limit for submitting an appeal is 30 days from the date on which the Court of Appeal's ruling was given.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The time limits laid down in the Time Limit Act cannot be shortened. In most cases, the court has discretion to set time limits for specific acts and formalities and also to extend said time limits. In some cases, courts can also extend deadlines set for appeals.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

There are no places like this in Finland, so no such situations can arise.

15 What are the consequences of non-observance of the deadlines?

As a general rule, failure to observe deadlines is detrimental to the non-observing party and may lead to that party losing his or her rights in the matter.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

There is no universal remedy for missed deadlines. In some cases, a new deadline can be set upon application. However, this is extremely rare.

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Time limits on procedures - Sweden

1 What are the types of deadlines relevant for civil procedures?

There are several different types of deadlines in civil matters, as well as periods of time laid down in the Constitution. These include, for example, time limits for an appeal, for lodging a complaint and for having a case reopened (the period within which a case must be brought before the court). There are also provisions which merely stipulate that a measure must be taken and it is then up to the court to decide the period of time within which this must be done; for example, time limits for providing additional information, evidence or a statement of defence.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Saturdays, Sundays and public holidays are regarded as non-working days.

The following are public holidays in Sweden (Act (1989:253) on public holidays; 'lagen om allmänna helgdagar'):
New Year's Day (1 January)
Epiphany (6 January)
Good Friday (the last Friday before Easter)
Easter Sunday (the first Sunday following the full moon on or after 21 March)
Easter Monday (day after Easter Sunday)
Ascension (sixth Thursday after Easter Sunday)
Whit Sunday (seventh Sunday after Easter)
Swedish National Day (6 June)
Midsummer's Day (Saturday falling between 20 and 26 June)
All Saints' Day (Saturday falling between 31 October and 6 November)
Christmas Day (25 December)
Boxing Day (26 December)

3 What are the applicable general rules on time limits for the various civil procedures?

The basic principle governing time limits is that when a person is required by a court to perform some act in the proceedings he must be afforded a reasonable time to comply (Chapter 32 Section 1 of the Swedish Code of Judicial Procedure; 'rättegångsbalken'). In most cases the time allowed is laid down by the court, which must at that point set a time limit which will allow the party an acceptable amount of time in which to comply.
In a small number of cases a particular period of time is laid down in the Swedish Code of Judicial Procedure. This applies mainly to time limits for appealing against a court judgment or decision, for requesting that a closed case be reopened, or in some cases for having a time limit changed.
A person who wishes to appeal against a district court judgment in a civil case must do so within three weeks from the pronouncement of the judgment. A person wishing to appeal against a district court ('tingsrätt') decision in a civil case must do so within the same time. However, if a decision taken during proceedings has not been pronounced at a court hearing and no statement has been made before the court as to when the decision will be pronounced, the period for appeal is calculated from the day when the appellant received the decision. For appeals against judgments or decisions by the court of appeal ('hovrätt') the time limit is four weeks (Chapter 50 Section 1, Chapter 52 Section 1, Chapter 55 Section 1 and Chapter 56 Section 1 of the Swedish Code of Judicial Procedure).
A party against whom a judgment by default has been entered by a district court ('tingsrätt') may, within one month from the date on which the judgment was served upon him, apply for reopening of the case (Chapter 44 Section 9 of the Swedish Code of Judicial Procedure).
If an appeal has lapsed because the appellant did not attend the proceedings in the court of appeal ('hovrätt'), the appellant may, within three weeks from the date on which the decision was issued, apply to the court to reinstate the case (Chapter 50 Section 22 of the Swedish Code of Judicial Procedure).
If a party has missed the deadline for lodging an appeal or for applying for a case to be reinstated or reopened, he can apply to have the time limit restored. The application must be made within three weeks of the end of the excusing circumstances and at the latest within one year of the expiry of the time limit (Chapter 58 Section 12 of the Swedish Code of Judicial Procedure).
A number of time limits also apply in summary proceedings in the Swedish Enforcement Authority. A respondent will be ordered to comment on an application within a certain time from the date of notification. Except in special circumstances this period must not be longer than two weeks (Section 25 of the Act (1990:746) on orders to pay and assistance; 'lagen om betalningsföreläggande och handräckning'). If the respondent contests the application the applicant has a maximum of four weeks from the date on which notification of the opposition was sent to him/her in which to request that the case be transferred to a district court ('tingsrätt') to be dealt with further (Section 34). If the Swedish Enforcement Authority issues a decision in a case involving an order to pay or general assistance the respondent can request that the case be reopened within a month from the date of the decision (Section 53). An appeal may be lodged against other types of decision by the authority within three weeks from the date on which the decision was taken (Sections 55-57).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

If an act must be performed within a given period, the period normally begins to run on the day on which the decision or order is issued. In cases where a document must be served on the party, however, the period does not start to run until the party has received the document (date of service).

