

TRACKER ON THE IMPLEMENTATION OF THE RESTRUCTURING AND INSOLVENCY DIRECTIVE ('DRI')

Last update: 22 December 2023



Please see the latest updates for each Member State.

EU Countries	Informal discussions/ Working groups	Draft publicly available	Use of the extension option (reminder deadline for option: 17 January 2021 - Art.34(2) DRI)	Implementation Text (17 July 2021 or 2022 Art.34(1)&(2) DRI)
 BE June 2023	Experts of the working group have finalised the discussions on the draft which has been submitted to the targeted Ministries and the	The latest public draft (of 27 April 2023) is available at: https://www.dekamer.be/FLWB/PDF/55/3231/55K3231005.pdf	YES	The text adopted by Parliament on 25 May 2023 is available at: https://www.lachambre.be/FLWB/PDF/55/3231/55K3231009.pdf Entry into force: 1 st September 2023

	debates within the Belgium Parliament should lead to an adoption of the implementing text before mid-year 2023			
 BG September 2023	Draft laws: - Draft Bill on the Insolvency of Natural Persons Act - Draft Law for the Amendment and Supplementation of the Commercial Act for the Transposition of the Restructuring		YES	Bulgaria transposed the Directive by means of an amendment to the existing restructuring, published on 1 August 2023. The New Law entered into force on 5 August 2023. Implementation measures available at: https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=C-ELEX%3A32019L1023

	and Insolvency Directive			
 CZ Last update: September 2023	The Ministry of Justice has presented a Summary of partial outcomes of the dedicated working group on the transposition of the DRI.	The Government on its meeting dated January 18, 2023 approved a new draft of the act implementing the EU Directive. This draft will be submitted to the Parliament which may have substantial influence on its content. The draft can be downloaded from the following web site: https://www.odok.cz/portal/veklep/mat		The implementing Act was promulgated on 22 September under N° 284/2023 at: https://aplikace.mvcr.cz/sbirka-zakonu/ViewFile.aspx?typ=c&id=39700 (entry into force on 23 September 2023).

		erial/ALBSC5ED4 VVK/		
 DK Last update: June 2022	1st draft: Lovforslag nr. L 181, Folketinget 2021-22, Forslag til Lov om ændring af konkursloven (Indførelse af regler om forebyggende rekonstruktion, revision af reglerne om rekonstruktion og gældssanering, herunder implementering af rekonstruktions- og insolvensdirektivet) (ft.dk)(only in Danish)	The bill was adopted on 9 June 2022.	YES	The adopted bill enters into force on 17 July 2022. Adopted bill: Til lovforslag nr. L 181, Folketinget 2021-22, Forslag til Lov om ændring af konkursloven (Indførelse af regler om forebyggende rekonstruktion og revision af reglerne om rekonstruktion og gældssanering, herunder implementering af rekonstruktions- og insolvensdirektivet) (ft.dk) (only in Danish)

 DE Last update: 30/11/2021				The official link to the German bill implementing the EU Restructuring Directive is as follows: https://www.bmjv.de/SharedDocs/Gesetzgebungsverfahren/Dokumente/BGBl_SanInsFoG.pdf;jsessionid=0EB5125CAA4DF0E852C7EF0FB5A77198.1_cid289?__blob=publicationFile&v=4
 EE Last update: June 2022	The Ministry of Justice set up an expert group.	-		The law implementing directive was passed (Implementation date: 1 July 2022): Restructuring Act and Bankruptcy Act

