

**FIFTEENTH REPORT (PURSUANT TO SECTION 73a FW) CONCERNING THE FINDINGS OF THE BANKRUPTCY TRUSTEES DURING THE FIFTEENTH REPORTING PERIOD IN THE BANKRUPTCY OF ROYAL IMTECH N.V.**

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District Court	:	Rotterdam	
Delegated judge	:	W.J. Roos-van Toor and F. Damsteegt	
Insolvency number	:	F.10/15/577	
Bankruptcy trustees	:	P.J. Peters AKD N.V. Wilhelminakade 1 3072 AP Rotterdam	J.G. Princen DVDW Advocaten Weena 690 3012CN Rotterdam
Date of appointment of the proposed bankruptcy trustees	:	5 August 2015	
Date on which moratorium was granted	:	11 August 2015	
Date of the bankruptcy order	:	13 August 2015	
Activities of the company	:	Royal Imtech N.V. is the principal holding company of the Imtech group, being a European technical service provider in the field of electrical engineering, ICT and machine construction. Imtech has a strong position in the following sectors: construction and industry, 'green' technology and sustainability, infrastructure and telecommunication, transport and navigation.	
Turnover data (2014)	:	EUR 3,922,300,000.	

Average number of staff	:	64 (Royal Imtech N.V.)
Reporting period	:	22 March up to and including 19 June 2019
Previous reports:	:	1st report dated 14 September 2015 2nd report dated 9 December 2015 3rd report dated 9 March 2016 4th report dated 1 July 2016 5th report dated 19 December 2016 6th report dated 19 June 2017 7th report dated 19 September 2017 8th report dated 19 December 2017 9th report dated 16 March 2018 10th report dated 14 June 2018 11th report dated 14 September 2018 12th report dated 14 December 2018 13th report dated 21 March 2019 14th report dated 20 June 2019
Hours spent during reporting period	:	DVDW: 633.36 (1/06/2019 up to and including 31/08/2019)  AKD: 781.9 (1/06/2019 up to and including 31/08/2019)
Hours spent in Total	:	DVDW: 17,633 (13/8/2015 up to and including 31-08-2019) AKD: 14,112.9 (13/8/2015 up to and including 31/08/2019)
Appendices	:	Interim Financial Report (not published); Lists of creditors (not published); and Copy of the Assets (not published).

Rotterdam, 20 September 2019

*Changes with respect to the previous reports are shown in italics. In order to improve the readability of the ever expanding report, the headers of subjects were maintained, but reference is each time made to a previous report in case of subjects in respect of which there is nothing to report. Some subjects state the current state of affairs while the passages from old reports have been removed. The proceedings that were conducted and those that are still ongoing were relocated to a separate chapter 7.7 for the sake of readability.*

## **PRELIMINARY REMARKS**

This is the fifteenth report in the bankruptcy of Royal Imtech N.V. (hereinafter: “**Royal Imtech**”).

This report is based on information the bankruptcy trustees have received from the company and third parties. The bankruptcy trustees stress that the information in this report is the subject of further investigation. At a later stage it may turn out that this information must be adjusted. Therefore, no statements can yet be made about the completeness and accuracy of the details included in this report. In line with the ruling of the Supreme Court dated 21 January 2005 (JOR 2005/104), it is pointed out that this report does not intend to account for the status of the liquidation assets or to provide complete insight. Individual creditors cannot derive any rights from this report.

This report and the subsequent reports will be published in Dutch and – albeit with some delay – in English. The Dutch version prevails.

The bankruptcy reports can be found on [www.rechtspraak.nl](http://www.rechtspraak.nl).

The bankruptcy trustees furthermore had a separate website developed for the bankruptcies of the Imtech companies; [www.faillissementimtech.nl](http://www.faillissementimtech.nl). On this website the bankruptcy trustees will publish all reports in the Dutch and English language as well as further notices in the bankruptcies of the Imtech companies.

### *Fifteenth report*

*This paragraph provides a summary of the developments in the reporting period from 20 June 2019 up to and including 19 September 2019.*

*The work of the bankruptcy trustees of Royal Imtech during this period can be briefly divided into 4 main activities:*

- 1. Continuation of the investigation into the causes;*
- 2. Formulate disciplinary complaint against KPMG partners concerning the audit activities carried out for the 2012 financial statements and oral handling of the disciplinary complaint concerning the audit for 2011;*
- 3. Investigation into the provision of security that might be fraudulent towards creditors;*
- 4. Arbitration proceedings against Vinci.*

*Re 1.*

*The bankruptcy trustees continued the investigation into the causes and the regularity audits, including the investigation into directors' and officers' liability investigation and the investigation into the provision of security as referred to in paragraph 5.3. Draft reports formulated by the bankruptcy trustees concerning various matters that occurred in 2012, 2013 and 2014 were presented again to several directors and to former supervisory directors in June and July 2019 within the context of hearing both sides of the argument. These parties have until 29 September 2019 to respond substantively.*

*Re 2.*

*It was announced in the previous report that the bankruptcy trustees will submit a disciplinary complaint concerning the audit performed within the context of the financial statements for 2012.*

*The bankruptcy trustees did so on 18 June 2019. The Accountancy Division then decided that the oral hearing of the disciplinary complaint regarding the review of the semi-annual figures for 2012 on 3 September 2019, which had been scheduled for a year, will not take place because the Accountancy Division wants the same judges to handle the disciplinary complaints concerning half of 2012 and all of 2012. This cannot happen as the president of the Accountancy Division will leave the Accountancy Division by the end of 2019. This results in a delay for the bankruptcy trustees of at least a year while the litigation concerning the disciplinary complaint concerning the 30 June 2012 figures had already been completed in full in writing. The disciplinary complaints concerning the review of 30 June 2012 and audit of the figures on 31 December 2012 also concern different subjects.*

*KPMG accountants was granted a postponement until the end of December 2019 to submit a statement of defence regarding the disciplinary complaint concerning the audit of the 2012 financial year.*

Re 3.

*The investigation into the provision of security that might be fraudulent towards creditors and repayments to financiers of Royal Imtech N.V. continues. The bankruptcy trustees engaged external experts in the investigation of information that was provided to financiers and into the matters that were or should have been known to the financiers at relevant decision-making and other moments. It is expected that this investigation will be completed in the next reporting period.*

Re 4.

*The bankruptcy trustees submitted a Statement of Rejoinder to the NAI within the context of the arbitration proceedings initiated by Vinci on 10 September 2019. See furthermore chapter 7.7.*

**1. Assessment**

1.1 Management and organisation

See the seventh report.

1.2 Profit and loss

See the seventh report.

1.3 Shareholders' equity and Balance sheet total

See the seventh report.

**FINANCIAL OVERVIEW ROYAL IMTECH N.V. (COMPANY)**

See the seventh report.

1.4 Pending legal proceedings : See chapter 7.9

1.5 Insurance : See the eleventh report

**Fraud insurance**

Eleventh report

The bankruptcy trustees conducted a meeting with the Chubb lawyers together with the German bankruptcy trustee and his lawyers. Following this meeting, Chubb again asked additional questions that were answered by the German bankruptcy trustee and the bankruptcy trustees. The bankruptcy trustees

hope that they will be able to reach a settlement in the coming reporting period or that they have to decide to initiate proceedings in this connection.

