

**PUBLIC REPORT PURSUANT TO ARTICLE 73A DUTCH BANKRUPTCY ACT****REPORT NO. 14**

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**Bankruptcy Trustee** : **J.L.M. Groenewegen**  
**Supervisory Judge** : **C.H. Rombouts**  
**Reporting period** : **15 July 2020 through 31 January 2021**  
**Reporting date** : **15 February 2021**

**regarding the bankruptcy of:**

Swets Information Services B.V. ("Swets")	bankruptcy date:	23 September 2014
	bankruptcy number:	F.13/14/517

## **1. PRELIMINARY REMARKS**

- 1.1 This is the fourteenth public report of the bankruptcy trustee (the "**Bankruptcy Trustee**") on the bankruptcy of Swets. This report covers the period from 15 July 2020 to 31 January 2021 inclusive and should be read in conjunction with the previous public reports on the bankruptcies of, among others, Swets and the other companies of the Swets Group that previously also went bankrupt.
- 1.2 All the other bankruptcies of the Swets Group companies have now been settled and terminated. This report is therefore a single (and therefore no longer a combined) public report.
- 1.3 In so far as this public report makes no reference to matters that were referred to in the previous bankruptcy reports, these matters have either been settled or no developments worthy of mention have taken place in comparison to the state of affairs mentioned in the previous bankruptcy reports. This report will continue to use the definitions as used in the first combined bankruptcy report.
- 1.4 In this report, the Bankruptcy Trustee describes, in a simplified manner, the current status in accordance with the guidelines for bankruptcy reports as applicable in the Netherlands.
- 1.5 The Bankruptcy Trustee emphasises that the information in this report is the subject of further investigation and is largely based on information and statements made available to him by Swets (and the other companies in the Swets Group) or their executive boards. It may turn out 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.
- 1.6 No rights can be derived from this and/or subsequent public reports. Nothing in this public report may be interpreted as an acknowledgement of liability or as a waiver of any right.
- 1.7 In the period to which this report relates, the Bankruptcy Trustee used the legal services of CMS and Insolresearch (bankruptcy accountant) in the performance of his work.

## **2. SWETS CONCORDIA B.V. AND BLADERCOM B.V.**

- 2.1 The Bankruptcy Trustee refers to the previous public report. The final liquidation of these non-insolvent entities of the Swets group is still to be effected.

## **3. PROCEEDINGS BY SPANISH EMPLOYEES AGAINST SWETS**

- 3.1 The Bankruptcy Trustee refers to the description included in the 6<sup>th</sup> public report of the proceedings instituted by a number of former employees (the "**Spanish Employees**") of the Spanish group company Swets Information Services SL ("**Swets Spain**"), against Swets' bankrupt estate.
- 3.2 The Bankruptcy Trustee refers to the 12<sup>th</sup> public report (Chapter 4) for the progress of these proceedings following the judgment rendered by the Amsterdam Court of Appeal on 12 November 2019, against which the Bankruptcy Trustee has lodged an appeal in cassation with the Supreme Court.

- 3.3 On 29 January 2021, procurator general E.B. Rank-Berenschot advised in the cassation proceedings that the judgment rendered by the Amsterdam Court of Appeal on 12 November 2019 be reversed and the case be referred to a different court of appeal. In principle, the Supreme Court will render judgment on 25 June 2021. If the case will indeed be referred to a different court of appeal for continuation of the proceedings after cassation, the bankruptcy cannot be terminated until the course of 2022.

In the following public reports, the Bankruptcy Trustee will report on the further course of the cassation proceedings.

#### **4. CAUSES OF THE BANKRUPTCY / REGULARITY AUDIT**

- 4.1 The investigation into the causes of the bankruptcy and irregularities, if any, has almost been completed.

#### **5. PROVISION OF INFORMATION**

- 5.1 The CMS Electronic Alert Service referred to in the opening report will, of course, also be continued.

#### **6. VALIDATION OF CREDITORS' CLAIMS (GENERAL);**

- 6.1 The digital validation process was also continued in this reporting period, with the Bankruptcy Trustee noting that no new creditors have come forward. Nor does the Bankruptcy Trustee expect any new creditors to come forward.

#### **7. EXPECTED MANNER OF SETTLEMENT AND THE PROSPECTS FOR CREDITORS**

- 7.1 The definitive liquidation of the assets of Swets can only take place after the liquidation of the companies referred to in chapter 2 and finalisation of the proceedings referred to in chapter 3 and after the consequences for the amount of the estate debts in this bankruptcy have become clear.
- 7.2 Given the date, known by now, on which the Supreme Court will render judgment and possibly refer the case to a different court of appeal, the definitive liquidation of the assets will take considerably longer and is not expected to take place until the course of 2022.
- 7.3 There has been no change in the prospects for creditors compared to the state of affairs as stated in the 13<sup>th</sup> public report. It has been established that no payment will be made to unsecured creditors.

