

# European Insolvency Regulation Case Register Update

Myriam Maily writes about the latest cases published on the Lexis-Nexis website in the past few months and reminds all INSOL Europe members that they have free access to the INSOL Europe European Insolvency Regulation Case Register



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**THE CASE REGISTER IS DEFINITELY A USEFUL TOOL FOR IPS' DAY-TO-DAY BUSINESS**



## Cases published lately in the Register

The past experience with the European Insolvency Regulation (2000) has shown that even if all the courts in the Member States are only bound by decisions delivered at EU level by the CJEU, all interested parties involved in an insolvency case (namely courts, insolvency practitioners, chartered accountants, lawyers and even debtors themselves in certain cases) may find it of great interest to look at the decisions made by other courts in other Member States for guidance.

When applying the EIRs, several questions arose such as:

- Could the powers to require an individual to produce documents within the UK statute be applied by the English court outside of the UK by application of the EIR?
- Had the Austrian courts jurisdiction to open insolvency proceedings in 'Niki Luftfahrt GmbH' when the main insolvency proceedings were first opened in Germany by application of the EIR Recast?
- How did the Italian Supreme Court rule in the case of Illochroma after the decision of the CJUE in the case C-327/13 [2014] (Burgo group SpA v Illochroma SA (in liquidation))?
- Was it correct to apply the Estonian law to the procedure of releasing the debtors from their obligations, regardless of the fact that the respective debtor was no longer living in Estonia?
- On what basis could the Swedish forum rules be applied on deciding the jurisdiction when one of the contracting parties was established in a non-EU state, namely Norway?
- Had a claimant the right to file a lawsuit by *actio pauliana* provided for the defence of creditor rights under

Lithuanian law while the debtor was released from insolvency in accordance with the provisions of the Insolvency Act of the United Kingdom?

- Was the Portuguese Law applicable to a debt recovery action pending in Portugal when the debtor was declared insolvent in Luxembourg and, if so, which were the effects on the insolvency proceedings?

You'll find all the answers delivered by national courts by consulting the following decisions in the Register:

- Wallace v Wallace [2019] EIRCR(A) 779;
- Niki Luftfahrt GmbH [2018] EIRCR(A) 679;
- Illochroma Italia S.r.l. in liquidazione [2015] EIRCR(A) 712;
- VMKo nr 2-09-22171 [2019] EIRCR(A) 722;
- RH 2017:1 [2015] EIRCR(A) 717;
- Swedbank v. Individual A.K. [2015] EIRCR(A) 631;
- 2153/08.0TVLSB.L1.S1 [2018] EIRCR(A) 698.

As you can see, the Lexis-Nexis INSOL Europe European Insolvency Regulation Case Register enables all insolvency professionals to be aware of the recent developments in relation with the application of the EIR and the EIR (recast) by national jurisdictions and their interpretation by the CJEU.

It is definitely a useful tool for IPs' day-to-day business!

**Free access to the Register for all INSOL Europe members**

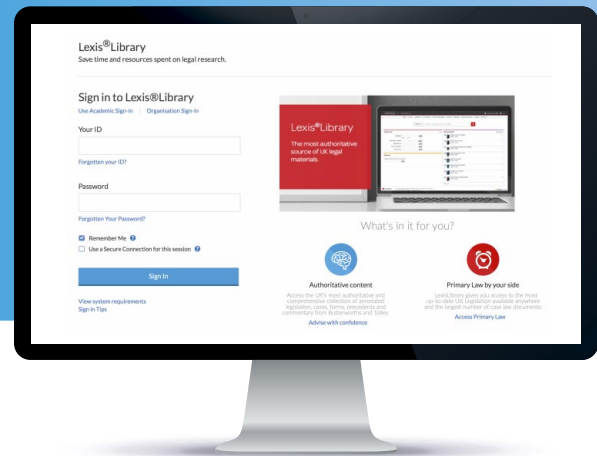
Along the numerous benefits of membership of INSOL Europe, there is the free access to the

