



Basic information	
2016/0159(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Insolvency proceedings and insolvency practitioners Amending Regulation (EU) 2015/848 2012/0360(COD) Subject 3.45.01 Company law 3.45.03 Financial management of undertakings, business loans, accounting 7.40.02 Judicial cooperation in civil and commercial matters	


Key players			
European Parliament	Committee responsible		Rapporteur
	JURI Legal Affairs		ZWIEFKA Tadeusz (PPE)
			Shadow rapporteur COFFERATI Sergio Gaetano (S&D) ZŁOTOWSKI Kosma (ECR) WIKSTRÖM Cecilia (ALDE) HAUTALA Heidi (Verts/ALE)
	Committee for opinion		Rapporteur for opinion
	ECON Economic and Monetary Affairs		The committee decided not to give an opinion.
	LIBE Civil Liberties, Justice and Home Affairs		The committee decided not to give an opinion.
Council of the European Union	Council configuration	Meetings	Date
	Justice and Home Affairs (JHA)	3490	2016-10-14
	Agriculture and Fisheries	3514	2017-01-23
European Commission	Commission DG	Commissioner	
	Justice and Consumers	JOUROVÁ Věra	

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Key events			
Date	Event	Reference	Summary
30/05/2016	Legislative proposal published	COM(2016)0317 	Summary
06/06/2016	Committee referral announced in Parliament, 1st reading		
14/10/2016	Debate in Council		
08/11/2016	Vote in committee, 1st reading		
23/11/2016	Committee report tabled for plenary, 1st reading	A8-0324/2016	Summary
14/12/2016	Decision by Parliament, 1st reading	T8-0488/2016	Summary
14/12/2016	Results of vote in Parliament		
23/01/2017	Act adopted by Council after Parliament's 1st reading		
23/01/2017	End of procedure in Parliament		
15/02/2017	Final act signed		
03/03/2017	Final act published in Official Journal		

Technical information	
Procedure reference	2016/0159(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EU) 2015/848 2012/0360(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 081-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/06654

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE587.472	20/07/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0324/2016	23/11/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0488/2016	14/12/2016	Summary
Council of the EU				

Document type	Reference	Date	Summary
Draft final act	00052/2016/LEX	15/02/2017	
European Commission			
Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0317 	30/05/2016	Summary
Commission response to text adopted in plenary	SP(2017)131	08/03/2017	

Final act
Regulation 2017/0353 OJ L 057 03.03.2017, p. 0019 Summary

Insolvency proceedings and insolvency practitioners

2016/0159(COD) - 23/11/2016 - 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 the lists of insolvency proceedings and insolvency practitioners in Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings.

As a reminder, [Regulation \(EU\) 2015/848](#) of the European Parliament and of the Council on insolvency proceedings 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.

This Regulation includes as Annexes lists of insolvency proceedings and insolvency practitioners relevant to its application. 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, which would take effect as of 1 January 2016, and requested a modification of the lists set out in Annexes A and B to the Regulation accordingly.

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.

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

Two amendments reflect the position of the United Kingdom and of Ireland respectively with regard to the Commission proposal pursuant to Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice. These amendments recalled that, in accordance with Protocol (No 21):

- **the United Kingdom** has given notice of its wish to take part in the adoption and application of this Regulation on 1 September 2016 (he United Kingdom participated in the adoption and application of Regulation (EU) 2015/848 on insolvency proceedings);
- **Ireland** will not participate in the adoption of this Regulation and will not be bound by it or be subject to its application (the possibility for Ireland to accept this new regulation will always be open after its adoption pursuant to the above-mentioned Protocol).

The third amendment aligns the entry into application of the amending regulation with that of Regulation (EU) 2015/848: thus, the amending Regulation will enter into force on 26 June 2017.

Insolvency proceedings and insolvency practitioners

2016/0159(COD) - 14/12/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 640 votes to 30, with 32 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council replacing the lists of insolvency proceedings and insolvency practitioners in Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings.

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.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

- reflect the **position of the United Kingdom and of Ireland** respectively with regard to the Commission proposal pursuant to Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice. These amendments recalled that, in accordance with Protocol (No 21): (a) **the United Kingdom** has given notice of its wish to take part in the adoption and application of this Regulation; (b) **Ireland** will not participate in the adoption of this Regulation and will not be bound by it or be subject to its application;
- **aligns the entry into application of the amending regulation** with that of Regulation (EU) 2015/848: thus, the amending Regulation will enter into force on 26 June 2017.

Insolvency proceedings and insolvency practitioners

2016/0159(COD) - 15/02/2017 - Final act

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

LEGISLATIVE ACT: Regulation (EU) 2017/353 of the European Parliament and of the Council replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings.

CONTENT: this Regulation **replaces the lists for Poland in Annexes A and B** to [Regulation \(EU\) 2015/848](#) with new lists taking account of the information notified by that Member State.

Annexes A and B to Regulation (EU) 2015/848 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.

In December 2015, **Poland notified the Commission of a substantial reform of its internal restructuring law** and requested that the lists in Annexes A and B to the Regulation be amended accordingly.

The United Kingdom shall participate in the adoption and application of the Regulation, whereas Ireland and Denmark shall not.

ENTRY INTO FORCE: 23.3.2017. The Regulation shall apply from 26.6.2017.

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.