

**PUBLIC BANKRUPTCY REPORT
& REPORT UNDISCLOSED PERIOD (PROSPECTIVE BANKRUPTCY TRUSTEE)**



Amsterdam Trade Bank

REPORT NO. 3

23 November 2022

Company	:	Amsterdam Trade Bank N.V. (" ATB ") <i>also trading under the names ATBANK, ATBConnect, ATBSavings, FIBR and FIBR Bank</i>
Chamber of Commerce number	:	33260432
Bankruptcy number	:	F.13/22/77
Appointment date prospective bankruptcy trustee	:	14 April 2022
Date of bankruptcy order	:	22 April 2022 at 17:00 hrs
Supervisory judge	:	C.H. Rombouts
Bankruptcy trustees	:	J.E.P.A. van Hooff & D.D. Nijkamp
Reporting period	:	22 August 2022 to 22 November 2022
Hours spent in reporting period	:	1,597.00 hours
Balance as at end of reporting period	:	€83,479,007.87

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0. PRELIMINARY REMARKS

0.1 General

First bankruptcy report:

This is the first public bankruptcy report in the bankruptcy of Amsterdam Trade Bank N.V. ("**Amsterdam Trade Bank**" or "**ATB**"). In this report, Mr Van Hees and Mr Van Hooff, in their capacity as ATB's bankruptcy trustees ("**Bankruptcy Trustees**"), give a global overview of the developments in ATB's bankruptcy over two periods:

- (i) the undisclosed period during which Mr Van Hees was appointed by the District Court as prospective bankruptcy trustee (14 April 2022 to 21 April 2022, ("**Undisclosed Period**"); and
- (ii) the first reporting period in the bankruptcy (22 April 2022 to 20 May 2022, "**First Reporting Period**").

This bankruptcy report is intended to provide information to interested parties under Section 73a of the Dutch Bankruptcy Act ("**DBA**"). The bankruptcy of ATB is legally and financially complex and this report therefore presents the current state of affairs in a simplified manner and in broad outline. This report is not a financial statement or prospectus. No rights may be derived from this bankruptcy report. Nothing in this report will be construed as acknowledging liability or waiving any rights.

The Bankruptcy Trustees emphasise that the information in this report is subject to further investigation, originates (in large part) from third parties and may not be complete or accurate. It cannot be ruled out that further investigation will yield new or different information which will require subsequent adjustment.

ATB has a banking licence (now revoked) and is supervised by De Nederlandsche Bank N.V. (the Dutch Central Bank, "**DNB**"). As it concerns the bankruptcy of a bank, the Bankruptcy Trustees have regular consultations with DNB on the progress of the bankruptcy, whereby much attention is paid to the special complexity inherent in the bankruptcy of a bank, the concurrence of financial regulatory law and sanctions regulations, the settlement of the claims of account holders and the implementation of the deposit guarantee scheme, as well as the application and execution of financial regulatory rules that apply to ATB as a supervised institution.

The supervisory judge has agreed that, in order to enhance readability and comprehensibility, the reporting takes a different form than usual.

Public reports are published in the Central Insolvency Register (<http://insolventies.rechtspraak.nl>). This report and subsequent reports will be published in Dutch and in English. The English translation of this report is an informal translation; the original Dutch text will prevail at all times.

In conducting their activities, the Bankruptcy Trustees make use of the (advisory) services of KPMG Advisory N.V., KPMG Accounting N.V. (jointly "**KPMG**"), Ysquare B.V. and some foreign advisors.

Second bankruptcy report:

This second public bankruptcy report and all subsequent bankruptcy reports build on the first bankruptcy report. As usual with bankruptcy reports, the text from previous reports remains

visible and an update is given for each bankruptcy report. Where necessary, new topics are added. In this second bankruptcy report and all subsequent reports, headings such as those above will clearly indicate to which bankruptcy report the text belongs. If no heading is included, the text belongs to the first public bankruptcy report.

In view of the large number of creditors in ATB's bankruptcy, the Bankruptcy Trustees have obtained permission from the supervisory judge to inform creditors about developments in the bankruptcy through a dedicated bankruptcy website. This website is currently 'live' and can be accessed via <https://www.fibr.com/nl-nl> and <https://www.atbank.nl>. On the website, creditors can find updates and answers to frequently asked questions (*FAQ*). The Bankruptcy Trustees emphasise the importance of regularly consulting this website.

Third bankruptcy report:

On 1 September 2022, forty years after his swearing-in as a lawyer, A. van Hees retired from the legal profession. He has therefore been replaced at his request by D.D. Nijkamp as bankruptcy trustee. From this third report onwards, "**Bankruptcy Trustees**" means J.E.P.A. van Hooff and D.D. Nijkamp in their capacity as Bankruptcy Trustees of ATB.

0.2 Background and general policy

First bankruptcy report

ATB is a Dutch bank with a balance sheet total of approximately EUR 1 billion and a majority Russian shareholder (Alfa-Bank). A bank is a complex organisation that must also comply with detailed requirements stemming from banking regulations. These include requirements relating to the bank's business operations, the management of the bank's assets and liabilities, and the detailed periodic reporting thereon to DNB.

ATB had previously (in 2012-2016) run into problems due to irregularities that mainly consisted of not (properly) complying with obligations under the Money Laundering and Terrorist Financing (Prevention) Act, which is still the subject of a criminal investigation. As a result, it has had to part with a substantial part of its loan portfolio and, consequently, write off a very substantial amount. ATB survived this thanks to the support of its shareholders and by adjusting its business model. At the time of the bankruptcy order, it was still in the process of building up to that new business model. In its own view, ATB had made good progress and the new business model would have been successful. However, in the last few years before its bankruptcy, ATB still recorded a loss every year.

The Bankruptcy Trustees have the preliminary impression that ATB was well capitalised. At the time of the bankruptcy order, it had equity of EUR 216 million on a balance sheet total of EUR 953 million, or an equity ratio of over 22%. The first impression of the Bankruptcy Trustees is that ATB's loan portfolio is also of reasonably good quality. According to ATB, it was therefore not the aforementioned losses that led to ATB's bankruptcy, but the international sanctions that were imposed on Russian parties and also affiliated parties, including ATB, in connection with the war in Ukraine. These sanctions have made ATB's business operations almost impossible.

For example, ATB was almost completely disconnected from all payment systems, including its accounts with fellow banks and the SEPA-system, as a result of which payment orders were not executed and payments to ATB were blocked and thereby partly 'trapped' in the payment system. ICT systems crucial to its business operations were also largely unavailable to ATB. Employees with US or UK nationality could no longer perform work for ATB and contractors were not allowed to use systems that were wholly or partly of US or UK origin

when providing services to ATB. As ATB was no longer able to run its business, it could no longer meet its obligations. Therefore, bankruptcy was inevitable.

The bankruptcy of a bank, a financial institution, is in itself complex. Its business operations do not involve physical products, but often complex financial transactions and structures involving multiple parties from multiple jurisdictions. The Bankruptcy Trustees have had to familiarise themselves with the organisation, the daily operations and the business of ATB in all its facets within a very short time. Moreover, even when a financial institution is in bankruptcy and apart from the supervision already exercised by the supervisory judge under the Bankruptcy Act, it must comply with numerous financial regulatory requirements, which are often not tailored to such circumstances. In the liquidation of ATB, the Bankruptcy Trustees must therefore implement (a large part of) those regulatory obligations and at the same time comply with the rules of the Dutch Bankruptcy Act.

Added to this complexity in this case are the blockages caused by the sanctions regulations of various countries in the liquidation. Unfortunately, the sanctions regulations do not in principle provide for an exemption for the actions that a bankruptcy trustee in the bankruptcy of a sanctioned entity must take in order to properly liquidate the bankrupt entity. However, the Bankruptcy Trustees have obtained temporary dispensation from the sanctions imposed on ATB by the US and the UK sooner than they would have expected based on advice received. The Bankruptcy Trustees are expected to require more time for liquidation than they have now been granted by the US and UK authorities and will seek to obtain that additional time.

The Bankruptcy Trustees will of course make every effort to liquidate ATB's assets within the time limits set by the US and UK authorities. If that proves impossible on acceptable terms, they will have to find another solution. This report will provide further elaboration on this.

Although ATB's liquidation is complex and surrounded by many uncertainties, the Bankruptcy Trustees currently expect that it will be possible to satisfy a significant proportion of ATB's creditors and, in the most favourable scenario, even all of them. It is unclear how long this liquidation will take. It is too early to express an opinion on this.

The Bankruptcy Trustees already have a considerable amount of liquid assets at their disposal. A negative interest rate is currently payable on this. On the other hand, ATB owes a substantial amount in respect of savings and deposits placed with it. The largest part of this has been taken over by the Deposit Guarantee Fund. ATB also owes interest on these deposits. So, in fact ATB pays double interest. It is therefore logical that the Bankruptcy Trustees will attempt to pay out a significant part of the currently available liquid assets in the short term. The Bankruptcy Trustees are already consulting with the supervisory judge on a substantial distribution to the Deposit Guarantee Fund, as important creditor with high privilege.

