

**COM (2016) 317: Proposal for a Regulation of the European Parliament
and of the Council replacing the lists of insolvency proceedings and
insolvency practitioners in Annexes A and B to Regulation (EU)
2015/848 on insolvency proceedings**

**Amendment to Information Note submitted 28 June 2016 under section
2(1) of the European Union (Scrutiny) Act 2002**

1. Proposal

Proposal for a Regulation of the European Parliament and of the Council replacing the lists of insolvency proceedings and insolvency practitioners in Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings

2. Amended information note

This amended information note, to be read in conjunction with the information note submitted on 28 June 2016, arises due to the need to amend Recital 3 of the Proposal to correctly reflect the position of Ireland and the UK.

Article 4a (1) of Protocol 21 to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU) is applicable to a proposed amendment to EU Regulation 2015/848. Therefore, an amendment to that Regulation (such as proposed COM (2016) 317, amending the Regulation's annexes) requires an opt-in.

The European Commission's current proposed wording for *Recital 3* (asserting that Ireland is bound by the Recast Regulation '*and is therefore taking part in the adoption and application of this [amending] Regulation*'), needs to be amended to be consistent with the Protocol. This position was agreed at a meeting of the Working Party on Civil Law Matters (General Questions) on 18 July 2016.

3. Legal basis of the proposal

The Proposal will be based on Protocol No. 21 (annexed to the TEU and to the TFEU). (See previous paragraph regarding amendment of Recital 3.

4. Oireachtas approval required?

Yes, opt-in under Protocol 21 to the Lisbon Treaty (the 'JHA Protocol') required.

4 August 2016