

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2017/0189(COD) 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	09/10/2017
		Shadow rapporteur	
		 COFFERATI Sergio Gaetano	
		 MARINHO E PINTO António	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3629	26/06/2018
European Commission	Commission DG	Commissioner	
	Justice and Consumers	JOUROVÁ Věra	

Key events			
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	Results of vote in Parliament		
13/06/2018	Decision by Parliament, 1st reading	T8-0250/2018	Summary
26/06/2018	Act adopted by Council after Parliament's 1st reading		

04/07/2018	Final act signed		
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)
Procedure subtype	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 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/10569

Documentation gateway

Legislative proposal	COM(2017)0422	09/08/2017	EC	Summary
Committee draft report	PE613.544	20/02/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0174/2018	17/05/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0250/2018	13/06/2018	EP	Summary
Draft final act	00025/2018/LEX	04/07/2018	CSL	
Commission response to text adopted in plenary	SP(2018)458	11/07/2018	EC	

Final act

[Regulation 2018/946](#)
[OJ L 171 06.07.2018, p. 0001](#) Summary

Insolvency proceedings: replacing Annexes A and B to the Regulation

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

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 Parliaments 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

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.

Parliaments 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.

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.