#### **8. MISCELLANEOUS**

##### **8.1 Number of hours spent**

In this reporting period, the Bankruptcy Trustee and his team of employees spent a total of approximately 21,12 hours on the winding up of this bankruptcy.

**8.2 Interim financial report**

The interim financial report as at 1 February 2021 in this bankruptcy (in Dutch language only) is attached to this public report as **Appendix 1**. The estate assets amount to EUR 1,906,531.75 as of this date.

**8.3 Plan of action and activities**

The Bankruptcy Trustee will await the course of the cassation proceedings and proceed with the liquidation of the companies referred to in chapter 2.

**Filing of the next report**

8.4 The next public report will be published in the month of August 2021, unless special developments make an earlier report necessary and subject to the approval of the Supervisory Judge.

**9. PUBLICATION ON WEBSITE**

9.1 For further information about this bankruptcy, the Bankruptcy Trustee refers to the public reports and other messages to be published on the CMS website ([www.cms-dsb.com/swets](http://www.cms-dsb.com/swets)), where this report will also be published.

9.2 An English translation of this public report will also be made available on this website as soon as possible. If there are any differences in interpretation or otherwise between the Dutch and the English version of this public report, the Dutch version will prevail.

Amsterdam, 15 February 2021

J.L.M. Groenewegen, Bankruptcy Trustee

**Appendices:**

Appendix 1: Interim financial report as at 1 February 2021

## **APPENDIX 1**

Naam	Swets Information Services B.V.
Curator	mr. J.L.M. Groenewegen
Rechter-commissaris	mr. C.H. Rombouts
Insolventienummer	C/13/14/517F
Verslag nummer	14

A. Baten		Incl. BTW	BTW
		€	€
A.1: Vrij actief			
<b>1. Aangetroffen middelen</b>			
Kasgeld	2.449,31		0,00
Banksaldi	1.814.464,36		0,00
Nader aangetroffen banksaldi	56.000,00		0,00
		1.872.913,67	
<b>2. Opbrengst verkopen</b>			
Opbrengst pand		0,00	0,00
Opbrengst inventaris	0,00		0,00
Af: rechten van derden	0,00		0,00
Af: kosten	0,00		0,00
		0,00	
Opbrengst goodwill / IE rechten		302,50	52,50
Opbrengst deelnemingen		423.549,20	0,00
Opbrengst intercompany vorderingen		0,00	0,00
<b>3. Debiteuren</b>			
Debiteuren pre faillissement	1.001,44		0,00
Af: rechten van derden	0,00		0,00
Af: kosten	0,00		0,00
		1.001,44	
Boedeldebiteuren	96.782,13		0,00
Af: kosten	0,00		0,00
		96.782,13	
<b>4. Overige baten</b>			
Boedelbijdragen		703.715,08	2.460,99
Rente		0,41	0,00
Restitutie belastingdienst pre faillissement		177.488,05	0,00
Boedelmortgage		556.512,18	67.439,95
Kruisposten		78.750,00	0,00
<b>Totaal vrij actief</b>		<b>3.911.014,66</b>	<b>69.953,44</b>
A.2: 57 lid 3 Fw - actief			
<b>5. Bodemzaken</b>			
Opbrengst inventaris	300.004,55		52.066,91
Af: kosten	-74.458,33		-12.244,90
<b>Totaal 57 lid 3 Fw - actief</b>		<b>225.546,22</b>	<b>39.822,01</b>
<b>Totaal actief</b>		<b>4.136.560,88</b>	<b>109.775,45</b>
B. Reeds betaalde boedelschulden		Incl. BTW	BTW
Salaris en verschotten Curator		-1.252.251,67	-217.332,93
Algemene faillissementskosten		-729.913,28	-91.790,82
Kosten instandhouden ICT/debiteurenincasso		-389.284,49	-23.818,66
Kosten afwikkeling buitenlandse entiteiten		-61.314,69	0,00
<b>Totaal</b>		<b>-2.432.764,13</b>	<b>-332.942,40</b>
C. Thans nog beschikbaar			
A. Baten	4.136.560,88		
B. Reeds betaalde boedelkosten	-2.432.764,13		
Reeds betaalde / ontvangen boedel BTW na aangifte	202.735,00		
<b>Saldo boedelrekening</b>		<b>1.906.531,75</b>	