#### Twelfth report

Consultations between the parties continue.

#### Thirteenth report

Agreement has been reached with insurer Chubb concerning the amount in compensation to be paid under the fraud policy in connection with claims submitted in 2013. Payment has not yet been received.

#### Fourteenth report

The settlement agreement between Chubb and the Royal Imtech N.V. bankruptcy trustees and the bankruptcy trustees of Imtech Germany concerning their joint claims has been signed. Chubb paid a total of EUR 6.6 million, EUR 3,550,000 for the German bankruptcy trustee of Imtech Deutschland GmbH & Co KG and EUR 3,050,000 for the assets of Royal Imtech N.V.

### **POSI insurance**

#### Twelfth report

The investigation continues. Refer to the 11th report for a comprehensive explanation. ING, Rabobank and ABN Amro Bank N.V. submitted (contribution) claims to the bankruptcy trustees insofar as these banks would have to pay any compensation to shareholders pursuant to the notices of liability from the VEB and Stichting Imtech Claim.

### **CAR insurance**

#### Twelfth report

Royal Imtech N.V. is the policy holder on a Master CAR insurance brokered by AON. There are currently still various claims under the CAR insurance left unsettled, for example because data or proceedings are still being awaited. The CAR insurers indicated that they wish to settle 5 claims for compensation under the CAR insurance involving a total amount of EUR 251,429.13. The bankruptcy trustees reached agreement with the insured parties seeking recovery and AON concerning these 5 claims for compensation with respect to a contribution to the work performed by the bankruptcy trustees in their capacity as estate administrators amounting to 10%, namely EUR 25,142.91 (excluding VAT).

#### Thirteenth report

Royal Imtech N.V. is the policy holder on a Master CAR insurance brokered by AON. There are currently still various claims under the CAR insurance left unsettled, for example because data or proceedings are still being awaited. As regards 5 claims for compensation under the CAR insurance for a total amount of EUR 251,429.13, the bankruptcy trustees reached agreement with the insured parties seeking recovery and AON concerning a contribution to the work performed by the bankruptcy trustees in their capacity as estate administrators amounting to 10%, namely EUR 25,142.91 (excluding VAT)."

#### Fourteenth report

Several claims against Imtech companies were settled by AON during this reporting period, which led to a total payment to the bankruptcy trustees in their capacity as estate administrators for work done of EUR 26,792.93 (exclusive of VAT).

#### Fifteenth report

*The amount of EUR 25,142.91 (excluding VAT) was received in the liquidation account. There are currently 2 other matters pending via the insurance intermediary in which connection the parties exchange proposals.*

1.6 Lease : See previous reports.

1.7 Cause of bankruptcy : Under investigation

#### Twelfth report

The bankruptcy trustees' investigation continues. Refer to the 11th report for previous communications.

#### Thirteenth report

The investigation continues. Several draft reports regarding individual topics concerning developments that occurred in 2012 and 2013 were presented to several directors and to KPMG towards the end of December 2018 within the context of hearing both sides of the argument. The directors have until 31 March 2019 to provide a written response. Final meetings concerning this subject will be conducted with them thereafter. The bankruptcy trustees will then continue the investigation into the events of 2013.

#### Fourteenth report

The notified directors provided a written response to most of the draft reports that were sent. These questions and answers were subsequently discussed during meetings with the relevant directors. The bankruptcy trustees thus conclude their investigation into the causes and hearing both sides of the argument concerning the course of events in the Netherlands, Germany and Poland in 2012 and the first half of 2013 towards former directors Van der Bruggen and Gerner. The draft reports will now be presented to the members of the Supervisory Board in question. A draft report that could not be discussed sufficiently was presented again to the final directors with specific, written questions. They are again afforded a period of 3 months to answer these questions.

Fifteenth report

*No substantive response has yet been provided in respect of the draft reports formulated by the bankruptcy trustees that were submitted to former supervisory directors and the final directors.*

**2. Personnel**

See previous reports.

**3. Assets**

Immovable properties

See previous reports.

Operating assets

See previous reports.

Inventories/work in progress

See previous reports.

Other assets

3.12 Description :

**Participating interests**

Royal Imtech N.V. is also (sole) shareholder in a great many other (inactive) companies. During the past period the bankruptcy trustees have started taking stock of all the participating interests and will attempt to liquidate these participating interests or nominate them for bankruptcy in the coming reporting period.

### Third report

Concerning the sales of Nordic Group, Marine Group, T&I Group, the UK/Ireland division, Imtech Spain, Imtech Benelux, Imtech Belgium Holding N.V., Imtech Toegangstechniek B.V., Imtech Industry International B.V. and Ventilex B.V., Imtech Building Services B.V., Imtech Industrial Services B.V., Paul Wagner & Fils S.A. and Imtech Poland, see the first and second public reports in the bankruptcy of Royal Imtech N.V. Furthermore, for the separate reports in the bankruptcies of Imtech Nederland B.V., Imtech Benelux Group B.V., Imtech Industrial Services B.V. and Imtech Building Services B.V., see the separate reports in the particular bankruptcies; the reports from these can be found, among other places, at [www.faillissementimtech.nl](http://www.faillissementimtech.nl). For information on the bankruptcy of Imtech UK Limited, see the website of the English administrators: <http://www.pwc.co.uk/services/business-recovery/administrations/imtech.html> .

### **Imtech Spain**

#### Sixth report

At the time of the sale, the proceeds from the sale of the Spanish division of EUR 6,000,000 were deposited in an escrow account because both the Security Agent (due to a right of pledge created in respect of the shares in the period of undisclosed administration) and the assets of Royal Imtech claim the proceeds. The Security Agent removed the pledge upon the delivery of the shares by the bankruptcy trustees subject to the condition that if the bankruptcy trustees had not initiated proceedings against the Security Agent by 11 March 2017 at the latest the amount in escrow would be released to the Security Agent following deduction of the transaction costs. The proceeds were transferred to the Security Agent following the aforementioned term at the Security Agent's express request because the bankruptcy trustees have not (yet) been able to initiate proceedings as a result of the ongoing investigations into the causes and have not yet been able to start on 2015 and the Security Agent has contested the extrajudicial annulment of the pledge by the bankruptcy trustees. The transaction costs of the liquidation assets of EUR 254,459.74 were transferred into the liquidation account prior to the above. Incidentally, failing to initiate proceedings against the Security Agent within the aforementioned term does not mean according to the escrow agreement that the bankruptcy trustees forfeited any rights.

#### Seventh report

There are no developments during this reporting period.

### **Imtech Hungary**

See previous reports.

#### Fifteenth report

*There is an ongoing dispute between the buyer of the shares in the capital of Imtech Hungary Kft. and the German bankruptcy trustee. The outcome of the settlement negotiations between the parties in question has an impact on possible final payment to the assets. Correspondence is being conducted in this connection.*

#### **Imtech Romania**

See previous reports.

#### **Imtech SSC**

See previous reports: The bankruptcy was declared on 11 March 2016. Please refer to the separate report for that bankruptcy.

#### **Imtech I B.V.**

These companies are not expected to yield any proceeds. As far as the bankruptcy trustees are aware, these companies have neither any business operations nor any positive shareholders' equity.