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

In cases where a document must be served on the party, the period does not start to run until the party has received the document (date of service).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where the start date is the date on which the decision or order was made, the time limit is often expressed in the form of a specific date by which the action resulting from the decision or order must have been carried out. Sometimes, however, a time limit is also set when it is stipulated that an action must be taken within a certain number of days, weeks, months or years, which always begin with a starting date. Where the starting date is the date of service it is always stated that an action must be taken within a certain number of days, weeks, months or years from the date of service, which is the date on which the party receives the document.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

If the period of time is expressed in days, the number of days specified includes calendar days and not just working days.

8 When such a period is expressed in weeks, in months or in years?

If an act must be performed within a given period, the period normally begins to run on the day on which the decision or order is issued. In cases where a document must be served on the party, however, the period does not start to run until the party has received the document (date of service).

9 When does the deadline expire if expressed in weeks, in months or in years?

The Act (1930:173) on the calculation of statutory time limits ('lag om beräkning av lagstadgad') states that when time limits are expressed in weeks, months or years, the final date is the day which, by its name or by its number in the month, corresponds to the day on which the period of time started to run. If there is no corresponding day in the final month, the last day of the period of time is taken to be the last day of the month.
If the day by which an action must be performed falls on a Saturday, Sunday or other public holiday (see 2 above), Midsummer's Eve (the day before Midsummer's Day), Christmas Eve (24 December) or New Year's Eve (31 December), the deadline for performance of the action is extended until the next working day. This also applies if the period of time starts on the date of service.
Where Council Regulation No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits is applicable, the provisions of that Regulation apply instead.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the day by which an action must be performed falls on a Saturday, Sunday or other public holiday (see 2 above), Midsummer's Eve (the day before Midsummer's Day), Christmas Eve (24 December) or New Year's Eve (31 December), the deadline for performance of the action is extended until the next working day. This also applies if the period of time starts on the date of service.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

There are no specific rules on extending time limits in cases where the party is resident or established or is otherwise located outside Sweden or in a remote area. However, as already stated, the court will in many cases determine for itself how long any time limit will be and at that point will ensure that the party is given a reasonable amount of time in which to act.

12 What are the time limits for appeals?

The time limits for appeals against court rulings or decisions are usually three or four weeks.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

If a time limit is laid down by law (e.g. time limit for lodging an appeal) this period can be neither reduced nor increased. If a party has been ordered to be present in court or to perform some other act the court can extend the time limit by setting a new deadline. In an emergency there is nothing to prevent the court from cancelling a planned hearing and organising another one on an earlier date. However, the parties must be given reasonable time to prepare.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No; see 11 above.

15 What are the consequences of non-observance of the deadlines?

Time limits for complying with orders, etc.

If the plaintiff does not comply with an order to provide additional information for his application for a summons or if there is any other hindrance to trying the case the claim is dismissed. If the respondent fails to file a statement of defence, a judgment can be entered against him or her by default. Failure to comply with an order in time can also result in the court ruling on the case notwithstanding.

Failure to appear in court

In cases amenable to out-of-court settlement (e.g. commercial disputes) failure by one of the parties to appear before the district court (‘tingsrätt’) can lead to a judgment being entered by default. In other cases fines can be imposed. However, in cases which are not amenable to out-of-court settlement (e.g. litigation in family matters) failure by the plaintiff to appear in court can lead to the case being dropped while an absent opposing party can either be fined or be brought to court. If the complainant fails to appear at proceedings before the court of appeal the appeal can lapse. If the opposing party fails to appear a fine can be imposed.

Time limit for appeal

If a party appeals too late the appeal will be dismissed.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

If the time limit is not laid down by law the party must, before the time limit has expired, apply to the court for a delay and ask for the period to be extended. If the time limit has expired and the court has subsequently taken action, e.g. ruled on the case, there are a number of ordinary and extraordinary measures a party can take. The purpose of these measures is either to bring about the reinstatement of a case that has been closed or in some circumstances to have the time limit changed (see 3 above).

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Time limits on procedures - England and Wales

1 What are the types of deadlines relevant for civil procedures?

The main types of deadlines are as follows:

Time for responding to a claim - On receipt of a claim form or the particulars of claim if served separately, the defendant has 14 days to either respond to the claim or to file an acknowledgement of service. Upon filing an acknowledgement of service, the defendant then has 14 further days to prepare a defence. That means that the defendant can have up to 28 days to respond to the claim but if he or she files the acknowledgement of service the day after receipt of the particulars of claim, the defendant only has 15 days to file a defence.

Time to enforce a judgment – Under Section 24 of the Limitation Act 1980 an action cannot be brought upon any judgment after six years from the date on which the judgment became enforceable.

