

**COMBINED PUBLIC REPORT
PURSUANT TO ARTICLE 73A OF THE DUTCH BANKRUPTCY ACT WITH REGARD TO THE
MCGREGOR FASHION GROUP**

FINAL REPORT

NO. 12

regarding the bankruptcies of:

Name of company	Date of suspension of payments	Date of bankruptcy	Bankruptcy number
Adam Menswear B.V.	10 June 2016	28 June 2016	C/13/16/292F
Cofi Maastricht B.V.	24 June 2016	28 June 2016	C/13/16/298F
Deno B.V.	24 June 2016	28 June 2016	C/13/16/294F
Emergo Sportswear B.V.	24 June 2016	28 June 2016	C/13/16/300F
Gaastra Holding Netherlands B.V.	N/A	15 July 2016	C/13/16/329F
Gaastra International Footwear B.V.	24 June 2016	28 June 2016	C/13/16/297F
Gaastra International Sportswear B.V.	24 June 2016	28 June 2016	C/13/16/302F
Gaastra Retail B.V.	24 June 2016	28 June 2016	C/13/16/295F
McGregor E-Store B.V.	24 June 2016	28 June 2016	C/13/16/296F
McGregor Fashion Group B.V.	24 June 2016	28 June 2016	C/13/16/301F
McGregor Fashion Group Holding B.V.	10 June 2016	28 June 2016	C/13/16/293F
McGregor Holding Netherlands B.V.	N/A	15 July 2016	C/13/16/328F
McGregor Retail B.V.	24 June 2016	28 June 2016	C/13/16/299F

Bankruptcy Trustees	:	M.R. van Zanten and M.N. de Groot
Supervisory Judge	:	K.M. van Hassel
Reporting period	:	19 December 2020 through 12 July 2021
Reporting date	:	13 July 2021

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1. INTRODUCTORY REMARKS

This is the twelfth combined public report from the bankruptcy trustees (*curatoren*, the “**Bankruptcy Trustees**”) in the bankruptcies of Adam Menswear B.V. (“**Adam Menswear**”), Cofi Maastricht B.V. (“**Cofi Maastricht**”), Deno B.V. (“**Deno**”), Emergo Sportswear B.V. (“**Emergo Sportswear**”), Gaastra Holding Netherlands B.V. (“**Gaastra Holding Netherlands**”), Gaastra International Footwear B.V. (“**Gaastra International Footwear**”), Gaastra International Sportswear B.V. (“**Gaastra International Sportswear**”), Gaastra Retail B.V. (“**Gaastra Retail**”), McGregor E-Store B.V. (“**McGregor E-Store**”), McGregor Fashion Group B.V. (“**McGregor Fashion Group**”), McGregor Fashion Group Holding B.V. (“**McGregor Fashion Group Holding**”), McGregor Holding Netherlands B.V. (“**McGregor Holding Netherlands**”) and McGregor Retail B.V. (“**McGregor Retail**”), hereinafter jointly the “**MFG Companies**”. The MFG Companies all belong to the McGregor Fashion Group, which is headed by McGregor Fashion Group Holding (the “**McGregor Fashion Group**”).

The report covers the period from 19 December 2020 through 12 July 2021 and should be read in conjunction with the first eleven reports.

In so far as this report makes no reference to matters that were referred to in the previous bankruptcy report, then either these matters have been settled or no developments worthy of mention have taken place in their regard in comparison to the state of affairs mentioned in the previous bankruptcy report. This report will continue to use the definitions as used in the first bankruptcy report.

Given the strong interrelationship between the activities of the MFG Companies, and the permission already obtained on 22 July 2016 for the consolidated handling of the bankruptcies, the public reporting will take place by way of combined public reports.

In this report, the Bankruptcy Trustees describe in a simplified manner the current state of affairs in accordance with the guidelines for bankruptcy reports as applicable in the Netherlands.

The Bankruptcy Trustees emphasise that the information contained in this report is subject to further investigation and is largely based on the information provided and the statements made by third parties. It may prove at a later stage that this information needs to be adjusted. Consequently, no statements can be made about the completeness and correctness of the information contained in this report.

No rights may be derived from the public reports already published and/or subsequent public reports.

Nothing in the public reports may be interpreted as an acknowledgement of liability or as a waiver of any right.

