

## Insolvency Laws:

# How Countries Have Revamped Their Insolvency and Restructuring Laws

August 2022



# Italy



Italy made a number of changes to its insolvency and related laws as a result of COVID-19; some of these have now expired while others still apply.

## Governmental Measures and Policies

<b>Measures Concerning Arrangements With Creditors and Restructuring Agreements</b>	<p>The implementation of procedures aimed at obtaining an agreement among creditors or agreements on debt restructuring (<i>concordati preventivi</i> and <i>accordi di ristrutturazione omologati</i>) scheduled between 23 February 2020 and 31 December 2021 has been given a six-month extension.</p> <p>For ongoing proceedings aimed at obtaining an agreement among creditors or an agreement on debt restructuring, in which the court approval hearing has not yet been held, the company may request the granting of a period of up to 90 days to file a new plan and a new proposal of arrangement or a different restructuring agreement, in addition to the normal extension periods granted by the existing insolvency laws. For these proceedings, until 31 December 2022, debtors that have requested admission to an arrangement with creditors without a defined plan, or agreements on debt restructuring, can withdraw their request provided that they have filed a debt recovery plan with the Companies Register, subject to court approval. The withdrawal request can be submitted within a deadline set by the court, ranging from 60 to 120 days from the beginning of the proceedings and extendable by 60 days.</p>
<b>New Insolvency Code and Insolvency Directive</b>	<p>On 15 July 2022, the new Insolvency Code entered into force after its publication in the Official Gazette of the Italian State.</p> <p>Please note that the new Insolvency Code already transposes the provisions of the EU Directive 2019/1023 (the so-called <i>Insolvency Directive</i>), concerning preventive restructuring frameworks, exoneration and disqualifications, and measures to increase the effectiveness of restructuring, insolvency and exoneration proceedings.</p>
<b>Register of persons entrusted by the judicial authority</b>	<p>On 21 June 2022, the Decree of the Ministry of Justice No. 75 of 3 March 2022, on "Regulations on the functioning of the register of persons entrusted by the judicial authority with the functions of management and control in the procedures referred to in Article 356 of Legislative Decree No. 14 of 12 January 2019, on the Insolvency Code" was published in the Official Gazette of the Italian State.</p> <p>This regulation provides the opportunity of registration by individuals who provide evidence that they meet the professional and honorability requirements set forth in Article 356, paragraphs 2 and 3, of the Insolvency Code, who are intended to perform, on behalf of the Court, the functions of receiver, judicial commissioner or liquidator, in the procedures set forth in the Insolvency Code.</p>

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