

Dr. Georg Bernsau

Partner

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OVERVIEW

Georg Bernsau is a partner in the firm's Finance practice. He is appointed as an insolvency administrator or administrator and is also involved in self-administration proceedings. He has been in charge of complex restructurings and has extensive experience in cross-border transactions. In recent years, he has also been involved in numerous restructuring proceedings under the StaRUG. Georg is frequently a recommended advisor (*JUVE Handbook 2020*) and is referred to as a core contact, often acting at the interface with corporate, commercial, insolvency and tax law (*Legal 500*). *Best Lawyers/Handelsblatt 2022* ranks him among Germany's best lawyers for restructuring and insolvency law.

Georg is an experienced lawyer for tax law and insolvency and restructuring law.

PROFESSIONAL BACKGROUND

Georg Bernsau has been a partner at the firm since 2020. Prior to that, he was one of the founding partners in a law firm focused on insolvency law, which was active throughout Germany.

ACHIEVEMENTS

- Recognized by *The Legal 500 EMEA* as a Recommended Lawyer for Corporate in Germany, 2024

PROFESSIONAL / CIVIC ACTIVITIES

- Member of the Board and Treasurer of the Society for Restructuring - TMA Deutschland e.V.
- Treasurer of Forum 270 Qualität und Verantwortung in Eigenverwaltungsverfahren e. V.
- Member of the VID Association of Insolvency Administrators Germany

SPEAKING ENGAGEMENTS

- "Between Law, Economics and Ethics," event organised by the Institute for German and Foreign Restructuring and Reorganisation Law (IDAS)
- "Georg Bernsau: Insolvenz, Eigenverwaltung, Übertragene Sanierung, StaRUG (*Georg Bernsau: Insolvency, Self-Administration, Transferred Restructuring, StaRUG*)," *Startup Schlau* podcast, 15 March 2024

EDUCATION

- Second Legal State Exam, Higher Regional Court of Stuttgart, 1991
- Dr. iur. utr., University of Heidelberg, 1990
- First Legal State Exam, University of Heidelberg, 1987

LANGUAGES

- English
- German

THOUGHT LEADERSHIP *POWERED BY HUB*

- 15 October 2025, What Is the Future Allure of the English Part 26A Restructuring Plan for European Debtors?
- 26 January 2021, German Act on the Further Development of Restructuring and Insolvency Law (SanInsFoG)

OTHER PUBLICATIONS

- "What is the future allure of the English Part 26A restructuring plan for European debtors?," *INSOL Restructuring Alert*, December 2025
- "Schutz des Vertrauens auf schlüssige Angaben des Sanierungsberaters zum Sanierungskonzept" (*Protection of reliance on conclusive information provided by the reorganization consultant on the reorganization concept*), BGH vom 23.06.2022 - IX ZR 75/21, in Betriebs-Berater (BB) 2022, p. 2315
- FK-InsO - Frankfurter Kommentar zur Insolvenzordnung (*Frankfurt Commentary on the Insolvency Code*), Vol. 1, Alexander Bornemann (Editor), 10th edition, co-author, Luchterhand, 2023
- "Sanieren mit dem StaRUG: von der Regelung einer finanziellen Schieflage bis zur Durchsetzung eines Gesellschafterwechsels - ein Praxisbericht" *(Restructuring with the StaRUG: from the settlement of a financial imbalance to the enforcement of a change of shareholders - a practical report)* in: *Betriebs-Berater (BB)* 20/2022, together with Hans Beyer

