

## Supreme Court publishes important clarifications of certain legal issues related to COVID-19 pandemic as of 21 April 2020

PETERKA & PARTNERS Russia is closely monitoring all new legislative updates that may come into effect as a response to the coronavirus pandemic.

On April 21, 2020, the Presidium of the Supreme Court of the Russian Federation issued an “Overview of selected issues of judicial practice, related to the application of legislation and measures to stop the spread of the coronavirus infection (COVID-19) on the territory of the Russian Federation No. 1”

Below you will find number of important clarifications, set out by Overview:

- The consideration of the particular court case might be postponed at the discretion of the court in cases when the persons participating in the case are deprived of the opportunity to attend the hearing in connection with the restrictive measures;
- The deadlines for procedural actions which were missed due to the COVID-19 pandemic might be prolonged, taking into account the particular circumstances of the case (e.g., the legal claim cannot be filed due to the COVID-19 pandemic and relevant restrictions) may be restored;
- Non-working days from March 30 to April 30 cannot be considered as a general ground to postpone the fulfilment of a contract, since such non-working days are not days off or public holidays. Exceptions are made for those cases when the COVID-19 pandemic and relevant state measures are considered as a force majeure for the particular contract;
- COVID-19 cannot be generally considered as a force majeure for all contracts and obligations, the contract and particular circumstances of the case shall be assessed properly in detail (including the region (state of Russia) where the performance should be; whether the party acted in a good faith, the nature of the obligation);
- If a debtor is under a moratorium on bankruptcy, the court has the right to return the bankruptcy petition. Moreover, the peculiarities of the debt, as well as the period of its occurrence, have no legal significance at this stage.
- The restoration of deadlines for the filing of creditors’ claims in a bankruptcy case and (or) recognition of compliance with the deadlines for other actions in a bankruptcy case are carried out individually, taking into account the actual circumstances of each specific case.