



# INFORMATION SHEET

## Filing of claims pursuant to section 174, paragraph 1 and 2 InsO (Bankruptcy Act)

The following shall be observed with regard to the filing of claims:

1. Claims shall be filed with the insolvency administrator/trustee **in duplicate**, not with the insolvency court.
2. The legal foundation of the claim (for example purchase, loan, service contract or works contract, damage claims) shall be expressly mentioned.
3. The amount to be filed shall be calculated in total in each case and shall be indicated in EUR, namely separately for the main claim, for interests accrued until the opening of the proceedings as well as for costs accrued prior to the opening of the proceedings.
4. Claims which do not aim at the payment of money or the sum of money of which is indefinite shall be filed with their estimated value.
5. If interests are claimed that deviate from the statutory interest rate, the amount of the claimed interests shall be proved separately.

In case of interests, interest rates and period of time shall be exactly mentioned. If interests are claimed as a main claim, the amount of the interests accrued until the day of the opening of the insolvency proceedings shall be calculated.

6. **Employees' claims** shall always be filed with the gross amount.
7. Official supporting documents – as for example judgments, enforcement orders, determinations of costs, bills of exchange, debt instruments etc. shall be attached to the filing of claims or – if the aforementioned items are not available – the claims shall be supported by invoices, delivery notes, wage slips etc.. **Executory titles shall be submitted in the original for the purpose of affixing the declaratory note by the local court (section 178, paragraph 2, page 3 InsO (Bankruptcy Act)). This shall not be affected by the BGH (Federal Supreme Court) judgement as of 1-12-2005 (IX ZR 95/04)!**
8. Representatives of creditors are asked to submit – except for the filing of the claim – a power of attorney specifically granted for the insolvency proceedings.
9. **In conclusion we would like to point to the fact that creditors whose claims are recognized at the meeting of creditors will not be informed pursuant to section 179, paragraph III, page 3 InsO (Bankruptcy Act). These table extracts will only be sent if a stamped envelope is submitted.**
10. Statutory provisions: sections 183 – 189, 323, 324, 327 Drittes Buch Sozialgesetzbuch (SGB III) (Third Book, Social Legislation III)

**Employees** are entitled to insolvency payments if they are still entitled to a remuneration for the preceding three months of the employment relationship at the time of the opening of the insolvency proceedings with respect to the assets of the employer (debtor).

The applications for payment of the insolvency payments shall be made with the competent Agentur für Arbeit (Employment Agency) within a time limit of two months after opening of the insolvency proceedings. Generally the Employment Agency is competent which is locally responsible for the wage accounting of the employer. With the application for insolvency payments, the claims for remuneration substantiating the claim for insolvency payments shall pass to the Bundesagentur für Arbeit. (Federal Employment Agency). The insolvency payments shall be paid by the competent Employment Agency in the amount of the overdue net remuneration. Detailed information with regard to insolvency payments and filing of application are given by the competent Employment Agencies. The provisions regarding insolvency payments shall also apply to employees employed within the scope of vocational training and to outworkers.

Overdue remuneration for which no insolvency payments can be claimed can be filed as an insolvency claim with the insolvency administrator.