

All legal proceedings and hearings have been suspended until 30 April 2020

26 March 2020

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The Law No. 7226 on Amendments to Certain Laws (the **Law**), published in the Official Gazette dated 26 March 2020 introduced a new provision that suspends time limits in relation to all legal proceedings, including those before civil, criminal and administrative courts and enforcement proceedings until 30 April 2020 with an aim to prevent the prospective loss of rights. The above-mentioned provision applies to all legal proceedings and enforcement proceedings retrospectively, starting from 13 March 2020 and 22 March 2020, respectively. The suspension regime is subject to certain exceptions as summarised below.

Consequently, on 30 March 2020, the Council of Judges and Prosecutors (*Hakimler ve Savcılar Kurulu*) (**HSK**) passed a general assembly resolution and postponed certain hearings until 30 April 2020.

Our analysis of the relevant legislation is as follows:

Which proceedings are suspended?

The Law makes a difference between legal proceedings and enforcement proceedings as follows and provides that:

- (a) all time limits in relation to the origination, exercise and termination of any rights, including the statute of limitations, peremptory terms for filing legal actions, commencing execution proceedings, warnings, notices, submissions, complaints and objections and the time limits under: (i) Administrative Procedure Law; (ii) Criminal Procedure Law; (iii) Civil Procedure Law; and (iv) other relevant pieces of legislation, which provide for certain time limits in relation to legal proceedings; as well as the time limits awarded by courts or applicable before mediation and reconciliation are suspended retrospectively, **from 13 March 2020 (including) until 30 April 2020**; and
- (b) all time limits regulated under the Execution and Bankruptcy Law and other legislation concerning enforcement proceedings; time limits determined by judges or enforcement and bankruptcy offices within the same scope; all enforcement and bankruptcy proceedings other than those related to alimony receivables, applications to initiate new enforcement and bankruptcy processes and procedures regarding the enforcement and execution of interim injunctions are suspended retrospectively, **from 22 March 2020 (including) until 30 April 2020**.

How will the time limits resume after 30 April 2020?

- After the suspension period until 30 April 2020, as of **1 May 2020**, the relevant time limits will continue to run from where they were left off.
- In cases where 15 days or less left until the deadline as of the day the suspension starts (e.g. 22 March 2020 for enforcement proceedings), such deadline is considered to be extended for 15 days, starting from the end of the suspension period (e.g. 1 May 2020).

According to the Law, if the effects of the Covid-19 pandemic persist, the President may extend the suspension period once, up to six months.

Exceptions to the general suspension regime

The following matters are not included within the scope of the Law, and therefore cannot be suspended:

- (a) time limits set forth under the laws in relation to crimes and punishments, misdemeanours, administrative sanctions, disciplinary imprisonments and preventive detentions;
- (b) time limits stipulated under the Code of Administrative Procedure concerning precautionary measures; and
- (c) time limits with regards to interim injunctions under the Code of Civil Procedure.

Other things to note regarding the suspension

- The concordat (*konkordato*) periods will continue to bear their legal status on the lenders and debtors.
- During the suspension period, parties are welcomed to make required payments to the authorities by consent and also request the authorities to take actions in favour of the counterparty.
- If the declared day for the sale of the seized assets falls within the suspension period, the sale will be conducted in accordance with the announcement of the execution and bankruptcy office following the termination of the suspension without a further request from the parties. In this case, announcements for the sale will be made electronically and free of charge.
- All other measures to be taken, including the postponement of hearings and negotiations will be determined by:
 - (i) the relevant Board of Chairpersons for the Court of Appeals (*Yargıtay*) and the Council of State (*Danıştay*);
 - (ii) HSK for the courts of first instance and regional courts of appeal; and
 - (iii) the Ministry of Justice for the judiciary services.

What are the measures taken by HSK?

Based on the authorisation to take all necessary measures, including postponing the hearings of courts of first instance and regional courts, set forth under the Law, HSK has in its General Assembly Meeting dated 30 March 2020 resolved, among other things, that:

- all the hearings, negotiations and discoveries of courts of first instance and the regional courts, other than: (i) the urgent proceedings of detainees; (ii) the investigation and prosecution files, of which time limits to expire soon; and (iii) the requests for stay of execution and other proceedings to be considered as urgent, to be postponed until **30 April 2020 (including)**;

- the proceedings, negotiations and discoveries to be conducted through document review only and without filing any case;
- new dates for the hearings and times for the discoveries to be notified to the parties;
- assessment of interim injunction requests and objections to the interim injunctions to be continued; and
- the judges and public prosecutors to continue their duties by adopting flexible working schemes.

Contacts



Hakkı Gedik

Turkey – Istanbul

Tel +90 212 371 29 53

Mobile +90 549 480 15 35

hakki.gedik@gedikeraksoy.com



Umut Gürgey

Turkey – Istanbul

Tel +90 212 371 29 66

Mobile +90 549 480 15 37

umut.gurgey@gedikeraksoy.com



Emre Önal

Turkey – Istanbul

Tel +90 212 371 29 65

Mobile +90 549 480 15 33

emre.onal@gedikeraksoy.com