



Council of the
European Union

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COR 1

**Interinstitutional File:
2012/0360 (COD)**

LIMITE

JUSTCIV 224
EJUSTICE 80
CODEC 1835

“/A” ITEM NOTE

From: Presidency
To: Coreper/Conseil
No. prev. doc.: 12051/14 JUSTCIV 205 EJUSTICE 67 CODEC 1646
No. Cion prop.: 17883/12 JUSTCIV 365 CODEC 3077 + ADD 1 + ADD 2

Subject: Proposal for a Regulation of the European Parliament and of the Council
amending Council Regulation (EC) No 1346/2000 on insolvency proceedings
[First reading]
- General Approach on Recitals and Annexes

In document 13276/14 INIT the following recitals should read as follows:

Page 16, point 8b, recital (12):

- For:

"Where main proceedings concerning a legal person or company have been opened in a Member State other than that of its registered office, it should be possible to open secondary proceedings in the Member State of the registered office, provided that the debtor is carrying out an economic activity with human means and assets in that State"

read:

"Where main proceedings concerning a legal person or company have been opened in a Member State other than that of its registered office, it should be possible to open secondary proceedings in the Member State of the registered office, provided that the debtor is carrying out an economic activity with human means and assets in that State, in the light of the case law of the Court of Justice of the European Union";

Page 26, point 14, recital (201):

- For:

"Nothing in this Regulation should prevent Member States from establishing national rules which would supplement the rules on coordination of the insolvency of members of groups of companies set out in this Regulation, provided that the scope of application of those national rules is limited to the domestic area and that their application would not impair the efficiency of the rules of this Regulation".

read:

"Nothing in this Regulation should prevent Member States from establishing national rules which would supplement the rules on cooperation, communication and coordination with regard to the insolvency of members of groups of companies set out in this Regulation, provided that the scope of application of those national rules is limited to the domestic area and that their application would not impair the efficiency of the rules of this Regulation."
