





| Basic information | |
|---|---------------------|
| 2017/0189(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation | Procedure completed |
| Insolvency proceedings: replacing Annexes A and B to the Regulation Amending Regulation (EU) 2015/848 2012/0360(COD) | |
| Subject 3.45.01 Company law | |

| Key players | | | | |
|-------------------------------|---|--|---|------------------|
| European Parliament | Committee responsible | | Rapporteur | Appointed |
| |  Legal Affairs | | ZWIEFKA Tadeusz (PPE) | 09/10/2017 |
| | | | Shadow rapporteur COFFERATI Sergio Gaetano (S&D) MARINHO E PINTO António (ALDE) | |
| Council of the European Union | Council configuration | | Meetings | Date |
| | General Affairs | | 3629 | 2018-06-26 |
| European Commission | Commission DG | | Commissioner | |
| | Justice and Consumers | | JOUROVÁ Vra | |

| Key events | | | |
|------------|---|--|---------|
| Date | Event | Reference | Summary |
| 09/08/2017 | Legislative proposal published | COM(2017)0422  | Summary |
| 11/09/2017 | Committee referral announced in Parliament, 1st reading | | |
| 24/04/2018 | Vote in committee, 1st reading | | |
| 17/05/2018 | Committee report tabled for plenary, 1st reading | A8-0174/2018 | Summary |
| 13/06/2018 | Decision by Parliament, 1st reading | T8-0250/2018 | Summary |
| 13/06/2018 | Results of vote in Parliament |  | |
| 26/06/2018 | Act adopted by Council after Parliament's 1st reading | | |
| 04/07/2018 | Final act signed | | |

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| 04/07/2018 | End of procedure in Parliament | | |
| 06/07/2018 | Final act published in Official Journal | | |

| Technical information | |
|-----------------------------------|--|
| Procedure reference | 2017/0189(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Nature of procedure | Legislation |
| Legislative instrument | Regulation |
| | Amending Regulation (EU) 2015/848 2012/0360(COD) |
| Legal basis | Treaty on the Functioning of the EU TFEU 081-p2 |
| Other legal basis | Rules of Procedure EP 165 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | JURI/8/10569 |

| Documentation gateway | | | | |
|---|--|------------------------------|-------------------------|-------------------------|
| European Parliament | | | | |
| Document type | Committee | Reference | Date | Summary |
| Committee draft report | | PE613.544 | 20/02/2018 | |
| Committee report tabled for plenary, 1st reading/single reading | | A8-0174/2018 | 17/05/2018 | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T8-0250/2018 | 13/06/2018 | Summary |
| Council of the EU | | | | |
| Document type | Reference | Date | Summary | |
| Draft final act | 00025/2018/LEX | 04/07/2018 | | |
| European Commission | | | | |
| Document type | Reference | Date | Summary | |
| Legislative proposal | COM(2017)0422  | 09/08/2017 | Summary | |
| Commission response to text adopted in plenary | SP(2018)458 | 11/07/2018 | | |

| Final act |
|---|
| Regulation 2018/0946 OJ L 171 06.07.2018, p. 0001 Summary |

Insolvency proceedings: replacing Annexes A and B to the Regulation

PURPOSE: to replace Annexes A and B of Regulation (EU) 2015/848 on insolvency proceedings.

LEGISLATIVE ACT: Regulation (EU) 2018/946 of the European Parliament and of the Council replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings.

CONTENT: the Regulation aims to **replace the text of Annexes A and B** to [Regulation \(EU\) 2015/848](#) on insolvency proceedings.

Annexes A and B to Regulation (EU) 2015/848 of the European Parliament and of the Council 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.

The Regulation follows up on notifications to the Commission by Bulgaria, Croatia, Latvia and Portugal of recent changes in their national law, by which new types of insolvency proceedings or practitioners have been introduced. Belgium has also notified the Commission of the adoption of a new law that introduces changes to its domestic insolvency law.

The United Kingdom has notified its wish to participate in the adoption and application of the Regulation. Ireland and Denmark are not subject to its application.

ENTRY INTO FORCE: 26.7.2018.

Insolvency proceedings: replacing Annexes A and B to the Regulation

2017/0189(COD) - 17/05/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Tadeusz ZWIEFKA (EPP, PL) on the proposal for a regulation of the European Parliament and of the Council replacing Annex A to Regulation (EU) 2015/848 on insolvency proceedings.