In the performance of their activities, the Bankruptcy Trustees use the legal advisory services of CMS Derks Star Busman N.V., CMS Cameron McKenna v.o.s. (Czech Republic), CMS Cameron McKenna Greszta (Poland), CMS Albiñana & Suárez de Lezo (Spain) and CMS Hasche Sigle (Germany). In addition, the Bankruptcy Trustees are assisted by BVA Auctions B.V. (“**BVA**”), Insolresearch (bankruptcy accountant), Houlihan Lokey (Netherlands) B.V. (sales adviser), Nederlands Taxatie- en Adviesbureau B.V. (“**NTAB**”), Value@Stake B.V. (press officer of the Bankruptcy Trustees), Meijburg&Co (tax adviser), Vistra Corporate Services Sp. Z.o.o. (Poland), Vistra Corporate Services S.r.o. (Czech Republic) and VAT Systems SAS (settlement foreign VAT registrations)

Furthermore, the Bankruptcy Trustees instructed Limits Consulting B.V. to secure the digital accounting records of the MFG Companies. Finally, the Bankruptcy Trustees instructed BFI Global B.V. (“**BFI**”), Insolresearch and W. Satter (Claassen, Molenbeek en Partners) to investigate the causes of the bankruptcy, see more about this in chapter 4 of this report.

2. ACCOUNTS RECEIVABLE

2.1 Amount of receivables

The accounts receivable portfolio of the MFG Companies amounted to EUR 5,166,492 on 11 July 2016. A large number of debtors are established abroad.

In the relaunch agreement with the Doniger Fashion Group, the Bankruptcy Trustees agreed that they would handle the debt collection on behalf of the estate at a collection fee of 47.5%.

On 4 September 2017, a provisional suspension of payments was granted to the Doniger Fashion Group and nine of its affiliated companies. On 6 September 2017, the provisional suspension of payments granted was withdrawn under the simultaneous pronouncement of the bankruptcy of the aforementioned companies. The attorney De Coninck-Smolders has been appointed as trustee in the bankruptcy of the Doniger Fashion Group and its nine group companies.

Prior to the bankruptcy of the Doniger Fashion Group, the Bankruptcy Trustees held frequent discussions with various (interim) employees of the Doniger Fashion Group and third parties engaged by the Group to discuss the status of the accounts receivable portfolio and its collection. To date, the Doniger Fashion Group has been unable to provide sufficient insight into the proceeds it has received on behalf of the bankrupt estate. No amounts received for the bankrupt estate have been remitted yet by the Doniger Fashion Group.

Partly further to the above and in connection with the settlement of various mutual claims between the estates of the MFG Companies and the Doniger Fashion Group, the Bankruptcy Trustees are engaged in discussions with the bankruptcy trustee of the Doniger Fashion Group regarding the settlement of the debt collection.

The bankruptcy trustees of the McGregor Fashion Group and the Doniger Fashion Group have reached agreement on the full and comprehensive final settlement between the estates. The supervisory judge in the bankruptcy of the McGregor Fashion Group – and the supervisory judge in the bankruptcy of the Doniger Fashion Group – has given permission for this final settlement. The settlement of the debt collection forms part of the final settlement.

Until 10 June 2016, an amount of EUR 1,856,945 in accounts receivable had been received. Since 10 June 2016, an additional amount of EUR 164,477 in accounts receivable has been received. Out of this amount, an amount of EUR 78,127 (47.5%) must be paid to the estate of the Doniger Fashion Group in connection with agreements made between the Bankruptcy Trustees and the Doniger Fashion Group in the context of the relaunch. It has been agreed that the Doniger Fashion Group will arrange for the collection of the receivables outstanding as per 10 July 2016 on behalf of the Bankruptcy Trustees. In this context, a distribution has been agreed where the Doniger Fashion Group will receive 47.5% of the receivables collected in the form of a collection fee. The remaining 52.5% will accrue to the estate of the McGregor Fashion Group.

3. FINANCIAL SETTLEMENT BETWEEN THE ESTATE OF THE MCGREGOR FASHION GROUP AND THE ESTATE OF THE DONIGER FASHION GROUP

In the previous reporting period, the Bankruptcy Trustees followed up on the finalisation of the settlement with the Doniger Fashion Group. The Bankruptcy Trustees expect that a final settlement between the McGregor Fashion Group's estate and the Doniger Fashion Group's estate could take place in the next reporting period.