Limitation periods – In general, a limitation period of six years applies and is applicable for:

the time limit for actions on tort (Section 2 Limitation Act 1980)

the time limit in case of successive conversions and extinction of title of owner and converted goods (Section 3 Limitation Act 1980)

the time limit for actions for sums recoverable by statute (Section 9 Limitation Act 1980)

The limitation periods vary for other types of cases. For example:

the time limit for actions on a specialty is twelve years (Section 8 Limitation Act 1980) – for example specialty debts such as mortgages.

the time limit for actions in respect of personal injuries is three years (Section 11 Limitation Act 1980).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Parts 2.8 to 2.10 of the Civil Procedure Rules deal with the application and interpretation of the rules in terms of the calculation of time periods.

Apart from Saturday and Sunday, non-working days in England and Wales include the following public holidays:

New Year’s Day : 1 January

Good Friday : Friday before Easter

Easter Monday : Monday after Easter

Early May Bank Holiday : First Monday in May

Spring Bank Holiday : Last Monday in May

Summer Bank Holiday : Last Monday in August

Christmas Day : 25 December

Boxing Day : 26 December

Where Christmas Day, Boxing Day or New Year’s Day falls on a weekend the next weekday becomes a public holiday. For example if 25 and 26 December are Saturday and Sunday respectively the following Monday and Tuesday are public holidays.

In addition all courts are closed for an extra day at Christmas.

3 What are the applicable general rules on time limits for the various civil procedures?

Limitation Act 1980 – This stipulates several time limits for the initiation of proceedings and sets out other periods within which, for example, a judgment has to be enforced and other actions have to be taken by the parties. Further information is given in the answer to question 1 above.

Foreign Limitation Periods Act 1984 - This provides for any law relating to the limitation of actions to be treated, for the purposes of cases in which effect is given to a foreign law or to determinations by foreign courts, as a matter of substance rather than as a matter of procedure. It applies both to arbitral proceedings and legal proceedings in the courts in England in Wales, whenever the law of another country is to be taken into account.

Civil Procedure Rules – These are the procedural rules for the civil courts in England and Wales and include time limits for different actions.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date from which the period runs is usually the date of the relevant event. For example, the starting time for the 14-day period for responding to a claim is the day of the receipt of the claim form or particulars of claim if served separately (subject to the rules on deemed service – see below). In addition the starting time for the 6-year-period to enforce a judgment is the date on which the judgment became enforceable.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The normal method of service used for the transmission of documents, is first class post. If a document is sent by first class post it is deemed to be served on the second day after it was posted.

Further information on the deemed service dates for other methods of non-personal service, e.g. document exchange, delivering the document to or leaving it at the permitted address, fax or other electronic methods can be found in Part 6 of the Civil Procedure Rules.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where a period of time is expressed as a number of days it is computed as clear days. In computing the number of 'clear days' the day on which the period begins and if the end of the period is defined by reference to an event, the day on which that event occurs, are not included. Examples of how to calculate these days can be found in Part 2 of the Civil Procedure Rules.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Where the court gives a judgment, order or direction which imposes a time limit for doing any act, the last date for compliance must, wherever practicable be expressed as a calendar date; and include the time of day by which the act must be done. Where the date by which an act must be done is inserted in any document, the date must, wherever practicable, be expressed as a calendar date.

For example, if a person is served a document on 4 April and he or she is requested to answer within 14 days from service he or she should answer before18 April.

However, if the specified period is less than 5 days Saturdays, Sundays and public holidays are not counted.

8 When such a period is expressed in weeks, in months or in years?

Where 'month' occurs in any judgment, order, direction or other document, it means a calendar month.

When a period is expressed in years, although there is no explicit rule, Part 2.10 of the Civil Procedure Rules has to be applied analogously. Thus, if a "year" is used in any judgment, order, direction or other document, a calendar year is meant.

9 When does the deadline expire if expressed in weeks, in months or in years?

If the end of the period is defined by reference to an event, the day on which that event occurs is not included. See also the answer to 6 above.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

When the period specified by the Civil Procedure Rules, a practice direction, any judgment or court order for doing any act at the court office ends on a day on which the office is closed, that act shall be in time if done on the next day on which the court office is open. This rule applies whenever there is an expiration period.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Where a claim form is served out of the jurisdiction, special rules apply. For example, where service is to an EU Member State or a Contracting State to the 1965 Hague Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters the period for filing an acknowledgement is 21 days after the date of service of the claim form or particulars of claim. The period for filing a defence is 21 days after the date of service of the particulars of claim or, if the defendant files an acknowledgement of service, 35 days after service of the particulars of claim. If service is to any other territory of a Contracting State to the 1965 Hague Convention the period for filing an acknowledgement is 31 days after the date of service of the claim form or particulars of claim. The period for filing a defence is 31 days after the date of service of the particulars of claim or, if the defendant files an acknowledgement of service, 45 days after service of the particulars of claim. Further details can be found in Part 6 of the Civil Procedure Rules.

