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Spain

### The Spanish insolvency register

Public information on insolvencies and insolvency proceedings is an essential element of transparency and legal certainty. In Spain, this is provided by means of the Public Insolvency Register (*Registro Público Concursal*), which is regulated by Article 198 of the Insolvency Law. This Law was implemented by Royal Decree 892/2013 of 15 November 2013, under which the Public Insolvency Register is managed by the Association of Registrars (*Colegio de Registradores*), attached to the Ministry of Justice.

The Public Insolvency Register has a threefold purpose:

Dissemination and publication of the decisions and acts issued under the Insolvency Law, and of the register entries arising from the insolvency proceedings. Coordination between the various public registers in which the declaration of insolvency and the progress of the proceedings must be recorded.

Generation of the list of insolvency administrators that meet the legal and regulatory requirements. However, this function has not yet been implemented.

The Public Insolvency Register is on an internet portal: <https://www.publicidadconcursal.es/concursal-web/>.

The purpose of the Public Insolvency Register is to group together the relevant information generated in the course of insolvency proceedings, for purposes purely of information and public disclosure.

#### ¿Is access to the insolvency register free of charge?

Access to the Public Insolvency Register is free of charge.

#### ¿Searching the insolvency register

The Public Insolvency Register is structured in four sections within which the entries are ordered by party subject to insolvency proceedings, or debtor, in chronological order:

Section 1 (insolvency notices): this contains decisions that must be published in accordance with Article 23 of the Insolvency Law and decisions recording the opening of negotiations in accordance with Article 5 *bis* of that Law. It also contains information on the opening of insolvency proceedings initiated in another Member State in accordance with EU law on insolvency proceedings.

Section 2 (information in public registers): includes annotations and entries made in any of the public registers of persons that are referred to in Article 24 of the Insolvency Law.

Section 3 (out-of-court agreements): contains information regarding steps taken to reach out-of-court agreements on payments under Title X of the Insolvency Law and regarding the court approval of refinancing agreements under the fourth additional provision of the Insolvency Law.

Section 4 (insolvency administrators and their delegated assistants – still to be created and developed).

In searches, the names of the insolvent debtor or the insolvency administrator can be entered: this will find the information available on them in any of the sections.

#### History of the insolvency register

The 2003 Insolvency Law did not provide for a register to give information on insolvency proceedings in general. The question came under the arrangements for publication laid down at the time in Spanish company law, which were based on the publication of notices in the highest-circulation daily newspapers in the province in question. This increasingly meant that proceedings were brought to a standstill, since the costs of publication had to be borne by the insolvency estate, which was not always able to pay them.

Article 198 of the Insolvency Law did make provision for a public register of cases of culpable insolvency and the appointment or disqualification of insolvency administrators. That register was expanded and given the name 'Public Insolvency Register' by Royal Decree 3/2009 of 29 March 2009 on urgent measures in taxation, financial and insolvency matters to address the changing economic situation. Since then, the provision has been amended several times, and there have also been changes affecting other legislation providing for the publication of certain steps through the Register. The current rules implementing Article 198 of the Insolvency Law are set out in Royal Decree 892/2013 of 15 November 2013 on the Public Insolvency Register.

#### Related links

<http://www.mjusticia.es/>

<https://www.publicidadconcursal.es/concursal-web/>

<http://www.registradores.org/>

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