Reference is made to section 2 of this report. Based on the final settlement, an amount of EUR 769,882 has been transferred to the estate of the Doniger Fashion Group and the remaining amount of the total deposit of EUR 1,554,000 will accrue to the estate of the McGregor Fashion Group.

4. REGULARITY

4.1 General

The Bankruptcy Trustees refer to the previous public reports for the background of the audit assignment they issued to BFI Global B.V. (**BFI**), which resulted in BFI's final audit report of 14 May 2018 (the **Final Audit Report**). As indicated in the tenth public report, the Bankruptcy Trustees reached the conclusion that additional audits will be required in respect of a number of elements in order to reach a final opinion.

This is why the Bankruptcy Trustees, with the permission of the Supervisory Judge, have engaged Mr W. Satter (employed at Claassen, Molenbeek and Partners in Gouda) (**Satter**) to do an additional audit into – in short – the question of the extent to which the McGregor Fashion Group's board had access to a sufficient amount of reliable financial, commercial and other information on the basis of which the board made decisions.

The Bankruptcy Trustees' audit engagement concerned the question of whether McGregor Fashion Group's administrative accounts in a broad sense – meaning not just the documents and files with financial and other data, but also the administrative software and financial management reporting systems – were adequate or sufficient for a company as big as McGregor Fashion Group, or satisfied the requirements of Article 2:10 DCC, as well as the extent to which McGregor Fashion Group could take responsible management and other decisions based on these.

Satter's additional audit concerned the period of three years before McGregor Fashion Group's bankruptcy: roughly from mid-2013 until mid-2016.

On 3 November 2020, Satter reported to the Bankruptcy Trustees regarding his findings, which have been laid down in an audit report of that date (the **Additional Audit Report**; the Final Audit Report

and the Additional Audit Report are hereinafter jointly referred to as: the **Audit Reports**.

The conclusions of the Bankruptcy Trustees shown below are based primarily on the Audit Reports, but also on their own findings.

Based on the Audit Reports and an assessment according to the applicable standards for the liability of directors and supervisory board members, the Bankruptcy Trustees have reached the conclusion that McGregor Fashion Group's former and current directors and supervisory board members are not liable towards the estate(s) (meaning: the joint creditors of the companies belonging to the McGregor Fashion Group).

The Bankruptcy Trustees will explain their conclusion below, preceded by a brief summary of the conclusions from the Audit Reports. Consequently, this will not be an exhaustive and detailed description or discussion of the contents of the Audit Reports, which would exceed the scope of this public report.

4.2 **BFI's Final Audit Report**

BFI's analysis was performed using insights from the theory and practice of corporate turnarounds. In this respect, BFI used an internationally widely used framework for turnaround management ("Turnaround Framework") and the Business Failure Drift Model.

The Bankruptcy Trustees will briefly summarise BFI's conclusions below.

BFI states first and foremost that McGregor Fashion Group's bankruptcy was caused not by just one thing, but by a convergence of circumstances which reinforced each other. Both external factors (market and economic conditions and the dynamics of the sector in which the McGregor Fashion Group is active) and internal factors (the role of the McGregor Fashion Group's shareholders and board) are relevant here.

(a) External factors

In the years preceding the McGregor Fashion Group's bankruptcy, an economic crisis was experienced in many of the countries in which the McGregor Fashion Group operated. Moreover, consumer spending habits changed, as a result of which fashion was increasingly sold online and outlet centres became more popular. The McGregor Fashion Group's board was aware of this.

BFI's analysis shows that although the market and economic circumstances apply as serious external causes of the bankruptcy of McGregor Fashion Group, these causes alone do not explain the bankruptcy.

(b) Internal factors

Regarding the role of the McGregor Fashion Group's *shareholders*, BFI established that over a longer period of time, the shareholders Schothorst and Kolff were shareholders, financiers, and lessors in addition to being directors of the company. According to BFI, this gives rise to the question of whether the board resolutions that were adopted were always in the company's interest. BFI is of the opinion that being able to separate these positions is especially important in a period in which a company is in dire financial straits.

BFI was not able to unambiguously establish that these positions were separated sufficiently and/or whether this influenced McGregor Fashion Group's continuity considerations. As a result, the role played by the shareholders cannot be deemed a significant cause of the bankruptcy.

