

99066007188000, 99066007188000

Convocation of the creditors' meeting in insolvency proceedings

Heruntergeladen am 26.06.2025

<https://fimportal.de/xzufi-services/448860355/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99066007188000, 99066007188000
Leistungsbezeichnung I	Convocation of the creditors' meeting in insolvency proceedings
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
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)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	17.03.2022
Fachlich freigegeben durch	Lower Saxony Ministry of Justice
Handlungsgrundlage	http://www.gesetze-im-internet.de/inso/_74.html http://www.gesetze-im-internet.de/inso/_74.html
Teaser	The central self-governing body in insolvency proceedings is the creditors' meeting, which is convened either ex officio or by the insolvency court at the request of an authorised group of persons.
Volltext	<p>The creditors' meeting is the central self-governing body in insolvency proceedings (see also text "Creditors' meeting"). Such a meeting is convened ex officio by the insolvency court at certain stages of insolvency proceedings, unless they are conducted exclusively in writing. Under the conditions laid down by law, parties to the proceedings also have the option of filing a motion to convene the creditors' meeting.</p> <p>The most important stages in insolvency proceedings at which a creditors' meeting is usually convened, unless the proceedings are conducted in writing, are:</p> <ul style="list-style-type: none"> • Report date • Exam date • Discussion and coordination date (in the case of a possible restructuring by means of an insolvency plan, see text "Insolvency plan") • Deadline
Erforderliche Unterlagen	<p>For the application for a creditors' meeting:</p> <ul style="list-style-type: none"> • Application in writing or orally in the minutes of the registry of the insolvency court <p>It makes sense to explain the intended purpose of the meeting as well as the necessary information on the agenda.</p>
Voraussetzungen	If the insolvency proceedings are not conducted in writing, the insolvency court convenes the creditors'

Modul
Sachverhalt

meeting independently (ex officio) at certain stages.

In addition, such a creditors' meeting may be convened at the request of an authorised group of persons. This group of persons entitled to apply includes:

- Receiver
- Creditors' Committee
- at least five secured creditors or non-subordinated insolvency creditors whose segregation rights and claims are estimated by the insolvency court to be one-fifth of the sum resulting from the value of all separation rights and the claims of all non-subordinated insolvency creditors.
- one or more secured creditors or non-subordinated insolvency creditors whose preferential rights and claims are estimated by the court to be two-fifths of the sum resulting from the value of all preferential rights and the amounts of claims of all non-subordinated insolvency creditors

Further requirements for the application are:

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

Kosten

There is no separate fee. The costs arising from the holding of a creditors' meeting are insolvency costs within the meaning of § 54 InsO.

Verfahrensablauf

- If the insolvency court determines the date of the creditors' meeting ex officio, the time, place and agenda of the creditors' meeting shall be made public.
- The first two dates (report and examination dates) are usually set by the insolvency court with the decision to open insolvency, unless a written procedure has been decided.
- The further course of proceedings always depends on the particular circumstances of each individual case.

Bearbeitungsdauer

The period between the receipt of the application and the date of the creditors' meeting should not exceed three weeks.

Modul	Sachverhalt
Frist	There are no deadlines.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	The applicant is entitled to appeal immediately against refusal to convene the creditors' meeting.
Kurztext	<ul style="list-style-type: none"> - Convocation of the creditors' meeting in insolvency proceedings - Creditors' meeting is the central self-governing body - Convocation only by insolvency court upon application or ex officio - Insolvency administrators, creditors' committee, certain creditors are entitled to file applications - no arbitrary application - Date will be announced publicly - locally competent insolvency court
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Einberufung der Gläubigerversammlung im Insolvenzverfahren, Convocation of the creditors' meeting in insolvency proceedings