Commission Implementing Regulation (EU) 2017/1105 of 12 June 2017 establishing the forms referred to in Regulation (EU) 2015/848 of the European Parliament and of the Council on insolvency proceedings

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1105

of 12 June 2017

establishing the forms referred to in Regulation (EU) 2015/848 of the European Parliament and of the Council on insolvency proceedings

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings[(1)], and in particular Article 88 thereof,

After consulting the committee established by Article 89(1) of Regulation (EU) 2015/848,

Whereas:

(1) In order to ensure uniform conditions for implementing Regulation (EU) 2015/848 several forms should be established.

(2) In accordance with Article 3 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, Ireland and the United Kingdom took part in the adoption of Regulation (EU) 2015/848. Therefore Ireland and the United Kingdom are taking part in the adoption of this Regulation.

(3) 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 did not take part in the adoption of Regulation (EU) 2015/848. Therefore Denmark is not taking part in the adoption of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1 The standard notice form to be used to inform known foreign creditors of the opening of insolvency proceedings, as referred to in Article 54(3) of Regulation (EU) 2015/848, shall be as set out in Annex I to this Regulation.

2 The standard claims form which may be used by foreign creditors for the lodgement of claims, as referred to in Article 55(1) of Regulation (EU) 2015/848, shall be as set out in Annex II to this Regulation.

3 The standard form which may be used by insolvency practitioners appointed in respect of group members for the lodgement of objections in group coordination proceedings, as referred to in the second subparagraph of Article 64(2) of Regulation (EU) 2015/848, shall be as set out in Annex III to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1105. (See end of Document for details)*

4 The standard form to be used for the electronic submission of individual requests for information via the European e-Justice Portal, as referred to in the first subparagraph of Article 27(4) of Regulation (EU) 2015/848, shall be as set out in Annex IV to this Regulation

Article 2

This Regulation shall enter into force on 26 June 2017.

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

Done at Brussels, 12 June 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1105. (See end of Document for details)*

ANNEX I

BG	**Съобщение за производство по несъстоятелност**
ES	**Anuncio de procedimiento de insolvencia**
CS	**Oznámení o insolvenčním řízení**
DA	**Meddelelse om indledning af insolvensbehandling**
DE	**Mitteilung über ein Insolvenzverfahren**
EN	**Notice of insolvency proceedings**
ET	**Maksejõuetusmenetluse teatis**
EL	**Ανακοίνωση διαδικασίας αφερεγγυότητας**
FR	**Note concernant la procédure d'insolvabilité**
GA	**Fógra faoi imeachtaí dócmhainneachta**
HR	**Obavijest o postupku u slučaju nesolventnosti**
IT	**Avviso di procedura d'insolvenza**
LV	**Paziņojums par maksātnespējas procedūru**
LT	**Pranešimas apie nemokumo bylą**
HU	**Értesítés fizetésképtelenségi eljárásról**
MT	**Avviż ta' proċedimenti ta' insolvenza**
NL	**Kennisgeving van insolventieprocedure**
PL	**Powiadomienie o postępowaniu upadłościowym**
PT	**Aviso sobre processo de insolvência**
RO	**Notificare privind procedura de insolvență**
SK	**Oznam o insolvenčnom konaní**
SL	**Obvestilo o postopku v primeru insolventnosti**
FI	**Ilmoitus maksukyvyttömyysmenettelystä**
SV	**Underrättelse om insolvensförfaranden**

(Article 54(3) of 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)).

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1105. (See end of Document for details)*

IMPORTANT INFORMATION FOR CREDITORS

You are hereby informed in accordance with Article 54 of Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings that insolvency proceedings ([1]) have been opened in another Member State with regard to your debtor (indicated in point 1 of this form).

☐ You are invited to lodge any claims you have against the debtor, as set out below.

☐ You may be invited to lodge any claims you have against the debtor by separate notice at a later point in time, provided that the requirements for lodging a claim under national law are met.

☐ You do not need to lodge your claims individually.

If you are invited to lodge your claims, you can do this by using the standard form for the lodgement of claims which

☐ is attached to this notice or

☐ can be downloaded from the following link: .....

