

# COVID-19: suspended proceedings and judicial terms

14 April 2020 | Contributed by [Gün + Partners](#)

## Suspension of terms

The Law on the Amendment of Certain Laws 7226 entered into force upon publication in the *Official Gazette* (26 March 2020, 31080). Pursuant to Law 7226, the procedural terms will be suspended until 30 April 2020 in order to prevent any loss of rights in regard to trials due to the measures taken during the COVID-19 outbreak.

## Suspension of terms

The following terms have been suspended retrospectively from 13 March 2020 until 30 April 2020 (inclusive):

- all terms within the scope of the acquisition, use or extinction of a right, including the terms for:
  - filing lawsuits;
  - enforcement proceedings;
  - applications;
  - objections;
  - notices;
  - notifications;
  - submission periods;
  - prescription periods;
  - statutory limitations; and
  - the mandatory administrative application terms;
- terms specified under the Administrative Procedure Code;
- terms specified under the Criminal Procedure Code;
- terms specified under the Civil Procedure Code;
- terms specified in other laws containing procedural provisions;
- terms determined by judges; and
- terms for mediation and conciliation facilities.

The following are excluded from the suspension period:

- prescription periods for offences and punishments, misdemeanours and administrative penalties and disciplinary detention and preventive detentions;
- terms for protection measures stipulated under the Criminal Procedure Code; and
- terms relating to the procedures complementing the preliminary injunction stipulated under the Civil Procedure Code.

Pursuant to Law 7226, in parallel with the Decision on the Suspension of Enforcement and Bankruptcy Proceedings dated 22 March 2020 and numbered 31076, the following have been suspended from 22 March 2020 until 30 April 2020 (inclusive):

- the terms specified under the Enforcement and Bankruptcy Code, and similar terms under other laws, along with terms determined by judges or enforcement and bankruptcy offices;
- all enforcement and bankruptcy proceedings (other than enforcement proceedings relating to maintenance receivables);
- the processing of parties' requests in ongoing proceedings and the commencement of enforcement and bankruptcy proceedings; and
- requests pertaining to the enforcement and execution of preliminary attachment orders.

Further, in line with the Enforcement and Bankruptcy Code and other laws relating to proceedings law, it has been provided that:

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- in the event that a date of sale announced by enforcement and bankruptcy offices regarding assets or rights falls within the suspension period, the enforcement and bankruptcy office will assign a new date for the sale of the assets or rights, after the suspension period is over, with no further requests required. In such cases, the sale announcement will be made electronically and be free;
- voluntary payments made within the suspension period will be allowed and each of the parties can take actions that are in favour of the counterparty;
- the *concordatum* term will continue to bear consequences for creditors and debtors during the suspension period; and
- other necessary measures will be taken to prevent enforcement and bankruptcy services from being interrupted.

Law 7226 also regulates how the terms will proceed following the expiry of the suspension period. As such:

- the suspended terms will resume as of the day following the end of the suspension period;
- if there are 15 or fewer days for the expiry of a term as of the beginning of the suspension period, that term will be deemed extended for a further 15 days starting from the day following the end of the suspension period; and
- in case the reasons causing the suspension continue, the president can extend the suspension period for a maximum of six months.

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