

99066007188000

Creditors' meeting, convened by the insolvency court

Heruntergeladen am 14.07.2025

<https://fimportal.de/xzufi-services/6000627-99066007188000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99066007188000
Leistungsbezeichnung I	Creditors' meeting, convened by the insolvency court
Leistungsbezeichnung II	Creditors' meeting, convened by the insolvency court
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher	

Modul	Sachverhalt
Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • § 27 Insolvenzordnung (InsO) – Eröffnungsbeschluss • § 29 InsO – Terminbestimmungen • § 30 InsO – Bekanntmachung des Eröffnungsbeschlusses • §§ 74 ff. InsO – Einberufung der Gläubigerversammlung
Teaser	<p>As a creditor, you have the right to actively participate in the insolvency proceedings. The highest representative body is the creditors' meeting, which has extensive decision-making powers. In order to continuously safeguard the interests of the creditors vis-à-vis the debtor and the insolvency administrator, it can form a committee from among its members.</p>
Volltext	<p>Convening of the creditors' meeting by the court in accordance with Section 29 and Section 75 of the Insolvency Code (InsO)</p> <p>As a creditor, you have the right to actively participate in the insolvency proceedings. The highest representative body is the creditors' meeting, which has extensive decision-making powers. In order to continuously safeguard the interests of the creditors vis-à-vis the debtor and the insolvency administrator, it can form a committee from among its members.</p> <p>The court also has the option of forming a provisional creditors' committee before insolvency proceedings are opened. This is mandatory if the debtor company reaches a certain size. This is intended to strengthen the influence of the creditors, particularly in the selection of the insolvency administrator.</p> <p>The most important dates on which the creditors' meeting deliberates and decides are set out in the Insolvency Code (InsO):</p> <ul style="list-style-type: none"> • report date

Modul	Sachverhalt
	<ul style="list-style-type: none"> • review meeting • discussion and voting meeting (in the event of a possible reorganisation) • final meeting <p>if necessary, both the insolvency administrator and the creditors can also apply to the court for further meetings.</p> <p>Below you will find a general overview of the structure and procedure of the creditors' meetings.</p>
Erforderliche Unterlagen	<p>for the application for a creditors' meeting:</p> <ul style="list-style-type: none"> • written application (e.g. on a form from a relevant publisher of forms), unless another informal method of submitting the application is chosen - e.g. a statement for the minutes of the clerk's office
Voraussetzungen	<p>Convening ex officio</p> <p>The creditors' meeting is convened ex officio on the</p> <ul style="list-style-type: none"> • report and review meeting • discussion and voting meeting • closing date <p>Application for further dates</p> <p>A creditors' meeting can be requested from the court by</p> <ul style="list-style-type: none"> • the insolvency administrator • the creditors' committee • creditors entitled to separate satisfaction and non-subordinated insolvency creditors who hold at least two-fifths of all rights to separate satisfaction and main claims (a share of one-fifth is sufficient for five or more applicants) <p>Entitled to participate</p> <ul style="list-style-type: none"> • insolvency creditors • creditors entitled to separate satisfaction (representatives with written authorisation)

Modul

Sachverhalt

- insolvency administrator

The following may attend the meeting without being entitled to vote

- subordinated creditors
- the debtor
- third parties (upon application with authorisation from the court)

Kosten

Verfahrensablauf

Convening ex officio

The first two dates (report and examination date) are set by the court with the decision to open insolvency proceedings.

The agenda includes

- the report of the insolvency administrator and
- the decision on the progress of the proceedings or
- the examination of the registered claims.

Both dates can also be held together in one meeting.

Announcement

The dates of the creditors' meetings are publicised. As a creditor or debtor, you will be informed of the place, time, date and agenda by publication.

- Reporting and audit dates are also published

discussion and voting dates (on the insolvency plan)

- on the Internet (further information) by service of the opening decision by special summons

The public announcement may be omitted if a meeting is merely adjourned.

Meeting procedure

- The creditors' meeting is chaired and minuted by the

Modul

Sachverhalt

insolvency court.

- Following the reports and discussions, the authorised parties vote on pending decisions.
- Resolutions are passed by a simple majority of the creditors present (proportion based on the amount of the claims/separation rights of the respective authorised voters). Abstentions are counted as votes against.

The court sends the minutes of the meeting to the insolvency administrator, the debtor and - if available - the creditors' committee.

Further dates

ex officio:

The court issues invitations to further prescribed meetings in the course of the proceedings. These are in particular

- the discussion and voting meeting (in the case of an insolvency plan)
- the final meeting

The discussion and voting meeting can be combined with the verification meeting if necessary

upon application:

The court convenes further creditors' meetings at the request of the insolvency administrator and creditors.

- Submit an application to the competent insolvency court. An application can be made by informal letter or on the record at the court registry as well as by fax or email.

Note: Relevant form publishers offer sample letters as templates. However, in view of the requirements alone, you should consult your legal representative before initiating an application.

Bearbeitungsdauer

Modul	Sachverhalt
Frist	<p>Reporting date • within six weeks, at the latest three months after the opening of insolvency proceedings • if convened upon application: no later than three weeks after receipt of the application by the court</p> <p>Examination date • at least one week, at most two months after expiry of the filing deadline for the claims</p>
weiterführende Informationen	
Hinweise	<p>Cancellation of a creditor resolution</p> <p>A resolution that is contrary to the common interest of the insolvency creditors can be cancelled by the insolvency administrator and you as a creditor with voting rights. You can apply for the cancellation directly to the chair of the meeting.</p> <p>Appeal</p> <p>The right of immediate appeal exists if the court</p> <ul style="list-style-type: none"> • rejects a requested creditors' meeting - for applicants • cancels a resolution of the creditors' meeting - for creditors with voting rights • does not grant the requested cancellation of a creditors' resolution - for applicants (except insolvency administrators) <p>Note: Neither the insolvency administrator nor the creditors have any legal recourse against a meeting date that has been scheduled by the court upon application.</p>
Rechtsbehelf	not applicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	