Regarding the role played by McGregor Fashion Group's *board*, BFI stated that this can be qualified

as a serious economic cause. In this context, BFI mentioned the following facts and circumstances among others:

- The board failed to successfully execute a turnaround in the three years preceding the bankruptcy.
- The McGregor Fashion Group failed to realise successful structural cost savings, was unable to structurally resolve the liquidity issues and could not sufficiently reposition the company and the brand. As a result, McGregor Fashion Group's company structurally lagged behind, and this was reinforced by the fact that the company carried a large debt burden from the past.
- The cost reduction programmes initiated at McGregor Fashion Group were not rigorous enough, and the board succeeded only in part, if at all, in making the costs structure more flexible.
- For many consecutive years, McGregor Fashion Group was confronted with liquidity shortages, partly as a result of the high costs and financing structure.
- McGregor Fashion Group did not have a clear turnaround or other strategy in the years prior to its bankruptcy, despite knowing that the market was deteriorating, the costs and financing structure weighed heavily on the company and the brand perception was perceived to be worn out. A change of course was discussed at the McGregor Fashion Group, but was implemented only to a very limited degree, if at all.
- However, BFI could not unequivocally establish the extent to which turnover fell as a result of the failure to sufficiently vigorously implement changes in respect of brand perception, brand positioning and/or the business model or whether this was the result of the deteriorating market conditions.

Regarding the McGregor Fashion Group's *Supervisory Board*, BFI noted that it formally existed until 18 February 2016, but that its capabilities within the McGregor Fashion Group's governance structure were too limited, or were not sufficiently utilised, to correct the board where necessary in the interest of the company.

4.3 **The Additional Audit Report**

Satter's additional audit focussed on the part of the accounting obligation that relates to management information and the ensuing decision-making. It was particularly important in this regard for the board to have sufficient and reliable information available on which it could base its decision-making.

The Bankruptcy Trustees will briefly summarise Satter's conclusions below.

The documents found by Satter and the various interviews conducted by BFI with persons involved in McGregor Fashion Group show that the board had the intention of transforming the existing business model into an omnichannel, which would require the entire company to be directed differently. This concerns a major operation in all of the years investigated by Satter. For this transformation, the McGregor Fashion Group also needed to improve its IT systems, as these were not tailored to the desired new business model. A decision to implement new systems was made in 2013.

Satter established that the transformation had not taken place before the date of the bankruptcy,

meaning that the business operations, the systems and the corresponding provision of information based on the old, decentralised business model were still in place.

Satter noted that management information is the core product of any step in the planning and control cycle. Generally, an annual cycle begins with a business plan and an accompanying budget for the coming year, and the cycle ends with giving account by means of drawing up the annual accounts. In the list of duties in the rules of the McGregor Fashion Group's Supervisory Board and in the accountability to shareholders as included in the shareholders' agreement, the planning and control cycles and the information ensuing from these played an important role.

Satter established that the planning and control cycles at McGregor Fashion Group were set up properly, although comments could be made regarding the aspect of timeliness, as a number of reports became available later than usual for a company as big and complex as the McGregor Fashion Group.

Regarding the IT systems used by McGregor Fashion Group, Satter found as follows.

At the beginning and during the audit period, three new IT systems were installed and McGregor Fashion Group was in the final stage of replacing two operational systems. The operational systems were old, but they were equipped for the business model that was used until the end of the audit period. Satter's conclusion is that viewed in conjunction, the existing IT systems at McGregor Fashion Group were sufficiently equipped to support the company's management.

Regarding the information available to McGregor Fashion Group's management, Satter found as follows.

All of the information mentioned by the company in the reporting calendar (the annual budget, the budget revisions (latest estimates), the monthly reports on the previous periods and the annual accounts) was found for all the periods of the audit period, in so far as these concerned the entire group. Satter concluded that in essence, the information present was sufficient for managing a trading company of McGregor Fashion Group's size and nature.

Satter furthermore noted that the quality of the information largely depended on how the AO/IC (Administrative Organisation/Internal Control) is set up and whether generally accepted accounting principles are applied. Both are assessed by external accountants during the annual audits. The accounting principles applied by McGregor Fashion Group were IFRS.

As from financial year 2013/2014, Ernst & Young (EY) was appointed as accountant the by McGregor Fashion Group.

In its findings for the year 2013/2014, EY reported that in so far as relevant for reaching a conclusion on the annual accounts, the Internal Controls were below average for the processes in the areas of IT, financial closing, purchasing, sales and salaries. Moreover, the findings regarding the AO/IC as depicted in the report for 2015 were largely the same as those in the report for 2014.

