

Update on National Insolvency Statistics from Germany

During the past decade, the overall number of insolvencies did steadily decrease. Over the course of the last two years, a slew of new regulations as well as economic changes have somewhat reshaped the insolvency landscape in Germany. Michael Thierhoff and Renate Müller from Andersen (Leipzig, Germany) write.



With the help of considerable state subsidies, **business insolvency cases** came to a low in 2021 with only 14,130 cases registered, while the last peak in 2009 was at almost 33,000. However, due to prolonged inflation as well as a rise in energy costs and interest rates, the projected numbers for this past year - 14,700 cases - indicates a slight increase for the first time since the aftermath of the global financial crisis. An uptick is particularly noticeable in the realm of large companies: while in 2021, only 72 businesses with an annual revenue of over EUR 20 million filed for insolvency, in 2022, this number reportedly increased to 122. In terms of total revenue of all insolvent enterprises, the EUR 11.6 billion projected for 2022 is a major departure from 2021's EUR 7.7 billion.

Consumer insolvency proceedings were deeply impacted by the abbreviated discharge period triggered by the EU regulation: introduced in 2021, the new mechanism provides for honest debtors a full discharge of debt within three years. The previous discharge period of six years was one of the longest in the EU. Consequently, it is no surprise that many consumers waited to file for insolvency until the new regulation had taken effect - this explains the massive spike in consumer insolvencies in 2021. However, 2022 saw a return to the previous trend: there were only 65,300 consumer insolvencies registered, a sharp downturn compared to 2021's 78,920.

Preventive restructuring (StaRUG), a new mechanism introduced in January 2021 that encourages restructuring without triggering insolvency proceedings, seems to have struggled to make waves. As always in Germany, innovations do take their time to become accepted. In its first year, a total of 22 cases were registered, and while the statistics for 2022 are yet to be published, experts do not count on a notable increase just yet.

Further statistics from Germany and from all jurisdictions can be found on our website [here](#).

Source : INSOL Europe E-newsletter (January 2023)