

Regulation (EU) 2015/848 of the European Parliament and of
the Council of 20 May 2015 on insolvency proceedings (recast)

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PARLIAMENT AND OF THE COUNCIL

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on insolvency proceedings

(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) On 12 December 2012, the Commission adopted a report on the application of Council Regulation (EC) No 1346/2000⁽³⁾. The report concluded that the Regulation is functioning well in general but that it would be desirable to improve the application of certain of its provisions in order to enhance the effective administration of cross-border insolvency proceedings. Since that Regulation has been amended several times and further amendments are to be made, it should be recast in the interest of clarity.
- (2) The Union has set the objective of establishing an area of freedom, security and justice.
- (3) The proper functioning of the internal market requires that cross-border insolvency proceedings should operate efficiently and effectively. This Regulation needs to be adopted in order to achieve that objective, which falls within the scope of judicial cooperation in civil matters within the meaning of Article 81 of the Treaty.
- (4) The activities of undertakings have more and more cross-border effects and are therefore increasingly being regulated by Union law. The insolvency of such undertakings also affects the proper functioning of the internal market, and there is a need for a Union act requiring coordination of the measures to be taken regarding an insolvent debtor's assets.
- (5) It is necessary for the proper functioning of the internal market to avoid incentives for parties to transfer assets or judicial proceedings from one Member State to another, seeking to obtain a more favourable legal position to the detriment of the general body of creditors (forum shopping).

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- (6) This Regulation should include provisions governing jurisdiction for opening insolvency proceedings and actions which are directly derived from insolvency proceedings and are closely linked with them. This Regulation should also contain provisions regarding the recognition and enforcement of judgments issued in such proceedings, and provisions regarding the law applicable to insolvency proceedings. In addition, this Regulation should lay down rules on the coordination of insolvency proceedings which relate to the same debtor or to several members of the same group of companies.
- (7) Bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons, judicial arrangements, compositions and analogous proceedings and actions related to such proceedings are excluded from the scope of Regulation (EU) No 1215/2012 of the European Parliament and of the Council⁽⁴⁾. Those proceedings should be covered by this Regulation. The interpretation of this Regulation should as much as possible avoid regulatory loopholes between the two instruments. However, the mere fact that a national procedure is not listed in Annex A to this Regulation should not imply that it is covered by Regulation (EU) No 1215/2012.
- (8) In order to achieve the aim of improving the efficiency and effectiveness of insolvency proceedings having cross-border effects, it is necessary, and appropriate, that the provisions on jurisdiction, recognition and applicable law in this area should be contained in a Union measure which is binding and directly applicable in Member States.
- (9) This Regulation should apply to insolvency proceedings which meet the conditions set out in it, irrespective of whether the debtor is a natural person or a legal person, a trader or an individual. Those insolvency proceedings are listed exhaustively in Annex A. In respect of the national procedures contained in Annex A, this Regulation should apply without any further examination by the courts of another Member State as to whether the conditions set out in this Regulation are met. National insolvency procedures not listed in Annex A should not be covered by this Regulation.
- (10) The scope of this Regulation should extend to proceedings which promote the rescue of economically viable but distressed businesses and which give a second chance to entrepreneurs. It should, in particular, extend to proceedings which provide for restructuring of a debtor at a stage where there is only a likelihood of insolvency, and to proceedings which leave the debtor fully or partially in control of its assets and affairs. It should also extend to proceedings providing for a debt discharge or a debt adjustment in relation to consumers and self-employed persons, for example by reducing the amount to be paid by the debtor or by extending the payment period granted to the debtor. Since such proceedings do not necessarily entail the appointment of an insolvency practitioner, they should be covered by this Regulation if they take place under the control or supervision of a court. In this context, the term 'control' should include situations where the court only intervenes on appeal by a creditor or other interested parties.
- (11) This Regulation should also apply to procedures which grant a temporary stay on enforcement actions brought by individual creditors where such actions could adversely

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affect negotiations and hamper the prospects of a restructuring of the debtor's business. Such procedures should not be detrimental to the general body of creditors and, if no agreement on a restructuring plan can be reached, should be preliminary to other procedures covered by this Regulation.

- (12) This Regulation should apply to proceedings the opening of which is subject to publicity in order to allow creditors to become aware of the proceedings and to lodge their claims, thereby ensuring the collective nature of the proceedings, and in order to give creditors the opportunity to challenge the jurisdiction of the court which has opened the proceedings.
- (13) Accordingly, insolvency proceedings which are confidential should be excluded from the scope of this Regulation. While such proceedings may play an important role in some Member States, their confidential nature makes it impossible for a creditor or a court located in another Member State to know that such proceedings have been opened, thereby making it difficult to provide for the recognition of their effects throughout the Union.
- (14) The collective proceedings which are covered by this Regulation should include all or a significant part of the creditors to whom a debtor owes all or a substantial proportion of the debtor's outstanding debts provided that the claims of those creditors who are not involved in such proceedings remain unaffected. Proceedings which involve only the financial creditors of a debtor should also be covered. Proceedings which do not include all the creditors of a debtor should be proceedings aimed at rescuing the debtor. Proceedings that lead to a definitive cessation of the debtor's activities or the liquidation of the debtor's assets should include all the debtor's creditors. Moreover, the fact that some insolvency proceedings for natural persons exclude specific categories of claims, such as maintenance claims, from the possibility of a debt-discharge should not mean that such proceedings are not collective.
- (15) This Regulation should also apply to proceedings that, under the law of some Member States, are opened and conducted for a certain period of time on an interim or provisional basis before a court issues an order confirming the continuation of the proceedings on a non-interim basis. Although labelled as 'interim', such proceedings should meet all other requirements of this Regulation.
- (16) This Regulation should apply to proceedings which are based on laws relating to insolvency. However, proceedings that are based on general company law not designed exclusively for insolvency situations should not be considered to be based on laws relating to insolvency. Similarly, the purpose of adjustment of debt should not include specific proceedings in which debts of a natural person of very low income and very low asset value are written off, provided that this type of proceedings never makes provision for payment to creditors.
- (17) This Regulation's scope should extend to proceedings which are triggered by situations in which the debtor faces non-financial difficulties, provided that such difficulties give rise to a real and serious threat to the debtor's actual or future ability to pay its debts as they fall due. The time frame relevant for the determination of such threat may extend to a period of several months or even longer in order to account for cases in which the

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debtor is faced with non-financial difficulties threatening the status of its business as a going concern and, in the medium term, its liquidity. This may be the case, for example, where the debtor has lost a contract which is of key importance to it.

