

99066002187000

Insolvency proceedings opening

Heruntergeladen am 16.07.2025

<https://fimportal.de/xzufi-services/S1000020010000013444/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99066002187000
Leistungsbezeichnung I	Insolvency proceedings opening
Leistungsbezeichnung II	Insolvency proceedings, apply for opening
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">File for bankruptcy</div>, <div lang="en-x-mtfrom-de">Bankruptcy in court</div>, <div lang="en-x-mtfrom-de">Court order insolvency</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.06.2025
Fachlich freigegeben durch	
Handlungsgrundlage	Sections 11 et seq. of the Insolvency Code (InsO) https://www.gesetze-im-internet.de/insol/_11.html
Teaser	You can file for insolvency if you have debts and cannot repay them. Insolvency proceedings are initiated by a court order.
Volltext	<p>If you have debts and cannot repay them, you can apply for bankruptcy proceedings. Insolvency proceedings serve to ensure an equal distribution of available assets among creditors. They can be initiated at the request of either the debtor or the creditors. Eligible to apply are: In the case of a legal entity such as a stock corporation, limited liability company, or association, this includes not only the creditors but also every member of the representative body, i.e., managing director or board member. In the case of a company without management, this also includes every shareholder. In the case of a stock corporation or a cooperative, each member of the supervisory board also has to do so. In the case of a company without legal personality (general partnership, limited partnership, general partnership, civil law partnership, or partnership limited by shares), each personally liable partner must file an application individually, even if they are otherwise only authorized to represent the company jointly with another person. The situation is different for a self-application due to impending insolvency: in this case, an individual can only file an application if they also have individual authorization to represent the company. If insolvency or excessive indebtedness occurs, there is even an obligation to file an application.</p>
Erforderliche Unterlagen	Application for the opening of insolvency proceedings if necessary, further documents
Voraussetzungen	Admissible and justified application for the opening of insolvency proceedings. The opening of insolvency

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	proceedings requires a reason for opening. This may be: Insolvency possibly over-indebtedness possible impending insolvency (if the debtor applies for the opening of insolvency proceedings) The future insolvency estate can probably finance the costs of the insolvency proceedings, or the deferral of the procedural costs will be granted upon application.
Kosten	The procedural fee is calculated based on the value of the insolvency estate. In addition, there are costs for expenses such as postage or copying costs
Verfahrensablauf	You file an application for the opening of insolvency proceedings with the competent authority. During the insolvency proceedings, the competent authority will examine whether your application is admissible and justified. It examines whether the future insolvency estate is likely to be able to finance the costs of the insolvency proceedings. Insolvency proceedings are opened by resolution. You will receive a notification.
Bearbeitungsdauer	The processing time depends on the individual case.
Frist	Depending on the type of insolvency proceedings, different deadlines apply. As a member of the representative body of a legal entity, in the event of insolvency or over-indebtedness, file the application for opening of insolvency proceedings without culpable delay. File for insolvency no later than three weeks after you or the company become insolvent. File for insolvency no later than 6 weeks after you or the company become over-indebted.
weiterführende Informationen	https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/gerichte-und-segmente/amtsgerecht-hamburg-mitte/segment-familie-betreuung-insolvenz/start-636986 https://justiz.hamburg.de/justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992 https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992 https://justiz.hamburg.de/gerichte/amtsgerecht-hamburg/verfahrensarten-und-services/verfahrensarten/start-636992

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Hinweise	The District Court does not provide legal advice. Please contact a lawyer or notary of your choice. The Public Legal Information Service (ÖRA) offers affordable legal advice for people with low incomes.
Rechtsbehelf	If the opening of insolvency proceedings is refused, the applicant and, in certain circumstances, the debtor have the right to lodge an immediate appeal. If insolvency proceedings are opened, the debtor has the right to lodge an immediate appeal.
Kurztext	Opening only upon written request Eligible to apply are the creditors (third-party application) the debtor (own application) Eligible to apply are: For legal entities (AG, GmbH, association), this includes, in addition to creditors, every member of the representative body, i.e., managing director or board member. In the case of a company without management, this also includes every shareholder. In the case of a stock corporation or a cooperative, each member of the supervisory board also has to do so. In the case of a company without legal personality, i.e. an OHG, KG, GbR or a partnership limited by shares, each personally liable partner is individually liable, even if he or she is otherwise only authorized to represent the company jointly with another person. The situation is different with a self-petition due to impending insolvency: An individual shareholder can only file the petition if they are also individually authorized to represent the company. In the case of insolvency or excessive indebtedness, a petition is mandatory.
Ansprechpunkt	
Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)