- “Restrukturierung und Sanierungsverfahren“ *(Restructuring and remediation proceedings)*, in: *Privatbahn Magazin* (*PRIMA*) 01/2022 January/February, p. 78 et seq., together with Dr. Frank Thomas
- “StaRUG: eine erste Bilanz“ *(StaRUG: an initial assessment)*, in: *Finance Sonderbeilage* March/April 2022, p. 26 et seq., together with Nadja Raiß
- “Die praktische Anwendung der Regelungen des StaRUG in einem größeren Restrukturierungsverfahren“ *(The practical application of the provisions of the StaRUG in a major restructuring procedure)*, in: *Zeitschrift für das gesamte Insolvenz-und Sanierungsrecht (ZInsO)* 48/2021, S. 2533, together with Hans Beyer
- "Die Sanierung einer kapitalmarktfinanzierten Gesellschaft mit den Instrumenten des StaRUG - ein Praxisbericht“ (The reorganization of a capital market-financed company using the instruments of StaRUG - a practical report), in INDAT-Report 09/2021, together with Hans Beyer, Dr. Matthias Hofmann and Nadja Raiß
- "Das modulare System“ *(The modular system)*, in: *Finance Sonderbeilage*, March/April 2021, p. 10 et seq.
- “Ein Plädoyer für den Erhalt und die Stärkung der Eigenverwaltung - zugleich eine kritische Bemerkung zum Entwurf eines Gesetzes zur Fortentwicklung des Sanierungs- und Insolvenzrechts (SanInsFoG - RegE)” *(A plea for the preservation and strengthening of self-administration - at the same time a critical comment on the draft law for the further development of the reorganization and insolvency law (SanInsFoG - RegE))*, in: *Betriebs-Berater (BB)* 46/2020, p. 2571, together with Dr. Stefan Weniger
- "Steuerrechtliche Fragen in der vorläufigen Eigenverwaltung” *(Tax law issues in provisional self-administration)*, in: *Betriebs-Berater (BB)* 41/2019, p. 2393
- "Restrukturierung ohne Stigma der Insolvenz: Neues EU-Recht ermöglicht Sanierungen mit Gläubigermehrheit von 75 Prozent” *(Restructuring without the stigma of insolvency: New EU law enables restructuring with a creditor majority of 75 percent)*, in: *Börsen-Zeitung*, 05.01.2019, p. 9, together with Tom Brägelmann
- "FK-InsO - Frankfurter Kommentar zur Insolvenzordnung: Frankfurter Kommentar zur Insolvenzordnung“ (FK-InsO - Frankfurter Kommentar zur Insolvenzordnung: Frankfurt Commentary on the Insolvency Code), 9. edition, Co-Author, Luchterhand, 2018
- "Die Sanierung des Unternehmens in einem gerichtlichen Verfahren“ *(Restructuring the company in a court case)*, in: *Impulse Magazin*, August 2013
- "Unternehmenssanierung durch die Kombination von Schutzschirmverfahren, Eigenverwaltung und Insolvenzplan“ *(Corporate restructuring through a combination of protective shielding procedures, self-administration and insolvency plan)*, in: *Insolvency law* 2013/2014, Deutscher Sparkassenverlag, 3rd edition, 2013
- "RegE-ESUG – Missgriff oder großer Wurf?“ *(RegE-ESUG - misapprehension or a great success)*, in: *Betriebs-Berater (BB)* 14/2011, p. 1
- "Koalitionsvertrag: Regierungsparteien entdecken das Insolvenzrecht” *(Coalition agreement: Government parties discover insolvency law)*, in: *Betriebs-Berater (BB)* 2009