Third bankruptcy report:

This reporting period, the Bankruptcy Trustees have made a fourth interim distribution to the Deposit Guarantee Fund. The Bankruptcy Trustees have also made a first interim distribution to account holders who on the date of the bankruptcy had a balance exceeding EUR 100,000. These creditors have received 85% of the claim in excess of EUR 100,000. To date, the Bankruptcy Trustees have paid out a total of EUR 667,131,136.55 to the Deposit Guarantee Fund and EUR 12,910,089.80 to account holders with a balance exceeding EUR 100,000. See paras 8.3, 8.4 and 8.7 for a further explanation.

Negative interest will no longer be charged on the credit balance on the estate account. The Bankruptcy Trustees are receiving modest interest on the credit balance.

0.3 Regulatory

Second bankruptcy report:

On 20 July 2022, the European Central Bank ("**ECB**") revoked ATB's banking licence. An appeal period is still open. The revocation will in principle become irrevocable on 31 August 2022, after which ATB's registration as a bank will be cancelled.

Following the revocation of the banking licence by the ECB, DNB issued a liquidation licence to ATB in accordance with Section 1:104(3) Financial Supervision Act on 20 July 2022. This means that ATB remains under the supervision of DNB and ATB is wound up pursuant to Section 1:104(2) Financial Supervision Act. See also the registration of ATB in DNB's Public Register: <https://www.dnb.nl/openbaar-register/registerdetailpagina/?registerCode=WFTKF&relationNumber=B0222>)

One of the direct consequences of the ECB's revocation of the banking licence is that ATB is no longer allowed to conduct any new regulated activities as of 20 July 2022. This means, for example, that ATB is no longer allowed to accept deposits and other repayable funds, to grant loans or to provide payment services.

In addition, ATB must comply with a limited(er) number of supervisory rules under the liquidation licence. In short, in view of the limited remaining activities of ATB, DNB allows ATB to fulfil the requirements for safeguarding controlled and sound operational management in a proportionate manner. ATB must continue to comply in full with the requirements under the Money Laundering and Terrorist Financing (Prevention) Act and the Sanctions Act.

As a result of the liquidation licence, ATB is subject to an adjusted reporting regime as per 20 July 2022. The Bankruptcy Trustees and DNB remain in regular contact regarding the progress of the liquidation.

Third bankruptcy report:

The Bankruptcy Trustees have appointed an external compliance officer to work with the Bankruptcy Team in carrying out the supervisory work under the liquidation licence. This compliance officer worked as head of Integrity and Compliance at ATB before its bankruptcy, which means that he can perform his work efficiently for the Bankruptcy Trustees. The Bankruptcy Trustees and DNB remain in regular contact regarding the progress of the liquidation.

0.4 Main developments in reporting period

Second bankruptcy report:

Impact of the sanctions

ATB has direct and indirect Russian shareholders. As explained in the first report, the Bankruptcy Trustees' preliminary assessment is that, among other things, the sanctions imposed on a large number of Russian parties in connection with the Russian invasion of Ukraine, including ATB itself and some of its (indirect) shareholders, have led to ATB's bankruptcy. This concerned in particular the sanctions imposed by the United States and the United Kingdom. The sanctions resulted, for example, in ATB's inability to use certain

(crucial) administrative systems and (crucial) payment systems. Orders for payment to or by ATB were no longer executed and many parties refused to provide (crucial) services to ATB or to conduct transactions with it. In addition, deposits and savings invested with ATB were claimed by account holders.

It was notable that even parties that were not formally bound by the sanctions, for instance because they were established or operated in another jurisdiction than the UK or the US, nevertheless complied in practice. This was often due to a lack of clarity about the content of the measures, but often also out of fear of reputational damage or, as a sanction breaker, of being hit by sanctions themselves at some point.

The aforementioned consequences of the sanctions also emphatically made themselves felt during bankruptcy in the administration and liquidation of the assets of ATB, and this in several ways. Firstly, even during the bankruptcy, many parties proved unwilling or extremely reluctant to provide services to or conduct transactions with the estate. Naturally, the Bankruptcy Trustees requested waivers (licences) from the sanctions for the settlement of the estate from the relevant authorities in the US and the UK. As explained in para **Error! Reference source not found.** below, these were obtained to a significant extent but always for a limited time. Also, these exemptions were not always unequivocal and discussions could arise about whether they covered all activities that were necessary to properly liquidate the estate. This, in combination with the aforementioned reluctance of many parties to do business with parties with Russian ties, made the administration and liquidation of the estate complex, also in the past reporting period.

Effects of the sanctions on the administration and liquidation of the estate

The sanctions also affect the administration and liquidation of the estate in various ways. Because the licences obtained by the Bankruptcy Trustees were limited in duration and they could not count on renewal, they sought to sell as many assets as possible in the short term - within the term of the waivers granted (the *OFAC licence* expired on 12 July 2022). The alternative would have been that, as a result of the sanctions, the assets might not be sold and would have had to be kept in portfolio for a long time. The Bankruptcy Trustees would then potentially have to manage those assets (a loan portfolio with structured and unstructured loans to a large number of parties in different countries) for a long time. In a bankruptcy of one party under sanctions, this would be extremely complex, if not impossible. On the other hand, the Bankruptcy Trustees wanted to avoid a "fire sale".

In the end, the Bankruptcy Trustees managed to sell most of ATB's loan portfolio or reach an early repayment agreement with the relevant borrowers. In doing so, the Bankruptcy Trustees had to grant discounts in the range of 2-15%, depending on the liquidity of the loans involved, the currency, the agreed interest rate, the quality of the debtor, the security provided and other factors. In total, the Bankruptcy Trustees have realised proceeds from the sale of assets - including ATB's bond portfolios - of approximately EUR 522 million as at mid-August 2022. The Bankruptcy Trustees have been advised by KPMG.

Main assets still to be liquidated

The Bankruptcy Trustees currently have a limited amount of loans in portfolio that, for various reasons, cannot be sold at the moment or not on acceptable terms. This concerns approximately 25 million in EUR loans, 43 million in USD loans and 34 million in GBP loans. Most of these loans have a relatively short maturity, up to September 2024 at the latest. If these loans can still be sold in the coming period on acceptable terms, the Bankruptcy Trustees will of course do so. To the extent that this is not possible, the Bankruptcy Trustees will largely service these loans themselves until maturity. In addition, ATB has balances

totalling just under EUR 17 million on accounts with three different banks which have been blocked in connection with the sanctions. The Bankruptcy Trustees are trying to get these balances released to the estate.

Debt to Deposit Guarantee Fund almost completely settled

In a regular bankruptcy, a creditor cannot claim interest owed by the bankrupt entity during the bankruptcy (Section 128 Bankruptcy Act). In the bankruptcy of a bank, however, this is possible (Section 212rc Bankruptcy Act). This means that a bankruptcy trustee has to take this interest into account and try to limit this interest debt as much as possible.

After the sale of a significant part of the assets of ATB, there was a total amount of liquid assets available of approximately EUR 747 million. The estate owed a (negative) interest of 0.5% on those liquid assets. In fact, the estate had a double interest burden: the obligation to pay interest to the creditors of ATB and the obligation to pay interest on the available cash. The Bankruptcy Trustees have significantly reduced these interest charges by paying a total of approximately EUR 660 million from the bankruptcy to the Deposit Guarantee Fund (DGF), thereby servicing virtually all of the debt to that fund. The Bankruptcy Trustees were able to make this distribution because a privilege is attached to this debt (Section 212ra Bankruptcy Act) and the law allows a claim to be satisfied if there is sufficient likelihood that it will be verified and the interim distribution will not be at the expense of other creditors (Section 212rd Bankruptcy Act). These conditions were met in this case.

IT infrastructure

As a banking company, ATB did not produce physical products but granted loans and attracted savings to finance those loans. Its entire business was conducted with a complex set of different interconnected IT systems from a number of different suppliers. Keeping those systems up and running was extremely costly, given the licence fees and the specialised employees required. Some of the functions of those systems were also no longer needed after the bankruptcy. In addition, the Bankruptcy Trustees could not count on continuing to have access to the necessary employees. The Bankruptcy Trustees therefore decided to set up an entirely new, highly simplified IT system and to terminate almost all existing IT contracts. The new system is, in principle, capable of handling all the processing required for the liquidation. The new system was built with the assistance of ATB employees who, at the request of the Bankruptcy Trustees, continued their employment with ATB for this purpose.

Estate administration, payments and assessment of claims

The Bankruptcy Trustees have continued to set up the estate administration in the past reporting period. Because part of ATB's business is being continued (part of the loan portfolio has not yet been liquidated), receipts and payments will continue to be received and the estate administration will have to be actively managed. In addition, the Bankruptcy Trustees have started assessing submitted claims, about which more below in this report (Chapter 8).

Third bankruptcy report:

The past reporting period has focused primarily on (i) liquidation the available assets; (ii) using these proceeds to make interim distributions to ATB's creditors; and (iii) assessing creditors' claims.

During the past reporting period the Bankruptcy Trustees have sold or collected a sum of more than EUR 21.6 million in loans, comprising EUR 1.5 million in interest and regular repayments on the principal and EUR 20.1 million in early repayments. This means that from

the date of opening this bankruptcy on 22 April 2022 until now, the Bankruptcy Trustees have realised proceeds totalling EUR 557,550,910.04 with the sale and collection of assets.

The Bankruptcy Trustees have already paid out to creditors a large portion of the cash at bank available at bankruptcy date and the proceeds mentioned above. The Bankruptcy Trustees have made interim distributions totalling approx. EUR 680 million, namely EUR 667,131,136.55 to the Deposit Guarantee Fund and a total sum of EUR 12,910,089.80 to account holders with a balance exceeding EUR 100,000.

