

99066009024000

# Insolvency plan, submission and resolution

Heruntergeladen am 01.07.2025

<https://fimportal.de/xzufi-services/6000848-99066009024000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99066009024000
Leistungsbezeichnung I	Insolvency plan, submission and resolution
Leistungsbezeichnung II	Insolvency plan, submission and resolution
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"> <li>• §§ 217 bis 269 Insolvenzordnung (InsO) – Insolvenzplan</li> </ul>
Teaser	<p>Debtors and insolvency administrators have the right to submit an insolvency plan to the community of creditors. It is possible for the debtor to submit the plan to the court together with the insolvency application. In addition, the creditors' meeting can oblige the insolvency administrator to draw up an insolvency plan at the report meeting.</p>
Volltext	<p>Preparation of an insolvency plan in accordance with §§ 217 ff. Insolvency Code (InsO)</p> <p>Debtors and insolvency administrators have the right to submit an insolvency plan to the community of creditors. It is possible for the debtor to submit the plan to the court together with the insolvency application. In addition, the creditors' meeting can oblige the insolvency administrator to draw up an insolvency plan at the report meeting.</p> <p>The insolvency plan contains</p> <ul style="list-style-type: none"> <li>• a descriptive part and</li> <li>• a constructive part.</li> </ul> <p>The creditors vote on the plan at the discussion and voting meeting (creditors' meeting) scheduled by the court - at the latest at the final meeting.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Insolvency plan</li> <li>• Plan annexes, in particular Budgeted balance sheets Profit and loss accounts for the plan period Liquidity calculations in the case of a going concern: Statements by the debtor, creditors and third parties</li> </ul>
Voraussetzungen	<p>The following are entitled to submit claims</p> <ul style="list-style-type: none"> <li>• the debtor</li> </ul>

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	<ul style="list-style-type: none"> <li>• the insolvency administrator</li> </ul>
Kosten	none
Verfahrensablauf	<p>Elaboration</p> <p>Descriptive part</p> <p>In particular, the causes that led to the corporate crisis should be analysed. In addition, the measures taken and to be taken after the opening of proceedings to fulfil the demands of the parties involved should be recorded.</p> <p>The section should include the following points, among others</p> <ul style="list-style-type: none"> <li>• the economic situation and outlook</li> <li>• the industry situation</li> <li>• Crisis factors and causes</li> <li>• Earnings situation and prospects of success</li> <li>• Weak points</li> <li>• Opportunities for reorganisation</li> </ul> <p>Organisational part</p> <p>This section provides information on the effects that the plan will have on the legal status of the parties involved. The plan drafter lists groups of stakeholders within which the authorised parties are treated equally (exceptions are possible with the consent of those affected).</p> <p>It can also be specified at this point, for example</p> <ul style="list-style-type: none"> <li>• monitoring of the fulfilment of the plan by the insolvency administrator (for a maximum of three years)</li> <li>• a waiver of claims by the insolvency creditors</li> <li>• a deferral of claims that have not been waived</li> <li>• a participation of insolvency creditors in the debtor company</li> </ul> <p>Plan annex</p>

## Modul

## Sachverhalt

In addition, a number of documents must be compiled for the plan annex.

Submission to the court

- The plan drafter submits the insolvency plan with the complete annex to the competent insolvency court. This can already be done with the application for the opening of insolvency proceedings.
- The court examines the plan and schedules a discussion and consultation meeting.
- All parties involved are given an insight into the plan.

Voting

After the discussion at the scheduled date, the authorised parties vote on the insolvency plan. If share or membership rights of the debtor's stakeholders are included in the plan, they also have the right to vote. Voting takes place independently in each group of participants with a simple majority of votes, which is calculated according to the amount of the respective claim.

If not all groups vote in favour, the plan is nevertheless deemed to have been accepted, provided that the group that votes against is not disadvantaged by the arrangements made. The decision is made by the insolvency court.

The debtor concerned expressly or tacitly agrees to the insolvency plan.

Acceptance and confirmation / cancellation of the insolvency proceedings

Once the court has received the necessary approvals, the debtor is heard

- of the debtor,
- the insolvency administrator and
- the creditors' committee (if applicable).

The court may then confirm the plan. Once the insolvency plan has been legally confirmed, the court

Modul	Sachverhalt
	<p>decides to terminate the insolvency proceedings.</p> <p>Note: If the plan is not accepted or confirmed, the insolvency administrator must realise the assets and liquidate the company.</p>
Bearbeitungsdauer	
Frist	<ul style="list-style-type: none"> <li>• Submission of the insolvency plan: no later than the closing date</li> <li>• Monitoring period after acceptance of the insolvency plan: maximum three years</li> </ul>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	