

European Insolvency Regulation

Heidelberg-Luxembourg-Vienna Report

von

Prof. Dr. Burkhard Hess, Paul Oberhammer, Prof. Dr. Thomas Pfeiffer

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The Heidelberg-Luxembourg-Vienna Report

on the Application of
Regulation No. 1346/2000/EC on Insolvency Proceedings
(External Evaluation JUST/2011/JCIV/PR/0049/A4)

presented by

Prof. Dr. Burkhard Hess (Luxembourg/Heidelberg)
Univ.-Prof. Dr. Paul Oberhammer (Vienna/London/St.Gallen)
Prof. Dr. Thomas Pfeiffer (Heidelberg)

in cooperation with

Prof. Dr. Andreas Pickenbrock (Heidelberg)
Christopher Seagon (Heidelberg)

General Reporters:

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Preface

This book presents the results of the External Evaluation of Regulation No. 1346/2000/EC on Insolvency Proceedings (JUST/2011/JCIV/PR/0049/A4) which was commissioned by the EU-Commission in March 2012 as a basis for the pending reform of the European Insolvency Regulation. Most of it was prepared within a period of about half a year in which the editors were in constant contact with the EU-Commission and participated in the process that led to the presentation of the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1346/2000 on insolvency proceedings (COM[2012] 744 final) dated 12 December 2012. Therefore, we believe that it is fair to say that both our initial approach to the relevant reform tools and issues and the findings in the course of the preparation of this study had a significant impact on the reform process which in turn of course also influenced the outcome of the study.

The book contains the document generally known as the “Heidelberg-Luxembourg-Vienna Report” on the reform of the European Insolvency Regulation and two other documents which served as a basis for this report, i.e. a detailed systematic summary of the national reports based on extracts from the original text and a systematic compilation of the relevant case-law. Unfortunately, it would have gone far beyond the limits of this book to publish all national reports, although most of them were indeed worth publishing. However, these reports are available online at: http://www.ipr.uni-heidelberg.de/InsReg/Study_Annex_II.html.

We owe much to a number of people who helped us in the preparation of the report and this book: In the first place, we have to thank Professor *Andreas Piekenbrock* (Heidelberg) for all his valuable input and help. He and *Christopher Seagon* (Heidelberg) assisted us with many thoughtful comments in the course of the whole project. This book would not have been published without the valuable support of our assistants Dr. *Björn Laukemann* and Dr. *Robert Magnus*; *Adriani Dori*, LL.M., *Friederike Dorn*, *Lars Bierschenk*, *Stefanie Spancken* and *Carl Zimmer* (Heidelberg and Luxembourg), Mag. *Katharina Auernig*, *Helene Hayden*, *Stefanie Kloibmüller*, Dr. *Christian Koller*, *Petra Peirleitner*, Mag. *Florian Scholz*, *Alina Seel* and *Michael Slonina*, LL. M. (Vienna). Moreover, we have to thank all general and national reporters for their excellent contributions which had to be made under immense time pressure. It was a privilege to be able to participate in this European law-making-process. In particular, we enjoyed cooperating with *Jérôme Carriat*, Dr. *Jeanne de Jaegher*, *Katja Lenzing*, MJur and lic. iur. *Salla Saastamoinen* of the EU-Commission. We take pride in having been able to make one small contribution to the development of an area of freedom, security and justice serving the citizen.

Luxembourg/Vienna/Heidelberg

*Burkhard Hess
Paul Oberhammer
Thomas Pfeiffer*

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