Satter indicated that EY's conclusion regarding the AO/IC at McGregor Fashion Group was not negative. The expected information was accessible on time, the underlying evidence for the audit was available without great effort, and progress was made during the financial year 2014/2015 with regard to the checks in terms of turnover and salaries. More important to the provision of information was the fact that the process involved in financial closing was removed from the list of weak checks in the year 2014/2015. In that regard, EY noted that the governance was set up properly. EY tested the functioning of the AO/IC not at the end of the year, but throughout the year.

Satter concluded that EY saw no great risks with regard to the provision of information between the period of 1 May 2013 until 30 April 2015.

Satter also established that the control mechanisms ‘budget’ and ‘interim forecasts’ were present, that these were actively used to assess policy, and that measures were taken to improve the cash flow.

4.4 **Satter’s overall conclusion**

Satter’s overall conclusion, based on the information made available for the additional audit and based on how this information was created, is that the McGregor Fashion Group complied with the accounting obligation in respect of the management information. Decision-making based on relevant information was possible at all levels of the organisation. While the reporting on the previous month took place relatively late, Satter concluded that the planning and control cycle was complied with properly. The required IT systems were present. Based on the available information, substantiated measures could be taken, such as reducing costs and managing operating capital.

In 2013, at the beginning of the audit period, many signals were sent from the McGregor Fashion Group’s management indicating the need for changes. During the audit period from mid-2013 until mid-2016, problems were addressed and measures were taken to improve the AO/IC, among other things by implementing various new software. Regardless of these efforts, due to the outdated operational IT systems and the decentralised purchasing and sales process, the McGregor Fashion Group needed to constantly devote much attention to managing inventory, also in order to resolve inventory discrepancies. However, this was inherent to the manner in which the company had been organised in the past. This organisation remained intact until the end, and the provision of information was still based on this for that reason. The information regarding inventory was present at the lowest management level: that of the shop locations. There was sufficient information available for decision-making in respect of determining strategic policy.

4.5 **Legal assessment framework**

The Bankruptcy Trustees have assessed the Audit Reports from a legal perspective and analysed BFI’s and Satter’s findings against the backdrop of currently applicable standards for the directors’ and officers’ liability in the event of the bankruptcy of a company.

In the Netherlands, a high threshold applies for personal liability of a director, in part based on the case law of the Supreme Court. Mismanagement within the meaning of Article 2:248(1) DCC is only deemed to have occurred if no reasonably thinking director would have acted similarly under similar circumstances. For example, there must have been seriously culpable conduct, culpable negligence, recklessness or conduct evidently other than what may be expected from responsible directors in a comparable situation.

In so far as this concerns possible liability by virtue of unlawful conduct pursuant to Article 6:162 DCC or improper performance of duties pursuant to Article 2:9(1) DCC, the director must be seriously culpable.

This standard applies *mutatis mutandis* in respect of the performance of the duties of the supervisory board and its members.

Based on the case law of the Supreme Court, directors are granted a wide margin of discretion in managing a company. Personal liability only exists if improper performance is evident. The director must be given the benefit of any doubts.

The Bankruptcy Trustees' conclusions

Taking all of this into consideration, the Bankruptcy Trustees came to the final conclusion that, in view of the conclusions drawn by BFI and Satter in the Audit Reports and the legal assessment framework described above, the McGregor Fashion Group's former and current directors are not liable towards the estate (the joint creditors) of the McGregor Fashion Group.

Firstly important with regard to this conclusion is that none of the legal presumptions referred to in Article 2:248(2) DCC are at issue at the McGregor Fashion Group. The McGregor Fashion Group did not fail to publish its annual accounts, at least in a timely manner, in the three-year period preceding the bankruptcy. Moreover, the board complied with its accounting obligation and the additional Audit Report also shows that the management information systems were sound, and by that virtue that Article 2:10 DCC was not violated.

Where none of the evidentiary presumptions apply, the McGregor Fashion Group's directors and officers are only liable towards the estate if it is established that the board failed to perform its duties properly and it is plausible that this was an important cause of the McGregor Fashion Group's bankruptcy. The Bankruptcy Trustees bear the obligation to furnish facts and the burden of proof in this regard.

