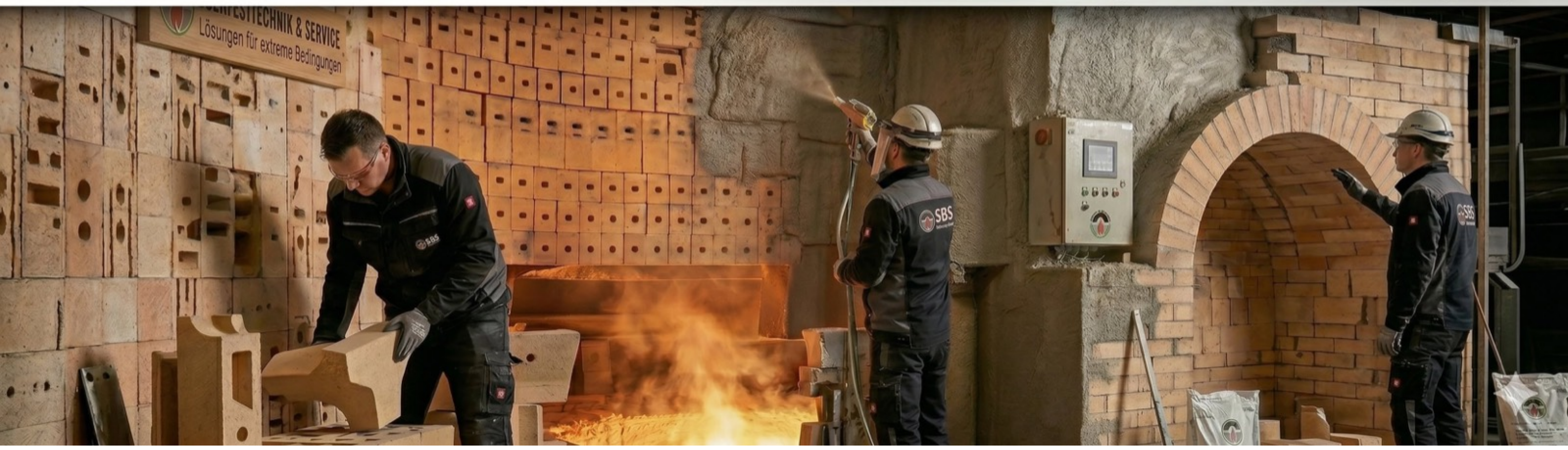

GUIDE DISMANTLING · 7 MIN READ

Industrial dismantling in insolvency proceedings

Industrial dismantling in insolvency: liability, time pressure and realisation of the estate. A practical guide for insolvency administrators and custodians (Sachwalter).

Situation

The insolvency administrator is under considerable time pressure: the insolvency estate has to be secured and realised, while public-law obligations (hazard prevention, environmental law) must be complied with at the same time. Failures can result in personal liability.

Industrial sites in insolvency frequently show a backlog of deferred maintenance. Hazardous substances, dilapidated building fabric and unresolved contaminated-land situations make realisation more difficult and call for specialist expertise.

Realising plant components, machinery and materials can increase the insolvency estate considerably — provided that disassembly and sale are carried out professionally and in line with the market.

Communication with the authorities (immission control, environment, building inspectorate) requires experience in dealing with the respective areas of law and their deadlines.

Our approach

Rapid initial assessment of the site within 48 hours: site survey, hazardous-substance risks, securing requirements, first cost estimate for the estate.

Hazard prevention and securing measures: cordoning off, securing hazardous substances, duty to maintain public safety — before the actual dismantling begins. Avoidance of official orders and substitute performance by the authorities (Ersatzvornahme).

Optimised realisation: systematic identification and marketing of reusable plant components, machinery and materials. Scrap proceeds as an active contribution to increasing the estate.

Dismantling as main contractor: a single point of contact for the entire process — from hazardous-substance remediation through demolition to a development-ready site. Reduced interface risk for the insolvency administrator.

Authority management: we take over communication with the licensing and environmental authorities. Preparation of all required notifications, permit applications and records.

Sequence

1. Initial assessment (48 hours)

Site walk-through, rapid hazardous-substance assessment, securing requirements, indicative costs for the estate. Result: a basis on which the insolvency administrator can decide.

2. Securing and realisation (weeks 1–4)

Hazard prevention, duty to maintain public safety, identification and marketing of realisable assets. In parallel: hazardous-substance surveys and permit applications.

3. Dismantling (months 2–6)

Hazardous-substance remediation, selective dismantling, disposal. Ongoing documentation and coordination with the insolvency administrator.

4. Handover (completion)

Site ready for construction, complete final documentation, mass balances, disposal records. The basis for realising or transferring the property.

Frequently asked questions

Is the insolvency administrator personally liable for environmental damage?

The insolvency administrator can be held personally liable if public-law obligations are breached. The duty to avert hazards and to secure hazardous substances in particular applies to them as the party holding the power of disposal. A rapid initial assessment and securing of the site minimises this risk.

Can dismantling costs be claimed as estate liabilities?

The costs of hazard prevention and of fulfilling public-law obligations are classified as estate liabilities (Masseverbindlichkeiten) under § 55 InsO (Insolvenzordnung — German Insolvency Code). The distinction from insolvency claims has to be examined on a case-by-case basis.

How quickly can dismantling begin?

Securing measures can begin immediately. The actual dismantling requires permits, which can be granted within four to eight weeks under an accelerated procedure. In hazardous situations, immediate measures are also possible without a full permit.

Can the proceeds from the property be increased through dismantling?

In most cases, yes. A remediated and dismantled property achieves a considerably higher price on the market than a contaminated former industrial site. As a rule, the difference exceeds the dismantling costs — particularly in conurbations with high demand for land.

Let us talk about your project

Reply within 24 hours on working days.

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