#### **Imtech II B.V.**

These companies are not expected to yield any proceeds. As far as the bankruptcy trustees are aware, these companies have neither any business operations nor any positive shareholders' equity.

#### Fifth report

This company does not hold any assets. It only has one creditor. Since there is no plurality of creditors, bankruptcy may not be declared for this company. The bankruptcy trustees have decided to dissolve this company under Article 2:19(4) of the Dutch Civil Code by means of a turbo-liquidation.

#### Sixth report

This company has not yet been dissolved.

#### Thirteenth report

The initial plan was to dissolve the company by means of expedited liquidation. The bankruptcy trustees are examining other possibilities of dissolving the company or having it dissolved, because the directors of Royal Imtech decided to resign following the bankruptcy date.

#### **Imtech III B.V.**

AV\_2416256

Liquidation balance sheets dated June 2015 are available for this company. These indicate that Imtech III only has liabilities: Share capital of EUR 45K and an interest-free debt to a group company totalling EUR 45K. No assets are to be expected. The company is not in liquidation. This company will most likely be liquidated in the manner described in Article 2:19 (4) of the Dutch Civil Code.

#### Fifth report

This company does not hold any assets. It only has one creditor. Since there is no plurality of creditors, bankruptcy may not be declared for this company. The bankruptcy trustees have decided to dissolve this company under Article 2:19(4) of the Dutch Civil Code. The shareholders' resolution for this purpose has now been adopted. Further settlement shall be reported on in the upcoming reporting period.

#### Sixth report

This company has not yet been dissolved.

#### Fourteenth report

The initial plan was to dissolve the company by means of expedited liquidation. The bankruptcy trustees are examining other possibilities of dissolving the company or having it dissolved, because the directors of Royal Imtech decided to resign following the bankruptcy date.

#### **Imtech Arbodienst B.V.**

This company has been in a state of bankruptcy since 1 March 2016. [Mr.] P.J. Peters has been appointed as bankruptcy trustee. Please refer to the separate report for that bankruptcy.

#### **Imtech International B.V.**

The company does not possess any assets. The company only has debts to group companies. The bankruptcy trustees expect they will be able to dissolve this company.

#### Fifth report

This company does not hold any assets. It only has one creditor. Since there is no plurality of creditors, bankruptcy may not be declared for this company. The bankruptcy trustees have decided to dissolve this company under Article 2:19(4) of the Dutch Civil Code by means of a turbo-liquidation.

#### Sixth report

This company has not yet been dissolved.

#### Seventh report

Still ongoing.

#### Thirteenth report

The initial plan was to dissolve the company by means of expedited liquidation. The bankruptcy trustees are examining other possibilities of dissolving the company or having it dissolved, because the directors of Royal Imtech decided to resign following the bankruptcy date.

#### **Imtech Netherlands B.V.**

This company had ceased to be active even before the date on which Royal Imtech went bankrupt. It has intercompany receivables of approximately EUR 30 million (which were pledged as of 7 August 2015). The extent to which these receivables can be collected has been investigated; most of them cannot be collected because of the bankruptcies of the debtors. It appears that a few receivables of EUR 10 million, EUR 243K and EUR 1.433 million respectively can indeed be collected to some extent. This will be further investigated in the upcoming reporting period.

#### Sixth report

The bankruptcy trustees are investigating whether collection of the receivables on the balance sheet of Imtech Netherlands B.V. is possible or as the case may be feasible.

#### Seventh report

Still ongoing.

#### **Imtech Austria Anlagentechnik GmbH**

The bankruptcy of this company was declared in Austria on 28 August 2015. The Austrian bankruptcy trustee has been contacted in connection with the setoff of the cash pools, in which this company was also involved.

#### **ROM ANLAGENBAU SRL i.L.**

This company was already in liquidation and fell under Imtech Hungary. Upon the sale of Imtech Hungary, this company was transferred to the buyer.

#### **Kiekens B.V.**

Based on the most recent financial documents (as of June 2015), the company has EUR 1,800 in liquid assets. The Kiekens bank account was closed by the bank on 3 September 2015, however, at Imtech's AV\_2416256

request; any balance will have been set off with or credited to an account of another Imtech company. The bankruptcy trustees do not expect any proceeds; the company will presumably be dissolved via (turbo) liquidation.

#### Fifth report

This company does not hold any assets. It only has one creditor. Since there is no plurality of creditors, bankruptcy may not be declared for this company. The bankruptcy trustees have decided to dissolve this company under Article 2:19(4) of the Dutch Civil Code by means of a turbo-liquidation.

#### Sixth report

This company has not yet been dissolved.

#### Seventh report

Still ongoing.

#### Thirteenth report

The initial plan was to dissolve the company by means of expedited liquidation. The bankruptcy trustees are examining other possibilities of dissolving the company or having it dissolved, because the directors of Royal Imtech decided to resign following the bankruptcy date.

#### **Imtech Telecom B.V.**

This company cannot be liquidated at the moment because of appeal proceedings in which this company is indirectly involved. A judgement was handed down in the aforementioned proceedings recently, namely on 28 April 2016. After the period for taking an appeal to the Supreme Court has expired, the bankruptcy trustees intend to proceed with the liquidation of this company. As far as the bankruptcy trustees are aware, it does not have any business operations.

#### Fifth report

On 28 April 2016, judgement was declared in the proceedings to which Imtech Telecom is a party. The other party in these proceedings has indicated it will bring an appeal against the ruling of the court. Therefore the winding-up of this company shall only take place after the appeal has been settled.

#### **Imtech SEA Limited**

This company is currently in liquidation; further investigation will be conducted into this.

#### Fifth report

This company is currently in liquidation. Further investigation has revealed that Royal Imtech may receive benefits as a shareholder of this company. During the upcoming reporting period the bankruptcy trustees will take additional measures to obtain these possible benefits for the estate.

#### Sixth report

The bankruptcy trustees are in contact with the trust office that previously performed activities for Imtech SEA Limited. This has not yet yielded any results, i.e. payment to the assets. The bankruptcy trustees are considering further steps.

#### Seventh report

Ongoing.

#### **Imtech Infra Data B.V.**

The company has no assets or other income. The company only has debts to a group company and it is therefore expected that the company can be liquidated in the short term.

#### Fifth report

This company does not hold any assets. There are multiple creditors and therefore a plurality of creditors. Because the company does not have any assets, it is not in the interest of the joint creditors to wind up this company. The bankruptcy trustees have decided to dissolve this company under Article 2:19(4) of the Dutch Civil Code by means of a turbo-liquidation.

#### Sixth report

This company has not yet been dissolved.

#### Seventh report

Ongoing.

#### Thirteenth report

The initial plan was to dissolve the company by means of expedited liquidation. The bankruptcy trustees are examining other possibilities of dissolving the company or having it dissolved, because the directors of Royal Imtech decided to resign following the bankruptcy date.

Fourteenth report

In connection with legal proceedings, the winding-up of this company shall not take place until after those proceedings have been completed.

**Fritz & Macziol (Schweiz) AG**

The company is already in liquidation. The bankruptcy trustees have not (yet) had contact with the liquidator/bankruptcy trustee in Switzerland.