On the basis of the information currently available, the Bankruptcy Trustees expect that eventually all creditors of ATB can be settled in full. Preparations for a verification meeting are in progress.

The Bankruptcy Trustees have retained a number of ATB's employees for the work mentioned above. Currently, two employees of ATB are still employed next to the compliance officer mentioned before. In addition, during this reporting period the Bankruptcy Trustees have had to devote a significant amount of time maintaining the IT infrastructure required to complete the activities of ATB. For a more detailed explanation of their work, the Bankruptcy Trustees refer to the various chapters hereinafter in this report.

1. INVENTORY

1.1 Background and organisation

ATB was founded on 31 October 1994. ATB is a bank as referred to in Section 1:1 of the Financial Supervision Act and has had a banking licence granted by DNB since 14 September 1994. ATB manages the deposits of around 20,000 savings account holders mainly from the Netherlands and Germany. In addition, there are around 26,000 'dormant' accounts of account holders with whom ATB has not been able to make contact for some time. ATB provides loans to small and medium-sized enterprises. The Bankruptcy Trustees understand that practically all of ATB's customers are located in Member States of the European Union and the United Kingdom.

ATB's most recent financial statements for 2020 state the following about ATB's activities:

"We currently serve a wide range of customers active in all aspects of international trade. Since 2003, we have been providing retail services in the Netherlands, offering savings and deposit products. In 2006, we expanded our internet retail operations to Germany, followed by Austria in 2011 and the UK in 2019. In 2020, we decided to revise our strategy by focusing on delivering digital banking services to small and medium-sized enterprises (SME) in Europe. We will invest in offering a digital banking platform that will enable us to provide a range of financial products to European SMEs. Over time, our exposures to trade, commodity and shipping finance will be reduced as we focus more on financing European SMEs."

As of the bankruptcy date, the statutory board of ATB was formed by two persons (in office from 1 May 2020 and in office from 16 April 2021, respectively). ATB has a supervisory board, which consisted of three supervisory directors as of the date of bankruptcy. ATB is subject to the structural regime, requiring a two-tier board.

The shares in ATB are understood by the Bankruptcy Trustees to be held by the following parties:

- ATB ESPP B.V., a company established in the Netherlands (5.62%);
- ABH Holdings S.A., a company established in Luxembourg (5.75%);
- ATB Holdings S.A., a company established in Luxembourg (10.27%);
- A.O. Alfa Bank, a company established in Russia (78.36%).

1.2 Estate inventory (Section 94 Bankruptcy Act) and financial data

1.2.1 Estate inventory

This estate inventory (*'boedelbeschrijving'*) includes the assets and liabilities of ATB and serves as a concise and simplified representation of the financial situation of ATB as at the bankruptcy date. The starting point for the estate inventory is the company balance sheet of ATB as at the bankruptcy date, as provided by ATB at the request of the Bankruptcy Trustees. Due to operational problems, a fully updated balance is not available for certain items. In addition, the accounting policies applied by ATB may not accurately reflect the current valuation. The figures in the estate inventory have not been audited.

BALANCE SHEET ATB PER 22/4/2022 (in 1,000 euro)			
Assets		Liabilities	
Cash and cash equivalents ¹	€ 247,098	Due to banks ⁹	€ 14
Trading securities	€ -	Customer accounts ¹⁰	€ 715,811
Due from banks ²	€ 662	Other borrowed funds	€ -
Loans and advances to customers ³	€ 573,054	Other liabilities and payables ¹¹	€ 21,826
Provision for impairment of loans and advances to customers ⁴	€ -41,027	Intercompany payables	€ -
Investments ⁵	€ 152,129	Total liabilities	€ 737,651
Investment property	€ -	Shareholder's equity	
Other assets and receivables ⁶	€ 11,006	Share capital	€ 310,772
Premises and equipment ⁷	€ 10,507	Fair value reserve for investments available for sale	€ 204
Intercompany receivables ⁸	€ 396	Revaluation reserve for premises and equipment	€ -
		Retained earnings and other reserves	€ -94,801
		Total shareholder's equity	€ 216,175
TOTAL ASSETS	€ 953,826	TOTAL LIABILITIES + EQUITY	€ 953,826

Notes to the various items in the estate inventory are attached to this report as Appendix 1.

1.2.2 Financial data

The overview below shows the balance sheet total, the income and the results of ATB for the financial years 2019 to 2021. The figures are based on ATB's records and (draft) financial statements. ATB's financial year ran from 1 January to 31 December.

Year	Sales	Profit & loss	Balance sheet total
2019	€ 24.5M	€ - 21.1M	€ 1,400.2M
2020	€ 25.2M	€ 37.3M	€ 1,216.5M
2021	€ 19.1M	€ -21.6M	€ 1,242.6M

The figures show that the balance sheet total decreased significantly in the first months of 2022, namely from EUR 1,400.2 million (December 31, 2022) to EUR 953.8 million (date of bankruptcy, 22 April 2022). The trustees understand that this decrease was largely caused by a decrease in the amounts outstanding to account holders. This was due to withdrawals by account holders in response to the Ukrainian crisis and the migration to a new retail system. In addition, a significant repayment on one of the loans took place and a loss was incurred in the first months of 2022.

1.3 Cause of bankruptcy

The Bankruptcy Trustees understand from ATB that it was a healthy company until the invasion of Ukraine by Russia. As the Bankruptcy Trustees understand it, ATB had previously experienced serious problems due to irregularities that led to a criminal investigation in 2016. ATB got its house in order, changed its business model and parted ways with the majority (70%) of its then corporate clients. This then led to very substantial losses. ATB then started to focus on (largely private) savings account holders, whom it offered an attractive interest rate through internet savings and deposit accounts, and on granting loans to small and medium-sized enterprises. The development of this new business model took time and was not yet complete at the time of the bankruptcy. According to ATB, the losses reported for the years 2019 to 2021 should be regarded as start-up losses.

ATB ran into operational problems as a result of sanctions imposed on it by the UK and the US due to its links with Russia and Russian oligarchs, which is further explained below. As a result of these sanctions, several suppliers of goods and services were unwilling to continue their cooperation with ATB, which made ATB operationally unable to meet its obligations. For example, several system banks refused to execute payment orders from ATB, despite significant positive balances on ATB's accounts. In addition, some licensors, particularly in the United States, had stopped providing services as a result of the sanctions or had announced that they would stop doing so by 6 May 2022. These licences are essential to carry out ATB's banking business. This included licences to use systems for (parts of) the financial administration, the loan administration and the customer administration. If the bank could no longer use these systems, it would no longer have access to a significant part of its administration.

In the period leading up to the bankruptcy, ATB sought solutions. One of those solutions was the sale of the company to a third party. Almost immediately after the intended purchaser announced that it would not go through with the transaction, it was decided to file for the bankruptcy of ATB.

The causes of the bankruptcy are the subject of further investigation.

2. UNDISCLOSED PERIOD

2.1 Reason for appointment of prospective bankruptcy trustee

On 14 April 2022, ATB requested the Amsterdam district court to appoint a prospective bankruptcy trustee. In its request, ATB explained that it had run into serious operational problems as a result of ATB being placed on sanctions lists in the United Kingdom and the United States (see also para 1.3). At the time of the request, ATB was negotiating with a potential purchaser of ATB's assets and liabilities.

According to ATB, the reasons for requesting the appointment of a prospective bankruptcy trustee were twofold. On the one hand, the bankruptcy of ATB was inevitable if the negotiations with the potential purchaser could not be finalised successfully in the short term. Because of the sanctions, ATB feared that the bankruptcy trustee would have to liquidate the estate without access to systems and records. The Undisclosed Period would give the prospective bankruptcy trustee the opportunity to secure access to (data from) essential systems. On the other hand, the involvement of a prospective bankruptcy trustee was considered desirable, as he could make suggestions to the board and the employees that could be beneficial for a proper liquidation of ATB.

The request for appointment of a prospective bankruptcy trustee was granted by the court on the evening of 14 April 2022, with the appointment of Van Hees as prospective bankruptcy trustee and C.A. Rombouts as prospective supervisory judge. The district court has, inter alia, issued the following guiding principles when appointing as prospective bankruptcy trustee:

- The purpose of the arrangement is to realise the highest possible proceeds for the benefit of the joint creditors of ATB. The appointment offers the possibility to prepare a sale or reorganisation from bankruptcy in a reasonably calm manner.
- The term of the arrangement is in principle 2 weeks and ATB could ask for an extension if desired.
- The prospective bankruptcy trustee and the prospective supervisory judge have no legal authority or duty. The prospective bankruptcy trustee is present to observe, inform and be informed and will be guided by the interests of the joint creditors.
- (The board of) ATB is obliged to fully cooperate with the prospective bankruptcy trustee, must provide all relevant information on request or otherwise and must be assisted by reliable and knowledgeable advisors where necessary.
- The prospective bankruptcy trustee may require ATB to make an advance payment for work and may require ATB to engage third parties as requested by the prospective bankruptcy trustee. ATB must pay the salary and expenses of the prospective bankruptcy trustee even if no insolvency proceedings would follow.

2.2 Activities prospective bankruptcy trustee

Mr Van Hees has been working as prospective bankruptcy trustee for approximately one week. He has been assisted by Mr Van Hooff and a number of employees of his office. For financial expertise, he has called upon specialists from KPMG.