- "Ein Weg aus der Misere; Mit dem Insolvenzplanverfahren aus der Existenzkrise – Ein Praxisbeispiel" *(A way out of the misery; With the insolvency plan procedure out of the existential crisis - A practical example)*, in: *Krankenhaus Umschau* 3/2007, p. 200
- "Betriebsübergang - Kommentar zu § 613a BGB unter Einschluss von betriebsverfassungsrechtlichen und insolvenzrechtlichen Vorschriften" *(Transfer of Business - Commentary on Section 613a of the German Civil Code (Bürgerliches Gesetzbuch - BGB) including provisions of works constitution law and insolvency law)*, Luchterhand, 2010, together with Daniel Dreher and Friedrich Hauck
- "Befreiende Leistung an Schuldner trotz Verfügungsbeschränkung vor Eröffnung des Insolvenzverfahrens" *(Discharging performance to debtors despite restriction of disposal before the opening of the insolvency proceedings)*, Federal Court of Justice, ruling of 15.12.2005, AZ: IX ZR 227/04, in: *LMK* 2006
- "Keine Geltung der Eigenkapitalersatzregeln für den Grundstückserwerber" *(No application of the equity substitution rules for the real estate purchaser)*, Federal Court of Justice, ruling of 02.02.2006, AZ: IX ZR 67/02, in: *LMK* 2006
- "Keine Rücksichtnahme des Insolvenzverwalters auf Prozesskostenerstattung" *(No consideration by the insolvency administrator for reimbursement of legal costs)*, Federal Court of Justice (BGH), ruling of 02.12.2004, AZ: IX ZR 142/03, in: *LMK* 2005
- "Absonderung und Insolvenzanfechtung im Sicherheitenpool" *(Segregation and insolvency appeal in the collateral pool)*, Federal Court of Justice (BGH), ruling of 02.06.2005, AZ: IX ZR 181/03, in: *LMK* 2005
- "Eigenantrag nach Gläubigerantrag in der Verbraucherinsolvenz" *(Own application after creditor application in consumer insolvency)*, Federal Court of Justice (BGH), ruling of 17.02.2005, AZ: IX ZB 176/03, in: *LMK* 2005
- "Vorzeitige Zahlung und inkongruente Deckung" *(Early payment and incongruent cover)*, Federal Court of Justice (BGH), ruling of 9 June 2005, AZ: IX ZR 152/03, in: *LMK* 2005
- "Sanierung von Inhaberunternehmen durch ein Insolvenzverfahren" *(Restructuring of owner companies through insolvency proceedings)*, Dr. Wieselhuber & Partner, in: *Sanierung & Insolvenz* 1/2005, p. 12 et seq.
- "Vergütung bei Übertragung von Aufgaben auf Dritte durch Insolvenzverwalter" *(Remuneration in the event of the transfer of tasks to third parties by insolvency administrators)*, Federal Court of Justice (BGH), ruling of 11 November 2004, AZ: IX ZR 48/04, in: *NZI* 2/2005, p. 103 et seq.
- "Zulässigkeit der Aufrechnung in einem Insolvenzantragsverfahren" *(Admissibility of offsetting in insolvency proceedings)*, Federal Court of Justice (BGH), ruling of 29.06.2004, AZ: IX ZR 195/03, in: *LMK* 1/2005, p. 11 et seq.
- "Kostenerstattungsanspruch des Insolvenzverwalters für Steuererklärung bei masselosem Verfahren" *(The insolvency administrator's claim for reimbursement of costs for tax reture case of proceedings without mass)*, Federal Court of Justice (BGH), ruling of 22.07.2004, AZ: IX ZB 161/03, in: *NZI* 10/2004, p. 577 et seq.
- "Verfassungswidrigkeit der Regelungen zur Mindestvergütung des Insolvenzverwalters" *(Unconstitutionality of the Regulations on the Minimum Remuneration of the Insolvency Administrator)*, Federal Court of Justice (BGH), ruling of 15 January 2004, file no.: IX ZB 46/03, in: *LMK* 8/2004, p. 150 et seq.

- "Gläubigerbenachteiligungsabsicht bei GmbH als Gemeinschuldnerin" *(Intention of creditor's disadvantage in the case of a GmbH as joint and several debtor)*, Federal Court of Justice (BGH), ruling of 01.04.2004, AZ: IX ZR 305/00, in: *NZI* 7/2004, p. 376 et seq.
- "Keine Verwertungspauschale für den Insolvenzverwalter bei Einzug einer Forderung durch den Gläubiger vor der Insolvenzeröffnung" *(No liquidation lump sum for the insolvency administrator in the event of collection of a claim by the creditor prior to the opening of insolvency proceedings)*, Federal Court of Justice (BGH), ruling of 20.11.2003, AZ: IX ZR 259/02, in: *LMK* 4/2004, p. 80 et seq.
- "Die Massebeteiligung oder ein Beitrag zur Regelung der „Wegelagerergebühr" *(The participation in the estate or a contribution to the regulation of the "Weglagerergebühr")*, Dr. Wieselhuber & Partner, in: *Sanierung & Insolvenz* 1/2004, p. 6 et seq.
- "Vereinheitlichung der Rechtsprechung zur Vergütung des vorläufigen und endgültigen Insolvenzverwalters" *(Unification of the case law on the remuneration of the provisional and final insolvency administrator)*, Federal Court of Justice (BGH), ruling of 24 June 2003, ref. no.: IX ZB 453/02 Federal Court of Justice (BGH), in: *LMK* 12/2003, p. 240 et seq.
- "Die Haftung des Insolvenzverwalters für Schäden des Prozessgegners durch Betreiben eines Rechtsstreits" *(The insolvency administrator's liability for damages to the opposing party by instigating legal proceedings)*, Federal Court of Justice (BGH), ruling of 25 March 2003, ref. no.: IX ZR 175/02, in: *LMK* 7/2003, p. 136 et seq.
- "Der Insolvenzverwalter als Sozialarbeiter" *(The insolvency administrator as social worker)*, in: *NZI* 2003
- "Handbuch der übertragenen Sanierung: Beratungspraxis - Strategien - Muster" *(Handbook of transferring redevelopment: Consulting Practice - Strategies - Patterns)*, co-author, Luchterhand 2002
- "Tochter nimmt Mutter mit ins Grab – Insolvenzen von Beteiligungen gefährden den Gesamtkonzern" *(Subsidiary takes mother to her grave - insolvencies of subsidiaries endanger the entire group)*, in: *Finance* 7/2002, p. 18
- Interview: "Rettungsanker Insolvenzantrag" *(Interview: Rescue anchor Insolvency application)*, in: *Finance* 5/2002, page 52 et seq.
- Interview: "Operation gelungen – Patient tot" *(Interview: Operation successful - patient dead)*, in: *Netbusiness* 36/2001, p. 37 et seq.
- "Übertragende Sanierung als wesentliches Steuerungsmittel zum Erhalt eines bankrotten Unternehmens" *(Restructuring by transfer as an essential means of control for maintaining a bankrupt company)*, in: *StuB* 16/2000, p. 852
- "Der Scheck- oder Kreditkartenmissbrauch durch den berechtigten Karteninhaber" *(Cheque or credit card misuse by the authorized cardholder)*, WiRe Verlags-Gesellschaft für Wirtschaft, Recht und Steuern, Diss., 1990

