

The Polish Insolvency Publication Requirements under Article 21 and Article 22 of the European Insolvency Regulation

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1. What are the publication procedures in your jurisdiction for notice of the opening of insolvency proceedings?

Art 53(1) of the Polish “Law on Bankruptcy and Rehabilitation” states: “The ruling on the declaration of bankruptcy shall be promptly made public by announcement in the Court and Economic Monitor and by publication in a daily newspaper of local distribution”.

2. What should a liquidator from another Member State do in practice to arrange publication in your jurisdiction of notice under Art 21(1)?

The answer is straightforward for secondary bankruptcy proceedings in Poland. The publication procedures apply as for “regular” insolvencies as described above.

A problem arises with foreign main bankruptcy proceedings. The Court and Economic Monitor cannot accept any announcement unless it is required or allowed by Polish regulations. There is no requirement, according to Polish regulations, to publish announcements related to foreign main bankruptcy proceedings in Poland. For that reason announcements of foreign main bankruptcy proceedings cannot be accepted, as they are not subject to Polish jurisdiction (ie Polish main insolvency proceedings).

3. If a debtor has an establishment in your jurisdiction, is it mandatory to publish there notice of opening of insolvency proceedings in another Member State, in accordance with Art.21(2), and if so, do the procedures vary from those described in 1) and 2) above?

No.

4. In what public registers (e.g. land register, trade register) in your jurisdiction may a judgment opening main insolvency proceedings be registered?

If the proceedings are under Polish jurisdiction the judgment is registered in the Court Register (Krajowy Rejestr Sadowy = KRS) by the Court, ex officio.

If there is any reason in particular proceedings, the insolvency practitioner is also obliged to publish information in Land Register and in Register of Pledges.

5. What should a liquidator from another Member State do in practice to register in your jurisdiction a judgment opening main insolvency proceedings under Art 22(1)?

Nothing

6. If a debtor has an establishment in your jurisdiction, is it mandatory to register there notice of the opening of main insolvency proceedings in another Member State, in accordance with Art 22(2), and if so do the procedures vary from those described in 4) and 5) above?

No.