

2. July 2018

BGH ON THE DETERMINATION OF INSOLVENCY: LIABILITIES II MUST BE TAKEN INTO ACCOUNT

THE FEDERAL COURT OF JUSTICE [*BUNDESGERICHTSHOF - BGH*] HAS RULED THAT WHEN DETERMINING INSOLVENCY, THE LIABILITIES (LIABILITIES II) THAT FALL DUE WITHIN THE THREE-WEEK PERIOD AFTER THE REPORTING DATE MUST ALSO BE TAKEN INTO ACCOUNT. FURTHERMORE, THE DECISION SPECIFIES THE CONSIDERABLE EVIDENCE AND PRESENTATION REQUIREMENTS FOR MANAGING DIRECTORS OF A LIMITED LIABILITY COMPANY [*GESELLSCHAFT MIT BESCHRÄNKTER HAFTUNG - GMBH*] WHO IS BEING CLAIMED BY THE INSOLVENCY ADMINISTRATOR BECAUSE OF THE INITIATION OF PAYMENTS AFTER INSOLVENCY MATURITY. [\(more...\)](#)