

**Question for written answer E-002904/2024
to the Commission**
Rule 144
Ton Diepeveen (Pfe)

Subject: Inadequate impact assessment of the proposal for a directive harmonising certain aspects of insolvency law (2022/0408(COD))

The impact assessment on the proposal for the Insolvency Directive involved the consultation of 120 insolvency experts from 24 Member States. Half of these experts are from just five Member States and only two Dutch experts were consulted. The limited geographical spread of this consultation raises questions about the thoroughness of the Commission's preparatory work.

Moreover, only general questions on insolvency were asked. Specific questions on concrete rules, such as views on the duty to declare insolvency within three months, were conspicuous by their absence. Annex 5 merely sets out a list of rules and regulations in different Member States. It lacks a well-founded comparative study. In addition, the information listed is not entirely accurate. For instance, in the case of the Netherlands, the impact assessment makes reference to the regime governing directors' liability outside of liability during insolvency, while the regime under Dutch insolvency law is not even addressed.

1. Why did the Commission not ensure a better geographical distribution of the experts consulted?
2. What type of experts were consulted (professors, receivers, judges, etc.)?
3. Since the experts were not specifically consulted on the requirement to declare insolvency, why does the Commission propose a requirement to make such a declaration within three months?

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