








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

Last update: 17 April 2021

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				
 BG				
 CZ Last update: 10/12/2020	The Ministry of Justice has presented a Summary of partial outcomes of the dedicated working group on the transposition of	Not yet available		



	the DRI.			
 DK Last update: Autumn 2020		Text for debate before the Parliament not expected before Q1 2021 at the earliest.		
 DE Last update: 28/12/2020				The core bill for the implementation of the directive is the „StaRUG“ which is only one part of the „SanInsFoG“. The text is available at: http://dipbt.bundestag.de/dip21/brd/2020/0762-20.pdf
 EE Last update: 11/12/2020	Meetings between the Ministry of Justice and the expert group are in progress.	The Ministry of Justice is still working on draft laws.		


 IE Last update: 11/01/2021	<p>Ireland already has a preventive restructuring framework in its examinership law, which in the current format complies with many requirements under the Directive.</p> <p>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</p>	<p>Consultation documentation can be viewed at: https://www.enterprise.gov.ie/en/Consultations/Public-Consultation-on-Directive-EU-2019-1023.html</p> <p>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: companylawconsultation@enterprise.gov.ie</p>	<p>While Ireland is still working towards full transposition, given the disruption and additional legislative requirements arising as a result of COVID-19 Ireland has formally sought a one-year extension as provided for under Article 34 paragraph 2.</p>	<p>Official text will be provided when available.</p>
--	--	--	---	---


	<p>be necessary to comply with the Directive. A public consultation process on transposition was held in Q1 2020.</p> <p>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</p>	v.ie		
--	---	----------------------	--	--

	<p>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:</p> <p>http://www.clrg.or</p>			
--	--	--	--	--



	g/clrg/publications/the-company-law-review-group-s-special-report-on-the-rescue-of-small-business.pdf			
 EL Last update: 10/12/2020			No	<p>Greek Insolvency Law has already been amended to implement the EU Directive.</p> <p>The new law is 4738/2020, ΝΟΜΟΣ 4738/2020 (Κωδικοποιημένος) - ΦΕΚ Α 207/27.10.2020 (kodiko.gr) available at: https://www.kodiko.gr/nomologia/document_navigation/647304/nomos-4738-2020</p>


				It is expected to come into effect by 1 January 2021, however, partly due to COVID certain parts may be delayed until June 2021.
 ES Last update: 10/12/2020	Yes	No	Not for the moment	n/a
 FR Latest updates: 15/01/2021 15/02/2021	Law No. 2019 486 of May 22, 2019 empowers the government to establish by ordinance the necessary modifications to the Commercial Code before the	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.ju	NO	n/a



	second Quarter 2021.	stice.gouv.fr/textes-soumis-a-concertation-10179/restructuration-et-insolvabilite-des-entreprises-33684.html		
 HR Last update: 10/12/2020	Call has been sent to judicial and other relevant institutions for appointing delegates for Workgroup on changes of Insolvency legislative.	No official draft at the moment. Plan and summary of expected changes is publicly announced in Plan of normative activities by Ministry of Justice and Administration for 2021, which is available at	Unknown.	n/a



		following link: https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=15446		
 IT Last update: 30/03/2021	Further amendments to the new Code of Business Crisis and Insolvency ('CCII') are expected before its entry into force (1st September 2021, after an extension due to Covid of the original term of 15th August 2020), including rules aimed at	Unavailable	YES. Please note that uncertainty remains as to whether the CCII will be effective starting from 1st Sept 2021 or later to be consistent with a full implementation process of the Directive in Italy, as well as with the current pandemic and its	n/a


	<p>implementing the provisions of the DRI.</p> <p>Some provisions of the EU Directive have already been implemented (ie Art. 6 on the duration of Protective Measures up to 12 months maximum) or do not require implementation, as there are already existing provisions of law which meet the conditions set by the Directive (ie with regard to Art. 19 on</p>		consequences.	
--	---	--	---------------	--



	Directors's duties).			
 CY Last update: Autumn 2020		Draft legislation published (only available in Greek).		
 LV Last update: 15/04/2021	There is an ongoing 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. https://www.ebrd.c	The draft is under review by the Cabinet of Ministers and has not been submitted to <i>Saeima</i> (the parliament), yet: http://tap.mk.gov.lv/doc/2020_11/TMlik_171120_MNL_direkt.996.docx	YES – a request for an extension until January 2022.	




	om/news/2019/support-for-debt-restructuring-in-latvia-project-launched.html https://www.tm.gov.lv/lv/uzsakts-projekts-atbalsts-paradu-restrukturizacijai-latvija-support-debt-restructuring-latvia-project-launched			
 LT Last update: Autumn 2020	Further amendments to the new Law on Insolvency of Legal Entities of the Republic of	Draft Law would be adopted by the Parliament during spring session in 2021.		



	Lithuania (LILE) in force from 1 st January 2020 are to be expected.			
 LU Last update: 10/12/2020		Bill No. 6539 on business continuity and modernisation of the bankruptcy 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		
 HU	Scholarly discussion has	Preparation of the draft law is in	No public information	n/a

Last update: 10/12/2020	started.	progress but not publicly available		
 MT				
 NL Last updates: 12/12/2020 26/03/2021 07/04/2021	<p>On 2 April 2021, the Minister for Legal Protection published a draft implementing act of the EU Preventive Restructuring Directive.</p> <p>This draft act aims to implement the Directive by amending the Dutch Bankruptcy Act where still necessary. This draft act comes in addition to the</p>	<p>The draft act is available for public consultation, see: https://internetconsultatie.nl/herstructurering. The public consultation runs until 3 May 2021.</p>	YES	—

	<p>Dutch <i>Wet Homologatie Onderhands Akkoord</i> (WHOA, Act on the Confirmation of Extrajudicial Restructuring Plans) that entered into force on 1 January 2021.</p> <p>The WHOA introduced a preventive restructuring proceeding that is aligned to the Directive.</p>			
 AT		Not yet		
Last update:				

Autumn 2020				
 PL Last update: 10/12/2020	Amendments are expected to the Restructuring Law and may cover mostly <i>Uproszczone Postępowanie Restrukturyzacyjne</i> (Simplified Restructuring Proceedings), in force since 24 June 2020 (for one year) but also more general insolvency themes.	No draft available (public consultations by the government in place)	It is probable that the government will use the extension option.	n/a
 PT Last update: 27/03/2021	Task assigned to the Directorate-General for Justice Policy - Ministry	No draft publicly available.	YES Portugal notified the Commission of the need for an	

	of Justice (working group publicly unknown)		extension of the implementation period until July 2022.	
 RO Last update: Autumn 2020	Yes			
 SI				
 SK Last update: 28/12/2020	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	No draft publicly available yet.	Slovakia applied for the extension option.	n/a

	DG REFORM, Slovak Ministry of Justice and PwC.			
 FI Last update: 21/12/2020	Yes initially until 30 April 2021 but has been extended to <u>31 December</u> <u>2021</u> .		Use of the extension option to be expected	
 SE Last update: 11/12/2020	There is work ongoing and Ylva Norling Jönsson is appointed to provide a proposal to implement the EU-directive. There are also several experts appointed which are part of this working group.	n/a	Not yet, but will most likely be used for an extension to July 2022.	n/a

	<p>Please see:</p> <p>https://www.riksdagen.se/sv/dokument-lagar/dokument/kommitteberattelse/rekonstruktionsutredningen-ju-201907_H7B2Ju07</p> <p>and</p> <p>Kommittéberättelse Ju 2019:07</p>			