Language

Claims may be lodged in any official language of the institutions of the European Union. Irrespective of this, you may later be required to provide a translation in the official language of the Member State of the opening of proceedings or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where insolvency proceedings have been opened, or in another language which that Member State has indicated it can accept (the languages indicated by the Member States are to be found here: [*https://e-justice.europa.eu/content_insolvency-447-en.do?clang=en*] ([2])).

Additional information

You can find further information on insolvency proceedings in the Member States under the following link: [*https://e-justice.europa.eu/content_insolvency-447-en.do?clang=en* ([2])]

You can trace relevant information on the particular insolvency proceeding concerned by this notification through the following website of the European e-Justice Portal: […] ([2]) ([3])

([1]) 'Insolvency proceedings' are proceedings in the meaning of Article 1 of 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). These proceedings are listed in Annex A of that Regulation.

([2]) When using this form, please, always refer to the hyperlink actually leading to the relevant webpage of the European e-Justice Portal.

([3]) Please, take note, that this function of the European e-Justice Portal will only be operational from 26 June 2019 (see Article 92 of Regulation (EU) 2015/848).

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1105. (See end of Document for details)*

GUIDELINES FOR FILLING IN THIS FORM

This Standard Notice form must be filled in by the court having jurisdiction in the insolvency proceedings against the debtor or by the insolvency practitioner appointed by that court in those proceedings.

The form needs to be sent to known creditors who are located in other Member States.

Language of this form

This notification form shall be transmitted in the official language of the State of the opening of proceedings or, if there are several official languages in that Member State, in the official language or one of the official languages of the place where insolvency proceedings have been opened, or in another language which that State has indicated it can accept, in accordance with Article 55(5) of Regulation (EU) 2015/848, if it can be assumed that that language is easier for the foreign creditors to understand.

Means of notification

In order to ensure a swift transmission of information to creditors residing or seated in another Member State of the European Union, Regulation (EC) No 1393/2007 of the European Parliament and of the Council ([1]) on the service of documents does not apply with regard to the obligation to inform creditors.

Guidelines to specific points of the form

Section II of the form **should only be filled in**, **if** by this notice **you are also inviting the creditor to lodge his/her claims** against the debtor. If you do not fill in Section II, you are required to send another notification to the foreign creditors as soon as the obligation arises under the applicable insolvency law for those creditors to lodge their claims individually in the proceedings.

When you fill in a particular section of the form, please bear in mind the following:

— The provision of information in points marked **with an asterisk** (*) **is mandatory**.

— The provision of information in points marked **with double asterisks** (**) **is mandatory but subject to a condition. This condition is either indicated in brackets in the point concerned or in the sentence preceding the point.**

— The provision of information in points **without any specific marking is not mandatory.**

Whenever you refer to a Member State in filling in this form, please use the following **country codes**: Austria (AT) Belgium (BE) Bulgaria (BG) Cyprus (CY) Czech Republic (CZ) Germany (DE) Estonia (EE) Greece (EL) Spain (ES) Finland (FI) France (FR) Croatia (HR) Hungary (HU) Ireland (IE) Italy (IT) Lithuania (LT) Luxembourg (LU) Latvia (LV) Malta (MT) Netherlands (NL) Poland (PL) Portugal (PT) Romania (RO) Sweden (SE) Slovenia (SI) Slovakia (SK) United Kingdom (UK)

In point 1.2 '**registration number**' means the individual identity number attributed under national law to the entity or person. If the debtor is a company or a legal person, this is the number given in the appropriate national (business or association) register. If the debtor is a natural person exercising an independent business or professional activity ('entrepreneurs'), this is the identification number in the Member State where insolvency proceedings have been opened, under which he/she pursues his/her business or professional activity. If, according to the national insolvency law of the Member State where insolvency proceedings have been opened, the tax number or personal ID number of the debtor is used for the purpose of the identification of the natural person exercising an independent business or professional activity, this number should be indicated.

([1]) Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 (OJ L 324, 10.12.2007, p. 79).