

**CHANGES IN THE CODE OF CIVIL PROCEDURE PROMOTED BY LAW No.  
14.195/2021**

Law No. 14,195 of August 26, 2021 – also known as the “Law of business environment” – entered into force on August 27<sup>th</sup> this year, changing several legal diplomas, such as the Corporations Law, the Civil Code and the Code of Civil Procedure (“CPC”).

With regards to the CPC, the changes reached art.77, art. 231, art. 238, art. 246, art. 247, art. 397 and art. 921. Such changes are mainly related to the manner of summoning the defendant/execution debtor, favoring the communication by electronic means (*e-mail*) rather than alternatives commonly used, such as mail, court officials and, in some rarer cases, summon notice. Despite the change favoring the summon by email, the other forms will still be used.

It is important noting that art. 77 included the obligation for the parties of a judicial lawsuit to inform and keep updated their personal data before Judicial Branch, considering that the rule (art. 247) will now be the electronic communication via e-mail provided by the defendant, not by the plaintiff.

Furthermore, art. 246, paragraph 1<sup>st</sup>, establishes that the obligation to keep the data updated with Redesim (a computer systems network needed mostly for the registration and legalization of companies, as well as to address several matters with public entities and authorities, used by the Union, States and Municipalities) belongs to public and private companies, noting, however, that in relation to micro and small companies, the obligation to update such registration will only be needed if such companies do not have an electronic address registered in Redesim. It should also be noted that the provision of paragraph 6 of art. 246, that allows the sharing of this data with the Judicial Branch.

Another important change regarding the summoning is stated at the sole paragraph of art. 238, which established that the summoning must be made within a period of up to 45 days counted from the date of filing of the lawsuit. The defendant has up to 3 business days to receive the summons, which requires express confirmation (not admitted presumption). If there is no express confirmation and no reason that justifies the silence of the defendant, a fine for the act that violates the dignity of justice will be applied in the amount of up to 5% of the value of the case, pursuant to paragraph 1 - C of art. 246. Therefore, once the express confirmation is verified, the term of art. 231, IX will be initiated, ending on the 5<sup>th</sup> business day after the confirmation.

Also, the new wording of art. 397 included an institute like the “*Discovery*”, which is widely used in Common Law countries. By means of this institute, it is possible to apply for the

"category of document or thing" in judicial lawsuits that aim the exhibition of a document or thing, expanding, therefore, the hypotheses that this kind of judicial lawsuit can be filed.

Finally, art. 921 provided for the possibility of suspension of the judicial lawsuit when neither the defendant/execution debtor nor assets that may be pledged are located (art. 921, III).