- (18) This Regulation should be without prejudice to the rules on the recovery of State aid from insolvent companies as interpreted by the case-law of the Court of Justice of the European Union.
- (19) Insolvency proceedings concerning insurance undertakings, credit institutions, investment firms and other firms, institutions or undertakings covered by Directive 2001/24/EC of the European Parliament and of the Council⁽⁵⁾ and collective investment undertakings should be excluded from the scope of this Regulation, as they are all subject to special arrangements and the national supervisory authorities have wide-ranging powers of intervention.
- (20) Insolvency proceedings do not necessarily involve the intervention of a judicial authority. Therefore, the term ‘court’ in this Regulation should, in certain provisions, be given a broad meaning and include a person or body empowered by national law to open insolvency proceedings. In order for this Regulation to apply, proceedings (comprising acts and formalities set down in law) should not only have to comply with the provisions of this Regulation, but they should also be officially recognised and legally effective in the Member State in which the insolvency proceedings are opened.
- (21) Insolvency practitioners are defined in this Regulation and listed in Annex B. Insolvency practitioners who are appointed without the involvement of a judicial body should, under national law, be appropriately regulated and authorised to act in insolvency proceedings. The national regulatory framework should provide for proper arrangements to deal with potential conflicts of interest.
- (22) This Regulation acknowledges the fact that as a result of widely differing substantive laws it is not practical to introduce insolvency proceedings with universal scope throughout the Union. The application without exception of the law of the State of the opening of proceedings would, against this background, frequently lead to difficulties. This applies, for example, to the widely differing national laws on security interests to be found in the Member States. Furthermore, the preferential rights enjoyed by some creditors in insolvency proceedings are, in some cases, completely different. At the next review of this Regulation, it will be necessary to identify further measures in order to improve the preferential rights of employees at European level. This Regulation should take account of such differing national laws in two different ways. On the one hand, provision should be made for special rules on the applicable law in the case of particularly significant rights and legal relationships (e.g. rights *in rem* and contracts of employment). On the other hand, national proceedings covering only assets situated in the State of the opening of proceedings should also be allowed alongside main insolvency proceedings with universal scope.
- (23) This Regulation enables the main insolvency proceedings to be opened in the Member State where the debtor has the centre of its main interests. Those proceedings have universal scope and are aimed at encompassing all the debtor's assets. To protect the diversity of interests, this Regulation permits secondary insolvency proceedings to be

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opened to run in parallel with the main insolvency proceedings. Secondary insolvency proceedings may be opened in the Member State where the debtor has an establishment. The effects of secondary insolvency proceedings are limited to the assets located in that State. Mandatory rules of coordination with the main insolvency proceedings satisfy the need for unity in the Union.

- (24) Where main insolvency proceedings concerning a legal person or company have been opened in a Member State other than that of its registered office, it should be possible to open secondary insolvency proceedings in the Member State of the registered office, provided that the debtor is carrying out an economic activity with human means and assets in that State, in accordance with the case-law of the Court of Justice of the European Union.
- (25) This Regulation applies only to proceedings in respect of a debtor whose centre of main interests is located in the Union.
- (26) The rules of jurisdiction set out in this Regulation establish only international jurisdiction, that is to say, they designate the Member State the courts of which may open insolvency proceedings. Territorial jurisdiction within that Member State should be established by the national law of the Member State concerned.
- (27) Before opening insolvency proceedings, the competent court should examine of its own motion whether the centre of the debtor's main interests or the debtor's establishment is actually located within its jurisdiction.
- (28) When determining whether the centre of the debtor's main interests is ascertainable by third parties, special consideration should be given to the creditors and to their perception as to where a debtor conducts the administration of its interests. This may require, in the event of a shift of centre of main interests, informing creditors of the new location from which the debtor is carrying out its activities in due course, for example by drawing attention to the change of address in commercial correspondence, or by making the new location public through other appropriate means.
- (29) This Regulation should contain a number of safeguards aimed at preventing fraudulent or abusive forum shopping.
- (30) Accordingly, the presumptions that the registered office, the principal place of business and the habitual residence are the centre of main interests should be rebuttable, and the relevant court of a Member State should carefully assess whether the centre of the debtor's main interests is genuinely located in that Member State. In the case of a company, it should be possible to rebut this presumption where the company's central administration is located in a Member State other than that of its registered office, and where a comprehensive assessment of all the relevant factors establishes, in a manner that is ascertainable by third parties, that the company's actual centre of management and supervision and of the management of its interests is located in that other Member State. In the case of an individual not exercising an independent business or professional activity, it should be possible to rebut this presumption, for example where the major part of the debtor's assets is located outside the Member State of the debtor's habitual residence, or where it can be established that the principal reason for moving was to

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file for insolvency proceedings in the new jurisdiction and where such filing would materially impair the interests of creditors whose dealings with the debtor took place prior to the relocation.

- (31) With the same objective of preventing fraudulent or abusive forum shopping, the presumption that the centre of main interests is at the place of the registered office, at the individual's principal place of business or at the individual's habitual residence should not apply where, respectively, in the case of a company, legal person or individual exercising an independent business or professional activity, the debtor has relocated its registered office or principal place of business to another Member State within the 3-month period prior to the request for opening insolvency proceedings, or, in the case of an individual not exercising an independent business or professional activity, the debtor has relocated his habitual residence to another Member State within the 6-month period prior to the request for opening insolvency proceedings.
- (32) In all cases, where the circumstances of the matter give rise to doubts about the court's jurisdiction, the court should require the debtor to submit additional evidence to support its assertions and, where the law applicable to the insolvency proceedings so allows, give the debtor's creditors the opportunity to present their views on the question of jurisdiction.
- (33) In the event that the court seized of the request to open insolvency proceedings finds that the centre of main interests is not located on its territory, it should not open main insolvency proceedings.
- (34) In addition, any creditor of the debtor should have an effective remedy against the decision to open insolvency proceedings. The consequences of any challenge to the decision to open insolvency proceedings should be governed by national law.
- (35) The courts of the Member State within the territory of which insolvency proceedings have been opened should also have jurisdiction for actions which derive directly from the insolvency proceedings and are closely linked with them. Such actions should include avoidance actions against defendants in other Member States and actions concerning obligations that arise in the course of the insolvency proceedings, such as advance payment for costs of the proceedings. In contrast, actions for the performance of the obligations under a contract concluded by the debtor prior to the opening of proceedings do not derive directly from the proceedings. Where such an action is related to another action based on general civil and commercial law, the insolvency practitioner should be able to bring both actions in the courts of the defendant's domicile if he considers it more efficient to bring the action in that forum. This could, for example, be the case where the insolvency practitioner wishes to combine an action for director's liability on the basis of insolvency law with an action based on company law or general tort law.
- (36) The court having jurisdiction to open the main insolvency proceedings should be able to order provisional and protective measures as from the time of the request to open proceedings. Preservation measures both prior to and after the commencement of the insolvency proceedings are important to guarantee the effectiveness of the insolvency proceedings. In that connection, this Regulation should provide for various possibilities.

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On the one hand, the court competent for the main insolvency proceedings should also be able to order provisional and protective measures covering assets situated in the territory of other Member States. On the other hand, an insolvency practitioner temporarily appointed prior to the opening of the main insolvency proceedings should be able, in the Member States in which an establishment belonging to the debtor is to be found, to apply for the preservation measures which are possible under the law of those Member States.