Where service is to any other country the period for filing an acknowledgement of service or for filing a defence is the number of days listed in the table (given in the link below) after service of the particulars of claim or, where the defendant has filed an acknowledgment of service, the number of days listed in the table plus an additional 14 days after the service of the particulars of claim. The table can be found at Practice Direction 6B of the Civil Procedure Rules.

12 What are the time limits for appeals?

The time limit for appeals against judgments is 14 days. Time limits for applying for a judge to review the decision of a body if you are entitled to do so by statute is 28 days unless the statute in question states otherwise.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

If the claimant thinks there are exceptional reasons, he or she may ask the court to consider an application immediately and without the respondent being served with any documents, i.e. 'ex parte' or 'without notice'. If an 'ex parte' or 'without notice' order is made by the judge the claimant will be given a further appointment to attend at the court. The respondent will be entitled to be present at this appointment so that the judge can then listen to both before deciding whether to make another order.

Further possibilities of extending a period are provided in Part II to the Limitation Act 1980. For example there can be an extension of the limitation period in cases where the claimant is disabled (Section 28 of the Limitation Act 1980).

Unless the Civil Procedure Rules or a practice direction provide otherwise or the court orders otherwise, the time specified by a rule or by the court for a person to do any act may be varied by the written agreement of the parties. Furthermore, judges have extensive case management powers to alter time periods.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. A party would not lose such a benefit.

15 What are the consequences of non-observance of the deadlines?

If a defendant fails to defend or acknowledge the claim in the required time, a claimant can file a request or application for judgment in default. However, the defendant has still the possibility to appeal against that decision or a court may set aside the judgment.

Other case management-related sanctions are also available. For example where a party is required to submit something, i.e. an expert's report, by a certain time and fails to do so, the court may order that report inadmissible.

The court also has recourse to sanctions such as contempt.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defaulting parties can go to the court and ask for the deadlines to be extended. If the expiry of the deadline has resulted in a default judgment, they can appeal or ask for decision to be set aside.

Related links

Ministry of Justice

Civil Procedure Rules

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Time limits on procedures - Northern Ireland

1 What are the types of deadlines relevant for civil procedures?

Time for responding to a claim – In High Court proceedings, the defendant if he resides in NI should enter an appearance within 14 days after service of the writ (Order 10) (including the day of service), though he may enter a late appearance at any time before judgment is entered against him. An appearance after judgment requires leave (or permission) (Order 12 of the Rules of the Court of Judicature (Northern Ireland) 1980). The defendant should serve a defence within 6 weeks after delivery of the statement of claim, 6 weeks after his appearance or 6 weeks after being given leave to defend, whichever is the latest (Order 18) In County Court proceedings, the defendant should serve notice of intention to defend within 21 days after service upon him of a civil bill (Order 12 of the County Court Rules (Northern Ireland) 1981).

Time to enforce a judgment – Under Article 16 of the Limitation (Northern Ireland) Order 1989, an action cannot be brought upon any judgment after six years from the date on which the judgment became enforceable.

Limitation periods – In general, a limitation period of six years applies and is applicable, for example, for:

the time limit for actions on tort (Article 6 of the Limitation (Northern Ireland) Order 1989);

the time limit for cases of successive conversions and extinction of title of owner and converted goods (Article 17 of the Limitation (Northern Ireland) Order 1989).

The limitation periods vary for other types of cases. For example:

the time limit for actions in respect of personal injuries is three years (Article 7 of the Limitation (Northern Ireland) Order 1989).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Order 3 of the Rules of the Court of Judicature (Northern Ireland) 1980 together with section 5 of the Interpretation Act 1978 and Order 43 of the County Court Rules (Northern Ireland) 1981 together with section 39 of the Interpretation Act (Northern Ireland) 1954 deal with the application and interpretation of the Rules of the Supreme Court and the County Court Rules respectively in terms of the calculation of time periods.

Apart from Saturday and Sunday, non-working days in Northern Ireland include the following public holidays:

New Year's Day: 1 January

St Patrick's Day : 17 March

Easter Monday: Monday after Easter

Easter Tuesday: Tuesday after Easter

Early May Bank Holiday: First Monday in May

Spring Bank Holiday: Last Monday in May

July Bank Holidays: 12 and 13 July

Summer Bank Holiday: Last Monday in August

Christmas Day: 25 December

Boxing Day: 26 December

Where Christmas Day, Boxing Day or New Year's Day falls on a weekend the next weekday becomes a public holiday. For example if 25 and 26 December are Saturday and Sunday respectively the following Monday and Tuesday are public holidays.

In addition all courts are closed for an extra day at Christmas and also on Good Friday.