 IE Last update: 11/01/2021 August 2022	Ireland already has a preventive restructuring framework in its examinership law, which in the current format complies with many requirements under the Directive. The Department of Enterprise, Trade and Employment has undertaken a mapping exercise of the adopted Directive against the Companies Act 2014 and is considering what amendments might	Consultation documentation can be viewed at: https://www.enterprise.gov.ie/en/Consultations/Public-Consultation-on-Directive-EU-2019-1023.html While the consultation process has ended, any interested parties can contact the Department of Enterprise, Trade and Employment with views on transposition of the Directive at: companylawconsult@enterprise.gov.ie	While Ireland was still working towards full transposition, given the disruption and additional legislative requirements arising as a result of COVID-19 Ireland formally sought a one-year extension as provided for under Article 34 paragraph 2.	European Union (Preventive Restructuring) Regulations 2022 (S.I. No. 380 of 2022) which were signed by the Minister for Enterprise, Trade and Employment on Friday, 29 July 2022 are available at https://enterprise.gov.ie/en/legislation/legislation-files/si-no-380-of-2022.pdf
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	be necessary to comply with the Directive. A public consultation process on transposition was held in Q1 2020. Ireland's Company Law Review Group has recently completed a Report Advising on a Legal Structure for the Rescue of Small Companies. The report set out its recommendation for a proposed new process for the rescue of small	ation@enterprise.gov.ie		
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	companies, distinct from the existing examinership legislation. The recommendations contained within the CLRG report are under active consideration by the Department of Enterprise, Trade and Employment, and are being considered in the context of Ireland's options for transposing Directive (EU) 2019/1023. The Report can be viewed at:			
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	http://www.clrg.org/clrg/publications/the-company-law-review-group-s-special-report-on-the-rescue-of-small-business.pdf			
 EL Last update: August 2021			NO	The new law 4738/2020, ΝΟΜΟΣ 4738/2020 (Κωδικοποιημένος) - ΦΕΚ Α 207/27.10.2020 as communicated to the EU COM is available at: https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=NIM:202105923&qid=1629900747952
 ES Last update:	Yes	The Spanish Congress has approved (30 June	YES	Law 16/2022, of 5 September, reforming the revised text of the

September 2022		2022) the Insolvency Law Reform Bill, which transposes the Directive on restructuring and insolvency. A first text was approved in December 2021, but amendments were introduced throughout the first half of 2022 that modified several important points. The draft Bill is available at https://www.congreso.es/public_oficial		Bankruptcy Law approved by Royal Legislative Decree 1/2020, of 5 May, for the transposition of Directive (EU) 2019/1023 of the European Parliament and of the Council, of 20 June 2019 is available here: https://www.boe.es/boe/dias/2022/09/06/pdfs/BOE-A-2022-14580.pdf
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		es/L14/CONG/BOCG/A/BOCG-14-A-84-1.PDF .		
 FR Last update: 25/09/2021	Law No. 2019 486 of May 22, 2019 empowers the government to establish by ordinance the necessary modifications to the Commercial Code before the second Quarter 2021.	The Ministry of Justice has published a discussion paper for public consultation (with a deadline of 15 February 2021) which is available at: http://www.textes.justice.gouv.fr/textes-soumis-a-concertation-10179/restructuration-et-insolvabilite-des-entreprises-33684.html	NO	The text implementing the Directive is an Ordinance of 15 September 2021 which is published at: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000044044563 Entry into force: 1st October 2021 (with exceptions: see art. 73) See also Decree of 23 September 2021)

 HR Last update: April 2022				Texts implementing the Directive are as follows: For companies : https://www.zakon.hr/z/160/Stečajni-zakon For individuals : https://www.zakon.hr/z/825/Zakon-o-stečaju-potrošača
 IT Last update: July 2022	On 22 April 2021 the Parliament approved delegation law No. 53 in the matter of delegation to the Government for the transposition of European directives and the	The Italian government appointed a technical commission aimed at studying and purposing a text for the implementation, among others, of the said directive.	YES.	<u>DECRETO LEGISLATIVO 17 giugno 2022, n. 83 Modifiche al codice della crisi d'impresa e dell'insolvenza di cui al decreto legislativo 12 gennaio 2019, n. 14, in attuazione della direttiva (UE) 2019/1023 del</u>

	implementation of other acts of the European Union - so-called European Delegation Law 2019-2020, which provides, among other things, the implementation of the EU Directive 2019/1023.	The term for delivering the draft has been set on 10th June 2021.		Parlamento europeo e del Consiglio del 20 giugno
 CY Last update: December 2022		Draft legislation published (only available in Greek). The reforms will result in amendments to both the Bankruptcy Law Cap 5 and Cap 113 Companies Law of Cyprus.	YES	The Insolvency and Related Matters Department (amending) Law of 2022, available at https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=NIM:202208121 The Bankruptcy (Amendment) (No 2) Act