- (37) Prior to the opening of the main insolvency proceedings, the right to request the opening of insolvency proceedings in the Member State where the debtor has an establishment should be limited to local creditors and public authorities, or to cases in which main insolvency proceedings cannot be opened under the law of the Member State where the debtor has the centre of its main interests. The reason for this restriction is that cases in which territorial insolvency proceedings are requested before the main insolvency proceedings are intended to be limited to what is absolutely necessary.
- (38) Following the opening of the main insolvency proceedings, this Regulation does not restrict the right to request the opening of insolvency proceedings in a Member State where the debtor has an establishment. The insolvency practitioner in the main insolvency proceedings or any other person empowered under the national law of that Member State may request the opening of secondary insolvency proceedings.
- (39) This Regulation should provide for rules to determine the location of the debtor's assets, which should apply when determining which assets belong to the main or secondary insolvency proceedings, or to situations involving third parties' rights *in rem*. In particular, this Regulation should provide that European patents with unitary effect, a Community trade mark or any other similar rights, such as Community plant variety rights or Community designs, should only be included in the main insolvency proceedings.
- (40) Secondary insolvency proceedings can serve different purposes, besides the protection of local interests. Cases may arise in which the insolvency estate of the debtor is too complex to administer as a unit, or the differences in the legal systems concerned are so great that difficulties may arise from the extension of effects deriving from the law of the State of the opening of proceedings to the other Member States where the assets are located. For that reason, the insolvency practitioner in the main insolvency proceedings may request the opening of secondary insolvency proceedings where the efficient administration of the insolvency estate so requires.
- (41) Secondary insolvency proceedings may also hamper the efficient administration of the insolvency estate. Therefore, this Regulation sets out two specific situations in which the court seised of a request to open secondary insolvency proceedings should be able, at the request of the insolvency practitioner in the main insolvency proceedings, to postpone or refuse the opening of such proceedings.
- (42) First, this Regulation confers on the insolvency practitioner in main insolvency proceedings the possibility of giving an undertaking to local creditors that they will be treated as if secondary insolvency proceedings had been opened. That undertaking has to meet a number of conditions set out in this Regulation, in particular that it be

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approved by a qualified majority of local creditors. Where such an undertaking has been given, the court seised of a request to open secondary insolvency proceedings should be able to refuse that request if it is satisfied that the undertaking adequately protects the general interests of local creditors. When assessing those interests, the court should take into account the fact that the undertaking has been approved by a qualified majority of local creditors.

- (43) For the purposes of giving an undertaking to local creditors, the assets and rights located in the Member State where the debtor has an establishment should form a sub-category of the insolvency estate, and, when distributing them or the proceeds resulting from their realisation, the insolvency practitioner in the main insolvency proceedings should respect the priority rights that creditors would have had if secondary insolvency proceedings had been opened in that Member State.
- (44) National law should be applicable, as appropriate, in relation to the approval of an undertaking. In particular, where under national law the voting rules for adopting a restructuring plan require the prior approval of creditors' claims, those claims should be deemed to be approved for the purpose of voting on the undertaking. Where there are different procedures for the adoption of restructuring plans under national law, Member States should designate the specific procedure which should be relevant in this context.
- (45) Second, this Regulation should provide for the possibility that the court temporarily stays the opening of secondary insolvency proceedings, when a temporary stay of individual enforcement proceedings has been granted in the main insolvency proceedings, in order to preserve the efficiency of the stay granted in the main insolvency proceedings. The court should be able to grant the temporary stay if it is satisfied that suitable measures are in place to protect the general interest of local creditors. In such a case, all creditors that could be affected by the outcome of the negotiations on a restructuring plan should be informed of the negotiations and be allowed to participate in them.
- (46) In order to ensure effective protection of local interests, the insolvency practitioner in the main insolvency proceedings should not be able to realise or re-locate, in an abusive manner, assets situated in the Member State where an establishment is located, in particular, with the purpose of frustrating the possibility that such interests can be effectively satisfied if secondary insolvency proceedings are opened subsequently.
- (47) This Regulation should not prevent the courts of a Member State in which secondary insolvency proceedings have been opened from sanctioning a debtor's directors for violation of their duties, provided that those courts have jurisdiction to address such disputes under their national law.
- (48) Main insolvency proceedings and secondary insolvency proceedings can contribute to the efficient administration of the debtor's insolvency estate or to the effective realisation of the total assets if there is proper cooperation between the actors involved in all the concurrent proceedings. Proper cooperation implies the various insolvency practitioners and the courts involved cooperating closely, in particular by exchanging a sufficient amount of information. In order to ensure the dominant role of the main insolvency proceedings, the insolvency practitioner in such proceedings should be

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given several possibilities for intervening in secondary insolvency proceedings which are pending at the same time. In particular, the insolvency practitioner should be able to propose a restructuring plan or composition or apply for a suspension of the realisation of the assets in the secondary insolvency proceedings. When cooperating, insolvency practitioners and courts should take into account best practices for cooperation in cross-border insolvency cases, as set out in principles and guidelines on communication and cooperation adopted by European and international organisations active in the area of insolvency law, and in particular the relevant guidelines prepared by the United Nations Commission on International Trade Law (Uncitral).

- (49) In light of such cooperation, insolvency practitioners and courts should be able to enter into agreements and protocols for the purpose of facilitating cross-border cooperation of multiple insolvency proceedings in different Member States concerning the same debtor or members of the same group of companies, where this is compatible with the rules applicable to each of the proceedings. Such agreements and protocols may vary in form, in that they may be written or oral, and in scope, in that they may range from generic to specific, and may be entered into by different parties. Simple generic agreements may emphasise the need for close cooperation between the parties, without addressing specific issues, while more detailed, specific agreements may establish a framework of principles to govern multiple insolvency proceedings and may be approved by the courts involved, where the national law so requires. They may reflect an agreement between the parties to take, or to refrain from taking, certain steps or actions.
- (50) Similarly, the courts of different Member States may cooperate by coordinating the appointment of insolvency practitioners. In that context, they may appoint a single insolvency practitioner for several insolvency proceedings concerning the same debtor or for different members of a group of companies, provided that this is compatible with the rules applicable to each of the proceedings, in particular with any requirements concerning the qualification and licensing of the insolvency practitioner.
- (51) This Regulation should ensure the efficient administration of insolvency proceedings relating to different companies forming part of a group of companies.
- (52) Where insolvency proceedings have been opened for several companies of the same group, there should be proper cooperation between the actors involved in those proceedings. The various insolvency practitioners and the courts involved should therefore be under a similar obligation to cooperate and communicate with each other as those involved in main and secondary insolvency proceedings relating to the same debtor. Cooperation between the insolvency practitioners should not run counter to the interests of the creditors in each of the proceedings, and such cooperation should be aimed at finding a solution that would leverage synergies across the group.
- (53) The introduction of rules on the insolvency proceedings of groups of companies should not limit the possibility for a court to open insolvency proceedings for several companies belonging to the same group in a single jurisdiction if the court finds that the centre of main interests of those companies is located in a single Member State. In such cases, the court should also be able to appoint, if appropriate, the same insolvency

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practitioner in all proceedings concerned, provided that this is not incompatible with the rules applicable to them.

