



EUROPEAN COMMISSION

*Brussels, 28.9.2017
C(2017) 6264 final*

*Ms Laura BOLDRINI
President of the
Camera dei Deputati
Piazza Montecitorio
IT – 00100 ROMA*

Dear President,

The Commission would like to thank the Camera dei Deputati for its Opinion on the proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures {COM(2016) 723 final}.

The proposal falls under two Commission priority policies, the first of which is, the Capital Markets Union Action Plan¹ of 30 September 2015 which stated that the Commission would present a legislative initiative on business insolvency addressing the most important barriers to the free flow of capital and building on national regimes that work well. The second priority is the Single Market Strategy² of 28 October 2015 which announced that the Commission would support honest entrepreneurs and propose legislation to ensure that Member States provide a regulatory environment that is able to accommodate failure without dissuading entrepreneurs from trying new ideas.

This policy has been supported also by the Council of Ministers. The Competitiveness Council of May 2011 called on Member States to reduce the discharge period and debt settlement for honest entrepreneurs after bankruptcy to a maximum of three years by 2013³.

The Economic and Financial Affairs Council of June 2016 underlined the importance of the work carried out by the Commission on a legislative proposal for minimum harmonisation in the field of insolvency law in the context of the Capital Markets Union, noting that this may also support efforts to reduce future levels of non-performing loans⁴.

¹ COM(2015) 468 final.

² COM(2015) 550 final.

³ Council Conclusions on the review of the 'Small Business Act', for Europe, adopted on 30 May 2011:
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010975%202011%20INIT>

⁴ Council Conclusions of 17 June 2016:
http://www.consilium.europa.eu/press-releases-pdf/2016/6/47244642837_en.pdf

The Commission welcomes the Camera dei Deputati's support for the proposal. It shares the view that the Directive would help to promote a rescue culture for viable companies and improve the chances for viable enterprises in financial difficulty to restructure and continue operating rather than being liquidated with all the losses that liquidation would entail. The Directive would also increase legal certainty for creditors and thus attract foreign investment to the European Union, create and maintain jobs and strengthen the European economy's resilience to future economic shocks, among others by preventing the accumulation of non-performing loans. Moreover, the Directive would help to ensure that honest entrepreneurs are given a second chance to re-join the productive economy after a relatively short period of time and that the insolvency procedure is less lengthy and costly and generally more efficient across the European Union.

The Commission has taken good note of the Camera dei Deputati's specific suggestions and will give them careful consideration. In particular, the Commission takes note of the suggestion to strengthen creditors' rights in some respects, as well as to improve the situation of the debtor during the restructuring process in other respects.

The Commission looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
Vice-President*

*Věra Jourová
Member of the Commission*