During the Undisclosed Period – immediately preceding the bankruptcy proceedings – the Bankruptcy Trustees conducted a large number of interviews with the management board, supervisory board and other ATB stakeholders with the purpose of getting to know the organisation and preparing for a possible bankruptcy. The Bankruptcy Trustees investigated the financial situation of ATB and consulted about it with, among others, the management board, the supervisory board, DNB and ATB employees. Subjects of discussion included the possibility of ensuring the continuity of the bank.

In addition, preparations were made in the event that ATB was declared bankrupt, with the aim of ensuring (i) that account holders would receive the portion of their savings guaranteed by the deposit guarantee scheme as soon as possible after the bankruptcy, and (ii) that the

Bankruptcy Trustees would have sufficient employees with the necessary knowledge and experience at their disposal in a bankruptcy, as well as other resources required to liquidate the bank in the best possible way with the least possible loss of value. The Bankruptcy Trustees also consulted, including with US and UK lawyers, on the sanctions applicable to ATB, the impact those sanctions would have in the event of a bankruptcy on the liquidation of the estate and the possibilities for the Bankruptcy Trustees to obtain exemptions from those sanctions for the liquidation, if necessary.

Among other things, the Bankruptcy Trustees endeavoured together with ATB to safeguard as much of the existing data as possible in the event that it would no longer be available due to the entry into force of the sanctions. For this purpose, the Bankruptcy Trustees have made use of the expertise of DigiJuris B.V. Furthermore, a lot of time was spent on identifying and discussing possible solutions for ATB. Many documents were studied, questions were asked and many discussions took place about an intended transaction, which ultimately did not go ahead.

During the Undisclosed Period, the Bankruptcy Trustees had frequent meetings with the (prospective) supervisory judge and (the lawyer of) DNB.

The Bankruptcy Trustees note that during the Undisclosed Period, the concurrence of the preparation of the eventual bankruptcy proceedings with the preparation of the transaction envisaged during that period placed great pressure on ATB's organisation. As a result, the Bankruptcy Trustees constantly had to consider the question of what the available resources should be used for.

2.3 Bankruptcy order

First bankruptcy report:

In the period preceding the bankruptcy, ATB sought possible solutions to avoid the bankruptcy. The preferred solution of the ATB board was to sell the company to a third party. On the evening of Thursday 21 April 2022, the potential purchaser announced that it was abandoning the deal. Shortly afterwards, the management board and the supervisory board decided that ATB would file for its own bankruptcy. On 22 April 2022 at 17:00 hrs, the Amsterdam District Court declared the bankruptcy of Amsterdam Trade Bank following a petition filed by ATB. DNB, as the competent supervisory authority, issued an opinion. In its judgment of 22 April 2022, the Court also ordered a cooling-off period of two months.

Second bankruptcy report:

The two-month stay period ordered by the district court in the bankruptcy order of 22 April 2022 has since ended. The Bankruptcy Trustees have not requested an extension of the stay period.

3. LIQUIDATION

3.1 Sanctions

First bankruptcy report:

In the context of sanctions, the various regulations issued by the EU, the UK and the US are relevant. The Bankruptcy Trustees have sought advice on the sanctions regulations from various advisors.

Second bankruptcy report:

In the past reporting period, sanctions have again played a role in the work of the Bankruptcy Trustees. The Bankruptcy Trustees have noted that despite the licences granted in the US and UK, and the fact that ATB is not a sanctioned party by the EU, many parties have been reluctant to cooperate with the Bankruptcy Trustees in ATB's bankruptcy. An important factor in this respect was that the General Licence granted by the US authority OFAC was only valid until 12 July 2022, so the parties exercised extra caution. Although the Bankruptcy Trustees had applied for an extension and/or amendment to the granted General Licence, it remained uncertain until the day of 12 July whether OFAC would grant additional licences to the Bankruptcy Trustees. Applying for these additional licences and answering questions regarding the scope of the sanctions and the existing licences cost the Bankruptcy Trustees a great deal of additional time (see below under 3.1.3).

Third bankruptcy report:

During the past reporting period, sanctions have again played a role in the work of the Bankruptcy Trustees. The Bankruptcy Trustees note that many parties, despite the licences granted in the US and the UK, and the fact that ATB has not been listed as a party sanctioned by the EU, are adopting a cautious approach in their cooperation with the Bankruptcy Trustees in the bankruptcy of ATB. However, the Bankruptcy Trustees have the impression that the licences now granted ensure that there is less uncertainty among the parties than before.

3.1.1 EU

First bankruptcy report:

The European Commission has not (yet) imposed any sanctions on ATB. However, certain ATB shareholders have been included on the sanctions list of Regulation EU 2014/269. This does not mean that ATB is also regarded as an EU sanctioned party. Pursuant to European sanctions regulations, ATB's assets therefore should not be frozen and there is no prohibition on making economic resources available to ATB.

Although ATB does not qualify as an EU sanctioned party, the Bankruptcy Trustees are regularly confronted with parties who interpret the EU sanction rules differently and believe that ATB has been sanctioned and therefore threaten to stop their provision of services. This causes time-consuming discussions with certain suppliers. In such cases, the Bankruptcy Trustees explain the basis for their conclusion that ATB is not subject to sanctions. Many parties have subsequently been prepared to continue their provision of services.

Second bankruptcy report:

During the second reporting period too, the Bankruptcy Trustees were regularly confronted with questions regarding EU sanctions. For the time being, many parties are willing to provide services to the Bankruptcy Trustees of ATB, as the Bankruptcy Trustees have explained the basis on which they have come to the conclusion that ATB is not sanctioned in the EU.

Third bankruptcy report:

During the past reporting period the EU tightened and extended its sanctions, but this has not led to a change in the position of ATB's estate. However, this tightening and extending of sanctions has led to a few questions about their impact on the work of the Bankruptcy Trustees. In addition, some creditors of ATB are subject to sanctions, as a result of which the question has arisen whether the Deposit Guarantee Fund and/or the Bankruptcy Trustees could make payments to them. The Bankruptcy Trustees are obtaining advice where necessary on the impact of existing or new sanctions on their work.

3.1.2 *United Kingdom (UK)*

First bankruptcy report:

Under UK sanctions legislation, ATB is in principle fully subject to an asset freeze in the UK because the shares in ATB are held (indirectly) by Alfa-Bank, a sanctioned party. Where the UK has jurisdiction, it is therefore in principle prohibited to make funds or economic resources available to or for the benefit of ATB, or to deal in funds or economic resources owned, held or controlled by ATB, directly or indirectly. OFSI - the competent authority in the UK - had issued a General License with identification code INT/2022/1424276, authorising amongst others the winding up of transactions in respect of (subsidiaries of) Alfa-Bank. However, this license already expired on 23 April 2022. After the expiry of this license, employees with a UK nationality have ceased working for ATB.

However, OFSI issued a (new) General License with identification code INT/2022/1678476 on 12 May 2022. This license allows for payments and other permitted activities in connection with liquidation activities, basic needs and insolvency proceedings related to ATB. This General License is valid until 12 May 2023 and can be consulted at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074954/INT.2022.1678476_Amsterdam_Trade_Bank_N.V_-_winding_down_-_basic_needs_-_insolvency_GL.pdf.

Second bankruptcy report:

The General License issued by OFSI has provided relative clarity. In some cases, prospective counterparties wished to seek independent advice on the scope of the General License. However, to date, it has emerged that UK parties are willing to provide services to the Bankruptcy Trustees.

Third bankruptcy report:

The Bankruptcy Trustees still receive questions regarding the UK sanction status, but parties are willing to provide services to the Bankruptcy Trustees and/or acquire assets from ATB's estate after receiving the General License issued by the OFSI parties and/or obtaining their own advice regarding the sanctions.

3.1.3 *United States (US)*

First bankruptcy report:

ATB is also subject to US sanctions. ATB is designated under US sanctions legislation as a sanctioned party subject to an asset freeze. Thus, anyone subject to US jurisdiction is prohibited from trading in property in which ATB has an interest of any kind; present, future, contingent, direct or indirect. As a result, any US or non-US person acting within the territory of the US or engaging in a transaction that relates to US jurisdiction requires OFAC approval.

The US sanctions caused major problems in the liquidation, especially since most software vendors have some connection to the US and therefore threatened to suspend or have suspended some or all of their services (see inter alia para 9.1). Until 6 May 2022, a General License 23 from OFAC - the competent authority in the US - authorised the settlement of transactions involving Alfa-Bank and its affiliates (including subsidiary ATB). The Bankruptcy Trustees anticipated major problems after the expiry of this General License on 6 May 2022. For example, key suppliers announced that they would no longer provide services and it was unclear whether parties would (be able to) purchase assets from ATB. The Bankruptcy Trustees had to spend a great deal of time dealing with the problems this caused.

Shortly after the bankruptcy order, the Bankruptcy Trustees were advised that the waiting times for an (extension of a) license at OFAC - the competent authority in the US - were 6 to 18 months. The Bankruptcy Trustees therefore made the necessary efforts to find a possibility to speed up the issuance of a (renewal of a) license.

The Bankruptcy Trustees subsequently applied to OFAC for a license. On 5 May 2022 at the end of the afternoon (Dutch time), OFAC issued a (new) *General License 32*, granting general permission for all actions related to, and necessary for, the winding up of transactions involving ATB. This General License is valid until 12 July 2022 and can be accessed at: https://home.treasury.gov/system/files/126/russia_gl32.pdf.