Fourteenth report

We have been in contact with the insolvency assistant who handles this bankruptcy. It was indicated that this bankruptcy is expected to continue for some time yet in connection with the finalisation of investigations and the collection of claims.

**Imtech Marine South East Asia Limited**

This company is currently in liquidation; further investigation will be conducted into this.

Sixth report

The investigation continues.

Seventh report

Ongoing.

**Imtech Deutschland B.V.**

See previous reports: Imtech Deutschland B.V. was declared bankrupt by the District Court of The Hague on 21 February 2017. Reference is made to the liquidation report of Imtech SSC B.V.

**SevZap Project AG**

Still to be investigated

Sixth report

The investigation continues.

Seventh report

The investigation continues.

**Imtech Holding GmbH**

The bankruptcy trustees have asked the German bankruptcy trustee for more information.

#### Fifth report

The bankruptcy trustees have obtained further information from the German bankruptcy trustee about the state of Imtech Holding GmbH. This private company with limited liability incorporated under German law was declared provisionally bankrupt by the German court in Hamburg on 17 August 2016.

#### **Other assets/claims**

##### Pre-bankruptcy:

Escrow account for Vinci transaction : approximately EUR 25 million.

#### Twelfth report

See paragraph 7.7

#### **Post-bankruptcy claims against advisors De Brauw Blackstone Westbroek**

##### Twelfth report

The investigation into the content and activities performed by De Brauw has been completed for the time being. Refer to the 11th report for previous communications about this subject.

##### Thirteenth report

By letter sent towards the end of December 2018, the bankruptcy trustees invoked actio pauliana in respect of the payments made by Royal Imtech N.V. to De Brauw Blackstone Westbroek on 24 July 2015 and thereafter for a total amount of EUR 4,517,000 and claimed this amount back. The law firm fully contested the arguments of the bankruptcy trustees in a letter from its lawyer dated 23 January 2019.

##### Fourteenth report

The bankruptcy trustees maintain their claim, but are awaiting developments in the disciplinary cases for the time being.

#### **4. Debtors**

##### 4.1 Scope debtors

See the seventh report.

##### 4.2 Proceeds

AV\_2416256

See the seventh report.

- 4.3 Amounts paid to the bankruptcy trustees in their capacity as estate administrators for work done  
See the eleventh report.

## 5. **Bank/Security**

- 5.1 Bank claim(s) :

Please refer to the seventh liquidation report for an explanation of the claims of the RCF Lenders.  
At the moment, the RCF Lenders have submitted claims amounting to EUR 359,581,526.92.

- 5.2 Lease contracts :  
See the seventh liquidation report.

- 5.3 Description of security :  
See the seventh liquidation report.

- 5.4 Position as a secured creditor :  
See the seventh liquidation report.

- 5.5 Percentage or amounts paid to the bankruptcy trustees in their capacity as estate administrators  
for work done :  
See the seventh liquidation report.

- 5.6 Retention of title :  
See the seventh liquidation report.

- 5.7 Rights of recovery :  
See the seventh liquidation report.

- 5.8 Rights of retention :  
See the seventh liquidation report.

## 6. **Restart/continuation**

Continuation

See the 11th report.

Restart

See the 11th report.

**7. Lawfulness**

7.1 Accounting obligation :

See the 11th report.

7.2 Filing of financial statements:

Second report

2011: adopted on 4 April 2012, filed on 5 April 2012, and withdrawn by Royal Imtech on 21 May 2013.

2012: adopted 2 August 2013, filed 5 August 2013.

2013: adopted 22 May 2014, filed 23 May 2014.

2014: adopted 12 May 2015, filed on the same day.

The course of affairs concerning the preparation, adoption and approval of the financial statements is still the subject of further investigation.

7.3 Unqualified Audit Opinion :

**Disciplinary complaint concerning the 2011 audit**

Twelfth report

Refer to the 11th report for previous communications. An oral hearing within the context of these proceedings was held before the Accountancy Division on 3 December 2018. The arguments merely concerned the admissibility of the disciplinary complaints on the part of the bankruptcy trustees of Royal Imtech et al. The auditors involved dispute that the bankruptcy trustees have a cause of action in view of a settlement agreement concluded between Royal Imtech N.V. and KPMG in October 2014. The Accountancy Division decides on admissibility towards the middle of January 2019. If they are found to be admissible, the disciplinary complaints regarding the 2011 audit and the audit of the semi-annual figures for 2012 and the fraud letter (hereinafter: "2012 part 1") will be handled substantively on 2 and 3 September 2019.

#### Thirteenth report

The Accountancy Division declared the complaints submitted by the bankruptcy trustees concerning the 2011 audit admissible in a judgment dated 21 January 2019.

The auditors involved have until 31 January 2019 at the latest to respond to the disciplinary complaints concerning 2012 part 1. These disciplinary complaints together with those concerning 2011 will be handled substantively on 2 and 3 September 2019.

#### Fourteenth report

The KPMG partners submitted the Rejoinder concerning the complaint regarding the audit of the 2012 semi-annual figures and the fraud letter by the end of May 2019. The bankruptcy trustees must now send the additional exhibits intended for the oral hearing of this disciplinary complaint on 3 September 2019 to the Accountancy Division in the short term.

The additional exhibits for the handling of the disciplinary complaint regarding the 2011 audit were also sent to the Accountancy Division during this reporting period. The disciplinary complaint regarding 2011 will be handled by the Accountancy Division on 2 September 2019.

#### Fifteenth report

*The oral hearing of the disciplinary complaint concerning the audit activities relating to the financial statements for 2011 was held before the Accountancy Division on 2 September 2019. The Accountancy Division communicated shortly before the hearing that by way of an experiment and in view of the size of the file an additional, experienced auditor of a Big 4 firm had gone through the procedural documents and is involved in the disciplinary complaint against the two auditors as “second secretary” and as a judge in the disciplinary complaint against the person who carried out the EQCR who was involved in the handling of disciplinary complaints. The Accountancy Division expects that it will deliver a decision within a term of 3-6 months.*

#### New disciplinary complaint concerning the 2012 audit

The bankruptcy trustees submitted a third disciplinary complaint against the “lead partner” and the “engagement partner” with respect to the audit activities that were performed in connection with the 2012 financial statements of Royal Imtech N.V., consolidated and separate. The bankruptcy trustees had themselves assisted by various external experts for this.

The course of events in 2012 was investigated again and comprehensively by KPMG following the Royal Imtech N.V. press release of 4 February 2013 in Poland, Germany and in the Netherlands. The 2012 financial statements were published with a 4-month delay on 18 June 2013. These financial statements were provided with an unqualified opinion by KPMG with an “emphasis of matter” concerning continuity. The financial statements for 2011 were withdrawn, with KPMG’s consent, shortly before the publication of the financial statements for 2012 (in May 2013). The financial statements for 2012 were drawn up following the forensic investigation into the course of events at Imtech in Poland, Germany and the Netherlands carried out by De Brauw Blackstone Westbroek. The 2012 financial statements were also relevant to the share issue involving an amount of EUR 500 million, which was already announced at the time of the audit activities, which issue should take place immediately after adoption of the 2012 financial statements on 2 August 2013.