3 What are the applicable general rules on time limits for the various civil procedures?

Limitation (Northern Ireland) Order 1989 – This stipulates several time limits for the initiation of proceedings and sets out other periods within which, for example, a judgment has to be enforced and other actions have to be taken by the parties. Further information is given in the answer to question 1 above.

The Foreign Limitation Periods (Northern Ireland) 1985 - This provides for any law relating to the limitation of actions to be treated, for the purposes of cases in which effect is given to a foreign law or to determinations by foreign courts, as a matter of substance rather than as a matter of procedure. It applies both to arbitral proceedings and legal proceedings in the courts in Northern Ireland, whenever the law of another country is to be taken into account.

The Rules of the Court of Judicature (Northern Ireland) 1980 and the County Court Rules (Northern Ireland) 1981 – These are the procedural rules for the civil courts in Northern Ireland and include time limits for different actions.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date for the period for defending an action generally runs from the date of service of the proceedings – see answer to question 1 above. Under the Limitation (Northern Ireland) Order 1989 the starting date from which the period runs is usually the date of the relevant event, for example, the starting time for the 6-year-period to enforce a judgment is the date on which the judgment became enforceable.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Yes - where a writ is served by post or by insertion in the letter box it is deemed to have been served on the seventh day (including weekend) after doing so (Order 10, rule 1 of the Rules of the Court of Judicature (Northern Ireland) 1980), although if posted on a Sunday it would probably be deemed to be served on the Monday eight days after posting. Similarly, if a civil bill is served by a solicitor by first class post it is deemed to be served on the seventh business day after it was posted (excluding the day of posting) but unlike the High Court rule the seven day period excludes Saturday, Sunday and public holidays (Order 43, rule 19A of the County Court Rules (Northern Ireland) 1981).

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 applies to any period of time fixed by the Rules or by any judgment, order or direction for doing any act. Where an act is required to be done within a specified period after or from a specified date, the period usually begins immediately after that date. Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

Order 43, rule 17 of the County Court Rules (Northern Ireland) 1981 applies to times fixed by the Rules. Where anything is required to be done within a specified period of or after the happening of a particular event, the period starts at the end of the day of the event, unless expressed to be inclusive of that day.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that where the period in question, being a period of 7 days or less, would include a Saturday, Sunday or bank holiday, Christmas Day or Good Friday, that day shall be excluded. Order 3, rule 3 provides that unless the Court otherwise directs the period of the Long Vacation i.e. the summer vacation, shall be excluded in calculating any period prescribed by the Rules or by any order or direction for serving, filing or amending any pleading. Order 3, rule 4 provides that where the time prescribed by the Rules, or by any judgment, order or direction, for doing any act at an office of the Supreme Court expires on a day on which that office is closed, any by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.

Order 43, rule 17 of the County Court Rules (Northern Ireland) 1981 provides that where anything is required by the Rules to be done within a period not exceeding three days, that excludes Saturday, Sunday or other day on which the Office is closed. Where the time prescribed for doing any act expires on a Saturday, Sunday or other day on which the office is closed, the act can be done on the next day when the office is open. The latter provision also extends to time limits prescribed by a decree or order.

8 When such a period is expressed in weeks, in months or in years?

Order 3, rule 1 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that, without prejudice to section 5 of the Interpretation Act 1978 in its application to the Rules, the word ‘month’ where it occurs in any judgment, order, direction or other document, means a calendar month unless the context otherwise requires.

When a period is expressed in years, although there is no explicit rule, by analogy if a ‘year’ is used in any judgment, order, direction or other document, a calendar year is meant.

In relation to county court proceedings, section 39 of the Interpretation (Northern Ireland) Act 1954 is applicable and provides that ‘a year’ means 12 (calendar) months and ‘a month’ means a calendar month.

9 When does the deadline expire if expressed in weeks, in months or in years?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that, if an act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

In the County Court Rules (Northern Ireland) 1981, by virtue of section 39 of the Interpretation (Northern Ireland) Act 1954, a period expressed to end on or calculated to a particular day, includes that day.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Order 3, rule 2 of the Rules of the Court of Judicature (Northern Ireland) 1980 provides that where the period in question, being a period of 7 days or less, would include a Saturday, Sunday or bank holiday, Christmas Day or Good Friday, that day shall be excluded. Order 3, rule 3 provides that unless the Court otherwise directs the period of the Long Vacation i.e. the summer vacation, shall be excluded in calculating any period prescribed by the Rules or by any order or direction for serving, filing or amending any pleading. Order 3, rule 4 provides that where the time prescribed by the Rules, or by any judgment, order or direction, for doing any act at an office of the Supreme Court expires on a day on which that office is closed, any by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

12 What are the time limits for appeals?

The time limit for appeals against High Court judgments is generally six weeks and for appeals against county court decrees 21 days. Time limits for applying for a judge to review the decision of a body if you are entitled to do so by statute is 21 days unless the statute in question states otherwise.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

If the plaintiff thinks there are exceptional reasons, he or she may ask the court to consider an application immediately and without the respondent being served with any documents, i.e. ‘ex parte’ or ‘without notice’. If an ‘ex parte’ or ‘without notice’-order is made by the judge the plaintiff will be given a further appointment to attend at the court. The defendant will be entitled to be present at this appointment so that the judge can then listen to both before deciding whether to make another order.

