

19. December 2019

## **CAUTION: INSOLVENCY CONTESTABILITY IN THE CASE OF DEFERRING CLAIMS FROM EXCHANGE AGREEMENTS IN INTRA-GROUP RELATIONS**

IN A RECENTLY PUBLISHED JUDGMENT (DEFAULT JUDGMENT OF 11 JULY 2019 - CASE NO. IX ZR 210/19), THE INSOLVENCY SENATE OF THE FEDERAL COURT OF JUSTICE [*BUNDESGERICHTSHOF - BGH*] AFFIRMED THAT THE PRACTICE OF DEFERRING CLAIMS ARISING FROM INTRA-GROUP EXCHANGE CONTRACTS, WHICH IS QUITE COMMON IN MANY GROUPS, IS CONTESTABLE UNDER INSOLVENCY LAW - WHICH, IN VIEW OF THE EXTENSIVE INSOLVENCY LAW CONSEQUENCES OF REPAYMENT TO THE INSOLVENT ASSETS, REQUIRES THE GREATEST ATTENTION, PARTICULARLY IN TIMES OF AN ECONOMIC DOWNTURN. [\(more...\)](#)