		The restructuring tool which forms part of the Insolvency Framework is Examinership, introduced in Cyprus in May 2015 and the provisions relating to this form part of Cap 113, in particular Part IVA. There will not be a new restructuring law <i>per se</i> coming into force based on the current suggested amendments which		of 2022, available at https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=NIM:202208122 The Companies (Amendment) (No 4) Act of 2022, available at https://eur-lex.europa.eu/legal-content/EL/TXT/PDF/?uri=NIM:202208123
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		were submitted to the Law Office of the Republic of Cyprus in November 2021, and which are still subject to review. Thus, the proposed amendments are subject to confirmation by the House of Parliament. Once the Law Office has approved the draft transposition, legislation will be submitted to the Council of Min-		
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		isters Parliament approval.	and for	
 LV Last update: May 2023	The project “Support for Debt Restructuring in Latvia” funded by the European Union through the Structural Reform Support Programme and implemented by the EBRD, in cooperation with the European Commission is available at: https://www.ebrd.com/news/2019/sup port-for-debt-	In February 2023, amendments have passed second reading in Parliament. The draft which was under review by the Cabinet of Ministers and had not been submitted to <i>Saeima</i> (the parliament) is available at: https://tapportals.mk.gov.lv/structuralizer/data/nodes/91485072-34f0-400c-8d9e-bd90515580b7/preview	YES – a request for an extension was submitted to the EC until July 2022.	Links to the amendments in relation to the implementation of the EU Directive are: - Insolvency Law: https://likumi.lv/ta/id/340549-grozijumi-maksatnespejas-likuma - Civil Procedure Law: https://likumi.lv/ta/id/340555-grozijumi-civilprocesa-likuma - On Protection of Employees in case of Insolvency of Employer:

	restructuring-in-latvia-project-launched.html https://www.tm.gov.lv/lv/uzsakts-projekts-atbalsts-paradu-restrukturizacijai-latvija-support-debt-restructuring-latvia-project-launched The project was completed: https://www.ebrd.com/news/2021/latvia-concludes-review-of-debt-restructuring-environment.html			https://likumi.lv/ta/id/340803-grozijumi-likuma-par-darbinieku-aizsardzibu-darba-deveja-maksatnespejas-gadijuma-
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 LT Last update: August 2021	Further amendments to the new Law on Insolvency of Legal Entities of the Republic of Lithuania (LILE) in force from 1 st January 2020 are to be expected.	Draft Law would be adopted by the Parliament during spring session in 2021.		Please note that the latest changes to the insolvency legislation and some other laws came into effect implementing the Restructuring Directive. Law no XIII-2221 on insolvency law for legal entity as at 15 July 2021 (Lithuanian only) is available at: https://www.insol-europe.org/technical-content/updated-insolvency-laws-lithuania
 LU Last update: 21 August 2023		Bill No. 6539 on business continuity and modernisation of the bankruptcy		Law of 7 August 2023 (OJ 18 August 2023) published at: https://data.legilux.public

		legislation (26 February 2013) : https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&backto=/wps/portal/public/Accueil/Actualite&id=6539		.lu/filestore/eli/etat/leg/loi/2023/08/07/a521/jo/fr/pdfa/eli-etat-leg-loi-2023-08-07-a521-jo-fr-pdfa.pdf (in French) Entry into force: 1st November 2023
 HU Last update: June 2022	Scholarly discussion took place.	n/a	YES	The Hungarian Restructuring Act No. LXIV of 2021 (HRA) was passed by the Parliament in Spring 2021 and was published on 3 June 2021. Most provisions of the HRA enters into force on 1 July 2022. The text of

				the statute is available at https://njt.hu/jogszabaly/2021-64-00-00 (only in Hungarian)
 MT Last update : December 2022		Just before going into summer recess Maltese Parliament held the first reading of three Acts which, once adopted, are bound to start changing the Maltese insolvency law landscape. These Acts will be amending the Commercial Code and will be introducing a new Insolvency	YES	Commercial Code (Amendment) Act 2022, available in English at: https://legislation.mt/eli/act/2022/23/eng Pre-Insolvency Act 2022, available in English at: https://legislation.mt/eli/act/2022/24/eng Insolvency Practitioners Act 2022, available in English at: https://legislation.mt/eli/act/2022/25/eng

		Practitioners Act and a Pre-Structuring Act.		
 NL Last update : December 2022	On 21 February 2022, the Minister of Justice and Security presented the Bill to implement the Preventive Restructuring Directive (<i>Implementatiewet richtlijn herstructurering en insolventie</i>) to the House of Parliament. It will implement the full Directive,	The link to the parliamentary documents can be found here: https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?cfg=wetsvoorsteldetails&qry=wetsvoorstel%3A36040	YES	<i>Implementatiewet richtlijn herstructurering en insolventie</i> (Stb. 2022, 491) https://zoek.officielebekendmakingen.nl/stb-2022-491.html Please note that the main part of the PRD was implemented with the entry into force of the WHOA: Act on the confirmation of a private restructuring plan (<i>Wet homologatie onderhands akkoord</i> (Stb. 2020, 414).

