

# ***Poland***

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**Q1. Has your country adopted the United Nations Commission on International Trade Law (UNCITRAL) Model law on Insolvency? If not, does it intend to do so in the near future?**

Yes Poland has adopted the UNCITRAL Model law on Insolvency.

**Q2. What are your country's private international law provisions for the recognition of insolvency proceedings commenced in countries outside of the EU Member States (ie Third Party States like the UK)?**

The UNCITRAL Model Law was enacted by the Bankruptcy and Recovery Act of 9 April 2003, introduced as it Part II of the act which deals with international bankruptcy proceedings. This was the source of “insolvency” law until a major reform of insolvency law which came into force in 2016 where the Bankruptcy and Recovery Act (law) became the Bankruptcy Law and a new Restructuring Law started to regulate proceedings aimed at the avoidance of bankruptcy proceedings by way of restructuring of a business where the major element of such proceedings is reaching of an arrangement with creditors.

**Q3. Would your country recognise an English scheme of arrangement (under Part 26 of the Companies Act 2006) or an English restructuring plan (under CA 2006, Pt 26A) now post-Brexit and on what basis? (e.g. Lugano Convention, Hague Convention, Rome I or other private international law rules)**

Both an English scheme of arrangement and restructuring plan would most likely be recognised on the basis of Part II of the Bankruptcy Law: ‘*Regulations dealing with international bankruptcy*’ if no exclusive jurisdiction of a Polish court applies and there is no breach of general principles of the Polish legal order (similar to a public order exemption) (see Article 392 of the Bankruptcy Law). In practice, it may well be that if one deals with an English scheme opened against a debtor who is not endangered by a risk of insolvency, then recognition may be denied. In such a case, the rules of Polish Private International Law, which is based on the Rome I (and Rome II) convention, would apply.