

The Swedish Insolvency Publication and Registration Requirements under Article 21 and Article 22 of The European Insolvency Regulation

Niklas Körling & Karl Bondesson

Setterwalls Advokatbyrå

www.setterwalls.se

nko@setterwalls.se

kbo@setterwalls.se

1. What are the publication procedures in your jurisdiction for notice of the opening of insolvency proceedings?

The opening of an insolvency procedure shall be published in The Official Swedish Gazette (Sw. Post- och Inrikes Tidningar) which is Sweden's official announcement organ. The Gazette is only available online, <https://poit.bolagsverket.se/poit/> . Further, publishing shall be done in certain newspapers.

2. What should a liquidator from another Member State do in practice to arrange publication in your jurisdiction of notice under Art 21(1)?

The liquidator can notify the Swedish Companies Registration Office (Sw. Bolagsverket), <http://www.bolagsverket.se/> , regarding the opening of the insolvency proceeding. The Swedish Companies Registration Office will then arrange for the publication in the Official Swedish Gazette.

3. If a debtor has an establishment in your jurisdiction, is it mandatory to publish there notice of the opening of insolvency proceedings in another Member State, in accordance with Art 21(2), and if so do the procedures vary from those described in 1) and 2) above?

In a case where a debtor has an establishment in Sweden it is mandatory to notify the Swedish Companies Registration Office (Sw. Bolagsverket) who will then arrange for the publication in the Official Swedish Gazette for a non substantial fee.

The notification shall include:

- The firm name of the debtor;
- The name of the court passing the decision;
- The date of the decision;
- The name of the liquidator; and
- Whether the proceeding is a main insolvency proceeding or a territorial proceeding.

4. In what public registers (e.g. land register, trade register) in your jurisdiction may a judgement of opening main insolvency proceedings be registered?

There are several registers depending on the type of trade of the debtor and other circumstances, for example there are registers for chartered accountants, real property registers, registers for the owners of registered ships etc. However the opening of insolvency procedures regarding a legal person or a natural person who is registered in the commercial registry shall always be registered by the Swedish Companies Registration Office (Sw. Bolagsverket). Furthermore, the Swedish Companies Registration Office notes the insolvency event in other relevant registers kept by the Office.

5. What should a liquidator from another Member State do in practice to register in your jurisdiction a judgement opening main insolvency proceedings under Art. 22(1)?

Notify the Swedish Companies Registration Office (Sw. Bolagsverket) who will then arrange for the registration for a non substantial fee.

6. If a debtor has an establishment in your jurisdiction, is it mandatory to register there notice of the opening of main insolvency proceedings in another Member State, in accordance with Art 22(2), and if so do the procedures vary from those described in 4) and 5) above?

It is mandatory to notify the Swedish Companies Registration Office (Sw. Bolagsverket).

The notification shall, in addition to what is stated above under Section 3, include such information as may be necessary for the Swedish Companies Registration Office to register the opening of a main insolvency proceeding in the relevant registers.