



Council of the  
European Union

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**JUSTCIV 239**  
**EJUSTICE 124**  
**CODEC 1575**

**NOTE**

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From:	Presidency
To:	Working Party on Civil Law Matters (General Questions)
No. prev. doc.:	13087/17
No. Cion doc.:	11667/17 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council replacing Annex A to Regulation (EU) 2015/848 on insolvency proceedings - Revised text

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Delegations will find attached a revised text of the abovementioned proposal which the Presidency proposes to take into account the requests made by BE, BG, HR, LV & PT to amend Annexes A & B to Regulation (EU) 2015/848 on insolvency proceedings in the context of the ongoing negotiations regarding the abovementioned proposal.

Changes compared to the text of the Commission proposal are marked in **bold** or by (...) for deleted text. Changes compared to the text of the Commission proposal and to the text of Regulation (EU) 2015/848 are marked in **bold underlined**.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**replacing Annexes A & B to Regulation (EU) 2015/848 on insolvency proceedings**

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

Whereas:

- (1) **Annexes A and B** to Regulation (EU) 2015/848 of the European Parliament and of the Council<sup>1</sup> **list** the designations given in the national law of the Member States to the insolvency proceedings **and insolvency practitioners** to which that Regulation applies. **Annex A to Regulation (EU) 2015/848 lists the insolvency proceedings referred to in point (4) of Article 2 of the Regulation. Annex B lists the insolvency practitioners referred to in point (5) of Article 2.**
- (2) On 3 January 2017, the Republic of Croatia notified the Commission recent changes in its domestic insolvency law introducing new types of insolvency proceedings. Those new insolvency proceedings are consistent with the definition of "insolvency proceedings" under Regulation (EU) 2015/848.

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<sup>1</sup> 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).

- (2a) **In course of the negotiations of this proposal the Commission received further notifications from the Republic of Bulgaria, the Republic of Croatia, the Republic of Latvia and the Portuguese Republic relating to recent changes in their domestic laws introducing new types of insolvency proceedings and/or insolvency practitioners. Furthermore, the Kingdom of Belgium notified the Commission about a change in its domestic insolvency law which will enter into force on 1 May 2018. These new types of insolvency proceedings and/or insolvency practitioners also comply also comply with the requirements set out in the Regulation and made it necessary to amend both Annex A and Annex B to Regulation (EU) 2015/848.**
- (3) In accordance with Article 3 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, [the United Kingdom and Ireland have given notice of their wish to take part in the adoption and application of this Regulation]/[without prejudice to Article 4 of the Protocol, the United Kingdom and Ireland will not participate in the adoption of this Regulation and will not be bound by it or be 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 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 Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**Annexes A and B** to Regulation (EU) 2015/848 **are** replaced by the following:

"ANNEX A

Insolvency proceedings referred to in point 4 of Article 2

**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,
- **Until 30 April 2018:** De voorlopige ontneming van beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites,
- **As of 1 May 2018: De voorlopige ontneming van beheer, bepaald in artikel XX.32 van het Wetboek van economisch recht/Le dessaisissement provisoire, 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,

## **EESTI**

- Pankrotimenetus,
- 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,
- Concordato preventivo,
- Liquidazione coatta amministrativa,
- Amministrazione straordinaria,
- Accordi di ristrutturazione,
- Procedure di composizione della crisi da sovraindebitamento del consumatore (accordo o piano),
- Liquidazione dei beni,

## **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,

## **LATVIJA**

- Tiesiskās aizsardzības process,
- Juridiskās personas maksātnespējas process,
- Fiziskās personas maksātnespējas process,



## **LIETUVA**

- Įmonės restruktūrizavimo byla,
- Įmonės bankroto byla,
- Įmonės 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,

## **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,

## **ÖSTERREICH**

- Das Konkursverfahren (Insolvenzverfahren),
- Das Sanierungsverfahren ohne Eigenverwaltung (Insolvenzverfahren),
- Das Sanierungsverfahren mit Eigenverwaltung (Insolvenzverfahren),
- Das Schuldenregulierungsverfahren,
- Das Abschöpfungsverfahren,
- Das Ausgleichsverfahren,

## **POLSKA**

- Upadłość,
- Postępowanie o zatwierdzenie układu,
- 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,
- Oddĺženie,

## **SUOMI/FINLAND**

- Konkurssi/konkurs,
- Yrityssaneeraus/företagssanering,
- Yksityishenkilön velkajärjestely/skuldsanering för privatpersoner,

## **SVERIGE**

- Konkurs,
- Företagsrekonstruktion,
- Skuldsanering,

## **UNITED KINGDOM**

- Winding-up by or subject to the supervision of the court,
- Creditors' voluntary winding-up (with confirmation by the court),
- Administration, including appointments made by filing prescribed documents with the court,
- Voluntary arrangements under insolvency legislation,
- Bankruptcy or sequestration."

## *ANNEX B*

### **Insolvency practitioners referred to in point (5) of Article 2**

#### **BELGIQUE/BELGIË**

- De curator/Le curateur,
- Until 30 April 2018: De gedelegeerd rechter/Le juge-délégué,
- 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,**

## **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,
- Liquidatore,

## KYΠΡΟΣ

- Εκκαθαριστής και Προσωρινός Εκκαθαριστής,
- Επίσημος Παραλήπτης,
- Διαχειριστής της Πτώχευσης,

## LATVIJA

- Maksātnespējas procesa administrators,
- Tiesiskās aizsardzības procesa uzraugošā persona,

## LIETUVA

- Bankroto administratorius,
- Restruktūrizavimo 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,

## **MALTA**

— Amministratur Provizorju,

— Riċevitur Uffiċjali,

— Stralċjarju,

— Manager Speċjali,

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

— Kontrollur Speċjali,

## **NEDERLAND**

— De curator in het faillissement,

— De bewindvoerder in de surséance van betaling,

— De bewindvoerder in de schuldsaneringsregeling natuurlijke personen,

## **ÖSTERREICH**

— Masseverwalter,

— Sanierungsverwalter,

— Ausgleichsverwalter,

— 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**

- **Pesänohittäjä/boförvaltare,**
- **Selvittäjä/utredare,**

**SVERIGE**

— Förvaltare,

— Rekonstruktör,

**UNITED KINGDOM**

— Liquidator,

— Supervisor of a voluntary arrangement,

— Administrator,

— Official Receiver,

— Trustee,

— Provisional Liquidator,

— Interim Receiver,

— Judicial factor."