For updates on new technical content recently published on the INSOL Europe website, visit: [www.insol-europe.org/technical-content/introduction](http://www.insol-europe.org/technical-content/introduction) or contact Myriam Maily by email: [technical@insol-europe.org](mailto:technical@insol-europe.org)

## How to access the Case Register

While the Case Register's management and moderation remains the responsibility of INSOL Europe, since 2014, the Case Register has been hosted by LexisNexis and, accordingly, is accessible under: <http://tinyurl.com/y7tf2zcc4>

INSOL Europe members should have received an email with individual login details (user name) and passwords. If these have been forgotten, or the email lost, there is a LexisNexis dedicated mailbox for INSOL users (INSOL-Users@lexisnexis.co.uk) which can be contacted to be sent a reminder.



European Insolvency Regulation Case Register, housed on the Lexis library (UK).

Please note that you can follow the following steps to access the INSOL Europe EIR Case Register from the Lexis Library: (1) by logging-in as usual from the Lexis Library; (2) by selecting 'INSOL Europe: European Insolvency Regulation Case Register' from the source dropdown list of the Cases Search webpage; and (3) to find your case either using the search terms or by clicking the 'browse' button on the left hand side.

Please be also reminded that if you have forgotten your User ID and Password you will need to contact Lexis-Nexis via their dedicated mailbox for INSOL Europe users at [INSOL-Users@lexisnexis.co.uk](mailto:INSOL-Users@lexisnexis.co.uk) in order to get a reminder.

*And finally, if you need further assistance, please send an email to me at: [technical@insol-europe.org](mailto:technical@insol-europe.org)*

## Useful Links

> Email: [technical@insol-europe.org](mailto:technical@insol-europe.org)

Updated Insolvency Laws  
> [www.insol-europe.org/technical-content/updated-insolvency-laws](http://www.insol-europe.org/technical-content/updated-insolvency-laws)

National Insolvency Statistics  
> [www.insol-europe.org/technical-content/national-insolvency-statistics](http://www.insol-europe.org/technical-content/national-insolvency-statistics)

EIR Case Register  
> <http://tinyurl.com/y7tf2zcc4>

European Insolvency Regulation  
> [www.insol-europe.org/technical-content/useful-links-to-be-aware-of-before-applying-the-recast-insolvency-regulation-2015848](http://www.insol-europe.org/technical-content/useful-links-to-be-aware-of-before-applying-the-recast-insolvency-regulation-2015848)

> [www.insol-europe.org/technical-content/outcomes-of-national-insolvency-proceedings-within-the-scope-of-the-eir-recast](http://www.insol-europe.org/technical-content/outcomes-of-national-insolvency-proceedings-within-the-scope-of-the-eir-recast)

> [www.insol-europe.org/technical-content/state-of-play-of-national-insolvency-data-by-outcomes-currently-available](http://www.insol-europe.org/technical-content/state-of-play-of-national-insolvency-data-by-outcomes-currently-available)

> [www.insol-europe.org/national-texts-dealing-with-the-eir-2015](http://www.insol-europe.org/national-texts-dealing-with-the-eir-2015)

EU Directive on Restructuring and Insolvency (2019)  
> [www.insol-europe.org/technical-content/eu-draft-directive](http://www.insol-europe.org/technical-content/eu-draft-directive)

> [www.insol-europe.org/technical-content/eu-directive-on-restructuring-and-insolvency](http://www.insol-europe.org/technical-content/eu-directive-on-restructuring-and-insolvency)

Brexit Publications  
> [www.insol-europe.org/technical-content/brexit-publications](http://www.insol-europe.org/technical-content/brexit-publications)

USBC Chapter 15 Database  
> [www.insol-europe.org/technical-content/introduction](http://www.insol-europe.org/technical-content/introduction)

Academic Forum Publications  
> [www.insol-europe.org/academic-forum-documents](http://www.insol-europe.org/academic-forum-documents)  
> [www.insol-europe.org/academic-forum-news](http://www.insol-europe.org/academic-forum-news)

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