Second, pursuant to the INSOLAD Rules of Practice for Bankruptcy Trustees (version of April 2019, Article 5.4 including the explanation), a bankruptcy trustee may only hold a former or current director or officer liable if, following a proper investigation and assessment against the applicable legal framework, they are materially convinced that this director or officer is liable and that the estate therefore actually has a claim by that virtue. The bankruptcy trustee will not hold someone liable merely based on a violation of the obligation to publish accounts pursuant to Article 2:138/248(2) DCC if, in their opinion, there is no question of manifest mismanagement on the basis of other findings as well. The Bankruptcy Trustees are members of INSOLAD and endorse the best practices laid down in the INSOLAD Rules of Practice for Bankruptcy Trustees, and also apply these in this bankruptcy.

Thirdly and finally, the Bankruptcy Trustees note that for each individual former and current director or officer of the McGregor Fashion Group, an individual assessment will have to be made as to whether there has been manifest mismanagement. The Bankruptcy Trustees are of the opinion that the internal circumstances and causes identified by BFI cannot be sufficiently attributed to every former and current director or officer of the McGregor Fashion Group.

The Final Audit Report shows that the external factors mentioned – the market and economic circumstances and the branch dynamics – were major causes of the McGregor Fashion Group's bankruptcy. In this context, the Bankruptcy Trustees also note that the retail market has been in dire straits since 2009 and the McGregor Fashion Group's bankruptcy was one of very many bankruptcies. A large number of nationally operating retail chains have gone bankrupt since the start of the economic crisis, including Mexx, Halfords, Free Record Shop, Macintosh, DA, Perry Sport, V&D, Coolcat, Sissy Boy and Intertoys, for example. Furthermore, for many of these companies, including the McGregor Fashion Group, the Internet era and online shopping opportunities necessitated a profound change in business operations and business models in order to survive. Many retail chains were not able to set a new course quickly enough and/or did not have the means to do so.

With regard to the McGregor Fashion Group, the former and current directors cannot be said to have

failed to sufficiently attempt to turn the tide. Investments were made to replace the outdated IT systems, which were actually on the verge of becoming fully operational on the bankruptcy date. Furthermore, various cost reductions programmes were initiated that proved in retrospect not to have the desired result. The McGregor Fashion Group did attempt to improve its control of costs, but ultimately failed to do so sufficiently.

The centralisation of inventory management in the context of the switch to an omnichannel business model was severely affected by the problems that arose surrounding the start-up and roll-out of the new central distribution centre in Waalwijk, which also led to lengthy and drawn-out discussions with the logistics partner (DHL).

The McGregor Fashion Group's problems – the permanent liquidity shortages and the resulting demand for financing – were also caused in part by financial obligations taken on in the past, which weighed heavily on the company and which the company could not avoid. These problems became more severe after the revenue development stagnated starting in 2012/2013.

The Bankruptcy Trustees have observed that a number of issues could have been handled differently at the McGregor Fashion Group in the years preceding the bankruptcy. However, the Bankruptcy Trustees doubt that this ultimately could have prevented the McGregor Fashion Group's bankruptcy. This almost certainly would have required substantial additional resources, which the financiers and shareholders involved in the McGregor Fashion Group were no longer willing to provide.

The Bankruptcy Trustees believe that the high threshold for personal liability due to manifest mismanagement, improper performance of duties or other unlawful conduct has not been satisfied with regard to the McGregor Fashion Group's former and current board.

If there has been no manifest mismanagement, improper performance of duties or other unlawful conduct on the part of the directors, then there can be no failure by the members of the supervisory board to perform their supervisory duties nor any liability based thereon. In this respect, the Bankruptcy Trustees note that, in their view, it has not become apparent that the members of the supervisory board failed to perform these duties, also in view of the limited role of the supervisory board as dictated by the McGregor Fashion Group's governance structure.

The Bankruptcy Trustees' investigation into the causes of the McGregor Fashion Group's bankruptcy and the Bankruptcy Trustees' related regularity audit is herewith concluded. The Bankruptcy Trustees will now proceed with the final settlement of the McGregor Fashion Group's bankruptcy.

5. CREDITORS AND CONSOLIDATION

5.1 Verification of creditors' claims

The total amount of the claims submitted for verification to the Bankruptcy Trustees has not changed significantly compared to the previous reporting period.

Creditors' claims can be submitted and the underlying documents can be sent via the online form by clicking the 'submit claim' button on the website www.cms-dsb.com/mcgregor. Notices that are important to creditors will also be published on this website.