The bankruptcy trustees have already submitted disciplinary complaints against the relevant KPMG persons with respect to the audit activities performed in connection with the 2011 financial statements and also in connection with the activities performed within the context of the handling of the Promissory Note in the figures as on 30 June 2012.

The new disciplinary complaint concerning the audit of the 2012 financial statements including the developments that occurred after the balance sheet date in 2013 until the publication date does not concern subjects referred to in the disciplinary complaint concerning the figures as on 30 June 2012. The complaints formulated at this time concern inter alia the manner in which the parties involved handled the cash pool debt of Imtech Poland to Imtech Germany of EUR 102 million as on 31 December 2012. The irrecoverable claim of Imtech Germany against Imtech Poland is not stated in the annual report or in the Report to Shareholders. The bankruptcy trustees furthermore complain about the manner in which the parties involved audited the write-downs performed in 2013 with respect to work in progress and claims against debtors of Imtech Poland and Imtech Germany amounting to a total of EUR 370 million. The bankruptcy trustees illustrate this by means of the required write-downs at Schiffbau Dockbau that became known during the first share issue in July 2013 and by means of the write-downs concerning the Berlin airport project (BBI). The fact that these projects were not audited adequately means that the write-down of a total of EUR 370 million was too low and that very substantial write-downs were performed as yet in respect of these projects against the 2013 financial year.

The bankruptcy trustees also complain about the manner in which the parties involved handled the capitalised goodwill in the Royal Imtech N.V. balance sheet and the failure to apply impairments as at the

end of 2012 at the Nordics division and the Marine division. The bankruptcy trustees establish that the cash-generating units were not determined at the correct level in accordance with IAS 36, but were determined by Royal Imtech N.V. and KPMG wrongly at division level.

The bankruptcy trustees also complain about the manner in which the parties involved have performed the audit activities within the context of the assessment of the continuity of Royal Imtech N.V., in which connection the bankruptcy trustees are of the opinion that the parties involved performed too few audit activities to be able to limit themselves to the going-concern qualification in the audit opinion. The bankruptcy trustees also complain about the manner in which the off-balance sheet liabilities were investigated.

KPMG employed an Engagement Quality Reviewer (OKB) who was charged with auditing the audit activities performed by the lead partner and the engagement partner on the basis of the law (Section 14 WTA). For 2012 this concerned a different KPMG partner than for 2011. The bankruptcy trustees are of the opinion that this OKB too did not perform the required activities with the required professional-critical attitude and did not act as may be expected of a reasonably competent auditor, acting reasonably. A disciplinary complaint was submitted against this partner as well.

The Accountancy Divisions has since determined that these persons have until 31 December 2019 to respond to the complaints.

#### Fifteenth report

*The hearing concerning this disciplinary complaint regarding audit activities by the end of 2012 and the disciplinary complaint concerning the review activities on 30 June 2012 whose litigation had already been completed in full in writing and concerning the Fraud Letter ex COS 240 issued and withdrawn in 2012 will take place in the summer of 2020. The Accountancy Division has not yet determined a date for the hearing.*

#### NAI arbitration KPMG - bankruptcy trustees

KPMG Accountants N.V. ("KPMG") submitted an arbitration request to the Netherlands Arbitration Institute (NAI) against the Royal Imtech N.V. bankruptcy trustees on 14 November 2018. The reason for the request is the extrajudicial annulment of the settlement agreement concluded between Royal Imtech N.V. and KPMG on 7 October 2014 by the Royal Imtech N.V. bankruptcy trustees. In addition, KPMG takes the position that the Royal Imtech N.V. bankruptcy trustees acted in contravention of the settlement agreement by claiming documents from KPMG in preliminary relief proceedings in 2017 on the basis of

Section 843a of the Dutch Code of Civil Procedure (Rv) and by submitting in 2018 disciplinary complaints 2011 and 2012 part 1 against auditors (previously) employed at KPMG. KPMG claims compensation among other things. The Royal Imtech N.V. bankruptcy trustees take the position that the arbiters are not competent to render a decision concerning this issue and/or that KPMG's claims should be rejected.

#### Thirteenth report

The bankruptcy trustees are preparing a statement of defence, which will be submitted on 3 April 2019.

#### Fourteenth report

A hearing before the NAI will take place on 24 June 2019 concerning KPMG's power to submit the claims against the bankruptcy trustees. The bankruptcy trustees argue that they exercise their own rights on behalf of the various assets against KPMG, while according to KPMG the bankruptcy trustees are bound by the settlement agreement concluded between Royal Imtech N.V. and KPMG on 7 October 2014.

#### Fifteenth report

*The arbitral tribunal dismissed the motion contesting jurisdiction submitted by the bankruptcy trustees in an interim arbitral award dated 31 July 2019 and declared itself competent to take cognisance of KPMG's claims. Both parties were allowed to submit a statement on 30 September 2019. The bankruptcy trustees take cognisance of KPMG's claims regarding the setting aside of the settlement agreement invoked by them and KPMG regarding the alleged breach of the settlement agreement by the Bankruptcy trustees.*

#### 7.4 Payment obligation in respect of shares:

Under investigation. The most recent (rights) issue took place in October 2014.

#### 7.5 Mismanagement:

Under investigation

#### Second report

The bankruptcy trustees have started a causal investigation into the actions of directors and supervisory directors in the period 2010 - 2015. This is not expected to be reported on in more detail until the investigation report from the bankruptcy trustees has been finished.

#### Third report

No changes to the above for the time being; the investigations mentioned are still ongoing.

#### Sixth report

The aforementioned investigations continue.

#### Tenth report

The aforementioned investigations continue.

#### Eleventh report

The investigations continue.

The bankruptcy trustees took note of the two different judgments dated 14 August 2018 of the Trade and Industry Appeals Tribunal (Cbb) concerning the appeals of supervisor AFM in the cases against the former CEO (Van der Bruggen) and former CFO (Gerner) of Royal Imtech N.V. (ECLI:NL:CBB:2018: 400 or ECLI:NL:CBB:2018:401).

The Cbb held among other things that the parties involved effectively managed a breach of Section 5:58, first subsection, opening lines and under d, of the Financial Supervision Act. Stated succinctly, this section concerns the dissemination of information that sends an incorrect or misleading signal, while the party disseminating this information knows or should suspect within reason that the information is incorrect or misleading.

Similarly to the second series of disciplinary complaints submitted previously against KPMG accountants by the bankruptcy trustees, the relevant information concerns among other things information related to the advance payment that had been presented of EUR 147.6 million to Imtech Poland before 30 June 2012 concerning the Polish AWW project.

#### Fourteenth report

The investigations continue.

#### Fifteenth report

*The investigations continue. The bankruptcy trustees have taken note of the judgment in preliminary relief proceedings of 9 September 2019 in which it was held that insurer CNA is obliged to pay the costs of conducting a defence on the part of the former supervisory directors so that they will respond to draft reports from the bankruptcy trustees sent previously within the context of hearing both sides of the argument.*

- 7.6 Fraudulent conduct in respect of creditors:  
Under investigation

Second report

The bankruptcy trustees have started an investigation into the furnishing of security to the Lenders in the years 2013 - 2015.