Further possibilities of extending a period are provided in Part IV to the Limitation (Northern Ireland) Order 1989. For example there can be an extension of the limitation period in cases where the plaintiff is disabled (Article 48 of the Limitation Act 1980).

Unless court rules provide otherwise or the court orders otherwise, the time specified by a rule or by the court for a person to do any act may be varied by the written agreement of the parties. Furthermore, judges have powers to alter time periods.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. The party does not lose the benefit of such foreign legislation.

15 What are the consequences of non-observance of the deadlines?

If a defendant fails to defend or acknowledge the proceedings in the required time, a claimant can apply for judgment in default. However, the defendant has still the possibility to appeal against that decision or a court may set aside the judgment.

Other case management-related sanctions are also available. For example where a party is required to submit something, i.e. an expert’s report, by a certain time and fails to do so, the court may order that report inadmissible.

The court also has recourse to sanctions such as contempt.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defaulting parties can go to the court and ask them to extend the deadline. If the expiry of the deadline has resulted in a default judgment, they can appeal or ask for decision to be set aside.

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Time limits on procedures - Scotland

1 What are the types of deadlines relevant for civil procedures?

Time for responding to a claim

For Court of Session cases where service is within Europe and furth (or outside) of Europe, the deadline is 21 days from date of service. For certain cases where service is not effected by a method prescribed by these rules, the deadline is 42 days.

For Sheriff Court cases where service is within Europe the deadline is 21 days from date of service. For all cases where service is outside Europe the deadline is 42 days from date of service.
More information can be found in:
Rules of the Court of Session
Ordinary Cause Rules of the Sheriff Courts (local courts)
There are also Simple Procedure and Summary Cause rules for recovery of sums up to £5000.

Periods of prescription or limitation

In Scots law, the time limits within which a court action must be raised are determined by the legal concepts of limitation and negative prescription. Limitation is a rule of procedure – a defence – whereby certain rights and obligations (while remaining in existence) become legally unenforceable after the lapse of a specified period of time. Negative prescription is a rule of substantive law which operates so as to extinguish a person's right or and obligation after the lapse of a specified period of time.
The current law is found in the Prescription and Limitation (Scotland) Act 1973 (as amended).
The provisions on negative prescription set out when contractual rights and obligations are extinguished. The time periods vary depending upon the nature of the obligation.
The Act provides a limitation period for actions for damages, personal injury, defamation and actions in respect of product liability defects. The limitation period is three years from gaining knowledge of the injury, though courts have discretion to allow an action to proceed after that period has elapsed if they think it would be equitable to do so.
There are also different limitation periods set out in various other statutes, for example in relation to the limitation of actions in respect of carriage (of persons or goods) by air, road, sea and rail.
You can find out whether the specific action you would like to raise is subject to specific time limits by seeking the advice of a lawyer or a Citizens Advice Bureau.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Apart from Saturday and Sunday, non-working days in Scotland include the following bank holidays:
New Year's Day: 1 January
New Year Holiday: 2 January
Good Friday: Friday before Easter
Early May Bank Holiday: First Monday in May
Spring Bank Holiday: Last Monday in May
Summer Bank Holiday: First Monday in August
Christmas Day: 25 December
Boxing Day: 26 December
Where Christmas Day, Boxing Day or New Year's Day and 2 January falls on a weekend the next weekday becomes a bank holiday. For example if 25 and 26 December are Saturday and Sunday respectively the following Monday and Tuesday are bank holidays.
All dates are prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 except the Spring Bank holiday and Boxing Day which are subject to Royal Proclamation.

3 What are the applicable general rules on time limits for the various civil procedures?

Prescription and limitation
The Prescription and Limitation (Scotland) Act 1973 as amended sets out detailed provisions on calculation of the various prescriptive and limitation periods as described in the answer to question 1.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

Start time is determined by date of service. For postal service, the date of execution of service is the day after posting of the writ/summons. In respect of a summons where the expiry date happens to fall on a weekend day or a bank or court holiday day, the date of expiry is effectively extended to the next non-weekend or next working day.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Start date is always date of execution of service, regardless of method of service. For details on definition of date of execution of service, please refer to answer to question 4.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The date of the act. First day after day of execution of service is the first day counted when counting down deadline (subject to detail given in question 4 about holidays).