- (54) With a view to further improving the coordination of the insolvency proceedings of members of a group of companies, and to allow for a coordinated restructuring of the group, this Regulation should introduce procedural rules on the coordination of the insolvency proceedings of members of a group of companies. Such coordination should strive to ensure the efficiency of the coordination, whilst at the same time respecting each group member's separate legal personality.
- (55) An insolvency practitioner appointed in insolvency proceedings opened in relation to a member of a group of companies should be able to request the opening of group coordination proceedings. However, where the law applicable to the insolvency so requires, that insolvency practitioner should obtain the necessary authorisation before making such a request. The request should specify the essential elements of the coordination, in particular an outline of the coordination plan, a proposal as to whom should be appointed as coordinator and an outline of the estimated costs of the coordination.
- (56) In order to ensure the voluntary nature of group coordination proceedings, the insolvency practitioners involved should be able to object to their participation in the proceedings within a specified time period. In order to allow the insolvency practitioners involved to take an informed decision on participation in the group coordination proceedings, they should be informed at an early stage of the essential elements of the coordination. However, any insolvency practitioner who initially objects to inclusion in the group coordination proceedings should be able to subsequently request to participate in them. In such a case, the coordinator should take a decision on the admissibility of the request. All insolvency practitioners, including the requesting insolvency practitioner, should be informed of the coordinator's decision and should have the opportunity of challenging that decision before the court which has opened the group coordination proceedings.
- (57) Group coordination proceedings should always strive to facilitate the effective administration of the insolvency proceedings of the group members, and to have a generally positive impact for the creditors. This Regulation should therefore ensure that the court with which a request for group coordination proceedings has been filed makes an assessment of those criteria prior to opening group coordination proceedings.
- (58) The advantages of group coordination proceedings should not be outweighed by the costs of those proceedings. Therefore, it is necessary to ensure that the costs of the coordination, and the share of those costs that each group member will bear, are adequate, proportionate and reasonable, and are determined in accordance with the national law of the Member State in which group coordination proceedings have been opened. The insolvency practitioners involved should also have the possibility of controlling those costs from an early stage of the proceedings. Where the national law so requires, controlling costs from an early stage of proceedings could involve the insolvency practitioner seeking the approval of a court or creditors' committee.

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- (59) Where the coordinator considers that the fulfilment of his or her tasks requires a significant increase in costs compared to the initially estimated costs and, in any case, where the costs exceed 10 % of the estimated costs, the coordinator should be authorised by the court which has opened the group coordination proceedings to exceed such costs. Before taking its decision, the court which has opened the group coordination proceedings should give the possibility to the participating insolvency practitioners to be heard before it in order to allow them to communicate their observations on the appropriateness of the coordinator's request.
- (60) For members of a group of companies which are not participating in group coordination proceedings, this Regulation should also provide for an alternative mechanism to achieve a coordinated restructuring of the group. An insolvency practitioner appointed in proceedings relating to a member of a group of companies should have standing to request a stay of any measure related to the realisation of the assets in the proceedings opened with respect to other members of the group which are not subject to group coordination proceedings. It should only be possible to request such a stay if a restructuring plan is presented for the members of the group concerned, if the plan is to the benefit of the creditors in the proceedings in respect of which the stay is requested, and if the stay is necessary to ensure that the plan can be properly implemented.
- (61) This Regulation should not prevent Member States from establishing national rules which would supplement the rules on cooperation, communication and coordination with regard to the insolvency of members of groups of companies set out in this Regulation, provided that the scope of application of those national rules is limited to the national jurisdiction and that their application would not impair the efficiency of the rules laid down by this Regulation.
- (62) The rules on cooperation, communication and coordination in the framework of the insolvency of members of a group of companies provided for in this Regulation should only apply to the extent that proceedings relating to different members of the same group of companies have been opened in more than one Member State.
- (63) Any creditor which has its habitual residence, domicile or registered office in the Union should have the right to lodge its claims in each of the insolvency proceedings pending in the Union relating to the debtor's assets. This should also apply to tax authorities and social insurance institutions. This Regulation should not prevent the insolvency practitioner from lodging claims on behalf of certain groups of creditors, for example employees, where the national law so provides. However, in order to ensure the equal treatment of creditors, the distribution of proceeds should be coordinated. Every creditor should be able to keep what it has received in the course of insolvency proceedings, but should be entitled only to participate in the distribution of total assets in other proceedings if creditors with the same standing have obtained the same proportion of their claims.
- (64) It is essential that creditors which have their habitual residence, domicile or registered office in the Union be informed about the opening of insolvency proceedings relating to their debtor's assets. In order to ensure a swift transmission of information to creditors, Regulation (EC) No 1393/2007 of the European Parliament and of the Council⁽⁶⁾ should

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not apply where this Regulation refers to the obligation to inform creditors. The use of standard forms available in all official languages of the institutions of the Union should facilitate the task of creditors when lodging claims in proceedings opened in another Member State. The consequences of the incomplete filing of the standard forms should be a matter for national law.

- (65) This Regulation should provide for the immediate recognition of judgments concerning the opening, conduct and closure of insolvency proceedings which fall within its scope, and of judgments handed down in direct connection with such insolvency proceedings. Automatic recognition should therefore mean that the effects attributed to the proceedings by the law of the Member State in which the proceedings were opened extend to all other Member States. The recognition of judgments delivered by the courts of the Member States should be based on the principle of mutual trust. To that end, grounds for non-recognition should be reduced to the minimum necessary. This is also the basis on which any dispute should be resolved where the courts of two Member States both claim competence to open the main insolvency proceedings. The decision of the first court to open proceedings should be recognised in the other Member States without those Member States having the power to scrutinise that court's decision.
- (66) This Regulation should set out, for the matters covered by it, uniform rules on conflict of laws which replace, within their scope of application, national rules of private international law. Unless otherwise stated, the law of the Member State of the opening of proceedings should be applicable (*lex concursus*). This rule on conflict of laws should be valid both for the main insolvency proceedings and for local proceedings. The *lex concursus* determines all the effects of the insolvency proceedings, both procedural and substantive, on the persons and legal relations concerned. It governs all the conditions for the opening, conduct and closure of the insolvency proceedings.
- (67) Automatic recognition of insolvency proceedings to which the law of the State of the opening of proceedings normally applies may interfere with the rules under which transactions are carried out in other Member States. To protect legitimate expectations and the certainty of transactions in Member States other than that in which proceedings are opened, provision should be made for a number of exceptions to the general rule.
- (68) There is a particular need for a special reference diverging from the law of the opening State in the case of rights *in rem*, since such rights are of considerable importance for the granting of credit. The basis, validity and extent of rights *in rem* should therefore normally be determined according to the *lex situs* and not be affected by the opening of insolvency proceedings. The proprietor of a right *in rem* should therefore be able to continue to assert its right to segregation or separate settlement of the collateral security. Where assets are subject to rights *in rem* under the *lex situs* in one Member State but the main insolvency proceedings are being carried out in another Member State, the insolvency practitioner in the main insolvency proceedings should be able to request the opening of secondary insolvency proceedings in the jurisdiction where the rights *in rem* arise if the debtor has an establishment there. If secondary insolvency proceedings are not opened, any surplus on the sale of an asset covered by rights *in rem* should be paid to the insolvency practitioner in the main insolvency proceedings.