NEWS & EVENTS

- 2 April 2026, K&L Gates Advises InfraLeuna GmbH on the Acquisition of DOMO Caproleuna GmbH
- 21 October 2025, Out of Court Restructuring in Europe
- 18 September 2025, Is There a Playbook for Restructuring Across Germany, Luxembourg, and the United Kingdom?
- 1 July 2025, Buying Assets Out of Distress: The European Experience
- 13 May 2025, Is There a Playbook for Restructuring Across Luxembourg, Germany and United Kingdom?
- 29 August 2024, K&L Gates Advises APK AG on Investor Agreement With LyondellBasell
- 22 June 2023, Nearly 50 K&L Gates Lawyers Throughout Europe Recognized in 2024 Best Lawyers, Ones to Watch Editions
- 11 May 2020, K&L Gates Expands Restructuring Practice With Addition of Seven-Member Frankfurt Team

OTHER MEDIA MENTIONS

- Interview, "Was steht uns an Restrukturierungen und Insolvenzen bevor, Herr Grund und Herr Bernsau?" *Platow Legal + Finance*, 15 December 2022

AREAS OF FOCUS

- Restructuring and Insolvency

INDUSTRIES

- Apparel and Footwear
- Consumer Goods and Services
- Household Goods
- Life Sciences

REPRESENTATIVE EXPERIENCE

- General Representative of Closurelogic GmbH, Worms, in its self-administration proceedings and sale to an international investor.
- Managing director of Schuhpark Fascies GmbH, Warendorf, in its self-administration proceedings and responsible for the insolvency plan.

- Consultant in the reorganization proceedings of the Gauff Group, Frankfurt am Main, on various sales of subsidiaries.
- General Representative of Beate Uhse AG, Hamburg, in its self-administration proceedings and responsible for its insolvency plan.
- Insolvency administrator of Röder Präzision GmbH, Egelsbach and responsible for its insolvency plan.
- Consultant to Deutsche Forfait AG, Cologne, in their self-administration proceedings and responsible for their insolvency plan.
- Consultant to the Acute Clinic, Bad Waldsee, on its sale.
- Insolvency administrator of Junghans Uhren GmbH, Schramberg.
- Insolvency administrator of Fink Schuhe & Sport GmbH & Co. KG, Wiesbaden, and responsible for the sale of the branches.
- Consultant to Vivacon AG, Cologne, on its restructuring.
- Consultant to Klinik Viktoriastift, Bad Kreuznach, and its restructuring in a self-administration procedure through an insolvency plan.
- Managing Director of Tectum Holding GmbH, Gelsenkirchen, and responsible for the restructuring of the group via insolvency plans.