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| |  | | --- | | **On 21.03.2023 Tribunalul București, Secția a VII-a Civilă (Bucharest Tribunal, Section VII, Civil matters), accepted the opening of the general insolvency procedure of Blue Air Aviation SA (at the company’s request)**.  The court designated as Judiciary Administrator a consortium formed from Infinexa Restructuring SPRL (<https://infinexa.ro/contact/>) and Mușat & Asociații  – Restructuring\Insolvency SPRL (<https://www.musat.ro/en/contact/>) and established as **limit period for the registration of the request for debt admission 25.05.2023.**  In order to try recover the amounts paid for the tickets, consumers must make a request for debt admission, which must be sent to Tribunalul București, Secția a VII-a Civilă, **Splaiul Independenţei, nr. 319L, cladirea B - Sema Parc (Clădirea Bruxelles), sector 6,** with a mention in the request of the file’s number – 8307/3/2023.  The request in original must be sent by registered mail with acknowledgement of receipt, until 25.05.2023 the latest and must be accompanied by:   * identity papers, in copy, signed and certified as „conform cu originalul” (certified true copy), * supporting documents, in copy, signed and certified as „conform cu originalul” (certified true copy) - e-ticket, reservation, ticket payment proof, information received from the trader regarding the cancellation of flights, complaints sent to the trader/other institutions, * proof of payment of the judiciary tax (taxa judiciara de timbru) of 200 RON, in original.   ***Please find a model of request in attachment and a rough translation. The request must be filled in Romanian, the English version is only for information purposes.***  The judiciary tax can be paid by consumers having the residence in Romania at the local administrative territorial unit where the residence is. For consumers which have no residence in Romania, the tax can be paid in the account of Primaria Sector 3 Bucuresti. When making the payment, the payer must specify:   * the beneficiary - SECTORUL 3 AL MUNICIPIULUI BUCURESTI, * the beneficiary fiscal code - 4420465, * bank - BNSMB - TREZORERIA SECTOR 3, * IBAN - RO26TREZ70321070203XXXXX, * SWIFT – TREZROBU. * The payer should mention the payment represents a TAXA JUDICIARA TIMBRU – Dosar 8307/3/2023.   The request and supporting documents must be sent in two copies, one for the Tribunal and one to be communicated by the court to the Judiciary Administrator.  **Be careful!** Only requests that have been sent according the rules to Tribunalul București, in the limit period and for which the judiciary tax has been paid, will be registered. Sending the request only to the Judiciary Administrator does not represent the equivalent to registration of the request. Also, sending a complaint to the trader or to consumer protection authorities, before the opening of the insolvency procedure, does not represent the equivalent of a request of debt admission.  The insolvency procedure is governed by the Romanian law, so the request and all proving documents must be translated in Romanian and legalized, if needed.  **Be careful!**Registering the request does not lead automatically to the recovery of the value of main debt and also of court expenses (judiciary tax, fees for translation and legalization). The court fees must be requested and indicated in the request for debt admission and the receipts must be attached, in copy, signed and certified as „conform cu originalul” (certified true copy).  There is no information yet on the actives of the trader and on the actual chances to recover the amounts paid to the trader, but probably, as in other cases, chances are quite low for passengers.  General information regarding the stages of the procedure will be regularly published on the portal of courts website: <https://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000001062256&id_inst=3>    ***Please find below a model of request in attachment and a rough translation. The request must be filled in Romanian, the English version is only for information purposes.***      ***English version:***  **TRIBUNALUL BUCUREȘTI**  **SECȚIA A VII-A CIVILĂ**  **DOSAR NR. 6608/3/2015**    **Mister President,**     The undersigned ......................................, personal numeric code ......................................, resident in ......................................., email address......................................, as creditor, make the present:    **Request for debt admission**    by which I request that the amount of ..............................., representing the value of the air tickets purchased and not used due to the cancellation of the flights booked by the debtor, be added to the creditor's estate for BLUE AIR AVIATION SA.    **Request motivation:**    **In fact**................ *(details are given on the date the tickets were bought, the payment, the reserved flights, on the fact the consumer was informed or not about the cancellation, on the fact the consumer complained or not to the trader or to other bodies).*    **In right**: I base my request on art. 102 and 104 from Law 85/2014 on procedures to prevent insolvency and insolvency procedures.    For proving the debt I will use the document proof.    I ask for court expenses, meaning the value of the judiciary tax, postal fees for communicating the request to the court, translation and legalization of documents fees.    I attach to the present request the following documents:   * ................................, in copy, signed and certified as „conform cu originalul” (certified true copy) – *to be filled as many times it is needed for proving documents.* * receipt for judiciary tax no............../......................, original and copy signed and certified as „conform cu originalul” (certified true copy). * postal fees receipt no............../.........., in copy, signed and certified as „conform cu originalul” (certified true copy). * receipt no........./...................... regarding translation and legalization of documents, in copy, signed and certified as „conform cu originalul” (certified true copy).     I send the present request and supporting documents in two copies, one for the court and one to be sent to the judiciary administrator.                                                                                                                                                       Last name/First Name,                                                                                                                                                  Signature                                                                                                                                  .....................................................    ***Romanian version:***  **TRIBUNALUL BUCUREȘTI**  **SECȚIA A VII-A CIVILĂ**  **DOSAR NR. 8307/3/2023**    **DOMNULE PREȘEDINTE,**    Subsemnatul(a) ......................................, CNP......................................, domiciliat(ă) în......................................., email ......................................., în calitate de creditor, formulez prezenta:    **CERERE DE ADMITERE A CREANȚEI**    prin care solicit înscrierea la masa credală a debitoarei **BLUE AIR AVIATION SA**  cu suma de ..............................., reprezentând contravaloarea biletelor de avion achiziționate și neutilizate ca urmare a anulării zborurilor rezervate de către debitoare.    **MOTIVELE CERERII:**    **În fapt**................ *(se dau detalii legate de data achizitionarii biletelor, a plătii, de rutele rezervate, de informarea sau nu asupra anularii zborurilor de către companie, de formularea unei reclamații către companie sau alte autorități, etc)*.    **În drept**: Îmi întemeiez prezenta cerere pe dispozițiile art. 102 și 104 din Legea nr. 85/2014 privind procedurile de prevenire a insolvenței și de insolvență.    În dovedirea creanței înțeleg să mă folosesc de proba cu înscrisuri.    Solicit cheltuieli de judecată  constând în contravaloarea taxei de timbru și a taxelor poștale aferente comunicării cererii către Tribunal și administratorul judiciar *(pentru cetățenii străini pot și solicitate și sumele aferente traducerii și legalizării documentelor, cu mențiunea că trebuie anexate cererii și chitanțele aferente cheltuielilor)*.    Anexez prezentei cereri urmatoarele documente:   * ................................, copii certificate „conform cu originalul”. (*sunt enumerate documentele care se folosesc pentru a dovedi creanța: rezervare, bilete, informare cu privire la anulare, corespondență etc.)* * chitanța de plată a taxei de timbru nr............./......................, original și o copie certificată „conform cu originalul”. * chitanța de plată a taxelor poștale nr............../.........., copie certificată „conform cu originalul”. * chitanța de plată nr........./......................privind traducerea și legalizarea documentelor, copie certificată „conform cu originalul”.     Depun prezenta cerere si documentele justificative în doua exemplare, unul pentru instanța și unul pentru a fi comunicat administratorului judiciar.                                                                                                                                                        Nume/prenume,                                                                                                                                                  Semnătură olografă                                                                                                                                  ..................................................... | |