

Technical Update

Emmanuelle Inacio, the Technical Officer of INSOL Europe, reports on the new technical content available and other updates on the INSOL Europe website. You can contact her at: technical@insol-europe.org



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ALTHOUGH THE FRENCH VOTED IN REGIONAL ELECTIONS IN THE SHADOW OF THE PARIS ATTACKS, FRANCE DECIDED TO GO THROUGH WITH THE VALUES OF FRATERNITY



Resources

The Technical Content of the INSOL Europe website has been reorganised. The Technical Content is now divided into 10 folders, namely:

- Glossaries of insolvency terms
- Updated insolvency laws
- State reports
- National case law
- National insolvency statistics
- Pensions & insolvency across Europe
- Report to IMF/World Bank
- How to become an IP across Europe?
- European Insolvency Regulation
- INSOL Europe Studies

Each of the 10 folders contains resources which are mostly organised by country.

A new folder entitled “Resources”, containing the full list of resources available for each country, has also been added.

Glossaries

If you are interested in contributing for the missing jurisdictions of **Malta** and **Slovenia**, please contact us and we will send two templates accordingly.

National Insolvency Statistics

Since the last column, updated national insolvency statistics are published for England & Wales (Third Quarter 2015), Finland (First, Second and Third Quarter 2015), France (Second and Third Quarter 2015), Ireland (First, Second and Third Quarter 2015), Luxembourg (First,

Second and Third Quarter 2015) Portugal (First, Second and Third Quarter 2015), Scotland & Northern Ireland (Third Quarter 2015), Spain (First, Second and Third Quarter 2015) and Switzerland (2014).

Current national insolvency statistics from Croatia, Germany, Italy, Latvia, Lithuania and Sweden are published on the INSOL Europe website.

INSOL Europe Academic Forum Newsletters

The INSOL Europe Academic Forum Fourth Quarter 2015 (October-December) Newsletter is now available at: www.insol-europe.org/academic-forum-news

INSOL Europe Annual Congress, 1-4 October 2015, Berlin, Germany

The final Technical Programme as well as the presentation slides of the Annual Congress are now available on the INSOL Europe website at: www.insol-europe.org/events/0/start_date/asc/2015

The Berlin Annual Congress video is now available on the INSOL Europe website at: www.insol-europe.org/videos/berlin-congress-video-2015

INSOL Europe’s Academic Forum Annual Insolvency Conference, 30 Sept & 1 Oct, Berlin, Germany

The final Technical Programme as well as the presentation slides of the Academic Forum

Conference are now available on the INSOL Europe website at: www.insol-europe.org/events/0/start_date/asc/2015 and www.insol-europe.org/academic-forum-events

EIR Case Register

As at 4 December 2015, 467 abstracts are uploaded on the new Lexis Nexis – INSOL Europe’s European Insolvency Regulation Case Register platform.

During the autumn period, the CJEU case “Nortel” delivered on 11 June 2015 (C-649/13) has been submitted and reviewed. It will be published soon.

The CJEU case “Nike” delivered on 15 October 2015 (C-310/14) has been submitted and is being reviewed.

Contribute!

We invite all Members of INSOL Europe to provide contributions to cover all countries around Europe and beyond or to update the information published. Please see the links in the column on the right or contact Emma on: technical@insol-europe.org

Keep in touch!

We would like to invite you to join the INSOL Europe Group on LinkedIn at: www.linkedin.com/ and follow us on Twitter at [@INSOLEurope](https://twitter.com/INSOLEurope)

Share your views!



A CLOSER LOOK AT...

French insolvency statistics



The efficiency and effectiveness of the French insolvency law cannot solely be assessed looking at the official statistics.

Indeed, in 2014, 62,586 collective insolvency proceedings were opened in France out of which 42,874 were liquidation proceedings, 18,092 reorganisation proceedings and 1,620 safeguard proceedings¹. But, when we take a closer look at the statistics, the number of insolvency proceedings opened in 2014 has seen a decrease of 0.8% when compared to 2013. The last quarter of 2014 has even seen a decrease of 5%. This is the best number for three years, which is encouraging. If the number of insolvency proceedings opened in the first quarter of 2015 has seen an increase of 7.6% when compared to 2014, the second and third quarter of 2015 have seen a decrease of 6.8% and 4.8% when compared to 2014, respectively.

