



## Existe un mecanismo de segunda oportunidad verdaderamente eficaz en España para consumidores insolventes? [

2015

text (article)

Analítica

In this paper we shall focus in the first place on analysing the recommendations made by supranational organizations regarding the necessity of establishing fresh start mechanisms for individuals, and therefore, for consumers. We will show how a school of doctrine opts for a uniform regulation of the fresh start systems, both for natural person businessmen as well as for the consumers. In the second place we will develop and study what, in our view, is an obscure and dispersed regulation relating debt remission for natural persons previous to the implementation of the Ley 25/2015, de 28 de julio, which regulates the fresh start mechanism, the reductions of financial burden and other social measures. Next we will examine the aforementioned rule, paying special attention to the exoneration benefit of the unpaid liability of the natural persons and its impact on the consumer. We will also detail other changes made by the Ley 25/2015, regarding the establishment of a new extrajudicial payment agreement for consumers in the Insolvency Law; the widening of the scope of application of the Code of Good Practice of the Real Decreto-Ley 6/2012 and the extension of the period of suspension for evictions regulated in the ley 1/2013. We will add some personal reflexions about these legislative changes. We will also analyse how some autonomous parliaments are laying down regulations which contain fresh start mechanisms for insolvent consumers. Lastly we will draw some conclusions relating the necessity of establishing fresh start mechanisms for the natural persons in the name of economic development

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