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- (69) This Regulation lays down several provisions for a court to order a stay of opening proceedings or a stay of enforcement proceedings. Any such stay should not affect the rights *in rem* of creditors or third parties.
- (70) If a set-off of claims is not permitted under the law of the State of the opening of proceedings, a creditor should nevertheless be entitled to the set-off if it is possible under the law applicable to the claim of the insolvent debtor. In this way, set-off would acquire a kind of guarantee function based on legal provisions on which the creditor concerned can rely at the time when the claim arises.
- (71) There is also a need for special protection in the case of payment systems and financial markets, for example in relation to the position-closing agreements and netting agreements to be found in such systems, as well as the sale of securities and the guarantees provided for such transactions as governed in particular by Directive 98/26/EC of the European Parliament and of the Council⁽⁷⁾. For such transactions, the only law which is relevant should be that applicable to the system or market concerned. That law is intended to prevent the possibility of mechanisms for the payment and settlement of transactions, and provided for in payment and set-off systems or on the regulated financial markets of the Member States, being altered in the case of insolvency of a business partner. Directive 98/26/EC contains special provisions which should take precedence over the general rules laid down in this Regulation.
- (72) In order to protect employees and jobs, the effects of insolvency proceedings on the continuation or termination of employment and on the rights and obligations of all parties to such employment should be determined by the law applicable to the relevant employment agreement, in accordance with the general rules on conflict of laws. Moreover, in cases where the termination of employment contracts requires approval by a court or administrative authority, the Member State in which an establishment of the debtor is located should retain jurisdiction to grant such approval even if no insolvency proceedings have been opened in that Member State. Any other questions relating to the law of insolvency, such as whether the employees' claims are protected by preferential rights and the status such preferential rights may have, should be determined by the law of the Member State in which the insolvency proceedings (main or secondary) have been opened, except in cases where an undertaking to avoid secondary insolvency proceedings has been given in accordance with this Regulation.
- (73) The law applicable to the effects of insolvency proceedings on any pending lawsuit or pending arbitral proceedings concerning an asset or right which forms part of the debtor's insolvency estate should be the law of the Member State where the lawsuit is pending or where the arbitration has its seat. However, this rule should not affect national rules on recognition and enforcement of arbitral awards.
- (74) In order to take account of the specific procedural rules of court systems in certain Member States flexibility should be provided with regard to certain rules of this Regulation. Accordingly, references in this Regulation to notice being given by a judicial body of a Member State should include, where a Member State's procedural rules so require, an order by that judicial body directing that notice be given.

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- (75) For business considerations, the main content of the decision opening the proceedings should be published, at the request of the insolvency practitioner, in a Member State other than that of the court which delivered that decision. If there is an establishment in the Member State concerned, such publication should be mandatory. In neither case, however, should publication be a prior condition for recognition of the foreign proceedings.
- (76) In order to improve the provision of information to relevant creditors and courts and to prevent the opening of parallel insolvency proceedings, Member States should be required to publish relevant information in cross-border insolvency cases in a publicly accessible electronic register. In order to facilitate access to that information for creditors and courts domiciled or located in other Member States, this Regulation should provide for the interconnection of such insolvency registers via the European e-Justice Portal. Member States should be free to publish relevant information in several registers and it should be possible to interconnect more than one register per Member State.
- (77) This Regulation should determine the minimum amount of information to be published in the insolvency registers. Member States should not be precluded from including additional information. Where the debtor is an individual, the insolvency registers should only have to indicate a registration number if the debtor is exercising an independent business or professional activity. That registration number should be understood to be the unique registration number of the debtor's independent business or professional activity published in the trade register, if any.
- (78) Information on certain aspects of insolvency proceedings is essential for creditors, such as time limits for lodging claims or for challenging decisions. This Regulation should, however, not require Member States to calculate those time-limits on a case-by-case basis. Member States should be able to fulfil their obligations by adding hyperlinks to the European e-Justice Portal, where self-explanatory information on the criteria for calculating those time-limits is to be provided.
- (79) In order to grant sufficient protection to information relating to individuals not exercising an independent business or professional activity, Member States should be able to make access to that information subject to supplementary search criteria such as the debtor's personal identification number, address, date of birth or the district of the competent court, or to make access conditional upon a request to a competent authority or upon the verification of a legitimate interest.
- (80) Member States should also be able not to include in their insolvency registers information on individuals not exercising an independent business or professional activity. In such cases, Member States should ensure that the relevant information is given to the creditors by individual notice, and that claims of creditors who have not received the information are not affected by the proceedings.
- (81) It may be the case that some of the persons concerned are not aware that insolvency proceedings have been opened, and act in good faith in a way that conflicts with the new circumstances. In order to protect such persons who, unaware that foreign proceedings

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have been opened, make a payment to the debtor instead of to the foreign insolvency practitioner, provision should be made for such a payment to have a debt-discharging effect.

- (82) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽⁸⁾.
- (83) This Regulation respects the fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to promote the application of Articles 8, 17 and 47 concerning, respectively, the protection of personal data, the right to property and the right to an effective remedy and to a fair trial.
- (84) Directive 95/46/EC of the European Parliament and of the Council⁽⁹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council⁽¹⁰⁾ apply to the processing of personal data within the framework of this Regulation.
- (85) This Regulation is without prejudice to Regulation (EEC, Euratom) No 1182/71 of the Council⁽¹¹⁾.
- (86) Since the objective of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the creation of a legal framework for the proper administration of cross-border insolvency proceedings, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (87) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, the United Kingdom and Ireland have notified their wish to take part in the adoption and application of this Regulation.
- (88) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (89) The European Data Protection Supervisor was consulted and delivered an opinion on 27 March 2013⁽¹²⁾,

HAVE ADOPTED THIS REGULATION:

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CHAPTER I **U.K.**

GENERAL PROVISIONS

Article 1 **U.K.**

[^{F1}Application and jurisdiction]

[^{F2}1 The grounds for jurisdiction to open insolvency proceedings set out in paragraph 1B are in addition to any grounds for jurisdiction to open such proceedings which apply in the laws of any part of the United Kingdom.

1A. There is jurisdiction to open insolvency proceedings listed in paragraph 1B where the proceedings are opened for the purposes of rescue, adjustment of debt, reorganisation or liquidation and—

- a the centre of the debtor's main interests is in the United Kingdom; or
- b the centre of the debtor's main interests is in a Member State and there is an establishment in the United Kingdom.

1B. The proceedings referred to in paragraph 1 are—

- a winding up by or subject to the supervision of the court;
- b creditors' voluntary winding up with confirmation by the court;
- c administration, including appointments made by filing prescribed documents with the court;
- d voluntary arrangements under insolvency legislation; and
- e bankruptcy or sequestration.]

2 This Regulation shall not apply to proceedings referred to in paragraph 1 that concern:

- a insurance undertakings;
- b credit institutions;
- c investment firms and other firms, institutions and undertakings to the extent that they are covered by [^{F3}the Credit Institutions (Reorganisation and Winding up) Regulations 2004]; or
- d collective investment undertakings.

