

INFORMATION FOR CREDITORS IN AUSTRIAN INSOLVENCIES

Effective as of January 1st 2023/ all rates in Euro excl. VAT

AKV EUROPA is legally authorized to represent creditors in Austrian courts for all matters concerning insolvency proceedings.

Services in insolvency proceedings:

- Filing of claims in court
- On explicit request assertion of claims for segregation of property and for special circumstantial treatment (e.g. reservation of ownership)
- AKV EUROPA partaking actively in trustee-meetings in court with the insolvency judges, with debtors and their representatives
- Representation of the creditor in all court hearings throughout the procedure enforcing their full legal rights
- Constant reporting on the state of the proceedings (as well as ONLINE) to the creditors
- Supervision of the payments of quotas to the creditors as fixed in steering committees and remittance of the received quotas
- Preparation of the final report following the completion of the quota payments to creditors
- Keeping evidence of the maturities of the quotas
- Collection of the quotas and forwarding them to creditors

We kindly ask you to sign the authorization form and to return it along with copies of invoices, other documentation and account statements etc. to the relevant AKV-office.

Belated filing of claims:

In the case a claim must be filed after the expiry of the court deadline an additional fee in the amount of EUR 70.- will be charged which includes the additional administrative burden and the reimbursement of costs of the designated insolvency administrator.

Costs of representation are not determined by the financial outcome of insolvency proceedings. They are invoiced as a flat charge at the start of the proceedings.

In case of an annulment of the authorisation to file legally the claim at court at a later point in time, a minimum amount of EUR 100.- will be charged for the administrative work of AKV executed before.

Fees for representation in commercial insolvencies:

claims in EUR	member	client	claims of EUR	member	client
to 3.000.-	0.-	0.-	from 17.500.-	cheque	275.-
from 3.001.-		110.-	from 20.000.-		295.-
from 4.000.-		125.-	from 25.000.-		315.-
from 6.000.-		140.-	from 30.000.-		340.-
from 6.000.-		165.-	from 35.000.-		370.-
from 7.000.-		175.-	from 45.000.-		385.-
from 8.000.-		185.-	from 50.000.-		395.-
from 9.000.-		200.-	from 60.000.-		410.-
from 10.000.-		215.-	from 70.000.-		430.-
from 13.000.-		235.-	from 80.000.-		455.-
from 14.000.-		250.-	from 90.000.-		480.-
from 15.000.-		260.-	from 100.000.-		On request

Additionally court costs, which are currently EUR 25.- will be added.

Fees for representation in personal bankruptcy:

Except for legal proceedings in Vienna and in the provincial capitals a fixed rate of travelling costs in the amount of EUR 30.- will be charged.

claims of EUR	member	client	claims of EUR	member	Client
to 399.-	cheque	50.-	from 5.000.-	cheque	150.-
from 400.-		55.-	from 6.000.-		175.-
from 600.-		65.-	from 7.000.-		200.-
from 800.-		75.-	from 9.000.-		210.-
from 1.000.-		85.-	from 10.000.-		250.-
from 1.500.-		95.-	from 20.000.-		340.-
from 2.000.-		110.-	from 30.000.-		360.-
from 3.000.-		120.-	from 35.000.-		380.-
from 4.000.-		135.-	from 100.000.-		on request

Range of activities:

The fees mentioned above include all services of AKV EUROPA in the particular insolvency proceedings until its closure as well as the recovery of the quota and the remittance to the creditor and also an extra juridical clarification of contested claims. The fees are not bound to financial outcomes.

AKV EUROPA is operating as an independent Association, officially recognized by the relevant supreme authorities for the protection of creditor rights and has the function of an authorized recipient for foreign creditors* (costs of EUR 30.-), respectively is the organization assigned by court for this function.

*Important instruction for foreign creditors:

According to § 98 Abs. 1 ZPO the tribunal can charge parties and representatives which have no address in Austria, to name an authorized recipient. This has to be specified at least within two weeks from the date of delivery of the order for the legal action.

Data Protection Information

In accordance with Art. 14 GDPR, we would like to inform you below about the processing of your personal data.

Identity of the responsible person:

AKV EUROPA
Alpenländischer Kreditorenverband
Schleifmühlgasse 2
A – 1040 Vienna

Contact details of the data protection officer:

You can reach the responsible data protection officer at:

Data protection officer of the
AKV EUROPA,
Schleifmühlgasse 2
A – 1040 Vienna

or to datenschutz@akveuropa.at.

Processing purposes and legal basis:

The processing of your personal data is necessary to ensure the full effective protection of creditors' interests. The lawfulness of the data processing is in the public interest according to Art. 6 para. 1 lit. e GDPR as it is the delegated task of A, as an officially privileged association, pursuant to § 266 IO, to protect creditors from bad debts.

Likewise, the data processing is carried out in accordance with Art. 6 para. 1 lit. b GDPR, if applicable, for the purpose of fulfilling the contract of the insolvency debtor named overleaf.

Furthermore, data processing may be necessary to protect the legitimate interests of our clients in accordance with Art. 6 para. 1 lit. f GDPR. Legitimate interests exist justified in connection with claims against the insolvency debtor.

Data categories and origin:

We may process the following categories of personal data: Reference numbers, name data, date of birth, date of incorporation, legal form, marital status data, gender, title, company function, address data, telephone data, electronic contact data, company register number, tax number, claims data, third-party creditworthiness data, file details, court data and bank details.

We collect the data of the aforementioned data categories from the insolvency court within the scope of our statutory right to inspect files pursuant to section 253 para 3 IO in conjunction with section 219 para 2 ZPO, or they are provided to us in this function by the liquidator or the insolvency debtor himself.

Addressee:

In the context of insolvency proceedings, we will transmit your data to our client and, if applicable, to the following categories of recipients, insofar as this is necessary for the collection of the debt: remote maintenance, data medium destruction, representatives

of the principal, third party debtors, representatives of the third party debtor, lawyers of our association and courts.

Principles of data processing and duration of storage:

The processing is carried out in accordance with the legal principles for the processing of personal data. These are only processed lawfully, in good faith, in the spirit of the transparency requirement and only for the above-mentioned purposes. We also pay attention to data minimisation, accuracy and up-to-dateness, as well as storage limitation of your data. Technical data security (integrity and confidentiality) including accountability will be assured.

We only store your personal data as long as this is necessary to achieve the above-mentioned purposes or the legal obligations imposed on us. After termination of the insolvency proceedings, we will check after seven years whether we still need your data and whether a deletion is contrary to statutory retention obligations.

Rights of the person concerned:

We would like to inform you that you have the following rights under Articles 15 to 22 GDPR:

- Right to information, correction, deletion, restriction of processing, data portability.

In addition, you may in accordance with Art. 14 para 2 lit c in conjunction with Art. 21 GDPR have the right to object to processing based on Art. 6 para 1 lit f GDPR.

Right of complaint to the supervisory authority:

If you consider that the processing of your personal data is not in compliance with the law, you are entitled to complain to the supervisory authority under Article 77 GDPR.

The address of the supervisory authority responsible for our association is:

Österreichische Datenschutzbehörde
Barichgasse 40-42
A - 1030 Vienna