



Government of the Republic of Slovenia
Mr Janez Janša, Prime Minister
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DATE: **6 April 2020**

SUBJECT: **Proposal for urgent statutory regulation concerning the adjustment of rental and lease relationships due to inability for property and other things to be properly used in cases of emergency as the coronavirus (COVID-19) epidemic.**

Dear Prime Minister,

We propose that – as a result of the crisis caused by the coronavirus (COVID-19) epidemic and in order to avoid situations of uncertainty of parties involved and a series of disputes in rental and lease relationships, especially in commercial leases of office buildings and premises that lessees cannot or may not use during the quarantine measures implemented by the Government – provisions governing the inability to use things due to emergencies, such as communicable diseases and the associated legal consequences be readopted.

We believe that this regulation should be adopted immediately, possibly with retroactive effect in the »**Second anti-corona package**«, by using the Austrian regulation in the Austrian Civil Code (ACC) currently in force (Allgemeines bürgerliches Gesetzbuch (ABGB)) as a model, and as has already been similarly regulated in the Slovene legal space in the General Civil Code (GCC) adopted in 1811 (§ 1104, § 1105 and § 1108). The GCC ceased to apply with the entry into force of the Federal Obligations Act in 1978. Furthermore, nor is such regulation contained in the Code of Obligations currently in force (adopted in 2001). There is currently an urgent need for re-adoption of these provisions in the Slovenian legal order, as demonstrated by the ongoing epidemic of coronavirus (COVID-19), in order to balance the burden and risks between both parties (lessor and lessee) as a result of the inability to use the leased thing (property).

This is a special regulation of the temporary failed intention of the contracting parties in permanent contractual relations, which acts in a similar manner as the changed circumstances (Code of Obligations, Article 112).

For this reason, the Slovenian Law Association and the SNZ - FIABCI Slovenia propose to amend the Code of Obligations with new provisions, as follows from the Proposal for Amending the Code of Obligations enclosed to this letter.

Yours sincerely

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Of the Slovenian Law Association

Mag. Marko Novak
President
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