Textual Amendments

- F1** Art. 1 heading substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 2(2)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 1(1)-(1B) substituted for Art. 1(1) (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 2(3)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 1(2) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 2(4)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Article 2 **U.K.**

Definitions

For the purposes of this Regulation:

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- (1) ^{F4} ...
- (1A) [^{F5}“Member State” means a state which is a member of the EU other than Denmark;]
- (2) ‘collective investment undertakings’ means undertakings for collective investment in transferable securities (UCITS) as defined in Directive 2009/65/EC of the European Parliament and of the Council⁽¹³⁾ and alternative investment funds (AIFs) as defined in Directive 2011/61/EU of the European Parliament and of the Council⁽¹⁴⁾;
- (3) ^{F6} ...
- (4) ‘insolvency proceedings’ means the proceedings [^{F7}listed in Article 1(1B) which there is jurisdiction to open under Article 1(1A) and includes interim proceedings];
- (5) ‘insolvency practitioner’ means any person or body whose function, including on an interim basis, is to:
- (i) verify and admit claims submitted in insolvency proceedings;
 - (ii) represent the collective interest of the creditors;
 - (iii) administer, either in full or in part, assets of which the debtor has been divested;
 - (iv) liquidate the assets referred to in point (iii); or
 - (v) supervise the administration of the debtor's affairs.
- The persons and bodies referred to in the first subparagraph are listed in Annex B;
- (6) ‘court’ means:
- (i) ^{F8} ...
 - (ii) ^{F9} ... the judicial body or any other competent body ^{F9} ... empowered to open insolvency proceedings, to confirm such opening or to take decisions in the course of such proceedings;
- (7) ‘judgment opening insolvency proceedings’ includes:
- (i) the decision of any court to open insolvency proceedings or to confirm the opening of such proceedings; and
 - (ii) the decision of a court to appoint an insolvency practitioner;
- (8) ‘the time of the opening of proceedings’ means the time at which the judgment opening insolvency proceedings becomes effective, regardless of whether the judgment is final or not;
- (9) ^{F10} ...
- (10) ‘establishment’ means any place of operations where a debtor carries out or has carried out in the 3-month period prior to the request to open ^{F11} ... insolvency proceedings a non-transitory economic activity with human means and assets;
- (11) ^{F12} ...
- (12) ^{F12} ...
- (13) ^{F12} ...

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(14) ^{F12} ...

Textual Amendments

- F4** Art. 2(1) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 2(1A) inserted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 2(3) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 2(4) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(c)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 2(6)(i) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(d)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 2(6)(ii) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(d)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 2(9) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(e)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in Art. 2(10) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(f)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(11)-(14) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 3(g)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Article 3 **U.K.**

[^{F13}Centre of main interests]

1 ^{F14}...The centre of main interests shall be the place where the debtor conducts the administration of its interests on a regular basis and which is ascertainable by third parties.

In the case of a company or legal person, the place of the registered office shall be presumed to be the centre of its main interests in the absence of proof to the contrary. That presumption shall only apply if the registered office has not been moved [^{F15}from the United Kingdom to a Member State or to the United Kingdom from a Member State] within the 3-month period prior to the request for the opening of insolvency proceedings.

In the case of an individual exercising an independent business or professional activity, the centre of main interests shall be presumed to be that individual's principal place of business in the absence of proof to the contrary. That presumption shall only apply if the individual's principal place of business has not been moved [^{F16}from the United Kingdom to a Member State or to the United Kingdom from a Member State] within the 3-month period prior to the request for the opening of insolvency proceedings.

In the case of any other individual, the centre of main interests shall be presumed to be the place of the individual's habitual residence in the absence of proof to the contrary. This presumption shall only apply if the habitual residence has not been moved [^{F17}from the United Kingdom to a Member State or to the United Kingdom from a Member State] within the 6-month period prior to the request for the opening of insolvency proceedings.

^{F18}2

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F18³

F18⁴

Textual Amendments

- F13** Art. 3 heading substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 4(2)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 3(1) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 4(3)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 3(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 4(3)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 3(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 4(3)(c)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 3(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 4(3)(d)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Art. 3(2)-(4) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 4(4)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Article 4 **U.K.**

Examination as to jurisdiction

1 A court seised of a request to open insolvency proceedings shall of its own motion examine whether it has jurisdiction pursuant to [F¹⁹Article 1(1A) (a) or (b)]. [F²⁰Where there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the judgment opening such proceedings must state which of those grounds is applicable.]

2 Notwithstanding paragraph 1, where insolvency proceedings are opened F²¹... without a decision by a court, F²¹... the insolvency practitioner appointed in such proceedings [F²²must examine the grounds on which there is jurisdiction to open the proceedings under Article 1(1A).] [F²³Where this is the case and there is jurisdiction to open insolvency proceedings on either of the grounds specified in Article 1(1A)(a) or (b), the insolvency practitioner must specify in the decision opening the proceedings which of those grounds is applicable.]

Textual Amendments

- F19** Words in Art. 4(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(2)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 4(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(2)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 4(2) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(3)(a)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 4(2) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(3)(a)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in Art. 4(2) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 5(3)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

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Article 5 **U.K.**

Judicial review of the decision to open ^{F24}... insolvency proceedings

1 The debtor or any creditor may challenge before a court the decision opening ^{F25}... insolvency proceedings on [^{F26}the grounds of jurisdiction under Article 1(1A)(a)].

2 The decision opening ^{F27}... insolvency proceedings may be challenged by parties other than those referred to in paragraph 1 or on grounds other than a lack of ^{F28}... jurisdiction [^{F29}under Article 1(1A)(a)] where [^{F30}the relevant law (other than this Regulation) of the part of the United Kingdom in which the matter is being determined so provides].

Textual Amendments

- F24** Word in Art. 5 heading omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(2)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F25** Word in Art. 5(1) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(3)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in Art. 5(1) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(3)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Word in Art. 5(2) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(4)(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F28** Word in Art. 5(2) omitted (31.12.2020) by virtue of The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(4)(b)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Art. 5(2) inserted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(4)(c)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in Art. 5(2) substituted (31.12.2020) by The Insolvency (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/146), reg. 1(3), **Sch. para. 6(4)(d)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

^{F31}Article 6 **U.K.**

Jurisdiction for actions deriving directly from insolvency proceedings and closely linked with them

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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^{F31}Article 7 **U.K.**

Applicable law

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31}Article 8 **U.K.**

Third parties' rights *in rem*

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31}Article 9 **U.K.**

Set-off

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31}Article 10 **U.K.**

Reservation of title

.....

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 11 **U.K.**

Contracts relating to immoveable property

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 12 **U.K.**

Payment systems and financial markets

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 13 **U.K.**

Contracts of employment

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 14 **U.K.**

Effects on rights subject to registration

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 15 **U.K.**

European patents with unitary effect and Community trade marks

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 16 **U.K.**

Detrimental acts

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 17 **U.K.**

Protection of third-party purchasers

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 18 **U.K.**

Effects of insolvency proceedings on pending lawsuits or arbitral proceedings

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

CHAPTER II **U.K.**

RECOGNITION OF INSOLVENCY PROCEEDINGS

^{F31} Article 19 **U.K.**

Principle

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 20 **U.K.**

Effects of recognition

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 21 **U.K.**

Powers of the insolvency practitioner

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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^{F31} Article 22 **U.K.**

Proof of the insolvency practitioner's appointment

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 23 **U.K.**

Return and imputation

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 24 **U.K.**

Establishment of insolvency registers

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 25 **U.K.**

Interconnection of insolvency registers

.....

