








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

Last update: 25 May 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) |
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|  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 | | |



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| | 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. | | |


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|  IE Last update: 11/01/2021 | 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: companylawconsultation@enterprise.gov.ie | 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. | Official text will be provided when available. |
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| | <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> | <p>v.ie</p> | | |
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| | <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: http://www.clrg.or</p> | | | |
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| | 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> |


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| | | | | 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 |




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| | 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 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 |

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| | | following link: https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=15446 | | |
|  IT Last update: 21/05/2021 | 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 implementation of other acts of the European Union - so-called European Delegation Law 2019-2020, which | The Italian government appointed a technical commission aimed at studying and purposing a text for the implementation, among others, of the said directive. The term for delivering the draft has been set on 10th June 2021. | YES. | n/a |



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| | provides, among other things, the implementation of the EU Directive 2019/1023. | | | |
|  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 | 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. | |




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| | <p>cooperation with the European Commission.</p> <p>https://www.ebrd.com/news/2019/support-for-debt-restructuring-in-latvia-project-launched.html</p> <p>https://www.tm.gov.lv/lv/uzsakts-projekts-atbalsts-paradu-restrukturizacijai-latvija-support-debt-restructuring-latvia-project-launched</p> | | | |
|  LT | <p>Further amendments to the</p> | <p>Draft Law would be adopted by the</p> | | |



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| <p>Last update: Autumn 2020</p> | <p>new Law on Insolvency of Legal Entities of the Republic of Lithuania (LILE) in force from 1st January 2020 are to be expected.</p> | <p>Parliament during spring session in 2021.</p> | | |
| <p> LU</p> <p>Last update: 10/12/2020</p> | | <p>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/A</p> | | |


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|  HU Last update: 10/12/2020 | Scholarly discussion has started. | Preparation of the draft law is in progress but not publicly available | No public information | n/a |
|  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</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 | — |

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| | <p>Act where still necessary. This draft act comes in addition to the 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> | | | |
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|  AT Last update: Autumn 2020 | | Not yet | | |
|  PL Last updates: 10/12/2020 25/05/2021 | 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 (initially for one year) but also more general insolvency themes. The draft amendment on | No public draft available (Consultations by the government in progress) | YES | n/a |

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| | National Debtors' Registry will significantly change simplified restructuring proceedings, expected to enter into force on 1st December 2021. | | | |
|  PT Last update: 27/03/2021 | Task assigned to the Directorate-General for Justice Policy - Ministry of Justice (working group publicly unknown) | No draft publicly available. | YES Portugal notified the Commission of the need for an extension of the implementation period until July 2022. | |
|  RO Last update: Autumn 2020 | Yes | | | |
|  SI | | | | |

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|  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 DG REFORM, Slovak Ministry of Justice and PwC. | No draft publicly available yet. | Slovakia applied for the extension option. | n/a |
|  FI Last update: 21/12/2020 | Yes initially until 30 April 2021 but has been extended to <u>31 December 2021</u> . | | Use of the extension option to be expected | |

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|  SE Last update: 11/12/2020 | <p>There is work ongoing and Ylva Norling Jönsson is appointed to provide a proposal to implement the EU-directive.</p> <p>There are also several experts appointed which are part of this working group.</p> <p>Please see: https://www.riksdagen.se/sv/dokument-lagar/dokument/kommitteberattelse/rekonstruktionsutredningen-ju- </p> | n/a | Not yet, but will most likely be used for an extension to July 2022. | n/a |
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| | 201907_H7B2Ju07 and Kommitteberattels e Ju 2019:07 | | | |
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