

EN

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Answer given by Mr McGrath
on behalf of the European Commission
(29.4.2026)

There are several elements in Directive (EU) 2019/1023 on Restructuring and Insolvency¹ that protect the interests of creditors during debt discharge procedures. The directive only harmonises the basic principles of that procedure and, beyond those principles, Member States have considerable flexibility in their national transposition. Details such as the exact content of the concept of ‘viability’ and the procedure to assess this are determined in national law. Furthermore, Member States can decide to derogate from the general principles of debt discharge. Member States can interpret these derogations broadly, as confirmed by recent judgments of the Court of Justice of the European Union². The impact of these measures, including on the access to credit, will be assessed in due course.

The notification of creditors and the access to insolvency registers are matters already regulated in Regulation (EU) 2015/848³. The access to data in the insolvency registers is granted to any member of the general public, including through the EU-wide interconnection system of insolvency registers, which is accessible online through the European e-Justice Portal in all EU languages. Debt discharge procedures, if public, are also included in the scope of this regulation. Furthermore, the regulation requires individual notification of all known foreign creditors of the opening of insolvency proceedings of their debtors.

Finally, Directive (EU) 2026/799⁴ harmonising certain aspects of insolvency law contains rules that enhance the powers of insolvency practitioners and courts to access registers, including bank account registers, in insolvency proceedings.

¹ <https://eur-lex.europa.eu/eli/dir/2019/1023/oj/eng>.

² See judgment of 7 November 2024, *Corván and Bacigán*, C-289/23 and C-305/23, EU:C:2024:934.

³ <https://eur-lex.europa.eu/eli/reg/2015/848/oj/eng>.

⁴ <https://eur-lex.europa.eu/eli/dir/2026/799/oj/eng>.