EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

Brussels, 1 December 2021
(OR. en)

2021/0118 (COD) **PE-CONS 73/21**

JUSTCIV 164
JAI 1118
EJUSTICE 92
EMPL 447
ECOFIN 1006
COMPET 725
CODEC 1346

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2015/848 on insolvency proceedings to replace its Annexes A and B

REGULATION (EU) 2021/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

amending Regulation (EU) 2015/848
on insolvency proceedings to replace its Annexes A and B

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[1],

[1] Position of the European Parliament of 23 November 2021 (not yet published in the Official Journal) and decision of the Council of ….

Whereas:

(1) Annexes A and B to Regulation (EU) 2015/848 of the European Parliament and of the Council[1] list, respectively, the national insolvency proceedings and national insolvency practitioners, as notified by Member States, to which that Regulation applies. Annex A lists, for each Member State, the types of insolvency proceedings as defined in Article 2, point (4), of Regulation (EU) 2015/848 and Annex B lists, for each Member State, the types of insolvency practitioners as defined in Article 2, point (5), of that Regulation.

[1] Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19).

(2) In October 2020, the Netherlands notified the Commission of recent changes in its national insolvency law which introduced a new preventive insolvency scheme, as well as new types of insolvency practitioners. That notification was followed in December 2020 by notifications from Italy, Lithuania, Cyprus and Poland relating to recent changes in their national law which introduced new types of insolvency proceedings or insolvency practitioners. Following the submission by the Commission of its proposal for an amending Regulation, further notifications were received from Germany, Hungary and Austria relating to recent changes in their national law which introduced new types of insolvency proceedings or insolvency practitioners. Subsequently, Italy clarified the date of entry into force of its new provisions on insolvency and restructuring which it had notified to the Commission in December 2020, and notified an amendment to a previous notification. Those new types of insolvency proceedings and insolvency practitioners comply with the requirements set out in Regulation (EU) 2015/848 and make it necessary to amend Annexes A and B to that Regulation.

(3) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(5) Annexes A and B to Regulation (EU) 2015/848 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Annexes A and B to Regulation (EU) 2015/848 are replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX

'ANNEX A

INSOLVENCY PROCEEDINGS REFERRED TO IN ARTICLE 2, POINT (4)

BELGIQUE/BELGIË

– Het faillissement/La faillite,

– De gerechtelijke reorganisatie door een collectief akkoord/La réorganisation judiciaire par accord collectif,

– De gerechtelijke reorganisatie door een minnelijk akkoord/La réorganisation judiciaire par accord amiable,

– De gerechtelijke reorganisatie door overdracht onder gerechtelijk gezag/La réorganisation judiciaire par transfert sous autorité de justice,

– De collectieve schuldenregeling/Le règlement collectif de dettes,

– De vrijwillige vereffening/La liquidation volontaire,

– De gerechtelijke vereffening/La liquidation judiciaire,

– De voorlopige ontneming van het beheer, als bedoeld in artikel XX.32 van het Wetboek van economisch recht/Le dessaisissement provisoire de la gestion, visé à l'article XX.32 du Code de droit économique,

БЪЛГАРИЯ

– Производство по несъстоятелност,

– Производство по стабилизация на търговеца,

ČESKÁ REPUBLIKA

– Konkurs,

– Reorganizace,

– Oddlužení,

DEUTSCHLAND

– Das Konkursverfahren,

– Das gerichtliche Vergleichsverfahren,

– Das Gesamtvollstreckungsverfahren,

– Das Insolvenzverfahren,

– Die öffentliche Restrukturierungssache,

EESTI

– Pankrotimenetlus,

– Võlgade ümberkujundamise menetlus,

ÉIRE/IRELAND

– Compulsory winding-up by the court,

– Bankruptcy,

– The administration in bankruptcy of the estate of persons dying insolvent,

– Winding-up in bankruptcy of partnerships,

– Creditors' voluntary winding-up (with confirmation of a court),

– Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution,

– Examinership,

– Debt Relief Notice,

– Debt Settlement Arrangement,

– Personal Insolvency Arrangement,

ΕΛΛΑΔΑ

– Η πτώχευση,

– Η ειδική εκκαθάριση εν λειτουργία,

– Σχέδιο αναδιοργάνωσης,

– Απλοποιημένη διαδικασία επί πτωχεύσεων μικρού αντικειμένου,

– Διαδικασία εξυγίανσης,

ESPAÑA

– Concurso,

– Procedimiento de homologación de acuerdos de refinanciación,

– Procedimiento de acuerdos extrajudiciales de pago,

– Procedimiento de negociación pública para la consecución de acuerdos de refinanciación colectivos, acuerdos de refinanciación homologados y propuestas anticipadas de convenio,

