

## **The Latvian Insolvency Publication and Registration Requirements under Article 21 and Article 22 of the European Insolvency Regulation**

***Belicka, Inese***

*Judge*

*Aizkraukle District Court*

*Spidolas 4*

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*Latvia*

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

According to Sec. 63 of the Insolvency Law (please *see below*), the application for notice of the opening of insolvency proceedings in another EU state shall be submitted at the Register of Enterprises of the Republic of Latvia. The Register of Enterprises enters the notice of the opening and the available data of the insolvency proceedings into the Insolvency register.

Insolvency Register is available at <http://www.ur.gov.lv/eng/insolvency.html> and the Register of Enterprises of the Republic of Latvia at <http://www.ur.gov.lv/?v=en>

All records of the Commercial Register shall be promulgated by publishing them in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia], at the same time publishing them electronically.

Commercial Register records and information for publication shall be submitted by an official of the Commercial Register within a period of three days from the date when the record was entered.

*(Commercial Law, Sec.11)*

### **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 from another Member State should submit at the Register of Enterprises a petition (form M3) containing information on:

- 1) a debtor's company and registration number;
- 2) name of the court and the day of adoption of the order;
- 3) the name, surname, location of the practice and phone number of the liquidator involved in the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000;
- 4) the fact that the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000 has been initiated against the debtor;
- 5) the member state, regulatory enactments of which are to be applied to initiation, implementation and termination of insolvency procedures.

**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),**

If a debtor has an establishment in Latvia, it is mandatory to publish a notice of the opening of insolvency proceedings in another Member State, please see Insolvency law Sec.63 part 7 below. Notice is considered as published with its entering into the Insolvency register.

Procedures do not vary from those described in 1) and 2) above.

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

Judgment opening main insolvency proceedings might be registered at the Register of Enterprises - Commercial register, Insolvency register; Land register (if debtor owns immovable property), register of transport vehicles and others, depending on debtor's assets.

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

This would depend on the specific register addressed. Typically special pre-approved forms must be used and each register addressed separately.

Judgment on insolvency proceedings and appointment of liquidator and the translation of this judgment into the Latvian should be attached.

**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),**

If a debtor has an establishment in Latvia, it is mandatory to register there a notice of the opening of main insolvency proceedings. Also see q.3 above.

Please see below form M3 for registering information regarding insolvency in insolvency register (Form is available in Latvian only).

**Insolvency Law**

***Sec. 63. Administrator's Activities after Declaration of Insolvency Proceedings***

*(6) If the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000 has been initiated against a debtor in other member state, the person mentioned in Paragraph 2 of Section 22 of this Regulation, shall inform the respective public registers about initiation of the insolvency procedure against the debtor, while performing the actions in Latvia related to retrieval and alienation of*

*the debtor's property. A duly confirmed copy of the order regarding initiation of the insolvency procedure against a debtor and appointment of the liquidator involved in the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000 and the translation of this order into the official language in accordance with the established procedure shall be attached to the information.*

*(7) If the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000 has been initiated against a debtor in other member state and the debtor owns an enterprise in Latvia for the purpose of Paragraph "h" of Section 2 of this Regulation, the person mentioned in Paragraph 2 of Section 21 of the Council Regulation No.1346/2000 within five days from the day, when the liquidator involved in the insolvency procedure stipulated in Paragraph 1 of Section 3 of this Regulation has initiated the actions, related to retrieval and alienation of the property of the debtor's enterprise, shall submit an application for the insolvency proceedings of the debtor to the legally authorized institution making entries in the insolvency register, in which the following shall be specified:*

- 1) a debtor's company and registration number;*
- 2) name of the court and the day of adoption of the order;*
- 3) the name, surname, location of the practice and phone number of the liquidator involved in the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000;*
- 4) the fact that the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000 has been initiated against the debtor;*
- 5) the member state, regulatory enactments of which are to be applied to initiation, implementation and termination of insolvency procedures.*

*(8) If the insolvency procedure stipulated in Paragraph 1 of Section 3 of the Council Regulation No.1346/2000 has been initiated against a debtor in other member state, the person mentioned in Paragraph 1 of Section 21 of this Regulation, while performing the actions, related to retrieval and alienation of the debtor's property in Latvia, shall be entitled to submit an application to the legally authorized institution (Register of Enterprises) for making of the entry in the insolvency register, by specifying the information mentioned in the seventh part of this Section.*

|                               |                                                                                                        |  |              |
|-------------------------------|--------------------------------------------------------------------------------------------------------|--|--------------|
| <b>M3.</b><br><b>VEIDLAPA</b> | Pieteikums ieraksta izdarīšanai<br><b>maksātnespējas reģistrā par pārrobežu maksātnespējas procesu</b> |  |              |
|                               | <b>Datums*</b><br><br>_____. _____. _____.<br>_____. _____. _____.<br>(diena) (mēnesis) (gads)         |  | <b>Vieta</b> |