The Bankruptcy Trustees welcome this suspension of the application of the US sanctions, but believe that this suspension is probably not yet sufficient to allow all assets to be sold without incurring undesirable discounts. They have therefore sought expert advice on how to obtain an extension of the suspension.

Second Bankruptcy Report:

OFAC had already granted a General License at the time of the previous report. However, this was only valid until 12 July 2022 and it was impossible to conclude the liquidation before the expiration of the General License. Due to the limited duration of the General License, parties were also reluctant to provide services to the estate or engage in transactions with it.

For these reasons, the Bankruptcy Trustees submitted an application to OFAC for the granting of an additional General or Specific License or for the renewal of the current General License. A successful application requires a detailed specification, explanation and justification of the necessary acts and transactions required for liquidation which are not permitted under US sanctions laws and thus require a license. The Bankruptcy Trustees have had to spend considerable time identifying these and providing supporting documentation.

On 3 June 2022, the Bankruptcy Trustees submitted an application for an additional license. Subsequently, the Bankruptcy Trustees contacted OFAC several times more to ask additional questions and to answer OFAC's questions. Ultimately, on 12 July 2022, OFAC issued a Specific License authorising the activities necessary for liquidation. This license is valid until 31 December 2022.

Unfortunately, the Bankruptcy Trustees have noticed that the new license also raises questions from various parties, such as insurers and banks. In that context, the Bankruptcy Trustees have submitted a number of additional questions to OFAC about the scope of the license and are awaiting answers. It is expected that this will also take some time during the coming reporting period.

Third bankruptcy report:

Similar to the sanction position in the UK, the position in the US still leads to questions. On 22 November 2022, the Bankruptcy Trustees filed a request with the OFAC to extend the license issued by OFAC after 31 December 2022 and to the extent required amend the license.

3.2 Sales

3.2.1 Repayment and sale of loan portfolios

First bankruptcy report:

On the bankruptcy date, ATB had a number of loan portfolios outstanding, including loans to Dutch SMEs, UK SMEs, shipping loans, trade and commodity finance loans and loans to lending platforms. The borrowers under the loans were informed about the bankruptcy and – where possible – asked for early repayment. In addition, potential purchasers for the various loan portfolios were approached.

Due to the approaching deadline of 5 May 2022 in connection with the US sanctions, the Bankruptcy Trustees attempted to sell or liquidate a large number of positions simultaneously within a very short period of time, which required a lot of effort from ATB employees, KPMG advisors and the Bankruptcy Trustees and their employees.

These efforts led in the past reporting period to (i) the sale of the portfolio of loans to Dutch SMEs, (ii) some sales of other individual loan positions, and (iii) some early repayments by individual borrowers. As of the date of this report, the principal of the sold and prepaid loans is over EUR 38 million and negotiations are ongoing (at an advanced stage) regarding another in principal EUR 232 million of loans. Meanwhile, in connection with these sales and early repayments, an amount of almost EUR 33 million has been collected on the estate account.

The Bankruptcy Trustees have worked closely with employees of ATB and advisors of KPMG in connection with the sale. In determining the commercial conditions of sale or early redemption, the Bankruptcy Trustees are advised by KPMG.

As explained above, both the American and British regulators have by now issued a general licence for ATB (see para 3.1 above). The sales process is nevertheless continued expeditiously. In the coming reporting period, the Bankruptcy Trustees will take this further and negotiate with stakeholders and other potential candidates on the sale of ATB's assets.

Second bankruptcy report:

In the past reporting period, the process of selling and repaying ATB's loan portfolios early continued apace, partly in view of the possible expiry of the first licence granted in the US on 12 July 2022.

The Bankruptcy Trustees evaluated ATB's loan portfolios for saleability and gauged market interest, with the Bankruptcy Trustees being advised by KPMG. This included loans to Dutch SMEs, UK SMEs, shipping loans, trade and commodity finance loans, loans to lending platforms and loans under special administration. During the previous reporting period, the borrowers under the loans were informed about the bankruptcy, where applicable, early repayment requests were made and potential buyers of loan portfolios were approached.

In the past reporting period, these activities have led to extensive negotiations with the respective borrowers under the loans, the local counsels of these parties and the various interested parties in the (portfolios of) loans. The Bankruptcy Trustees completed the following transactions: (i) sale of the portfolio of loans to Dutch SMEs, the portfolio of loans to lending platforms and the portfolio of trade and commodity loans, (ii) sale of other individual loan positions, and (iii) early repayments by individual borrowers. Some loan portfolios are still being negotiated for sale and a solution is still being sought for some other loan positions (see also para 3.3 on the servicing of some loans).

As in the previous reporting period, the Bankruptcy Trustees have worked closely with ATB employees and KPMG advisors in the context of the sale and early repayment by individual borrowers, and have been advised by KPMG in the determination of the commercial terms of the sale and early repayment.

As of the date of this report, the total principal of the sold and prepaid loans (including results from the first reporting period) is over EUR 371 million. This amount does not include the sale of the bonds; the total amount of sales including the bonds is approximately EUR 522 million (see also para 3.2.2). In addition, negotiations are ongoing (at an advanced stage) regarding another EUR 19 million of loans in outstanding principal.

Third bankruptcy report:

During the past reporting period the process of the sale and early repayment of ATB's loan portfolios continued apace, also in view of the expiry date of the second OFAC licence on 31 December 2022.

During the past reporting period the Bankruptcy Trustees collected loans amounting to more than EUR 21.6 million, comprising EUR 1.5 million in interest and regular repayments and EUR 20.1 million in early repayments. The loan commitments that have been honoured by the Bankruptcy Trustees were also serviced (see also para 3.2.2),

As of the date of this report, the total principal of the sold and prepaid loans (including results from the previous reporting period) is over EUR 390 million. This amount does not include the sale of the bonds; the total amount of sales including the bonds is approximately EUR 558 million (see also para 3.2.2). In addition, negotiations are ongoing (at an advanced stage) regarding the early repayment of a further EUR 47 million of loans in outstanding principal.

As in the previous reporting periods, in the context of the sale and early repayments by individual debtors, the Bankruptcy Trustees have been working closely with employees of ATB and advisers at KPMG, and in determining the commercial conditions of sale and early repayment have been advised by KPMG.

3.2.2 Sale of bond portfolio

Second bankruptcy report:

In the period up to and including early July 2022, the Bankruptcy Trustees examined how ATB's bond portfolio could be liquidated. ATB's securities portfolio includes various government and corporate bonds that are freely tradable on the securities markets. However, the sale of the bonds required the cooperation of banks where securities accounts are held, clearing and settlement systems and securities brokers. Despite the fact that the European Commission did not sanction ATB and despite the exemptions granted in the US and UK, several necessary parties proved reluctant to assist the Bankruptcy Trustees in the sale of ATB's bonds.

Having considered various scenarios, the Bankruptcy Trustees have nevertheless been able to enter into an agreement with a securities broker to sell all of the bonds on the relevant securities markets and trading platforms at the best possible price available on those markets/trading platforms (sale on a "best execution" basis). In order to limit any credit risk, the bonds were sold in stages.

By 12 July 2022, all bond sales were completed. The total net proceeds of all bonds of ATB (after deduction of commission) amount to EUR 150,859,436.34. A large part of that amount was transferred directly to the Deposit Guarantee Fund as an interim distribution on the claims which the Deposit Guarantee Fund has on the ATB estate.

3.3 Loan servicing

First bankruptcy report:

The assets of ATB consist partly of loans that have already been fully drawn (and under which the borrower can no longer draw funds) and partly of loans under which the borrower could in principle still draw funds, i.e., loan commitments. The Bankruptcy Trustees have examined the extent to which ATB's activities can be continued and how the outstanding loans and loan commitments will be dealt with – also taking into account other banking services provided by ATB – whether or not in combination with financing, including loan servicing, provision of bank accounts, etc. The starting point is that loan commitments will not be honoured. As a result, borrowers may suffer losses for which they will hold ATB liable. In exceptional cases, this may result in Bankruptcy Trustees deciding to honour a loan commitment after all.

To the extent possible, the Bankruptcy Trustees are seeking solutions whereby existing stakeholders take over the various roles of ATB or whereby the relevant participations in financing structures are sold and transferred to third parties. In addition, in the coming reporting period, Bankruptcy Trustees will examine how the relevant activities and servicing of loans – to the extent not sold or otherwise transferred – can be continued.

Second bankruptcy report:

ATB's assets consist partly of loans that have already been fully drawn down and partly of loans under which the borrower can still withdraw funds. The Bankruptcy Trustees, in close cooperation with ATB employees and advisors from KPMG, have examined which of ATB's activities can be continued and how the outstanding loans and loan commitments will be dealt with.

The Bankruptcy Trustees have sought solutions whereby existing stakeholders take over the various roles of ATB or whereby the relevant participations in financing structures are sold and transferred to third parties. This strategy has proved successful; for example, as a result of the agreements reached, a claim for compensation of nearly EUR 2.5 million filed by a borrower in the bankruptcy has been withdrawn.

For some other loan positions that have not been sold or otherwise transferred, the Bankruptcy Trustees have decided to honour certain loan commitments and service these loans, as income is flowing from these loans to the estate. The number of loans which the Bankruptcy Trustees will continue to service is manageable. The term of these loans is generally less than three years.

