

99066009024000, 99066009024000

Insolvency plan resolution

Heruntergeladen am 28.06.2025

<https://fimportal.de/xzufi-services/121361825/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99066009024000, 99066009024000
Leistungsbezeichnung I	Insolvency plan resolution
Leistungsbezeichnung II	Resolution on an insolvency plan
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	Beschluss (024)
SDG-Informationsbereich	Insolvenzverfahren und Liquidation von Unternehmen
Lagen Portalverbund	Sanierung und Insolvenz (2160300)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	11.05.2021

Modul	Sachverhalt
Fachlich freigegeben durch	Ministry of Justice of the State of North Rhine-Westphalia
Handlungsgrundlage	<p>§§ Sections 217 et seq. Insolvency Code (InsO)</p> <p>https://www.gesetze-im-internet.de/inso/BJNR286600994.html#BJNR286600994BJNG036200000</p> <p>https://www.gesetze-im-internet.de/inso/BJNR286600994.html#BJNR286600994BJNG036200000</p>
Teaser	The insolvency court checks whether the regulations on the submission and content of the insolvency plan have been complied with. If this is the case and the necessary majorities in the creditors' meeting agree, the plan is confirmed by the insolvency court.
Volltext	<p>Both the insolvency administrator and the debtor are entitled to submit an insolvency plan to the insolvency court (see also the text Insolvency plan or insolvency plan as a restructuring instrument).</p> <p>After a corresponding submission, the insolvency court examines the insolvency plan. The insolvency court rejects the submitted insolvency plan ex officio (i.e. on its own initiative) if, among other things</p> <ul style="list-style-type: none"> • the provisions on the submission and content of the plan, in particular on the formation of groups (e.g. division of the parties involved according to their legal status, e.g. general and subordinated insolvency creditors) have not been observed, • a plan submitted by the debtor clearly has no prospect of acceptance by the parties involved or confirmation by the court, and/or • the satisfaction of the parties involved provided for in the plan submitted by the debtor is obviously not possible. <p>If the court does not reject the plan, it obtains opinions from certain parties to the proceedings (including the creditors' committee, works council, insolvency debtor or insolvency administrator).</p> <p>The insolvency plan, together with the annexes and comments, is made available for inspection by the parties to the proceedings at the insolvency court</p>

Modul

Sachverhalt

registry.

At a discussion and voting meeting determined by the insolvency court, the submitted insolvency plan and the voting rights of the parties involved are then discussed and a vote is taken on the acceptance of the plan. Each group of parties entitled to vote votes separately on the insolvency plan, whereby it is possible to conduct the vote in writing if the voting meeting is not combined with the meeting to discuss the plan.

In order for the plan to be accepted, the majority of those voting in each group must approve the plan (head majority) and the sum of the claims of those approving must be more than half of the sum of the claims of those voting (aggregate majority).

After the parties involved have accepted the plan, the insolvency court must confirm it. The insolvency court must refuse confirmation ex officio (i.e. on its own initiative) if

- the provisions on the content and procedural treatment of the insolvency plan and on its acceptance by the parties involved have not been observed in a material respect and
- the defect cannot be remedied or
- the acceptance of the plan has been brought about unfairly, in particular by favoring one of the parties involved.

The confirmation of the insolvency plan may also be refused by the court at the request of a creditor or a person holding an interest in the debtor if the applicant objects to the plan at the latest at the voting meeting and credibly demonstrates that he/she will be worse off as a result of the plan than without the plan.

Once the plan has been confirmed, the effects set out in the constructive part shall take effect for and against all parties involved, including insolvency creditors who have not registered their claims or parties involved who have objected to the plan.

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	The insolvency creditors may pursue compulsory enforcement against the debtor from the legally confirmed insolvency plan in conjunction with the entry in the schedule in the same way as from an enforceable judgment.
Erforderliche Unterlagen	For the required documents, read the text Insolvency plan.
Voraussetzungen	For the requirements, read the text Insolvency plan.
Kosten	
Verfahrensablauf	<ul style="list-style-type: none"> • The insolvency debtor or the insolvency administrator draws up an insolvency plan including the necessary annexes (see text Insolvency plan or Insolvency plan as a restructuring instrument). • The prepared insolvency plan must be submitted to the competent insolvency court together with the complete annexes. The insolvency court then examines the documents submitted, in particular whether the provisions on the submission and content of the plan have been complied with. • If the result of the examination is positive for the submitter, the insolvency court will usually set a discussion and voting date at which the entitled parties will vote on the insolvency plan after the discussion. • If the necessary majorities are achieved, the insolvency court gives the insolvency debtor and the creditors' committee, if one has been appointed, the opportunity to comment. Finally, the court confirms the insolvency plan if the requirements are met.
Bearbeitungsdauer	
Frist	Submission of the insolvency plan: by the closing date at the latest
weiterführende Informationen	https://www.justiz.nrw/BS/formulare/insolvenz/eroeffnung_insolvenzverfahren/Merkblatt_fuerr_Schuldnerinnen_und_Schuldner_zum_Insolvenzplan.pdf
Hinweise	
Rechtsbehelf	
Kurztext	• Insolvency plan resolution

Modul	Sachverhalt
	<ul style="list-style-type: none"> • Court examination as to whether the provisions on the submission and content of the insolvency plan have been complied with • Court confirmation of the insolvency plan
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Insolvenzplan Beschluss, Insolvency plan resolution