

Government Decree 249/2020 (28 May)

laying down derogations from the provisions of Act XLIX of 1991 on bankruptcy procedure and liquidation procedure and of Act V of 2006 on public company information, company registration and winding-up for the implementation of the Economy Protection Action Plan

The Government,
acting within its original legislative power laid down in Article 53 (2) of the Fundamental Law, having regard to the provisions of Act XII of 2020 on the containment of coronavirus,
acting, with respect to section 4, within its original legislative power laid down in Article 53 (3) of the Fundamental Law, on the basis of authorisation by the National Assembly under section 3 (1) of Act XII of 2020 on the containment of coronavirus,
acting within its function laid down in Article 15 (1) of the Fundamental Law,
decrees as follows:

1. Derogation from the provisions of Act XLIX of 1991 on bankruptcy procedure and liquidation procedure

Section 1 (1) Following the entry into force of this Decree, during the period of state of danger within the meaning of Government Decree 40/2020 (11 March) on the declaration of state of danger (hereinafter “state of danger”), a creditor may file an application for liquidation in a situation under section 27 (2) *a*) of Act XLIX of 1991 on bankruptcy procedure and liquidation procedure (hereinafter “Cstv.”) only if the time limit specified in the payment notice sent to the debtor for the settlement of his debt under section 27 (3) of the Cstv., and the following 75 days, passed unsuccessfully. In this situation, the court may set a time limit of up to 15 days for the debtor to settle his debt on the basis of section 26 (3) of the Cstv.

(2) Following the entry into force of this Decree, during the period of state of danger, section 27 (2b) of the Cstv. shall apply subject to the derogation that in a situation under section 27 (2) *a*) or *b*) of the Cstv., an application for the liquidation of the debtor may be submitted only if the amount of claim (calculated without interests and charges) exceeds 400 000 forints.

2. Derogation from the provisions of Act V of 2006 on public company information, company registration and winding-up

Section 2 (1) Following the entry into force of this Decree, the company registration court may not declare a company dissolved in a proceeding for the supervision of legality.

(2) If the national tax and customs authority initiates a proceeding for declaring a company dissolved due to the cancellation of the tax number of the company with final and binding effect, the proceeding under section 91 (1) of Act V of 2006 on public company information, company registration and winding-up (hereinafter “Ctv.”) shall be suspended until 31 October 2020 without adopting a separate order to that effect. A proceeding under section 91 (1) of the Ctv. pending on the day of entry into force of this Decree shall be suspended until 31 October 2020 on the day of entry into force of this Decree without adopting a separate order to that effect.

(3) Compulsory strike-off proceedings pending on the day of entry into force of this Decree and proceedings in which the company registration court already ordered, in a decision that is not final and binding, launching a compulsory strike-off proceeding on the basis of a ground specified in section 116 (1) *a*) or *b*) of the Ctv. shall be suspended until 31 October 2020 on

the day of entry into force of this Decree without adopting a separate order to that effect. By way of derogation from section 116 (4) of the Ctv., if during the period of suspension, the company provides proof to the company registration court that by eliminating the ground for compulsory strike-off, it restored the lawful situation or its lawful operation, the company registration court shall terminate the compulsory strike-off proceeding.

(4) After the entry into force of this decree, no compulsory strike-off proceeding may be ordered on the basis of the ground specified in section 116 (1) *b*) of the Ctv., and the company may file its application for the deregistration of the company until 31 October 2020.

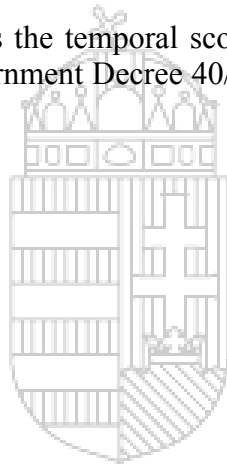
(5) This section shall not prejudice any strike-off proceedings launched, or to be launched after the entry into force of this Decree, on the basis of section 116 (1) *d*) of the Ctv.

3. Final provisions

Section 3 (1) With the exception specified in paragraph (2), this Decree shall enter into force on the day following its promulgation.

(2) Section 4 shall enter into force on the 15th day following the promulgation of this Decree.

Section 4 The Government extends the temporal scope of this Decree until the end of the period of state of danger under Government Decree 40/2020 (11 March) on the declaration of state of danger.



MINISTRY OF JUSTICE
HUNGARY