Regulation (EU) 2018/946 of the European Parliament and of the Council of 4 July 2018 replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings

REGULATION (EU) 2018/946 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 4 July 2018

replacing Annexes A and 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[(1)],

Whereas:

(1) Annexes A and B to Regulation (EU) 2015/848 of the European Parliament and of the Council[(2)] list the designations given in the national law of the Member States to the insolvency proceedings and to the insolvency practitioners to which that Regulation applies. Annex A lists the insolvency proceedings referred to in point (4) of Article 2 of Regulation (EU) 2015/848 and Annex B lists the insolvency practitioners referred to in point (5) of that Article.

(2) On 3 January 2017, the Republic of Croatia notified the Commission of recent changes in its domestic insolvency law that introduce new types of insolvency proceedings. Those new types of insolvency proceedings are consistent with the definition of insolvency proceedings under Regulation (EU) 2015/848.

(3) After the Commission presented its proposal, it received further notifications from the Republic of Bulgaria, the Republic of Croatia, the Republic of Latvia and the Portuguese Republic relating to recent changes to their domestic law that introduce new types of insolvency proceedings or insolvency practitioners. Furthermore, the Kingdom of Belgium notified the Commission of the adoption of a new law that introduces changes to its domestic insolvency law. That new law entered into force on 1 May 2018. 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.

(4) 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 has notified, by letter of 15 November 2017, its wish to take part in the adoption and application of this Regulation.

(5) 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.

(6) 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.

(7) 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 Strasbourg, 4 July 2018.

For the European Parliament

The President

A. TAJANI

For the Council

The President

K. EDTSTADLER

***Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2018/946 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX

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,

— 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,

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,

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2018/946 of the European Parliament and of the Council. (See end of Document for details)*

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,