Regulation (EU) 2017/353 of the European Parliament and of the Council of 15 February 2017 replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings

REGULATION (EU) 2017/353 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 February 2017

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 insolvency practitioners to which that Regulation applies. Annex A lists the insolvency proceedings referred to in point (4) of Article 2 of that Regulation and Annex B lists the insolvency practitioners referred to in point (5) of that Article.

(2) On 4 December 2015, Poland notified the Commission of amendments to the lists set out in Annexes A and B to Regulation (EU) 2015/848. Those amendments comply with the requirements set out in that Regulation.

(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 has notified, by letter of 1 September 2016, its wish to take part in the adoption and application of this Regulation.

(4) 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.

(5) 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

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2017/353 of the European Parliament and of the Council. (See end of Document for details)*

European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(6) 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*.

It shall apply from 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 Strasbourg, 15 February 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

I. BORG

***Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2017/353 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX

ANNEX I **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 beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites,

БЪЛГАРИЯ

— Производство по несъстоятелност,

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,

ΕΛΛΑΔΑ

— Η πτώχευση,

— Η ειδική εκκαθάριση εν λειτουργία,

— Σχέδιο αναδιοργάνωσης,

— Απλοποιημένη διαδικασία επί πτωχεύσεων μικρού αντικειμένου,

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2017/353 of the European Parliament and of the Council. (See end of Document for details)*

— 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,

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,
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,