Third bankruptcy report:

The Bankruptcy Trustees have continued to collect, sell or otherwise transfer ATB's remaining loan positions. In addition, the servicing of a number of loan positions as mentioned in the previous report was continued. The Bankruptcy Trustees expect that the number of positions that the Bankruptcy Trustees continue to service will be further reduced in the future as these positions will be repaid by the borrowers concerned or be taken over by third parties.

3.4 Stichting Vereffening

First bankruptcy report:

As the Bankruptcy Trustees have explained above (see paras 0.2, 2.2 and 3.1) following their appointment on 22 April 2022, they were faced with a situation in which it was uncertain how

they would be able to dispose of ATB's assets after 6 May 2022, the date on which the OFAC general licence was due to expire. It was clear to the Bankruptcy Trustees that the US sanctions prior to 6 May 2022 would not prevent a sale of assets to third parties, but the situation after 6 May 2022 was unclear. The Bankruptcy Trustees had no certainty whether OFAC would issue a new general licence or whether OFAC would renew the general licence already issued. If the conclusion was that the Bankruptcy Trustees could no longer dispose of ATB's assets, this would result in a value destruction of the assets with potentially disastrous consequences for creditors. The Bankruptcy Trustees considered it important to explore various options in parallel and to keep them open in order to preserve as much value in the estate as possible and thus serve the interests of the joint creditors.

It was clear that it was impossible to sell and transfer the partly complex structured loans of ATB in just 14 days, without having to accept a very substantial discount on the sales price. Furthermore, the suppliers of digital services needed by the Bankruptcy Trustees proved unwilling to continue their services to ATB, even after its bankruptcy.

Against this background, the Bankruptcy Trustees decided, more or less as a last resort, to establish a foundation that would be legally separate from ATB. All of ATB's assets that could not be realised before 6 May would be transferred to this foundation. This foundation would also be able to manage the digital systems and conclude the necessary contracts with the suppliers. These suppliers, with the exception of a few, turned out to be willing to contract with the foundation. The purpose of the foundation would be to liquidate the assets of ATB transferred to the foundation and to pay out the proceeds of those assets to ATB's creditors in accordance with the rules of the Bankruptcy Act, all explicitly with due observance of the applicable sanctions regulations.

This foundation was established on 29 April 2022 in consultation with the supervisory judge: Stichting Vereffening, registered with the Chamber of Commerce under number 86252569 (the "**Foundation**"). The Bankruptcy Trustees are the sole directors of the Foundation.

Prior to 6 May, preparations were made for a transfer of assets to the Foundation. As part of this process, the Bankruptcy Trustees and their employees, ATB and KPMG have made an inventory of how the assets could be transferred, prepared documentation and itemised how employees could be transferred to the Foundation.

As explained above, the US sanctions on ATB have been suspended until 12 July 2022 and the UK sanctions until 12 May 2023. Therefore, there has been no need (yet) to transfer assets or employees to the Foundation. The Foundation has so far mainly functioned as a 'service centre' for IT services; some (crucial) agreements between ATB and (software) suppliers have been transferred to the Foundation.

Should the Bankruptcy Trustees not be able to obtain a further postponement of the US sanctions, it may be necessary to transfer assets to the Foundation in the future. In the coming reporting period, the Bankruptcy Trustees will investigate whether and, if so, which assets are eligible to be transferred to the Foundation for the purposes of liquidation.

Second bankruptcy report:

In the previous report it was stated that the Foundation might take over certain assets from ATB's bankruptcy estate in order to convert them into cash as part of the liquidation process, partly in view of the impending sanctions measures. As mentioned elsewhere in this report, a large part of the assets have already been sold directly from ATB and licences have been granted by the relevant sanctioning authorities to the Bankruptcy Trustees, giving them more

time to liquidate assets from ATB. To date, therefore, there has been no need to transfer assets to the Foundation and this has not happened.

However, as mentioned in the first bankruptcy report, the Foundation does purchase certain IT services to support the liquidation activities of the Bankruptcy Trustees and acts as a service centre for IT services. In the second reporting period, those services have not been expanded; there has been no need to transfer additional contracts to the Foundation or for the Foundation to enter into new contracts.

On behalf of the Foundation, the usual work was also carried out in the context of the assessment and fulfilment of the Foundation's legal and tax obligations.

Third bankruptcy report:

During the third reporting period it was necessary for only one supplier to transfer the service to the Foundation. The Bankruptcy Trustees are in discussions with this supplier on the implementation of the transfer.

The work of the Foundation as a service centre for IT services was not expanded further.

In accordance with the articles of the Foundation, Nijkamp replaced Van Hees as officer of the Foundation when he replaced him as Bankruptcy Trustee. At present the board of the Foundation therefore comprises Van Hooff and Nijkamp.

4. EMPLOYEES

4.1 Numbers

ATB had a workforce of 93 employees at the time of bankruptcy. On 31 December 2020 (just over a year before bankruptcy), ATB had 102 employees. Given the complexity of ATB's liquidation, the employees will leave the employment of ATB in phases. A more detailed explanation is provided below.

4.2 Approach and outcome

First bankruptcy report:

Given the complex dynamics of ATB's bankruptcy, it is of great importance to the Bankruptcy Trustees to be able to continue to use the knowledge and skills of ATB's employees during the liquidation of the bank. ATB's employees are mostly of high quality and have a strong position in what is currently a tight labour market. Partly for this reason, the Bankruptcy Trustees have elected to retain all employees in the liquidation until 1 July 2022 so that the Bankruptcy Trustees have the option to call upon these employees in the event that other employees voluntarily terminate their employment contracts.

The Bankruptcy Trustees, in consultation with the HR department and managers within ATB, have made a selection of employees who are of great importance in the liquidation process. This group of employees has been offered a settlement agreement by which their employment contract will be terminated as per 1 July 2022 or 1 September 2022. In order to prevent these employees from choosing to leave at short notice, the settlement agreement provides for a payment, which unless otherwise agreed with the Bankruptcy Trustees, will only be made if the employee will be available for the winding up of ATB until the end of his or her

employment. In the settlement agreement, the Bankruptcy Trustees have also left open the possibility of these employees being employed by the Foundation, if so desired.

In the event that employees do not wish to enter into the settlement agreement, their employment contracts will, with permission of the supervisory judge, be terminated with effect from 1 July 2022 pursuant to Section 40 of the Dutch Bankruptcy Act. The Bankruptcy Trustees have offered a settlement agreement to 16 employees under which they will remain in service until 1 July 2022 and have offered 35 employees to remain in service until 1 September 2022. As of the date of this report, all 51 employees who have been offered a settlement agreement have indicated their acceptance of the offer made by Bankruptcy Trustees.

The Bankruptcy Trustees do not rule out the possibility that they may require some of the employees to continue to be employed for the liquidation after 1 September 2022. Further arrangements will have to be made with them in due course.

By letter dated 4 May 2022, the Bankruptcy Trustees, with the authorisation of the supervisory judge, terminated the employment contracts of 20 employees in connection with the liquidation with effect from 1 July 2022. In addition, a different arrangement has been made with some employees because due to circumstances the arrangements described above would not be appropriate for them. The remaining employees have terminated their employment with ATB of their own accord.

Second bankruptcy report:

The employment contracts of some of the ATB employees were terminated during the past reporting period. The termination took place upon the employees' own notice, upon notice by the Bankruptcy Trustees pursuant to Section 40 Bankruptcy Act, or pursuant to the settlement agreement offered by the Bankruptcy Trustees.

As it was uncertain whether OFAC would grant a new licence upon the expiry of the general licence on 12 July 2022, preparations were made (again) for all remaining employees to transfer to the Foundation. As mentioned, OFAC issued a new licence on 12 July 2022, so the employees did not have to transfer.

The employment contracts of almost all employees currently in service will end on 1 September 2022. With some employees, the Bankruptcy Trustees have agreed that they will stay on longer. In addition, as the winding up of the bankruptcy is still in progress and various activities still need to be carried out in that regard, the Bankruptcy Trustees are in talks with some of the employees to adjust the end date of their employment contracts to a date later than 1 September 2022.

Third bankruptcy report:

Until 1 September 2022 there were 36 employees in service. From 1 September 2022 to 1 October there were 4, from 1 October to 1 November there were 3 and from 1 November there were 2. As from 1 September 2022 the Bankruptcy Trustees have also entered into a contract for services with a former employee of ATB who is fulfilling the position of compliance officer (see para 0.3). In the latest reporting period, the Bankruptcy Trustees have been working on the wind down of the employment contracts that came to an end.

5. ASSETS / DEBTORS

5.1 General

First bankruptcy report:

As explained in paras 3.2 and 3.3, ATB has a number of loan portfolios. These constitute the main assets of ATB. The loan portfolios are being liquidated as much as possible, in particular, through early repayment or sale. So far, proceeds totalling over EUR 33 million have been collected on the estate account. In addition to the loan portfolios, ATB owns a number of government bonds with a value of approximately EUR 150 million. Although these are highly liquid assets, selling them has been problematic as the Bankruptcy Trustees have not been able to find a bank or broker willing to provide the necessary services. The Bankruptcy Trustees however hope to be able to resolve this issue in the near future.