|                                                                                                |                                                  |                                                                                           |               |
|------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------|---------------|
| <b>1. Parādnieks</b>                                                                           |                                                  |                                                                                           |               |
| <b>Ja parādnieks ir juridiska persona</b>                                                      |                                                  |                                                                                           |               |
| Reģistrācijas numurs                                                                           |                                                  | Nosaukums (firma)                                                                         |               |
| Darbības forma                                                                                 |                                                  |                                                                                           |               |
| <i>Juridiskā adrese</i>                                                                        |                                                  |                                                                                           |               |
| Valsts                                                                                         | Pilsēta/cita apdzīvota vieta                     | Ielas/māju nosaukums, mājas, dzīvokļa numurs                                              | Pasta indekss |
| <b>Ja parādnieks ir fiziska persona</b>                                                        |                                                  |                                                                                           |               |
| Vārds                                                                                          | Uzvārds                                          | Personas kods (ja ārvalstniekam nav personas koda, norāda dzimšanas datumu, mēnesi, gadu) |               |
| <i>Dzīvesvietas adrese</i>                                                                     |                                                  |                                                                                           |               |
| Valsts                                                                                         | Pilsēta/cita apdzīvota vieta                     | Ielas/māju nosaukums, mājas, dzīvokļa numurs                                              | Pasta indekss |
| <b>Pases dati</b> (Ja ārvalstniekam nav pases, norāda cita pasei pielīdzināma dokumenta datus) |                                                  |                                                                                           |               |
| Dokumenta veids                                                                                | Izdošanas datums                                 | Dokumenta numurs                                                                          |               |
|                                                                                                | _____. _____. _____.<br>(diena) (mēnesis) (gads) |                                                                                           |               |
| Izdevējs                                                                                       |                                                  |                                                                                           |               |

**2. Parādnieka uzņēmums Padomes Regulas Nr.1346/2000 2.panta "h" punkta izpratnē**  
(aizpilda Maksātnespējas likuma 63.panta septītajā daļā noteiktajā gadījumā)

Reģistrācijas numurs

Nosaukums (firma)

Darbības forma

*Juridiskā adrese*

Valsts

Pilsēta/cita apdzīvota vieta

Ielas/māju nosaukums, mājas, dzīvokļa numurs

Pasta indekss

**3. Tiesa**

Nosaukums

Nolēmuma pieņemšanas diena

\_\_\_\_.\_\_\_\_.\_\_\_\_  
(diena) (mēnesis) (gads)

**4. Padomes Regulas Nr.1346/2000 3.panta 1.punktā noteiktajā maksātnespējas procedūrā iesaistītais likvidators**

Vārds

Uzvārds

*Prakses vieta*

Valsts

Pilsēta/cita apdzīvota vieta

Ielas/māju nosaukums, mājas, dzīvokļa numurs

Pasta indekss

Tālruņa numurs

**5. Ieraksta būtība**

Pret parādnieku uzsākta Padomes Regulas Nr.1346/2000 3.panta 1.punktā noteiktā maksātnespējas procedūra.

**6. Eiropas Savienības dalībvalsts, kuras normatīvie akti piemērojami maksātnespējas procedūru sākšanai, izpildei un pabeigšanai**

**7. Apliecinājums**

Apliecinu, ka visa sniegtā informācija ir patiesa un iesniegtie dokumentu atvasinājumi atbilst oriģinālajiem dokumentiem.

|                                                                                                                                                                                                                                                                                                                                                                         |                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <b>8. Pievienotie dokumenti</b>                                                                                                                                                                                                                                                                                                                                         | (Norādīt dokumentu, eksemplāru skaitu, lapu skaitu) |
| <input type="checkbox"/> apliecināts nolēmuma par maksātnespējas procesa pasludināšanu un likvidatora iecelšanu noraksts ____ eks. uz _____ lpp.<br><input type="checkbox"/> apliecināts nolēmuma par maksātnespējas procesa pasludināšanu un likvidatora iecelšanu tulkojums valsts valodā ____ eks. uz _____ lpp.<br><input type="checkbox"/> citi dokumenti<br>_____ |                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                       |                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>9. Paraksts</b>                                                                                                                                                                                                                                                                                                                                                                    |                                                                   |
| <b>Vārds</b>                                                                                                                                                                                                                                                                                                                                                                          | <b>Uzvārds</b>                                                    |
| <b>Uz kāda tiesiska pamata:</b> Atzīmēt <input checked="" type="checkbox"/><br><input type="checkbox"/> kā Padomes Regulas Nr.1346/2000 21.panta 1.punktā minētā persona<br><input type="checkbox"/> kā Padomes Regulas Nr.1346/2000 21.panta 2.punktā minētā persona vai tās pārstāvis (norādīt pārstāvības pamatu _____)<br><input type="checkbox"/> uz cita pamata (norādīt) _____ |                                                                   |
| <b>Paraksts</b> *                                                                                                                                                                                                                                                                                                                                                                     |                                                                   |
| <b>Vieta</b>                                                                                                                                                                                                                                                                                                                                                                          | <b>Datums</b> *<br>_____._____._____.<br>(diena) (mēnesis) (gads) |

Nem nepieciešamo lapu skaitu. Neaizpildītās veidlapu ailes nosvītro. Visas aizpildītās lapas sanumurē un caurauklo. Prasības nav attiecināmas uz elektronisko dokumentu, ja tas ir sagatavots atbilstoši normatīvajiem aktiem par elektronisko dokumentu noformēšanu.

Piezīme. \* Dokumenta rekvizītus "datums" un "paraksts" neaizpilda, ja elektroniskais dokuments ir sagatavots atbilstoši normatīvajiem aktiem par elektronisko dokumentu noformēšanu.

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