

99066007188000, 99066007188000

Creditors' meeting Convening

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/121361821/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99066007188000, 99066007188000
Leistungsbezeichnung I	Creditors' meeting Convening
Leistungsbezeichnung II	Convening of the creditors' meeting by the insolvency court
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 mit Verrichtung
Leistungsgruppierung	Insolvenz (066)
Verrichtungskennung	Einberufung (188)
SDG-Informationsbereich	Insolvenzverfahren und Liquidation von Unternehmen
Lagen Portalverbund	Sanierung und Insolvenz (2160300)
Einheitlicher Ansprechpartner	Nein

Modul	Sachverhalt
Fachlich freigegeben am	23.04.2021
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	§§ Sections 74 et seq. Insolvency Code (InsO) Convening the creditors' meeting http://www.gesetze-im-internet.de/inso/_74.html http://www.gesetze-im-internet.de/inso/_74.html
Teaser	The highest self-governing body in insolvency proceedings is the creditors' meeting, which is convened either ex officio or at the request of a group of entitled persons.
Volltext	<p>The creditors' meeting is the supreme self-governing body in the insolvency proceedings (see also text Creditors' meeting). Such a meeting is convened ex officio by the insolvency court at certain stages of the insolvency proceedings, unless the proceedings are conducted exclusively in writing. Parties to the proceedings also have the option of applying for a creditors' meeting to be convened under the statutory conditions.</p> <p>The most important stages in insolvency proceedings at which a creditors' meeting is usually convened if the proceedings are not conducted in writing are</p> <ul style="list-style-type: none"> • Report meeting • Review meeting • Discussion and voting meeting (in the event of a possible restructuring by means of an insolvency plan, see text "Insolvency plan") • Final meeting
Erforderliche Unterlagen	<p>for the application for a creditors' meeting:</p> <ul style="list-style-type: none"> • Application in writing or orally for the minutes of the insolvency court registry • It makes sense to state the intended purpose of the meeting and the required information on the agenda
Voraussetzungen	If the insolvency proceedings are not conducted in writing, the insolvency court convenes the creditors' meeting independently (ex officio) for certain sections.

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In addition, such a creditors' meeting may be convened at the request of an authorized group of persons. This group of persons entitled to file an application includes

- Insolvency administrator
- creditors' committee
- at least five creditors entitled to separate satisfaction or non-subordinated insolvency creditors whose rights to separate satisfaction and claims, as estimated by the insolvency court, together amount to one fifth of the sum resulting from the value of all rights to separate satisfaction and the claim amounts of all non-subordinated insolvency creditors
- one or more creditors entitled to separate satisfaction or non-subordinated insolvency creditors whose rights to separate satisfaction and claims, according to the court's estimate, reach two fifths of the sum resulting from the value of all rights to separate satisfaction and the claim amounts of all non-subordinated insolvency creditors

Further requirements for the application are

- The application is clearly not arbitrary, i.e. obviously not made without an objectively justifiable reason
- The subject matter of the resolution is not outside the decision-making powers of the creditors' meeting

Kosten

Verfahrensablauf

- If the insolvency court sets the date for the creditors' meeting ex officio, the time, place and agenda of the creditors' meeting will be announced publicly.
- The insolvency court usually sets the first two dates (report and examination date) with the decision to open insolvency proceedings, unless it has been decided to conduct the proceedings in writing.
- The further course of the proceedings always depends on the particular circumstances of each individual case.

Bearbeitungsdauer

Frist

Modul	Sachverhalt
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	Convening of the creditors' meeting by the insolvency court
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Gläubigerversammlung Einberufung, Creditors' meeting Convening