FRANCE

– Sauvegarde,

– Sauvegarde accélérée,

– Sauvegarde financière accélérée,

– Redressement judiciaire,

– Liquidation judiciaire,

HRVATSKA

– Stečajni postupak,

– Predstečajni postupak,

– Postupak stečaja potrošača,

– Postupak izvanredne uprave u trgovačkim društvima od sistemskog značaja za Republiku Hrvatsku,

ITALIA

– Fallimento

[until 15 May 2022],

– Liquidazione giudiziale

[from 16 May 2022],

– Concordato preventivo,

– Liquidazione coatta amministrativa,

– Amministrazione straordinaria,

– Accordi di ristrutturazione,

– Procedure di composizione della crisi da sovraindebitamento del consumatore (accordo o piano)

[until 15 May 2022],

– Liquidazione dei beni

[until 15 May 2022],

– Ristrutturazione dei debiti del consumatore

[from 16 May 2022],

– Concordato minore

[from 16 May 2022],

– Liquidazione controllata del sovraindebitato

[from 16 May 2022],

ΚΥΠΡΟΣ

– Υποχρεωτική εκκαθάριση από το Δικαστήριο,

– Εκούσια εκκαθάριση από μέλη,

– Εκούσια εκκαθάριση από πιστωτές,

– Εκκαθάριση με την εποπτεία του Δικαστηρίου,

– Διάταγμα παραλαβής και πτώχευσης κατόπιν Δικαστικού Διατάγματος,

– Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα,

– Διορισμός Εξεταστή,

– Προσωπικά Σχέδια Αποπληρωμής,

LATVIJA

– Tiesiskās aizsardzības process,

– Juridiskās personas maksātnespējas process,

– Fiziskās personas maksātnespējas process,

LIETUVA

– Juridinio asmens restruktūrizavimo byla,

– Juridinio asmens bankroto byla,

– Juridinio asmens bankroto procesas ne teismo tvarka,

– Fizinio asmens bankroto procesas,

LUXEMBOURG

– Faillite,

– Gestion contrôlée,

– Concordat préventif de faillite (par abandon d'actif),

– Régime spécial de liquidation du notariat,

– Procédure de règlement collectif des dettes dans le cadre du surendettement,

MAGYARORSZÁG

– Csődeljárás,

– Felszámolási eljárás,

– Nyilvános szerkezetátalakítási eljárás

[from 1 July 2022],

MALTA

– Xoljiment,

– Amministrazzjoni,

– Stralċ volontarju mill-membri jew mill-kredituri,

– Stralċ mill-Qorti,

– Falliment f'każ ta' kummerċjant,

– Proċedura biex kumpanija tirkupra,

NEDERLAND

– Het faillissement,

– De surséance van betaling,

– De schuldsaneringsregeling natuurlijke personen,

– De openbare akkoordprocedure buiten faillissement,

ÖSTERREICH

– Das Konkursverfahren (Insolvenzverfahren),

– Das Sanierungsverfahren ohne Eigenverwaltung (Insolvenzverfahren),

– Das Sanierungsverfahren mit Eigenverwaltung (Insolvenzverfahren),

– Das Schuldenregulierungsverfahren,

– Das Abschöpfungsverfahren,

– Das Europäische Restrukturierungsverfahren,

POLSKA

– Upadłość,

– Postępowanie o zatwierdzenie układu,

– Postępowanie o zatwierdzenie układu na zgromadzeniu wierzycieli przez osobę fizyczną nieprowadzącą działalności gospodarczej,

– Przyspieszone postępowanie układowe,

– Postępowanie układowe,

– Postępowanie sanacyjne,

PORTUGAL

– Processo de insolvência,

– Processo especial de revitalização,

– Processo especial para acordo de pagamento,

ROMÂNIA

– Procedura insolvenței,

– Reorganizarea judiciară,

– Procedura falimentului,

– Concordatul preventiv,

SLOVENIJA

– Postopek preventivnega prestrukturiranja,

– Postopek prisilne poravnave,

– Postopek poenostavljene prisilne poravnave,

– Stečajni postopek: stečajni postopek nad pravno osebo, postopek osebnega stečaja in postopek stečaja zapuščine,

SLOVENSKO

– Konkurzné konanie,

– Reštrukturalizačné konanie,

– Oddlženie,

SUOMI/FINLAND

– Konkurssi/konkurs,

– Yrityssaneeraus/företagssanering,

– Yksityishenkilön velkajärjestely/skuldsanering för privatpersoner,

SVERIGE

– Konkurs,

– Företagsrekonstruktion,

– Skuldsanering.