The committee recommended that European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal.

Title of the Regulation: the amended text proposes that the title be changed to 'Regulation of the European Parliament and of the Council replacing **Annexes A and B** (as opposed to just Annex A) to Regulation (EU) 2015/848 on insolvency proceedings.

As a reminder, Annexes A and B to Regulation (EU) 2015/848 of the European Parliament and of the Council list the designations given in the national law of the Member States to the insolvency proceedings (Annex A) and insolvency practitioners (Annex B) to which that Regulation applies.

In the course of the discussion of this proposal which initially concerned Croatia, the Commission received further notifications from Bulgaria, Croatia, Latvia and Portugal relating to recent changes in their domestic laws, introducing new types of insolvency proceedings and/or insolvency practitioners.

Furthermore, Belgium notified the Commission about a change in its domestic insolvency law which would enter into force on 1 May 2018. These new types of insolvency proceedings and/or insolvency practitioners also comply with the requirements set out in Regulation (EU) 2015/848 and make it necessary to amend both Annexes A and B thereof.

Therefore, the amended text proposes that Annexes A and B to Regulation (EU) 2015/848 shall be **replaced** by the text in the Annexes to this Regulation.

The United Kingdom gave notice on 15 November 2017 of its wish to take part in the adoption and application of this Regulation. Ireland will not participate in the adoption of this Regulation and will not be bound by it or be subject to its application.

Insolvency proceedings: replacing Annexes A and B to the Regulation

2017/0189(COD) - 09/08/2017 - Legislative proposal

PURPOSE: to replace Annex A to Regulation (EU) 2015/848 on insolvency proceedings.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in January 2017, **Croatia notified the Commission on recent changes of its domestic insolvency law** introducing new types of insolvency proceedings, such as a pre-insolvency proceeding and a consumer's insolvency proceeding.

At the same time, Croatia requested that the list setting out exhaustively the insolvency proceedings in Annex A of [Regulation \(EU\) 2015/848](#) be amended accordingly.

The Commission carefully analysed this request in order to ensure compliance of the notification with the requirements of the Regulation.

Changes to Annex A of the Regulation do not affect the substantive set of rules and may only be made by the Union legislature and not by the Member States.

CONTENT: the aim of this proposal is to ensure that the scope of the recast Regulation is adjusted to the actual legal framework of the Member States on insolvency by the time of its application.

It seeks to **replace the list in Annex A to Regulation (EU) 2015/848 on Croatia with a new list** taking account of the information notified by that Member State.

These amendments do not affect any of the obligations and rules set out in the Regulation itself.

Insolvency proceedings: replacing Annexes A and B to the Regulation

2017/0189(COD) - 13/06/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 634 votes to 26 with 31 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council replacing Annex A to Regulation (EU) 2015/848 on insolvency proceedings.

Parliament's position adopted at first reading under the ordinary legislative procedure relates to the adoption of a regulation of the European Parliament and of the Council **replacing Annex A and B** of Regulation (EU) 2015/848 on insolvency proceedings.

In the recitals, it is recalled that Annexes A and B to Regulation (EU) 2015/848 of the European Parliament and of the Council list the designations given in the national law of the Member States to the insolvency proceedings (Annex A) and insolvency practitioners (Annex B) to which that Regulation applies.

In the course of the discussion of this proposal, which initially concerned Croatia, the Commission received further notifications from Bulgaria, Croatia, Latvia and Portugal relating to recent changes in their domestic laws, introducing new types of insolvency proceedings and/or insolvency practitioners.

Furthermore, Belgium notified the Commission about a change in its domestic insolvency law that would enter into force on 1 May 2018. These new types of insolvency proceedings and/or insolvency practitioners also comply with the requirements set out in Regulation (EU) 2015/848 and make it necessary to amend both Annexes A and B thereof.

Therefore, the amended text proposes that **Annexes A and B to Regulation (EU) 2015/848 shall be replaced by the text in the Annexes to this Regulation.**

The United Kingdom gave notice on 15 November 2017 of its wish to take part in the adoption and application of this Regulation. Ireland will not participate in the adoption of this Regulation and will not be bound by it or be subject to its application.