The bankruptcy trustees are not expected to issue a more detailed report on this until the full investigation into the establishment of security is concluded and has been discussed with the Lenders.

Twelfth report

Refer to the 11th report for previous communications. The investigation into the security provided is still ongoing and is expected to take some time yet in view of its scope.

Thirteenth report

The investigation continues. The bankruptcy trustees engaged external experts for this purpose as well.

Fourteenth report

The investigation continues. The bankruptcy trustees expect to be consulting with the Security Agent (and the Lenders) regarding procedural arrangements in the coming period.

Fifteenth report

*The investigation continues. The bankruptcy trustees engaged external experts for this purpose as well. Consultation concerning procedural arrangements has not yet taken place.*

- 7.7. Proceedings

Refer to the 11th report for previous communications.

**Vinci** (NAI proceedings)

The bankruptcy trustees refer to the content of the 9th liquidation report for the run-up of these proceedings.

Tenth report

Due to circumstances at the Arbitral Tribunal, the hearing concerning the defence of inadmissibility put forward by the bankruptcy trustees and the dispute between the parties concerning the scope of the

appointment of the arbiters could not take place on 30 May 2018. The hearing between the bankruptcy trustees and Vinci concerning the above-mentioned points of dispute will take place on 18 June 2018.

#### Eleventh report

The hearing concerning the admissibility matter and the dispute between the parties concerning the scope of the appointment of the arbiters between the bankruptcy trustees and Vinci took place on 18 June 2018. The bankruptcy trustees and Vinci reached agreement during that hearing as regards the dispute concerning the validity of the appointment of the arbiters. In view of the financial issues of this case, one of the arbiters is replaced with an arbiter with a financial background at the request of the bankruptcy trustees.

The interim award of the Arbitral Tribunal concerning the admissibility matter followed on 3 August 2018. The Arbitral Tribunal held that Vinci's claims could be admissible subject to certain conditions. The award rendered by the Arbitral Tribunal concerns a provisional opinion.

#### Twelfth report

The arbitration proceedings will now be continued substantively. The bankruptcy trustees discussed with the Lenders' lawyer who will be providing what form of legal assistance. They jointly nominated a new arbiter for this substantive phase. Arrangements were then made concerning the manner in which the arbitration proceedings will be handled substantively and what terms apply in this connection. These arrangements were adopted by the Arbitral Tribunal on 19 November 2018 in a Procedural Order. The parties have since started making preparations for the substantive handling of the dispute.

#### Thirteenth report

Vinci submitted the statement of claim to the NAI toward the end of January 2019. The claims were changed again in part, but Vinci still claims more than the amount that remains in escrow of over EUR 24,000,000. The Lender allege a right of pledge in respect thereof. The bankruptcy trustees and their lawyer together with the Lenders' lawyers are preparing a statement of defence that will be submitted on 21 May 2019. An oral hearing will be held in November 2019.

#### Fourteenth report

The bankruptcy trustees submitted their Statement of Defence on 21 May 2019. Vinci has until 16 July 2019 to submit a Statement of Reply. The bankruptcy trustees will then have until 10 September 2019 to submit a Statement of Rejoinder. The hearing has been placed on the agenda for 6, 7 and 8 November 2019.

#### Fifteenth report

*The bankruptcy trustees have studied the Statement of Reply they received with the aid of external experts and submitted their response on 10 September 2019 by means of the Statement of Rejoinder. The hearing will be prepared and take place during the next reporting period. The bankruptcy trustees continue to contest the jurisdiction of the arbiters and the admissibility of the case.*

#### **Bruscom**

##### Eleventh report

See the 10th liquidation report for the course of these proceedings.

The investigation into the possibility of recovering further losses from Bruscom is still ongoing.

#### **Art collection**

##### Eighth report

Proceeds from the art collection: the proceeds from the auction of the works of art were deposited into an escrow account while awaiting a solution between the Lenders (as alleged pledgees) and the bankruptcy trustees. The bankruptcy trustees contested the lawfulness of the right of pledge and annulled the right of pledge extrajudicially. After the expiry of the escrow period, the Security Agent requested payment on behalf of the Lenders. The Imtech Building Services B.V. bankruptcy trustee (Hamm) also claims the proceeds from the art collection and levied prejudgment attachment against the escrow agent and indicated that the bankruptcy trustees will be summoned in this connection. The bankruptcy trustees continue to consult with the parties in order to settle these matters amicably if possible.

##### Ninth report

The trustee of Imtech Building Services B.V. (Hamm) summoned the Trustees as from 14 March 2018 (in addition to the Security Agent and the Escrow Agent). It has not been possible so far to reach agreement with all parties involved concerning the division of the proceeds from the art collection. The trustees appointed counsel and will conduct a defence against the claim of the trustee of the Imtech Building Services B.V. The Security Agent did not join the proceedings.

##### Tenth report

The bankruptcy trustees presented their statement of defence on the cause list of 13 June 2018. The bankruptcy trustees expect that the District Court will order a personal appearance of the parties.

##### Eleventh report

The District Court ordered a hearing (personal appearance of the parties) for 28 November 2018.

#### Twelfth report

A personal appearance of the parties was to take place on 28 November 2018. It was deferred because the Royal Imtech N.V. bankruptcy trustees and those of Imtech Building Services and the Lenders are consulting with each other regarding a possible settlement with respect to the division of the proceeds that were realised.

#### Thirteenth report

The bankruptcy trustees have decided they will follow a mediation process in this connection. The fellow defendant Security Agent has been asked to cooperate therein.

#### Fourteenth report

The Security Agent (on behalf of the Lenders) did not designate a lawyer for the pending proceedings and the mediation that is currently ongoing. Mediation has not yet been completed.

#### Fifteenth report

*The bankruptcy trustees reached agreement with the bankruptcy trustee of Imtech Building Services and with the lawyers of the Security Agent and Lenders regarding a settlement, but the Lenders have not yet granted their final approval. The creditors' committee issued a positive opinion concerning this proposed settlement.*

### **Disciplinary complaints against lawyers**

#### Thirteenth report

The bankruptcy trustees submitted four complaints in the summer of 2018 to the (deputy) Dean of the Amsterdam Bar Association against De Brauw Blackstone Westbroek.

The lawyers involved submitted their statements of defence at the end of December 2018. The lawyers in question rejected the bankruptcy trustees' complaints with reasons. The bankruptcy trustees responded by the middle of March 2019. The lawyers involved will now be afforded the opportunity to rejoin. A member of the Supervisory Council of the Amsterdam Bar Association will then consider the complaints and provide advice in respect thereof to the bankruptcy trustees. It will then be assessed whether the complaints will be handled orally before the Board of Discipline.

#### Fourteenth report

The bankruptcy trustees hope to receive the Rejoinder in the four disciplinary cases by 24 June 2019 at the latest. These documents will then be studied. It will then be assessed per complaint whether advice from the Dean is to follow; what content it should have and whether the disciplinary complaints should be forwarded to the Board of Discipline.

### **8. Creditors**

#### 8.1 Costs of the liquidation:

Since the date of the moratorium, the bankruptcy trustees have engaged various advisors, for example in the context of the (digital) storage and analysis of the administration, as well as a communications firm, M&A advisors, etc. These costs are paid directly from the liquidation assets, being costs related to realisation of the bankruptcy.