ANNEX B

INSOLVENCY PRACTITIONERS REFERRED TO IN ARTICLE 2, POINT (5)

BELGIQUE/BELGIË

– De curator/Le curateur,

– De gerechtsmandataris/Le mandataire de justice,

– De schuldbemiddelaar/Le médiateur de dettes,

– De vereffenaar/Le liquidateur,

– De voorlopige bewindvoerder/L'administrateur provisoire,

БЪЛГАРИЯ

– Назначен предварително временен синдик,

– Временен синдик,

– (Постоянен) синдик,

– Служебен синдик,

– Доверено лице,

ČESKÁ REPUBLIKA

– Insolvenční správce,

– Předběžný insolvenční správce,

– Oddělený insolvenční správce,

– Zvláštní insolvenční správce,

– Zástupce insolvenčního správce,

DEUTSCHLAND

– Konkursverwalter,

– Vergleichsverwalter,

– Sachwalter (nach der Vergleichsordnung),

– Verwalter,

– Insolvenzverwalter,

– Sachwalter (nach der Insolvenzordnung),

– Treuhänder,

– Vorläufiger Insolvenzverwalter,

– Vorläufiger Sachwalter,

– Restrukturierungsbeauftragter,

EESTI

– Pankrotihaldur,

– Ajutine pankrotihaldur,

– Usaldusisik,

ÉIRE/IRELAND

– Liquidator,

– Official Assignee,

– Trustee in bankruptcy,

– Provisional Liquidator,

– Examiner,

– Personal Insolvency Practitioner,

– Insolvency Service,

ΕΛΛΑΔΑ

– Ο σύνδικος,

– Ο εισηγητής,

– Η επιτροπή των πιστωτών,

– Ο ειδικός εκκαθαριστής,

ESPAÑA

– Administrador concursal,

– Mediador concursal,

FRANCE

– Mandataire judiciaire,

– Liquidateur,

– Administrateur judiciaire,

– Commissaire à l'exécution du plan,

HRVATSKA

– Stečajni upravitelj,

– Privremeni stečajni upravitelj,

– Stečajni povjerenik,

– Povjerenik,

– Izvanredni povjerenik,

ITALIA

– Curatore,

– Commissario giudiziale,

– Commissario straordinario,

– Commissario liquidatore,

– Liquidatore giudiziale,

– Professionista nominato dal Tribunale,

– Organismo di composizione della crisi nella procedura di composizione della crisi da sovraindebitamento del consumatore

[until 15 May 2022],

– Organismo di composizione della crisi da sovraindebitamento

[from 16 May 2022],

– Liquidatore,

ΚΥΠΡΟΣ

– Εκκαθαριστής και Προσωρινός Εκκαθαριστής,

– Επίσημος Παραλήπτης,

– Διαχειριστής της Πτώχευσης,

– Εξεταστής,

– Σύμβουλος Αφερεγγυότητας,

LATVIJA

– Maksātnespējas procesa administrators,

– Tiesiskās aizsardzības procesa uzraugošā persona,

LIETUVA

– Nemokumo administratorius,

LUXEMBOURG

– Le curateur,

– Le commissaire,

– Le liquidateur,

– Le conseil de gérance de la section d'assainissement du notariat,

– Le liquidateur dans le cadre du surendettement,

MAGYARORSZÁG

– Vagyonfelügyelő,

– Felszámoló,

– Szerkezetátalakítási szakértő

[from 1 July 2022],

MALTA

– Amministratur Proviżorju,

– Riċevitur Uffiċjali,

– Stralċjarju,

– Manager Speċjali,

– Kuraturi f'każ ta' proċeduri ta' falliment,

– Kontrolur Speċjali,

NEDERLAND

– De curator in het faillissement,

– De bewindvoerder in de surséance van betaling,

– De bewindvoerder in de schuldsaneringsregeling natuurlijke personen,

– De herstructureringsdeskundige in de openbare akkoordprocedure buiten faillissement,

– De observator in de openbare akkoordprocedure buiten faillissement,

ÖSTERREICH

– Masseverwalter,

– Sanierungsverwalter,

– Restrukturierungsbeauftragter,

– Besonderer Verwalter,

– Einstweiliger Verwalter,

– Sachwalter,

– Treuhänder,

– Insolvenzgericht,

– Konkursgericht,

POLSKA

– Syndyk,

– Nadzorca sądowy,

– Zarządca,

– Nadzorca układu,

– Tymczasowy nadzorca sądowy,

– Tymczasowy zarządca,

– Zarządca przymusowy,

PORTUGAL

– Administrador da insolvência,

– Administrador judicial provisório,

ROMÂNIA

– Practician în insolvență,

– Administrator concordatar,

– Administrator judiciar,

– Lichidator judiciar,

SLOVENIJA

– Upravitelj,

SLOVENSKO

– Predbežný správca,

– Správca,

SUOMI/FINLAND

– Pesänhoitaja/boförvaltare,

– Selvittäjä/utredare,

SVERIGE

– Förvaltare,

– Rekonstruktör.'