If we look closely at the statistics, the number of insolvent companies with more than 10 employees is the lowest since 2008, with a decrease of 10% in 2014 when compared to 2013. If the number of insolvent companies with more than 10 employees opened in the first quarter of 2015 has seen an increase of 16% when compared to 2014, the second and third quarter of 2015 have seen a decrease of 10% and 11% when compared to 2014.

Similarly, the number of insolvent companies with more than 50 employees has seen a decrease of 20% in 2014 when compared to 2013 and 25% in comparison with the last quarter of 2013. The third quarter of 2015

confirm the trends, with a decrease of 39.7%, which is the lowest since 2007.

It is important to highlight that an important number of insolvency proceedings opened in 2014 concerns small businesses with one or two employees which have seen an increase of 18% in 2014 and 22% in the last quarter of 2014. Consequently, the number of threatened jobs has seen a decrease of 9% in 2014 and 13% in the last quarter. But the number of insolvency proceedings re small businesses with 1 or 2 employees opened in the third quarter of 2015 has seen a decrease of 1.8%, which is positive.

Company creations

If we have a look at the statistics for company creations², 550,700 companies were created in France in 2014 with an increase of 2% when compared to 2013. This means therefore that only 11.36% of the companies created in 2014 in France have failed. The third quarter of 2015 confirms this trend.

Significantly, the insolvency statistics do not include preventive proceedings which are confidential. They are much used in practice and two out of three preventive proceedings opened succeed³.

The French insolvency law has seen several reforms: in 2005, 2008, 2010, 2014 and 2015, in order to offer tools to prevent insolvency as early as possible and to increase the efficiency of insolvency proceedings. A deeper analysis of the statistics shows the positive results of these reforms. The law has always been seen as a “pro-debtor” law. But recently, reforms

have rebalanced insolvency in favour of the creditors’ rights. We should then have been entitled to expect better results in the following months.

13 November attacks

The attacks in Paris on 13 November 2015 took 130 lives and permanently altered many more with 60 people still hospitalised. The human cost of the Paris attacks was terrible but there will also be an economic price. If we have immediate short-term impacts it is too early to assess what will be the long-term economic impact of terrorism for France, following the 0.3% growth reported in the third quarter of 2015.

The attack came at a particularly sensitive moment in the history of both France and Europe.

But France can bounce back.

One encouraging lesson was that although the French voted in regional elections in the shadow of the Paris attacks, France decided to go through with the values of fraternity instead of a national fallback.

Another encouraging lesson from the 9/11 attacks in New York, 11 March 2004 in Madrid and 7 July 2005 in London was that although terrorism does knock the economy, the impact does not last.

Fluctuat nec mergitur! ■

Footnotes:

- 1 Source: 2014 Report “Défaillances d’entreprises en France: Bilan 2014” published by Altares on 23 January 2015 at: www.altares.com/fr
- 2 Source: 2014 Report “La création d’entreprises en France en 2014” published by APCE on May 2015 at: <http://media.apce.com>
- 3 Source: “La prévention des difficultés des entreprises par le mandat ad hoc et la conciliation devant les juridictions commerciales de 2006 à 2011”, GUILLONNEAU-HAEHL-MUNOZ-PEREZ published by Ministry of Justice on 2012 at: www.textes.justice.gouv.fr



Links

Email:
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LinkedIn: www.linkedin.com

Twitter: @INSOLEurope

Resources

www.insol-europe.org/resources

Glossaries

www.insol-europe.org/technical-content/glossaries

Updated Insolvency Laws

www.insol-europe.org/technical-content/updated-insolvency-laws

State Reports

www.insol-europe.org/technical-content/state-reports

National Insolvency Statistics

www.insol-europe.org/technical-content/national-insolvency-statistics

How to become an insolvency practitioner across Europe?

www.insol-europe.org/technical-content/how-to-become-an-ip-across-europe

National Case Law

www.insol-europe.org/technical-content/national-case-law

EIR Reform – Process

www.insol-europe.org/technical-content/european-insolvency-regulation

EIR Case Register

www.insolvencycases.eu

INSOL Europe Studies

www.insol-europe.org/technical-content/insol-europe-studies

Working Groups

www.insol-europe.org/about-us/about-our-working-groups