#### Fourteenth report:

Due to these costs and the related VAT, the assets have submitted an interim VAT return that was handled by the Tax and Customs Administration in accordance with the return.

#### 8.2 Claims against the bankrupt company:

#### Third report:

Three claims have been submitted against the bankrupt company to date, in the amount of EUR 2,018,906.83. The claims from the UWV on grounds of sections 61-68 of the Unemployment Insurance Act (WW) represent by far the lion's share of that amount.

#### Fifth report:

EUR 2,115,334.33 due to an additional UWV claim.

#### Sixth report:

EUR not changed when compared with the 5th report.

#### Eleventh report:

EUR 2,115,406.93 due to an additional accounts payable records claim.

#### 8.3 Claims from the tax authorities:

To date, the Tax and Customs Administration has submitted preferential claims in the amount of EUR 817,704.00.

Fourth report: EUR 14,960,145.00

Fifth report: EUR 14,142,441.00.

Sixth report: EUR 14,960,145.00.

Twelfth report

The tax authorities informed the bankruptcy trustees during the previous reporting period that they will settle their claim in part against a refund to the Royal Imtech tax entity amounting to EUR 582,783.00. The total claim submitted by the tax authorities therefore amounts at this time to EUR 14,377,362.00.

During this reporting period, the bankruptcy trustees submitted the corporation tax returns for 2014 and 2015. The Tax and Customs Administration accepted the returns and determined as loss offsettable against tax for Royal Imtech N.V. an amount of EUR 309,782,000 as at the end of 2014 and an amount of EUR 86,697,000 for 2015.

Thirteenth report

On 17 January 2019, the Tax and Customs Administration submitted a claim for an amount of EUR 10,643,432.50 pursuant to Section 19 Collection of State Taxes Act 1990 and notice of liability pursuant to Section 43 of the Collection of State Taxes Act. This is a claim from the Tax and Customs Administration for the turnover tax not paid by the Imtech entities.

8.4 UWV claims :

UWV has, to date, not submitted any claims (as yet). The bankruptcy trustees expect that UWV will still submit considerable claims in this bankruptcy.

Third report:

The UWV has since submitted various claims, including the claim against the bankrupt company in relation to the wage guarantee scheme.

Fourth report:

EUR 644,938.26

Fifth Report:

EUR 644,938.26 in preferential claims filed by the UWV and EUR 2,115,334.33 in estate claims.

Sixth report:

EUR not changed when compared with the 5th report

8.5 Other preferential creditors :

Twelfth report

Total in preferential claims submitted, with the exception of the tax authorities and the UWV:

EUR 702,134.72

8.6 Number of unsecured creditors: 133

Twelfth report: 156

Conditional creditors

HSH Nordbank AG submitted a conditional unsecured claim of EUR 6,629,232.87 in connection with a 'parental company guarantee'.

8.7 Amount of unsecured creditors :

Eleventh report:

Unsecured creditors: EUR 535,764,702.15

Contested unsecured creditors: EUR 3,165,824.26

8.8 Expected manner of settlement : not yet known

**Creditors' committee**

Twelfth report

Another meeting between the bankruptcy trustees and the members of the creditors' committee was held on 13 November 2018. The next meeting with the creditors' committee will take place on 12 March 2019.

Thirteenth report

The bankruptcy trustees obtained advice concerning a possible settlement with the fraud insurer and the German bankruptcy trustee, and the creditors' committee issued a positive opinion in respect thereof.

Progress was discussed further on 12 March 2019. The next meeting will take place on 20 September 2019.

#### Fifteenth report

*The bankruptcy trustees requested an opinion and received a positive opinion concerning the settlement relating to the art sale with the bankruptcy trustee of Imtech Building Services. The meeting with the creditors' committee, which was scheduled for 20 September 2019, will take place on 3 October 2019.*

#### Claims from former shareholders

The bankruptcy trustees point out to the shareholders who were shareholders of Imtech before 2013 that they may perhaps still be able to submit a claim to Stichting Schikkingsfonds Imtech because Fund 3 has not yet been paid. It is possible that Stichting Schikkingsfonds Imtech will take the position that claims from shareholders who were shareholders on 4 February 2013 will prescribe on 1 July 2018 in view of the publication of the Report to Shareholders on 18 June 2013 by Royal Imtech. This means that (former) shareholders of Royal Imtech N.V. may have an interest in submitting their claim to Stichting Schikkingsfonds Imtech as yet. Stichting Schikkingsfonds Imtech is not affiliated with the liquidation assets. The liquidation assets do have an interest in shareholders who claim compensation doing so as much as possible from Stichting Schikkingsfonds Imtech as this reduces Royal Imtech's debt burden to the extent shareholders have received or will receive payment from Stichting Schikkingsfonds. The bankruptcy trustees (hereby) do not make any statement concerning the legal validity of any claims from shareholders nor about the question whether Stichting Schikkingsfonds Imtech is obliged to handle new claims from (former) shareholders of Royal Imtech N.V. Claims from (former) shareholders against Royal Imtech N.V. do not prescribe during the term of the bankruptcy and may be submitted for verification via [www.crediteurenlijst.nl](http://www.crediteurenlijst.nl) (under Royal Imtech N.V.).

#### Fourteenth report

The bankruptcy trustees have learned via the media that the lawyers of Stichting Imtech Claim have summoned the banks and the (former) directors and supervisory directors in connection with improper conduct. The bankruptcy trustees are not involved in these proceedings. In theory, these claims compete with possible claims on the part of the bankruptcy trustees against these parties because recovery will have to be sought against the same assets or rights under insurance policies. The bankruptcy trustees furthermore consider it objectionable that this Foundation keeps 25% of the damages for the shareholders to be received and does not distribute this to the shareholders.

8.9. Provisional list total debt burden Royal Imtech N.V. et al.

#### Eleventh report

Comments:

- The RCF Lenders claim submitted was only included in this list for Royal Imtech N.V., but other Imtech companies also committed themselves jointly and severally;
- There may be rounding differences. This list may deviate in details;
- Tax debts are included in connection with tax entities.
- No verification meeting was held in any of the abovementioned bankruptcies as yet.
- No rights can be derived from this provisional list.