	proposing some changes also to the Dutch WHOA.			https://zoek.officielebeke ndmakingen.nl/stb-2020-414.html
 AT Last update: January 2022				The implementation text communicated to the EU Commission by Austria is the one published at : https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2021_I_147/BGBLA_2021_I_147.pdf
 PL Last update: February 2023	Amendments are expected to the Restructuring Law and may cover mostly <i>Uproszczone Postępowanie Restrukturyzacyjne</i> (Simplified	A (amended) publicly available draft on implementation of EU Restructuring Directive, which is still waiting for its path to the Polish	YES	Not yet available

	Restructuring Proceedings), in force since 24 June 2020 (initially for one year) but also more general insolvency themes. The draft amendment on National Debtors' Registry will significantly change simplified restructuring proceedings, expected to enter into force on 1st December 2021. Consultations by the government took place and in	Parliament is available at : https://legislacja.rcl.gov.pl/projekt/12361503		
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	particular with the appointment of experts by the Polish Ministry of Justice on 19/10/2021 in the view to amend the Restructuring Law in order to implement the EU Directive 2019/1023. The decision of the Ministry of Justice is available at: https://tatara.com.pl/aktualnosci/mec-karol-tatara-ekspertem-zewnetrznym-zespolu-ms-ds-nowelizacji-pr/			
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 PT Last update: 11/10/2021	Task assigned to the Directorate-General for Justice Policy - Ministry of Justice (working group publicly unknown)	The Portuguese Draft for the transposition of the Directive is publicly available (online) at: https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=121187 with the prospect that it may be approved by the Parliament in the last quarter of 2021.	Portugal intention was to notify the Commission of the need for an extension of the implementation period until July 2022.	The implementation text communicated to the EU Commission by Portugal is the one published at : https://dre.pt/dre/detalhe/lei/9-2022-177455547
 RO Last update: July 2022	Yes (not publicly available)	The prospect was for the final draft (not publicly available) to enter	YES	The new law was approved by Parliament on June 29 th , 2022. The new law amends Law no.

		into force in July 2022.		85/2014 regarding preventative insolvency proceedings and insolvency proceedings, effective from June 28 th , 2014: https://legislatie.just.ro/Public/DetaliiDocument/159286
 SI Last update : September 2023				On 20 September 2023, amendments to the Slovenian insolvency legislation have been adopted, implementing the EU Directive and introducing certain material changes in the insolvency proceedings. The amended law came into effect on 1 November 2023.

				Amendments to the new Insolvency Act are available at: https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-2872/zakon-o-spremembah-in-dopolnitvah-zakona-o-financnem-poslovanju-postopkih-zaradi-insolventnosti-in-prisilnem-prenehanju-zfppipp-h The Amended Insolvency Act is available at http://pisrs.si/Pis.web/prehledPredpisa?id=ZAKO4735
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 SK Last update: April 2022	Slovakia having requested support from Directorate General for Structural Reform Support (DG REFORM) of the European Commission for implementation of the Directive, a working group would consist of DG REFORM, Slovak Ministry of Justice and PwC.	No draft publicly available.	Slovakia applied for the extension option.	The implementation text communicated to the EU Commission by Slovakia is the one published at : https://www.slovlex.sk/static/pdf/2022/111/ZZ_2022_111.pdf
 FI Last update: July 2022	Yes initially until 30 April 2021 but has been extended to 31 December 2021.		Use of the extension option	The new restructuring law is the Finnish Restructuring of Enterprises Act (47/1993, FIN: laki yrityksen

				saneerauksesta, SWE: lag om företagssanering). The amendment to the Finnish Restructuring Act with the new proceedings will be implemented on 1 July 2022. Text as amended by 1 st July 2022 is available at: https://eur-lex.europa.eu/legal-content/FI/TXT/PDF/?uri=CELEX:72019L1023FIN_202203990&from=EN
 SE Last update: July 2022	There is work ongoing and Ylva Norling Jönsson is appointed to provide a proposal to implement the EU-directive.	n/a	YES	Effective from 1 August 2022, a new Restructuring Act (Sw. lag om företagsrekonstruktion), which implements the EU Directive on

	There are also several experts appointed which are part of this working group. Please see: https://www.riksdagen.se/sv/dokument-lagar/dokument/kommitteberattelse/rekonstruktionsutredningen-ju-201907_H7B2Ju07 and Kommittéberättelse Ju 2019:07			restructuring and insolvency (the "Restructuring Directive"), comes into force in Sweden. Text available at https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2022964-om-foretagsrekonstruktion_sf-s-2022-964