ATB does not own any immovable property. The business assets are limited; the software is the main asset and is on the balance sheet for approximately EUR 8.9 million. This value is not expected to be realisable in the bankruptcy. In view of ATB's activities as a bank, there is virtually no inventory or work in progress to speak of. For a more detailed explanation of ATB's assets, see the estate inventory in para 1.2.1 and the notes to the balance sheet items attached as Appendix 1. The Bankruptcy Trustees are investigating to what extent these other assets can be settled in favour of the estate.

Second bankruptcy report:

ATB has a number of loan and bond portfolios. These constitute the main assets of ATB. The loan portfolios have been liquidated as much as possible, in particular through early repayment or sale. The bond portfolio was sold during the past reporting period. For more details on the sale and repayment of these assets, see paras 3.2 and 3.3.

So far, a total of over EUR 371 million in proceeds have been realised. This amount does not include the sale of bonds; the total amount of sales including the bonds is approximately EUR 541 million. A large part of the proceeds of the bonds (over EUR 150 million) was transferred to the Deposit Guarantee Fund as an interim payment on the claims which the Deposit Guarantee Fund has on the estate of ATB.

Third bankruptcy report:

A (large) part of the loan portfolios has now been sold or repaid. The Bankruptcy Trustees have collected more than EUR 21.6 million in loans, comprising EUR 1.5 million in interest and regular repayments of the principal and EUR 20.1 million in early repayments. Almost all the other assets of ATB, such as office furniture and a car, have been sold during the past reporting period. From the opening of this bankruptcy on 22 April 2022 onwards, the Bankruptcy Trustees have realised total proceeds of EUR 557,550,910.04 with the sale and collection of assets.

5.2 Related entities/FIBR UK

Second bankruptcy report:

Fibr Capital Ltd ("**Fibr Capital**") is an affiliate of ATB. The shareholder of Fibr Capital is Fibr Tech Ltd ("**Fibr Tech**") and the shareholders of Alfa-Bank control these entities.

ATB has provided a loan to Fibr Capital of approximately GBP 40 million. Fibr Capital used this loan to provide loans to UK SME parties. The loans are pledged to ATB. In addition,

Fibr Capital transferred around 8 loans it had provided to ATB. These loans are in the books of ATB.

All loans to the SME parties are serviced by Fibr Tech through a platform owned by Fibr Tech. As servicer, Fibr Tech takes care of the collection of the receivables and manages the administration. The agreements between Fibr Tech and Fibr Capital regarding the administration of the loans were not in writing at the time of the bankruptcy.

After the declaration of ATB's bankruptcy, the Bankruptcy Trustees were informed that Fibr Tech and Fibr Capital were in financial difficulties. A bankruptcy of Fibr Tech would cause major problems as it would mean a halt in the administration of Fibr Capital's loans to the SMEs. This would significantly reduce the value of the loan portfolio pledged to ATB.

In order to secure the administration of the loan portfolio, the Bankruptcy Trustees entered into agreements with Fibr Capital and Fibr Tech. In essence, the Bankruptcy Trustees agreed that Fibr Capital would provide a subordinated loan to Fibr Tech from an account pledged to ATB in order to provide Fibr Tech with the necessary liquidity in the short term. In addition, the agreements on the administration of the loan have been laid down in writing, whereby the starting point is that Fibr Tech will continue the loan administration for at least three months and will receive a monthly fee for this. After this period, the Bankruptcy Trustees may choose to continue the administration by Fibr Tech or to transfer the administration to another party. Finally, arrangements have been made with Fibr Capital regarding the repayment of the loan provided by ATB and the board of Fibr Capital. The boards of Fibr Tech and Fibr Capital consisted of the same individuals. The Bankruptcy Trustees have stipulated that the directors at Fibr Capital be replaced by two independent directors. Two directors nominated by the Bankruptcy Trustees have since been appointed at Fibr Capital and the incumbent directors have stepped down.

In the upcoming reporting period, the Bankruptcy Trustees together with KPMG will investigate how the loan portfolio pledged to ATB can best be liquidated, preferably by selling this portfolio as a whole.

Third bankruptcy report:

Since the second reporting period Fibr Capital has made a payment of approximately EUR 9.4 million (converted from GBP 8.2 million) on the outstanding loan, comprising EUR 7 million in interim repayments and EUR 2.4 million in interest. This amount has been received in the estate account.

It has been decided to transfer the administration of the loan portfolio from Fibr Tech to an experienced third party with whom Fibr Capital concluded an agreement in the past reporting period. Until the transfer is finalised, Fibr Tech will continue the administration of the loan portfolio for a fee. The transfer is expected to be completed before the end of this year. Furthermore, a number of important contracts with other third parties for the administration of the loan portfolio have been extended or renewed. Written agreements have been made concluded between the Bankruptcy Trustees and Fibr Capital on the indemnities Fibr Capital has granted to third parties for the administration of the loan portfolio.

During the past reporting period the Bankruptcy Trustees, together with the directors of Fibr Capital, which were appointed by proposal of the Bankruptcy Trustees, have investigated how the loan portfolio pledged to ATB can best be liquidated. The Bankruptcy Trustees have decided that in principle the loan portfolio pledged to ATB will be sold by Fibr Capital and

the proceeds then used to repay a large part of the loan provided by ATB to Fibr Capital, as this is expected to realise the highest liquidation proceeds. The sales process has now begun.

In the context of the sale and transfer of the administration of the loan portfolio, the Bankruptcy Trustees are working closely with Fibr Capital and Fibr Tech. The Bankruptcy Trustees are being advised by Dechert LLP and KPMG in this matter. The process is complex for all kinds of reason, which means that a great deal of work has been done in the previous period by the Bankruptcy Trustees and their team together with the external advisers and directors involved.

6. BANK / SECURITY

6.1 Estate account

First bankruptcy report:

Shortly after bankruptcy, as usual, an estate account was opened in the name of the Bankruptcy Trustees. This is a special bankruptcy account which the Bankruptcy Trustees use to receive income and make payments in connection with the liquidation.

The estate account in ATB's bankruptcy was blocked a few days after it was opened. The Bankruptcy Trustees then entered into consultation with the bank in question and DNB, and were eventually able to resolve the issue. As it took some time for the account to be unblocked and various suppliers threatened to discontinue essential services if payment was not made, the Bankruptcy Trustees, as a precautionary measure, made preparations for preliminary relief proceedings. These preliminary relief proceedings did not need to be pursued as the estate account was unblocked on 2 May 2022. By now, payments have been received on the estate account and outgoing payments have also been successfully made.

Second bankruptcy report:

In the second reporting period, the Bankruptcy Trustees also had frequent contacts with the bank where the estate account is held. This included the opening of foreign currency accounts that could be used to make and receive payments in other currencies, for example, when collecting outstanding loans. Ultimately, it was not possible to open such accounts in time, as a result of which payments in foreign currency were made through the 'normal' estate account. Although the transaction costs are higher than when using a foreign currency account, this way the Bankruptcy Trustees can at least make and receive payments in other currencies.

In addition, the Bankruptcy Trustees have discussed with the same bank the negative interest charged on the balance of the estate account. At present, the negative interest rate is 0.25%. Naturally, the Bankruptcy Trustees will endeavour to avoid and limit negative interest charged to the estate as much as possible.

Third bankruptcy report:

The Bankruptcy Trustees have again had frequent contact with the bank where the estate account is being held. This has mainly involved preparing and making the payments to the account holders with a balance exceeding EUR 100,000 on the bankruptcy date (see para 8.4). Despite the licences issued, the Bankruptcy Trustees are sometimes experiencing problems in making payments from the estate account due to the sanctions imposed on ATB (see para 3.1). The Bankruptcy Trustees understand that this is because the automated systems at the bank where the estate account is held does not accept some of the payments because of the sanctions. These payments must then be approved manually in a short space of time. This has

led to delays and extra work in making the payments to account holders with a balance exceeding EUR 100,000. At the time of submitting this report, the payments announced on the ATB websites on 7 October 2022 have largely been completed.

Negative rent is no longer being charged at present. The Bankruptcy Trustees are receiving modest interest on the credit balance in the estate account.

6.2 ATB bank accounts

First bankruptcy report:

ATB has a number of bank accounts, including with ING, Deutsche Bank and UBS, and a TARGET-2 (Trans-European Automated Real-Time Gross Settlement Express Transfer) account with DNB, which is used for payments in the EU between banks. As shown in the notes to the estate inventory (Appendix 1), the following balances were held with the various banks on the bankruptcy date:

DNB	229,455,514
UBS	8,683,420
DB	7,091,655
ING	1,853,453
Clearstream	14,002
	<hr/>
	247,098,045

The bank accounts at ING, Deutsche Bank and UBS are blocked. The Bankruptcy Trustees have agreed with DNB on how to instruct DNB to make payments from the TARGET-2 account. The Bankruptcy Trustees have requested the other banks to transfer the balances held with them to the estate account and are still consulting with them on this.

Furthermore, the Bankruptcy Trustees have observed that some banks have blocked payment orders from ATB account holders prior to the bankruptcy. As a result, in a number of cases amounts have been debited from the bank account held at ATB but not credited to the bank account at the recipient bank. The Bankruptcy Trustees receive queries from account holders and are in frequent contact with ATB to trace these payments. The Bankruptcy Trustees understand that in most cases the non-receipt of the payments is caused by settings at the recipient bank. The Bankruptcy Trustees understand that this has now been resolved at most banks and the funds have been credited to the relevant accounts at the recipient banks. At a few banks this does not yet appear to be the case. The Bankruptcy Trustees are or will be consulting with these banks.