	<b><u>Assets</u></b>	<b><u>Size of the debt</u></b>
<b>Royal Imtech (corporate)</b>	EUR 9,236,529.57	
<u>Assets</u>		EUR 2,115,406.93
<u>Preferential</u>		EUR 16,307,217.98
<u>Unsecured</u>		EUR 176,183,175.23
<u>Bank (RCF)</u>		EUR 359,581,526.92
<u>Conditional</u>		-
<u>Contested</u>		EUR 3,165,824.26
<u>Noteholders (Estimate)</u>		EUR 350,000,000.00
<u>Guarantees (Estimate)</u>		EUR 540,000,000.00
<u>Bilateral (Estimate)</u>		TBD
<b><u>Imtech Capital</u></b>	EUR 3,650,011.68	
<u>Preferential</u>		
<u>Unsecured</u>		EUR 74,772,798.58
<u>Conditional</u>		
<u>Contested</u>		

<b>Imtech Group B.V.</b>	-	
<u>Preferential</u>		EUR 817,704.00
<u>Unsecured</u>		EUR 14,724.10
<u>Conditional</u>		
<u>Contested</u>		
<b>Imtech Benelux Group B.V.</b>	EUR 2,199,135.93	
<u>Preferential</u>		-
<u>Unsecured</u>		EUR 36,843.15
<u>Conditional</u>		-
<u>Contested</u>		-
<b>Imtech Nederland</b>	EUR 2,088,274.64	
<u>Assets</u>		EUR 1,911,659.80
<u>Preferential</u>		EUR 597,638.42
<u>Unsecured</u>		EUR 16,452,409.79
<u>Conditional</u>		-
<u>Contested</u>		-
<b>Imtech Building Services</b>	EUR 15,687,961.04	
<u>Assets</u>		EUR 12,685,784.88
<u>Preferential</u>		EUR 11,586,321.00
<u>Unsecured</u>		EUR 40,077,556.00
<u>Conditional</u>		-
<u>Contested</u>		-
<b>Imtech Industrial Services</b>	EUR 11,323,495.99	
<u>Assets</u>		EUR 6,807,846.38
<u>Preferential</u>		EUR 4,075,860.00
<u>Unsecured</u>		EUR 2,833,802.46
<u>Conditional</u>		
<u>Contested</u>		
<b>Imtech Arbodienst (In Liquidation)</b>		
<u>Preferential</u>		
<u>Unsecured</u>		
<u>Conditional</u>		
<u>Contested</u>		
<b>Imtech Automation Solutions</b>	EUR 28,269.91	
<u>Assets</u>		EUR 32,717.85
<u>Preferential</u>		EUR 50,582.18
<u>Unsecured</u>		EUR 14,007.45
<u>Conditional</u>		
<u>Contested</u>		
<b>Imtech B.V.</b>	-	
<u>Assets</u>		EUR 105,968.47
<u>Preferential</u>		EUR 41,753.93

Unsecured		EUR 436,704.06
<u>Conditional</u>		
<u>Contested</u>		
<b><u>Imtech BPI B.V.</u></b>	-	
<u>Preferential</u>		EUR 76,154.34
<u>Unsecured</u>		EUR 44,185.82
<u>Conditional</u>		-
<u>Contested</u>		-
<b><u>Imtech Deutschland B.V.</u></b>	-	
<u>Preferential</u>		-
<u>Unsecured</u>		EUR 34,000.06
<u>Conditional</u>		-
<u>Contested</u>		-
<b><u>Imtech SSC B.V.</u></b>	EUR 62,846.40	
<u>Assets</u>		EUR 73,234.48
<u>Preferential</u>		EUR 57,699.09
<u>Unsecured</u>		EUR 25,173.62
<u>Conditional</u>		
<u>Contested</u>		
<b><u>Imtech UK Group B.V.</u></b>	EUR 14,251,993.96	
<u>Preferential</u>		-
<u>Unsecured</u>		-
<u>Conditional</u>		-
<u>Contested</u>		-
<b><u>Totals</u></b>	<b>EUR 58,528,519.12</b>	<b>EUR 1,621,016,281.23</b>
<b><u>Estimated consolidated deficit</u></b>	-	<b>EUR 1,562,487,762.11</b>
<i><u>Possible additional claims</u></i>		
Claims in connection with claims issue (in connection with banks)		EUR 318,000,000.00
Claim in connection with annulment sale pledged participations		EUR 182,100,000.00
Claim in connection with annulment of IT sale		EUR 200,000,000.00
Claim in connection with annulment claims issue		EUR 185,000,000.00
Claim in connection with pledge difference (Vinci, art, etc.)		EUR 47,400,000.00

### Thirteenth report

Approximately 20 USPP Noteholders submitted their individual claims jointly in March 2019. They still claim the rights of pledge that were declared void extrajudicially by the bankruptcy trustees. It does not make an essential difference as regards the outstanding debts, because these claims were already estimated in the previous statement.

## **9. Other**

### 9.1 Period for winding up:

Unknown

### 9.2 Permissions from delegated judges:

In these bankruptcies, permission was obtained for the following acts by the bankruptcy trustees:

- Termination of lease: as of the bankruptcy date
- Dismissal of employees: as of the bankruptcy date
- Sale of assets (including shares in subsidiaries): various dates
- Appointment of experts / art experts for valuations: various dates
- Appointment of experts / financial experts to support the bankruptcy trustees in the investigation into the causes: various dates
- *Appointment of experts/financial experts for support during the actio pauliana investigation.*
- *Appointment of experts/financial experts for support during the Vinci arbitration regarding the sale of the IT division in 2014.*
- *Appointment of experts for submission of disciplinary complaints against lawyers.*

### Twelfth report

The updated list is as follows:

- sale and/or liquidation of and/or bankruptcy petitions for other Imtech entities;
- investigation into the group's physical and digital data;
- investigation into the (financial) accounts;
- investigation into cash sweeps by banks in seven cash pools;
- investigation into the causes of the bankruptcy;
- investigation into assets;
- investigation into possibly fraudulent and unlawful transactions, withdrawals,

- group transactions and possible directors' and officers' liability or third-party liability;
- investigation into financing and security;
- investigation into irregularities in Poland and Germany that are already known and the settlement of insurance matters in that respect;
- investigation into the settlement of numerous claim files with insurers;
- making a list of creditors;
- discussion expiration of bank guarantees and expiration of Parent Company Guarantees;
- settlement of earn-out scheme for sale of Imtech Poland shares;
- conducting Vinci arbitration;
- disciplinary complaint proceedings against 3 persons responsible for the audit and EQCR for the 2011 financial year
- consultation with Hamm in his capacity as such and the Lenders concerning the division of the proceedings from the art collection.

#### Thirteenth report

The above list is unchanged.

#### Fourteenth report

- Supplement the abovementioned points with:
- Disciplinary complaint procedure before the Accountancy Division against 2 persons responsible for the review of the 2012 semi-annual figures;
- Disciplinary complaint proceedings before the Accountancy Division against 3 persons responsible for the audit and EQCR for the 2012 financial year;
- Disciplinary complaint proceedings against 4 DBBW lawyers;
- NAI arbitration proceedings initiated by KPMG against the bankruptcy trustees concerning the Consequences of a settlement agreement concluded before the bankruptcy.

#### 9.4 Delisting of the shares of Royal Imtech N.V.

See the seventh report.

#### 9.5 Determination of the bankruptcy trustee salaries and audit of the liquidation account

Twelfth report

In view of the scope and complexity of this bankruptcy, the District Court determines each month the provisional remuneration of the bankruptcy trustees and their colleagues on the basis of a remuneration request submitted, specified and substantiated by the bankruptcy trustees. This monthly advance amounts each time to approximately 90% of the remuneration requested. The District Court determines the remuneration definitively each year following advice from the delegated judges. The definitive determination took place up to and including 2017. Refer to the 11th report for previous communications about this subject.

Thirteenth report

Status unchanged.

Fourteenth report

The remunerations of the bankruptcy trustees were determined definitively by the Court up to and including October 2018.

9.6 Submission of next report : the next report will be submitted and published three months from now.

Rotterdam, 20 September 2019

P.J. Peters and J.G. Princen, bankruptcy trustees