



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2021/0118(COD) Awaiting Council's 1st reading position
Insolvency proceedings: replacing Annexes A and B to Regulation Amending Regulation 2015/848 2012/0360(COD)	
Subject 3.45.01 Company law	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 VÁZQUEZ LÁZARA Adrián	09/09/2021
Council of the European Union European Commission	Commission DG Justice and Consumers	Commissioner REYNDERS Didier	

Key events			
17/05/2021	Committee referral announced in Parliament, 1st reading		
14/10/2021	Vote in committee, 1st reading		
26/10/2021	Committee report tabled for plenary, 1st reading	A9-0293/2021	Summary
23/11/2021	Decision by Parliament, 1st reading	T9-0459/2021	

Technical information	
Procedure reference	2021/0118(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation 2015/848 2012/0360(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 081-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	JURI/9/06017

Documentation gateway					
Legislative proposal		COM(2021)0231	11/05/2021	EC	Summary

Committee draft report		PE699.014	12/10/2021	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0293/2021	26/10/2021	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0459/2021	23/11/2021	EP	

Insolvency proceedings: replacing Annexes A and B to Regulation

PURPOSE: to update Annexes A and B of Regulation (EU) 2015/848 on insolvency proceedings to ensure that the scope of the Regulation reflects the current legal framework of the Member States on insolvency.

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: [Regulation \(EU\) 2015/848](#) is an important instrument for judicial cooperation in civil matters at EU level. It contains a comprehensive set of rules directly applicable to cross-border insolvency proceedings which are referred to in Annex A and to types of insolvency practitioners referred to in Annex B.

These two annexes list exhaustively, respectively, the insolvency proceedings and the insolvency practitioners provided for in the laws of the Member States and to which the Regulation applies. It is therefore important that these annexes are regularly updated to take account of the current legal situation in the Member States.

In October 2020, the Netherlands notified the Commission of recent changes to its national insolvency legislation, introducing a new preventive insolvency regime and new categories of insolvency practitioners. Notifications were subsequently received from Italy, Lithuania, Cyprus and Poland in December 2020.

The Commission has analysed the notifications from these Member States carefully to ensure that they meet the requirements of the Regulation.

CONTENT: the Commission proposal replaces the lists in Annexes A and B of Regulation (EU) 2015/848 with new lists that take into account the information notified by the Netherlands, Italy, Lithuania, Cyprus and Poland. It merely amends these annexes to accurately reflect the content of the national notifications and to adapt the annexes listing the respective national procedures or categories of insolvency practitioners in this area.

Insolvency proceedings: replacing Annexes A and B to Regulation

The Committee on Legal Affairs adopted the report by Adrián VÁZQUEZ LÁZARA (Renew Europe, ES) on the proposal for a regulation of the European Parliament and of the Council replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings.

The Commission proposal replaces the lists in Annexes A and B of Regulation (EU) 2015/848 with new lists that take into account the information notified by the Netherlands, Italy, Lithuania, Cyprus and Poland. It merely amends these annexes to accurately reflect the content of the national notifications and to adapt the annexes listing the respective national procedures or categories of insolvency practitioners in this area.

The committee responsible recommends that the European Parliament's position adopted at first reading under the ordinary legislative procedure should state that after the Commission presented its proposal, further notifications were received from Germany, Hungary and Austria concerning recent changes to their domestic law that introduce new types of insolvency proceedings or new types of insolvency practitioners. Subsequently, Italy clarified that their changes notified to the Commission in 2020 will enter into force on 16 May 2022 and provided an amendment to a previous notified designation.

It is also clarified that Ireland is not participating in the adoption of the Regulation and is not bound by it or subject to its application.