5.2 Consolidation

On 22 July 2016, the Supervisory Judge granted permission for the consolidated handling of the MFG Companies' bankruptcies.

6. MISCELLANEOUS

6.1 Balance bankruptcy account

As at 12 July 2021, the balances of the MFG Companies' bankruptcy accounts jointly amount to EUR 2,226,304.04. This amount fully accrues to the estate of the McGregor Fashion Group.

6.2 Preliminary prospects for creditors and term of settlement

In view of the status of the estate and the total amount of the claims against the estate, only the preferential estate creditors can be paid in part. This means that no partial or full payment to the unsecured estate creditors, the preferential creditors or the unsecured creditors will be possible.

6.3 Number of hours spent

The Bankruptcy Trustees and their team of employees spent a total of 99 hours and 30 minutes in handling the bankruptcies of the MFG Companies during the period to which this report relates.

6.4 Interim financial report

The twelfth interim financial report of the MFG Companies is attached to this report as **Annex 1**. This report only states the transactions on the bankruptcy accounts.

6.5 Plan of action

In the coming period, the Bankruptcy Trustees will prepare the settlement and request the supervisory judge to propose the completion of the bankruptcies of the MFG Companies to the District Court on account of the fact that there are insufficient funds to pay the ordinary creditors.

7. PUBLICATION ON WEBSITE

- 7.1 For further information about these bankruptcies, the Bankruptcy Trustees refer to the public reports and other notices that will be published on the website of CMS (www.cms-dsb.com/mcgregor), where in addition to this report, all other public reports in the bankruptcies of the MFG Companies will be published.

Amsterdam, 13 July 2021

M.R. van Zanten
Bankruptcy Trustee

M.N. de Groot
Bankruptcy

Appendix	Description
1	Interim Financial Report of 12 July 2021

GECONSOLIDEERD FINANCIËEL VERSLAG 12-7-2021

Naam McGregor Fashion Group (geconsolideerd)
 curator mr. M.R. van Zanten en mr. M.N. de Groot
 Rechter-commissaris mr. K.M. van Hassel
 Insolventienummer C/13/16/292F t/m 302F; C/13/16/328F-329F
 Verslag nummer 12

A. Baten	Incl. BTW	BTW
	€	€
A.1: Vrij actief		
1. Aangetroffen middelen		
Kasgeld	186.958,40	0,00
Banksaldi	202.430,50	0,00
	389.388,90	
2. Opbrengst verkopen		
Opbrengst inventaris	0,00	0,00
Opbrengst voorraden / onderhanden werken	1.515.702,26	1.050.358,37
Af: rechten van derden	0,00	0,00
Af: kosten	-92.146,45	-15.854,74
	1.423.555,81	
Opbrengst goodwill / IE rechten	100.000,00	0,00
Opbrengst deelnemingen	434.001,00	0,00
Af: kosten	-6.475,50	0,00
	427.525,50	
Opbrengst intercompany vorderingen	0,00	0,00
Opbrengst beschikbaar stellen winkels	1.000.000,00	0,00
3. Debiteuren		
Debiteuren pre faillissement	1.752.733,27	1.165,03
Af: kosten	-1.013,21	-168,21
	1.751.720,06	
Boedeldebiteuren	348.459,68	0,14
4. Overige baten		
Boedelbijdragen	0,00	0,00
Afwikkeling valuta termijn contracten/deviezen	119.163,19	0,00
Overige opbrengsten	5.000,00	0,00
Kruisposten	0,00	0,00
Escrow DFG	0,00	-19.434,58
Totaal vrij actief	5.564.813,14	1.016.066,01

A.2: 57 lid 3 Fw - actief

5. Bodemzaken		
Opbrengst inventaris	397.875,50	0,00
Af: kosten	-15.967,46	-2.771,21
Totaal 57 lid 3 Fw - actief	381.908,04	-2.771,21
Totaal actief	5.946.721,18	1.013.294,80

B. Reeds betaalde boedelschulden	Incl. BTW	BTW
Salaris en verschotten curator	-2.411.719,51	-418.562,91
Algemene faillissementskosten	-1.308.697,63	-176.120,98
Totaal	-3.720.417,14	-594.683,89

C. Thans nog beschikbaar

A. Baten	5.946.721,18
B. Reeds betaalde boedelkosten	-3.720.417,14
Reeds betaalde / ontvangen boedel BTW na aangifte	0,00
Saldo boedelrekening	2.226.304,04