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Calendar days (but see question 4 also on holidays etc). Although time limits cannot expire on a non-working day, when the deadline is counted down all other non-working days are included.

8 When such a period is expressed in weeks, in months or in years?

Whenever the phrase "month" appears in court documents, it means calendar month.

9 When does the deadline expire if expressed in weeks, in months or in years?

Deadlines expire according to the principles outlined in previous questions, i.e. depending upon time limit, it is on the final day, bearing in mind that a countdown begins with the day after date of service.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes. Please see the answer to question 4.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

The time limit for the period of notice for service can be extended by the court, when the case is warranted, if satisfied that this is necessary.

12 What are the time limits for appeals?

In the Court of Session the defender has 14 days from date of intimation of the final order or interlocutor to appeal the decision and notify the court of this intention.
The time limit for lodging an appeal from certain decisions of the Sheriff Court increased from 14 to 28 days from 1 January 2016. These appeals are now lodged directly with the Sheriff Appeal Court.
Appeals by Summary Cause and Simple Procedure are still lodged with the Sheriff Court and the appeal period remains at 14 days.
It should be noted that where the legislation provides for an appeal period for specific types of appeal e.g. statutory appeals, other than those in the Rules, then that time period will apply.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

Only in exceptional circumstances. For shortened periods, the minimum deadline would be 48 hours. Only in cases where interim interdicts are issued in child welfare cases could the requirement of prior notification on the defender be dispensed with entirely. In such cases a hearing could of course be fixed afterwards to allow due process to all parties.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No

15 What are the consequences of non-observance of the deadlines?

If the defender fails to defend the action, judgment can be issued in absence, if so requested by the applicant. This can of course be appealed by the defender, as outlined in the answer to question 12.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defender can apply to the court to extend the deadline. If a judgment has already been issued (in absence), the defender can apply to the court to have the action recalled, subject to the applicable rules of court.

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Time limits on procedures - Gibraltar

1 What are the types of deadlines relevant for civil procedures?

The main types of deadlines are as follows:

Time for responding to a claim - On receipt of a claim form or the particulars of claim if served separately, the defendant has 14 days to either respond to the claim or to file an acknowledgement of service. Upon filing an acknowledgement of service, the defendant then has 14 further days to prepare a defence. That means that the defendant can have up to 28 days to respond to the claim but if he or she files the acknowledgement of service the day after receipt of the particulars of claim, the defendant only has 15 days to file a defence.

Time to enforce a judgment – Under Section 4(4) of the Limitation Act 1960 an action cannot be brought upon any judgment after twelve years from the date on which the judgment became enforceable.

Limitation periods – In general, a limitation period of six years applies and is applicable for:

the time limit for actions on tort (Section 4(1)(a) Limitation Act 1960)

the time limit in case of successive conversions and extinction of title of owner and converted goods (Section 11 Limitation Act 1960)

the time limit for actions for sums recoverable by statue (Section 4(1)(d) Limitation Act 1960)

The limitation periods vary for other types of cases. For example:

the time limit for actions on a specialty is twelve years (Section 4(3) Limitation Act 1960) – for example specialty debts such as mortgages.

the time limit for actions in respect of personal injuries is three years (Section 4(1) Limitation Act 1960).

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Parts 2.8 to 2.10 of the Civil Procedure Rules deal with the application and interpretation of the rules in terms of the calculation of time periods.

Apart from Saturday and Sunday, non-working days in Gibraltar include the following public holidays:

New Year's Day: 1 January

Good Friday: Friday before Easter

Easter Monday: Monday after Easter

Workers Memorial Day: 28 April

May Day 1 May

Spring Bank Holiday: Last Monday in May

Queen's Birthday: 2nd/3rd Monday in June

Summer Bank Holiday: Last Monday in August

National Day: 10 September

Christmas Day: 25 December

Boxing Day: 26 December

Where Christmas Day, Boxing Day, New Year's Day or National Day falls on a weekend the next weekday becomes a public holiday. For example if 25 and 26 December are Saturday and Sunday respectively the following Monday and Tuesday are public holidays. In addition Courts can also close in the period between Christmas and New Year.

3 What are the applicable general rules on time limits for the various civil procedures?

Limitation Act 1960 This stipulates several time limits for the initiation of proceedings and sets out other periods within which, for example, a judgment has to be enforced and other actions have to be taken by the parties. Further information is given in the answer to question 1 above.

Civil Procedure Rules – These are the procedural rules for the civil courts in England and Wales (which apply to Gibraltar) and include time limits for different actions.

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date from which the period runs is usually the date of the relevant event. For example, the starting time for the 14-day period for responding to a claim is the day of the receipt of the claim form or particulars of claim if served separately (subject to the rules on deemed service – see below). In addition the starting time for the 12-year-period to enforce a judgment is the date on which the judgment became enforceable.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The normal method of service used in Gibraltar for the transmission of documents is personal service. Where service is effected by registered post, Section 8 of the Interpretation and General Clauses Act provides that service is deemed to have been effected "at the time at which the letter would be delivered in the ordinary course of post."

