

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

CHAPTER V

INSOLVENCY PROCEEDINGS OF MEMBERS OF A GROUP OF COMPANIES

SECTION 1

Cooperation and communication

Article 56

Cooperation and communication between insolvency practitioners

1 Where insolvency proceedings relate to two or more members of a group of companies, an insolvency practitioner appointed in proceedings concerning a member of the group shall cooperate with any insolvency practitioner appointed in proceedings concerning another member of the same group to the extent that such cooperation is appropriate to facilitate the effective administration of those proceedings, is not incompatible with the rules applicable to such proceedings and does not entail any conflict of interest. That cooperation may take any form, including the conclusion of agreements or protocols.

- 2 In implementing the cooperation set out in paragraph 1, insolvency practitioners shall:
- a as soon as possible communicate to each other any information which may be relevant to the other proceedings, provided appropriate arrangements are made to protect confidential information;
 - b consider whether possibilities exist for coordinating the administration and supervision of the affairs of the group members which are subject to insolvency proceedings, and if so, coordinate such administration and supervision;
 - c consider whether possibilities exist for restructuring group members which are subject to insolvency proceedings and, if so, coordinate with regard to the proposal and negotiation of a coordinated restructuring plan.

For the purposes of points (b) and (c), all or some of the insolvency practitioners referred to in paragraph 1 may agree to grant additional powers to an insolvency practitioner appointed in one of the proceedings where such an agreement is permitted by the rules applicable to each of the proceedings. They may also agree on the allocation of certain tasks amongst them, where such allocation of tasks is permitted by the rules applicable to each of the proceedings.

Article 57

Cooperation and communication between courts

1 Where insolvency proceedings relate to two or more members of a group of companies, a court which has opened such proceedings shall cooperate with any other court before which a request to open proceedings concerning another member of the same group is pending or which has opened such proceedings to the extent that such cooperation is appropriate

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to facilitate the effective administration of the proceedings, is not incompatible with the rules applicable to them and does not entail any conflict of interest. For that purpose, the courts may, where appropriate, appoint an independent person or body to act on its instructions, provided that this is not incompatible with the rules applicable to them.

2 In implementing the cooperation set out in paragraph 1, courts, or any appointed person or body acting on their behalf, as referred to in paragraph 1, may communicate directly with each other, or request information or assistance directly from each other, provided that such communication respects the procedural rights of the parties to the proceedings and the confidentiality of information.

3 The cooperation referred to in paragraph 1 may be implemented by any means that the court considers appropriate. It may, in particular, concern:

- a coordination in the appointment of insolvency practitioners;
- b communication of information by any means considered appropriate by the court;
- c coordination of the administration and supervision of the assets and affairs of the members of the group;
- d coordination of the conduct of hearings;
- e coordination in the approval of protocols where necessary.

Article 58

Cooperation and communication between insolvency practitioners and courts

An insolvency practitioner appointed in insolvency proceedings concerning a member of a group of companies:

- (a) shall cooperate and communicate with any court before which a request for the opening of proceedings in respect of another member of the same group of companies is pending or which has opened such proceedings; and
- (b) may request information from that court concerning the proceedings regarding the other member of the group or request assistance concerning the proceedings in which he has been appointed;

to the extent that such cooperation and communication are appropriate to facilitate the effective administration of the proceedings, do not entail any conflict of interest and are not incompatible with the rules applicable to them.

Article 59

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

The costs of the cooperation and communication provided for in Articles 56 to 60 incurred by an insolvency practitioner or a court shall be regarded as costs and expenses incurred in the respective proceedings.

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Article 60

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

1 An insolvency practitioner appointed in insolvency proceedings opened in respect of a member of a group of companies may, to the extent appropriate to facilitate the effective administration of the proceedings:

- a be heard in any of the proceedings opened in respect of any other member of the same group;
- b request a stay of any measure related to the realisation of the assets in the proceedings opened with respect to any other member of the same group, provided that:
 - (i) a restructuring plan for all or some members of the group for which insolvency proceedings have been opened has been proposed under point (c) of Article 56(2) and presents a reasonable chance of success;
 - (ii) such a stay is necessary in order to ensure the proper implementation of the restructuring plan;
 - (iii) the restructuring plan would be to the benefit of the creditors in the proceedings for which the stay is requested; and
 - (iv) neither the insolvency proceedings in which the insolvency practitioner referred to in paragraph 1 of this Article has been appointed nor the proceedings in respect of which the stay is requested are subject to coordination under Section 2 of this Chapter;
- c apply for the opening of group coordination proceedings in accordance with Article 61.

2 The court having opened proceedings referred to in point (b) of paragraph 1 shall stay any measure related to the realisation of the assets in the proceedings in whole or in part if it is satisfied that the conditions referred to in point (b) of paragraph 1 are fulfilled.

Before ordering the stay, the court shall hear the insolvency practitioner appointed in the proceedings for which the stay is requested. Such a stay may be ordered for any period, not exceeding 3 months, which the court considers appropriate and which is compatible with the rules applicable to the proceedings.

The court ordering the stay may require the insolvency practitioner referred to in paragraph 1 to take any suitable measure available under national law to guarantee the interests of the creditors in the proceedings.

The court may extend the duration of the stay by such further period or periods as it considers appropriate and which are compatible with the rules applicable to the proceedings, provided that the conditions referred to in points (b)(ii) to (iv) of paragraph 1 continue to be fulfilled and that the total duration of the stay (the initial period together with any such extensions) does not exceed 6 months.

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/146 Sch. para. 13](#)
- Annex A omitted by [S.I. 2019/146 Sch. para. 14](#)
- Annex B words omitted by [S.I. 2019/146 Sch. para. 15](#)
- Art. 1(1)-(1B) substituted for Art. 1(1) by [S.I. 2019/146 Sch. para. 2\(3\)](#)
- Art. 2(1) omitted by [S.I. 2019/146 Sch. para. 3\(b\)](#)
- Art. 2(1A) inserted by [S.I. 2019/146 Sch. para. 3\(a\)](#)
- Art. 2(3) omitted by [S.I. 2019/146 Sch. para. 3\(b\)](#)
- Art. 2(4) words substituted by [S.I. 2019/146 Sch. para. 3\(c\)](#)
- Art. 2(6)(i) omitted by [S.I. 2019/146 Sch. para. 3\(d\)\(i\)](#)
- Art. 2(6)(ii) words omitted by [S.I. 2019/146 Sch. para. 3\(d\)\(ii\)](#)
- Art. 2(9) omitted by [S.I. 2019/146 Sch. para. 3\(e\)](#)
- Art. 2(10) word omitted by [S.I. 2019/146 Sch. para. 3\(f\)](#)
- Art. 2(11)-(14) omitted by [S.I. 2019/146 Sch. para. 3\(g\)](#)
- Art. 85(3)(a) words omitted by [S.I. 2019/146 Sch. para. 9\(b\)\(i\)](#)
- Art. 92(c) omitted by [S.I. 2019/146 Sch. para. 12](#)