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 26 **U.K.**

Costs of establishing and interconnecting insolvency registers

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 27 **U.K.**

Conditions of access to information via the system of interconnection

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 28 **U.K.**

Publication in another Member State

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 29 **U.K.**

Registration in public registers of another Member State

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 30 **U.K.**

Costs

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 31 **U.K.**

Honouring of an obligation to a debtor

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 32 **U.K.**

Recognition and enforceability of other judgments

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 33 **U.K.**

Public policy

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

CHAPTER III **U.K.**

SECONDARY INSOLVENCY PROCEEDINGS

^{F31} Article 34 **U.K.**

Opening of proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 35 **U.K.**

Applicable law

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 36 **U.K.**

Right to give an undertaking in order to avoid secondary insolvency proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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^{F31} Article 37 **U.K.**

Right to request the opening of secondary insolvency proceedings

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 38 **U.K.**

Decision to open secondary insolvency proceedings

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 39 **U.K.**

Judicial review of the decision to open secondary insolvency proceedings

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 40 **U.K.**

Advance payment of costs and expenses

.....

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 41 **U.K.**

Cooperation and communication between insolvency practitioners

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 42 **U.K.**

Cooperation and communication between courts

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 43 **U.K.**

Cooperation and communication between insolvency practitioners and courts

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 44 **U.K.**

Costs of cooperation and communication

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 45 **U.K.**

Exercise of creditors' rights

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 46 **U.K.**

Stay of the process of realisation of assets

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 47 **U.K.**

Power of the insolvency practitioner to propose restructuring plans

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 48 **U.K.**

Impact of closure of insolvency proceedings

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 49 **U.K.**

Assets remaining in the secondary insolvency proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 50 **U.K.**

Subsequent opening of the main insolvency proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 51 **U.K.**

Conversion of secondary insolvency proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 52 **U.K.**

Preservation measures

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

CHAPTER IV **U.K.**

PROVISION OF INFORMATION FOR CREDITORS AND LODGEMENT OF THEIR CLAIMS

^{F31} Article 53 **U.K.**

Right to lodge claims

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 54 **U.K.**

Duty to inform creditors

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 55 **U.K.**

Procedure for lodging claims

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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CHAPTER V **U.K.**

INSOLVENCY PROCEEDINGS OF MEMBERS OF A GROUP OF COMPANIES

SECTION 1 **U.K.**

Cooperation and communication

^{F31}Article 56 **U.K.**

Cooperation and communication between insolvency practitioners

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31}Article 57 **U.K.**

Cooperation and communication between courts

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31}Article 58 **U.K.**

Cooperation and communication between insolvency practitioners and courts

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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^{F31} Article 59 **U.K.**

**Costs of cooperation and communication in proceedings
concerning members of a group of companies**

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 60 **U.K.**

**Powers of the insolvency practitioner in proceedings
concerning members of a group of companies**

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

SECTION 2 **U.K.**

Coordination

Subsection 1 **U.K.**

Procedure

^{F31} Article 61 **U.K.**

Request to open group coordination proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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^{F31} Article 62 **U.K.**

Priority rule

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 63 **U.K.**

Notice by the court seised

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 64 **U.K.**

Objections by insolvency practitioners

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Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 65 **U.K.**

Consequences of objection to the inclusion in group coordination

.....

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 66 **U.K.**

Choice of court for group coordination proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 67 **U.K.**

Consequences of objections to the proposed coordinator

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 68 **U.K.**

Decision to open group coordination proceedings

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 69 **U.K.**

Subsequent opt-in by insolvency practitioners

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 70 **U.K.**

Recommendations and group coordination plan

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

Subsection 2 **U.K.**

General provisions

^{F31} Article 71 **U.K.**

The coordinator

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 72 **U.K.**

Tasks and rights of the coordinator

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

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^{F31} Article 73 **U.K.**

Languages

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 74 **U.K.**

Cooperation between insolvency practitioners and the coordinator

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 75 **U.K.**

Revocation of the appointment of the coordinator

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 76 **U.K.**

Debtor in possession

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 77 **U.K.**

Costs and distribution

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

CHAPTER VI **U.K.**

DATA PROTECTION

^{F31} Article 78 **U.K.**

Data protection

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 79 **U.K.**

Responsibilities of Member States regarding the processing of personal data in national insolvency registers

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

^{F31} Article 80 **U.K.**

Responsibilities of the Commission in connection with the processing of personal data

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 81 **U.K.**

Information obligations

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 82 **U.K.**

Storage of personal data

.....

Textual Amendments

F31 Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

^{F31} Article 83 **U.K.**

Access to personal data via the European e-Justice Portal

.....

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

- F31** Arts. 6-83 omitted (31.12.2020) by virtue of S.I. 2019/146, **Sch. para. 7** (as substituted by **The Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019** (S.I. 2019/1459), reg. 1(2), **Sch. para. 3**; 2020 c. 1, **Sch. 5 para. 1(1)**)

CHAPTER VII **U.K.**

TRANSITIONAL AND FINAL PROVISIONS

Article 84 **U.K.**

Applicability in time

[^{X1} The provisions of this Regulation shall apply only to insolvency proceedings opened from 26 June 2017. ^{F32} ...]

^{F33}2

Editorial Information

- X1** Substituted by **Corrigendum to Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings** (Official Journal of the European Union L 141 of 5 June 2015).

Textual Amendments

- F32** Words in **Art. 84(1)** omitted (31.12.2020) by virtue of **The Insolvency (Amendment) (EU Exit) Regulations 2019** (S.I. 2019/146), reg. 1(3), **Sch. para. 8(a)** (with regs. 4, 5); 2020 c. 1, **Sch. 5 para. 1(1)**
- F33** **Art. 84(2)** omitted (31.12.2020) by virtue of **The Insolvency (Amendment) (EU Exit) Regulations 2019** (S.I. 2019/146), reg. 1(3), **Sch. para. 8(b)** (with regs. 4, 5); 2020 c. 1, **Sch. 5 para. 1(1)**

Article 85 **U.K.**

Relationship to Conventions

^{F34}1

^{F34}2

3 This Regulation shall not apply:

- a ^{F35} ..., to the extent that it is irreconcilable with the obligations arising in relation to bankruptcy from a convention concluded by [^{F36}the United Kingdom] with one or more third countries before the entry into force of Regulation (EC) No 1346/2000;
- b in the United Kingdom of Great Britain and Northern Ireland, to the extent that is irreconcilable with the obligations arising in relation to bankruptcy and the winding-up of insolvent companies from any arrangements with the Commonwealth existing at the time Regulation (EC) No 1346/2000 entered into force.

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

- F34** Art. 85(1)(2) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 9(a)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in Art. 85(3)(a) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 9(b)(i)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in Art. 85(3) substituted (31.12.2020) by [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 9(b)(ii)** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

^{F37} Article 86 **U.K.**

Information on national and Union insolvency law

Textual Amendments

- F37** Arts. 86-90 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 10** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

^{F37} Article 87 **U.K.**

Establishment of the interconnection of registers

Textual Amendments

- F37** Arts. 86-90 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 10** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

^{F37} Article 88 **U.K.**

Establishment and subsequent amendment of standard forms

Textual Amendments

- F37** Arts. 86-90 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 10** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

^{F37} Article 89 **U.K.**

Committee procedure

.....