Further information on the deemed service dates for other methods of non-personal service, e.g. document exchange, delivering the document to or leaving it at the permitted address, fax or other electronic methods can be found in Part 6 of the Civil Procedure Rules.

Where a document is served personally it is treated as being served the next business day if it is served after 17.00 on a business day or served at any time on a Saturday, Sunday or public holiday.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

Where a period of time is expressed as a number of days it is computed as clear days. In computing the number of ‘clear days’ the day on which the period begins and if the end of the period is defined by reference to an event, the day on which that event occurs, are not included. Examples of how to calculate these days can be found in Part 2 of the Civil Procedure Rules.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Where the court gives a judgment, order or direction which imposes a time limit for doing any act, the last date for compliance must, wherever practicable be expressed as a calendar date; and include the time of day by which the act must be done. Where the date by which an act must be done is inserted in any document, the date must, wherever practicable, be expressed as a calendar date.

For example, if a person is served a document on 4 April and he or she is requested to answer within 14 days from service he or she should answer before18 April.

However, if the specified period is less than 5 days Saturdays, Sundays and public holidays are not counted.

8 When such a period is expressed in weeks, in months or in years?

Where ‘month’ occurs in any judgment, order, direction or other document, it means a calendar month.

When a period is expressed in years, although there is no explicit rule, Part 2.10 of the Civil Procedure Rules has to be applied analogously. Thus, if a “year” is used in any judgment, order, direction or other document, a calendar year is meant.

9 When does the deadline expire if expressed in weeks, in months or in years?

If the end of the period is defined by reference to an event, the day on which that event occurs is not included. See also the answer to 6 above.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

When the period specified by the Civil Procedure Rules, a practice direction, any judgment or court order for doing any act at the court office ends on a day on which the office is closed, that act shall be in time if done on the next day on which the court office is open. This rule applies whenever there is an expiration period.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Where a claim form is served out of the jurisdiction, special rules apply. For example, where service is to an EU Member State or a Contracting State to the 1965 Hague Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters the period for filing an acknowledgement is 21 days after the date of service of the claim form or particulars of claim. The period for filing a defence is 21 days after the date of service of the particulars of claim or, if the defendant files an acknowledgement of service, 35 days after service of the particulars of claim. If service is to any other territory of a Contracting State to the 1965 Hague Convention the period for filing an acknowledgement is 31 days after the date of service of the claim form or particulars of claim. The period for filing a defence is 31 days after the date of service of the particulars of claim or, if the defendant files an acknowledgement of service, 45 days after service of the particulars of claim. Further details can be found in Part 6 of the Civil Procedure Rules.

Where service is to any other country the period for filing an acknowledgement of service or for filing a defence is the number of days listed in the table set out in Practice Direction 6B of the Civil Procedure Rules after service of the particulars of claim or, where the defendant has filed an acknowledgment of service, the number of days listed in the table plus an additional 14 days after the service of the particulars of claim.

12 What are the time limits for appeals?

The time limit for appeals against judgments is 14 days. Time limits for applying for a judge to review the decision of a body if you are entitled to do so by statute is three months unless the statute in question states otherwise (although applications for such judicial reviews must be brought promptly in any event).

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

If the claimant thinks there are exceptional reasons, he or she may ask the court to consider an application immediately and without the respondent being served with any documents, i.e. ‘ex parte’ or ‘without notice’. If an ‘ex parte’ or ‘without notice’ order is made by the judge the claimant will be given a further appointment to attend at the court. The respondent will be entitled to be present at this appointment so that the judge can then listen to both before deciding whether to make another order.

Further possibilities of extending a period are provided in the Limitation Act 1960. For example there can be an extension of the limitation period in cases where the claimant is disabled (Section 28 of the Limitation Act).

Unless the Civil Procedure Rules or a practice direction provide otherwise or the court orders otherwise, the time specified by a rule or by the court for a person to do any act may be varied by the written agreement of the parties. Furthermore, judges have extensive case management powers to alter time periods.

14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

No. A party would not lose such a benefit.

15 What are the consequences of non-observance of the deadlines?

If a defendant fails to defend or acknowledge the claim in the required time, a claimant can file a request or application for judgment in default. However, the defendant can apply to the court to set aside the judgment.

Other case management-related sanctions are also available. For example where a party is required to submit something, i.e. an expert’s report, by a certain time and fails to do so, the court may order that report inadmissible.

The court also has recourse to sanctions such as contempt.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The defaulting parties can go to the court and ask for the deadlines to be extended. If the expiry of the deadline has resulted in a default judgment, they can ask for the decision to be set aside.

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