

## LAW NO. 21,394: MAIN MODIFICATIONS TO THE COLLECTION PROCEEDINGS FOR CIVIL AND COMMERCIAL MATTERS

Law No. 21,394, officially published on November 30, 2021, introduced a set of reforms to the justice system to promote efficiency in judicial processes and to limit the need for physical presence in courts.

For that purpose, the Law reformed certain provisions of the Organic Code of Courts, the Code of Civil Procedure, and the Electronic Procedure Law, regarding the collection proceeding:

### **Legal deadline to file an opposition to the collection complaint.**

The time limit was increased to eight days from the serving of process.

### **Online auctions:**

#### **•Procedure: Judicial auctions shall, as a rule, be held in person.**

However, the Law empowers courts to allow auctions to be carried out remotely by a well-founded resolution. The Law provides that the Supreme Court must regulate by a decree (auto acordado) the way in which remote judicial auctions should be carried out in such cases. The Decree and its content are currently being drafted by the Supreme Court.

**•Deed of sale and purchase:** In remote judicial auctions the deed of sale shall be granted by the notary by means of an electronic document. That document shall be signed by the judge and by the auctioneer by means of an advanced electronic signature. If the successful bidder does not have an advanced electronic signature, the notary shall sign the deed on his behalf. The provisions regarding the execution of deeds by means of electronic documents shall enter into force the day after the official publication of the respective regulations. In that regard, the Law establishes that such regulations must be issued within six months from the publication of the Law.

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## **Signature recognition and judicial confession of debt procedures.**

The requirements of these two preliminary procedures for collection action are the following:

- The debt is a specific amount of money that can be determined using simple arithmetic operations.
- The debt is overdue for payment.
- The obligation must be in writing.
- The statute of limitation of the debt has not expired.

The main amendments introduced by the law to the civil procedure can be [consulted here](#).

The modifications to the provisions regarding appearances at pleadings and hearings before courts with civil jurisdiction, the Courts of Appeals and the Supreme Court, can be [reviewed here](#).

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