Textual Amendments

F37 Arts. 86-90 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 10** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

^{F37} Article 90 **U.K.**

Review clause

.....

Textual Amendments

F37 Arts. 86-90 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 10** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Article 91 **U.K.**

Repeal

Regulation (EC) No 1346/2000 is repealed.

^{F38}
.....

Textual Amendments

F38 Words in Art. 91 omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/146\)](#), reg. 1(3), **Sch. para. 11** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Article 92 **U.K.**

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 26 June 2017, with the exception of:

- (a) Article 86, which shall apply from 26 June 2016;
- (b) Article 24(1), which shall apply from 26 June 2018; and
- (c) ^{F39} ...

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Textual Amendments

F39 Art. 92(c) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 12** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

F40
...

Textual Amendments

F40 Words in [Signature](#) omitted (31.12.2020) by virtue of [The Insolvency \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/146), reg. 1(3), **Sch. para. 13** (with regs. 4, 5); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

- Supervisor of a voluntary arrangement,
- Administrator,
- Official Receiver,
- Trustee,
- Provisional Liquidator,
- Interim Receiver,
- Judicial factor.]

ANNEX C **U.K.**

Repealed Regulation with list of the successive amendments thereto

Council Regulation (EC) No 1346/2000

([OJ L 160, 30.6.2000, p. 1](#))

Council Regulation (EC) No 603/2005

([OJ L 100, 20.4.2005, p. 1](#))

Council Regulation (EC) No 694/2006

([OJ L 121, 6.5.2006, p. 1](#))

Council Regulation (EC) No 1791/2006

([OJ L 363, 20.12.2006, p. 1](#))

Council Regulation (EC) No 681/2007

([OJ L 159, 20.6.2007, p. 1](#))

Council Regulation (EC) No 788/2008

([OJ L 213, 8.8.2008, p. 1](#))

Implementing Regulation of the Council (EU) No 210/2010

([OJ L 65, 13.3.2010, p. 1](#))

Council Implementing Regulation (EU) No 583/2011

([OJ L 160, 18.6.2011, p. 52](#))

Council Regulation (EU) No 517/2013

([OJ L 158, 10.6.2013, p. 1](#))

Council Implementing Regulation (EU) No 663/2014

([OJ L 179, 19.6.2014, p. 4](#))

Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded

([OJ L 236, 23.9.2003, p. 33](#))

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

ANNEX D **U.K.**

CORRELATION TABLE

Regulation (EC) No 1346/2000	This Regulation
Article 1	Article 1
Article 2, introductory words	Article 2, introductory words
Article 2, point (a)	Article 2, point (4)
Article 2, point (b)	Article 2, point (5)
Article 2, point (c)	—
Article 2, point (d)	Article 2, point (6)
Article 2, point (e)	Article 2, point (7)
Article 2, point (f)	Article 2, point (8)
Article 2, point (g), introductory words	Article 2, point (9), introductory words
Article 2, point (g), first indent	Article 2, point (9)(vii)
Article 2, point (g), second indent	Article 2, point (9)(iv)
Article 2, point (g), third indent	Article 2, point (9)(viii)
Article 2, point (h)	Article 2, point 10
—	Article 2, points (1) to (3) and (11) to (13)
—	Article 2, point (9)(i) to (iii), (v), (vi)
Article 3	Article 3
—	Article 4
—	Article 5
—	Article 6
Article 4	Article 7
Article 5	Article 8
Article 6	Article 9
Article 7	Article 10
Article 8	Article 11(1)
—	Article 11(2)
Article 9	Article 12
Article 10	Article 13(1)
—	Article 13(2)
Article 11	Article 14
Article 12	Article 15
Article 13, first indent	Article 16, point (a)

Changes to legislation: This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on legislation.gov.uk. (See end of Document for details)

Article 13, second indent	Article 16, point (b)
Article 14, first indent	Article 17, point (a)
Article 14, second indent	Article 17, point (b)
Article 14, third indent	Article 17, point (c)
Article 15	Article 18
Article 16	Article 19
Article 17	Article 20
Article 18	Article 21
Article 19	Article 22
Article 20	Article 23
—	Article 24
—	Article 25
—	Article 26
—	Article 27
Article 21(1)	Article 28(2)
Article 21(2)	Article 28(1)
Article 22	Article 29
Article 23	Article 30
Article 24	Article 31
Article 25	Article 32
Article 26	Article 33
Article 27	Article 34
Article 28	Article 35
—	Article 36
Article 29	Article 37(1)
—	Article 37(2)
—	Article 38
—	Article 39
Article 30	Article 40
Article 31	Article 41
—	Article 42
—	Article 43
—	Article 44
Article 32	Article 45

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Article 33	Article 46
Article 34(1)	Article 47(1)
Article 34(2)	Article 47(2)
Article 34(3)	—
—	Article 48
Article 35	Article 49
Article 36	Article 50
Article 37	Article 51
Article 38	Article 52
Article 39	Article 53
Article 40	Article 54
Article 41	Article 55
Article 42	—
—	Article 56
—	Article 57
—	Article 58
—	Article 59
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—	Article 62
—	Article 63
—	Article 64
—	Article 65
—	Article 66
—	Article 67
—	Article 68
—	Article 69
—	Article 70
—	Article 71
—	Article 72
—	Article 73
—	Article 74
—	Article 75
—	Article 76

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—	Article 77
—	Article 78
—	Article 79
—	Article 80
—	Article 81
—	Article 82
—	Article 83
Article 43	Article 84(1)
—	Article 84(2)
Article 44	Article 85
—	Article 86
Article 45	—
—	Article 87
—	Article 88
—	Article 89
Article 46	Article 90(1)
—	Article 90(2) to (4)
—	Article 91
Article 47	Article 92
Annex A	Annex A
Annex B	—
Annex C	Annex B
—	Annex C
—	Annex D

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- (1) [OJ C 271, 19.9.2013, p. 55.](#)
- (2) Position of the European Parliament of 5 February 2014 (not yet published in the Official Journal) and position of the Council at first reading of 12 March 2015 (not yet published in the Official Journal). Position of the European Parliament of 20 May 2015 (not yet published in the Official Journal).
- (3) Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings ([OJ L 160, 30.6.2000, p. 1.](#))
- (4) Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ([OJ L 351, 20.12.2012, p. 1.](#))
- (5) Directive 2001/24/EC of the European Parliament and of the Council of 4 April 2001 on the reorganisation and winding-up of credit institutions ([OJ L 125, 5.5.2001, p. 15.](#))
- (6) Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 ([OJ L 324, 10.12.2007, p. 79.](#))
- (7) Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems ([OJ L 166, 11.6.1998, p. 45.](#))
- (8) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13.](#))
- (9) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31.](#))
- (10) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([OJ L 8, 12.1.2001, p. 1.](#))
- (11) Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits ([OJ L 124, 8.6.1971, p. 1.](#))
- (12) [OJ C 358, 7.12.2013, p. 15.](#)
- (13) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) ([OJ L 302, 17.11.2009, p. 32.](#))
- (14) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 ([OJ L 174, 1.7.2011, p. 1.](#))

Changes to legislation:

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