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Insolvency proceedings

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/121361800/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99066002000000, 99066002000000
Leistungsbezeichnung I	Insolvency proceedings
Leistungsbezeichnung II	Insolvency proceedings
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt
Leistungsgruppierung	Insolvenz (066)
Verrichtungskennung	
SDG-Informationsbereich	Insolvenzverfahren und Liquidation von Unternehmen
Lagen Portalverbund	Sanierung und Insolvenz (2160300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.04.2021

Modul	Sachverhalt
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	Insolvency Code (InsO) https://www.gesetze-im-internet.de/insol/ https://www.gesetze-im-internet.de/insol/
Teaser	The purpose of insolvency proceedings is to jointly satisfy the creditors of an insolvency debtor by liquidating the debtor's assets and distributing the proceeds or by making a different arrangement in an insolvency plan, in particular to maintain the company. The honest debtor is also given the opportunity to be released from their remaining liabilities.
Volltext	An application to open insolvency proceedings against the assets of a debtor can be filed by the debtor themselves (so-called own application) or by a creditor (so-called third-party application). If an insolvency application is received by an insolvency court, the insolvency court examines whether this application is admissible and justified in so-called insolvency opening proceedings. It also checks whether the future insolvency estate is likely to be able to finance the costs of the insolvency proceedings. If all requirements are met, the insolvency court opens the insolvency proceedings after completing its checks (for more information, see Insolvency proceedings opening order). Insolvency proceedings can take the form of • as so-called consumer insolvency proceedings (more information under "Conducting consumer insolvency proceedings"), • as standard insolvency proceedings [more information under "Conducting standard insolvency proceedings for a (former) company"] or • as estate insolvency proceedings (more information under "Conducting estate insolvency proceedings") can be conducted.

Modul

Sachverhalt

Of particular importance for natural persons is the residual debt discharge procedure, which enables insolvent persons to obtain relief from their debts that have not been repaid in the insolvency proceedings (read more: Residual debt discharge procedure).

The Insolvency Code also offers the option of making a different arrangement in an insolvency plan, in particular to preserve the company (read: Insolvency plan as a restructuring instrument).

Erforderliche Unterlagen

Voraussetzungen

Kosten

Insolvency proceedings are subject to costs. Court fees are incurred, the amount of which depends on the value of the insolvency estate in each individual case (read: Costs of insolvency proceedings). If certain conditions are met, it is possible to apply for a deferral of the costs of the proceedings (for more information, see: Deferral of procedural costs in insolvency proceedings).

Verfahrensablauf

Bearbeitungsdauer

Frist

weiterführende Informationen

https://www.justiz.nrw/BS/lebenslagen/finanzen/schulden_insolvenz/index.php
https://www.justiz.nrw/Gerichte_Behoerden/ordentliche_gerichte/Zivilgericht/insolvenzverfahren/index.php
<https://www.justiz.nrw/BS/formulare/insolvenz/index.php>

Hinweise

Without court involvement, a restructuring can also be carried out on the basis of a restructuring plan in accordance with the provisions of the German Corporate Stabilization and Restructuring Act (StaRUG), which also offers court instruments for support within a stabilization and restructuring framework (such as the court's preliminary examination of a plan or the appointment of a restructuring officer).

Rechtsbehelf

Modul	Sachverhalt
Kurztext	• Insolvency proceedings • Joint satisfaction of the creditors of an insolvency debtor • Realization of the debtor's assets • Distribution of the proceeds • Deviating regulation for the preservation of the company, if applicable
Ansprechpunkt	
Zuständige Stelle	
Formulare	• https://www.justiz.nrw/BS/formulare/insolvenz/index.php
Ursprungsportal	Insolvency proceedings, Insolvenzverfahren