

Insolvency proceedings and insolvency practitioners

2016/0159(COD) - 30/05/2016 - Legislative proposal

PURPOSE: to replace the lists of insolvency proceedings and insolvency practitioners in Annexes A and B 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: [Regulation \(EU\) 2015/848](#) of the European Parliament and of the Council on insolvency proceedings (recast) entered into force on 26 June 2015. It will apply from 26 June 2017, with the exception of the part relating to the system for interconnection of national insolvency registers, which will apply from 26 June 2019.

Annex A to Regulation (EU) 2015/848 lists the insolvency proceedings referred to in point (4) of Article 2 of the Regulation. Annex B lists the insolvency practitioners referred to in point (5) of Article 2.

In December 2015, Poland notified the Commission on a substantial reform of its domestic law on restructuring, taking effect as of 1 January 2016, and requested to change the lists set out in Annexes A and B to the Regulation accordingly.

After having carefully analysed the request of Poland in order to ensure compliance of the notification with the requirements of the Regulation, the Commission is proposing to amend Regulation ((EU) 2015 /848 accordingly.

CONTENT: the Commission proposal seeks to **replace the lists for Poland in Annexes A and B to Regulation (EU) 2015/848 with new lists** taking into account the information notified by that Member States. Since the Annexes are intrinsic part of the Regulation, their modification can only be achieved via the legislative amendment of the Regulation.

This proposal aims at ensuring 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.

The envisaged amendments are of a purely technical nature. They contain no substantive change to the Regulation.