Second bankruptcy report:

The amount held by ATB on the ING account has been transferred to the estate account and the ING account will be closed in the near future. For the time being, the balances held with UBS and Deutsche Bank have not yet been released and have therefore not yet been transferred to the estate account.

UBS takes the position that the Dutch bankruptcy is not automatically recognised in Switzerland. As long as the bankruptcy in Switzerland is not recognised by the competent authorities, UBS cannot execute the mandate of the Bankruptcy Trustees. The Bankruptcy Trustees have engaged a lawyer in Switzerland to assist them in the procedure for recognition of the Dutch bankruptcy in Switzerland.

Deutsche Bank takes the position that the sanctions prevent the transfer of the balance due to ATB despite the specific licence issued by OFAC (US regulator). The Bankruptcy Trustees are consulting with OFAC on this situation.

Third bankruptcy report:

The amounts held by ATB in UBS and Deutsche Bank have not been transferred to the estate account for the time being. The remaining balance on the TARGET-2-account of approximately EUR 60 million has been transferred to the estate account. The TARGET-2-account has now been closed.

To ensure that the balance at UBS is released, a Swiss law firm is preparing proceedings on behalf of the Bankruptcy Trustees for recognition of the Dutch bankruptcy in Switzerland. The preparations for this are at an advanced stage.

The Bankruptcy Trustees are consulting with OFAC on the sanctions blockade that Deutsche Bank is invoking against the release of the balance that ATB holds with Deutsche Bank.

7. CAUSAL INVESTIGATION / LEGALITY

7.1 Accounting obligations

The Bankruptcy Trustees have engaged KPMG to secure the records of ATB. Due in part to the volume of the records and the termination of the services of several (ICT) suppliers, it has taken a great deal of time to secure the books and records. The secured data will be further examined by the Bankruptcy Trustees to determine whether the accounting obligations have been met.

7.2 Deposit of financial statements

The following information regarding the adoption and filing of ATB's Financial statements for the last three years can be found in the Trade Register of the Chamber of Commerce:

Year	Adoption	Filing
2020	25 November 2021	2 December 2021
2019	21 August 2020	24 August 2020
2018	14 May 2019	17 May 2019

7.3 Unqualified audit opinion

Since the 2016 financial statements, Ernst & Young Accountants LLP has been the external auditor charged with auditing ATB's financial statements. The auditor has issued an unqualified opinion for the financial statements for the years 2018, 2019 and 2020.

7.4 Obligation to pay up shares

According to the data recorded in the Trade Register of the Chamber of Commerce, the issued and paid-up capital of ATB amounts to EUR 195,086,400.

7.5 Irregularities

The Bankruptcy Trustees will investigate whether there have been any irregularities prior to the bankruptcy, such as mismanagement or fraudulent acts. The Bankruptcy Trustees have no indications of this so far.

7.6 Most important developments

Second bankruptcy report:

In the second reporting period, the Bankruptcy Trustees in cooperation with KPMG and ATB employees again spent a lot of time securing the relevant information and records of ATB. With regard to the data secured in the first reporting period, several additional verification processes were carried out. It appeared that part of the secured data is outdated because various systems are maintained and in use and new data is not always processed in all systems. Currently, steps are being taken in cooperation with the relevant parties to make new extracts where necessary.

In addition, during this reporting period, KPMG and ATB employees prepared the migration of ATB's administration to the Exact accounting software and have already (partially) implemented it. As ATB's (and the Foundation's) administration has been greatly simplified since the date of the bankruptcy, the often expensive systems used by ATB before the bankruptcy have become largely redundant. For this reason, it has been decided to migrate the records to Exact, a simpler and cheaper alternative. The migration to Exact is expected to be fully completed by the end of August.

The secured records will be further examined by the Bankruptcy Trustees in due course.

Third bankruptcy report:

During the past reporting period, KPMG has again carried out the necessary work to secure the records properly. That process has now been completed.

The Bankruptcy Trustees have regularly consulted the secured records in so far as necessary for their work, such as making interim distributions to account holders and analysing the position of account holders that were classed by ATB as 'blocked', due to sanctions, for example. The secured records will be further examined by the Bankruptcy Trustees in due course. The Bankruptcy Trustees expect to start the causal investigation during the coming reporting period.

8. CREDITORS

8.1 Notification of bankruptcy and process for submitting claims

The Bankruptcy Trustees have published an extract of ATB's bankruptcy order in two national newspapers of each Member State in which ATB provides services. Apart from the Netherlands, these are Belgium, Cyprus, France, Germany, Luxembourg, Malta and Austria. The extract was also published in the Official Journal of the EU.

In weeks 19 and 20, a large part of the creditor population was contacted by email. The decision to approach the creditors by email was made in order to inform them as quickly as possible about ATB's bankruptcy. In addition, email was a common means for ATB to communicate with creditors.

8.1.1 Account holders

First bankruptcy report:

The large number of account holders in combination with the limited access to information systems as a result of the sanctions has made it time-consuming to draw up and update lists of creditors. Therefore, due to the large number of account holders, informing all creditors of the bankruptcy by regular mail was not practically possible at short notice. ATB has some 20,000 'active' account holders and around 26,000 'dormant' account holders. Dormant account holders are account holders whose accounts have been terminated by ATB before the bankruptcy due to long-term inactivity, but on which (often small) claimable amounts are still held.

All ATB account holders have by now been informed of the bankruptcy by email. However, there are some account holders for whom the emails do not seem to have arrived correctly. The Bankruptcy Trustees have since informed these account holders by regular mail about the bankruptcy of ATB. The Bankruptcy Trustees intend to verify the claims of account holders based on ATB's books and records and, as part of this process, have informed the account holders that they do not need to take any action for the time being.

Second bankruptcy report:

In view of the large number of creditors in ATB's bankruptcy, the Bankruptcy Trustees have obtained permission from the supervisory judge to inform creditors of developments in the bankruptcy from now on via a dedicated bankruptcy website. This website is now 'live' and can be accessed via <https://www.fibr.com/nl-nl> and <https://www.atbank.nl>. On the website, creditors can find updates and answers to frequently asked questions (*FAQ*). Despite this, the Bankruptcy Trustees still receive (and reply to) many emails at the email address opened for creditors infoatb@stibbe.com.

The account holders have been informed about the bankruptcy website by email insofar as their email address is known to the Bankruptcy Trustees. Insofar as their email address is not known, they have been informed by letter. As part of that communication, the Bankruptcy Trustees have reminded the account holders of the importance of regularly consulting the bankruptcy website.

In July, the Bankruptcy Trustees sent all active account holders the financial statements for the years 2021 and 2022. These statements are as follows:

- the statement of account for 2022, which includes the (savings) balance as per date bankruptcy and the transactions from 1 January 2022 up to and including 22 April 2022;
- the transaction statement for 2021;
- the annual financial statement for 2021.

If an account holder has not received the above documents, he or she can send an email to infoatb@stibbe.com with a request to receive the documents. In doing so, the account holder must state his or her address and account number.

The Bankruptcy Trustees intend to verify the (remaining) claims of account holders based on ATB's records. Account holders therefore do not need to take any action in this respect for the time being.

Third bankruptcy report:

It had become apparent that due to a mismatch in ATB's administration system, a small group of account holders had not yet been written to by the Bankruptcy Trustees. Once the Bankruptcy Trustees became aware of this, they informed these account holders by email of the bankruptcy of ATB and the way in which their claims will be verified, and also reminded these account holders that future updates on the bankruptcy will be provided via the ATB websites. In so far as their email address is not known to the Bankruptcy Trustees, they were contacted by post.

8.1.2 Other creditors (non-account holders)

First bankruptcy report:

There is still a small group of creditors on whom Bankruptcy Trustees have not yet received full details from ATB. This mainly concerns trade creditors. The main reason why the Bankruptcy Trustees have not yet received all the data is that ATB – again as a consequence of the sanctions – has coped and is coping with a large number of malfunctions in its systems, as a result of which it has not had access to the necessary data. The Bankruptcy Trustees expect to be able to inform these creditors of the bankruptcy in the near future.

The Bankruptcy Trustees are already in contact with many of these parties, for example, because their services are still required for the liquidation. Naturally, creditors who report to ATB or the Bankruptcy Trustees are informed about the bankruptcy and the process to submit their claims.

Second bankruptcy report:

In the meantime, the Bankruptcy Trustees have informed all non-account holders by email or post about ATB's bankruptcy and how they can submit any claims for verification via the online portal *SFVonline*. In addition, all non-account holders were also informed that the Bankruptcy Trustees will communicate the main developments in ATB's bankruptcy to them through the bankruptcy website and were therefore reminded of the importance of consulting it regularly.

Third bankruptcy report:

In the meantime, creditors have submitted a large number of claims for verification in the online portal *SFVonline*. Although the frequency is falling, claims are still being submitted. The Bankruptcy Trustees have begun verifying the claims submitted.

8.1.3 Other activities

First bankruptcy report:

Apart from generally informing the creditors of ATB about the bankruptcy, there is also frequent contact with creditors of ATB in other areas. A special email address has been opened for ATB's creditors where they can ask questions related to the bankruptcy (infoatb@Stibbe.com). The Bankruptcy Trustees are in close contact with and answer large numbers of questions from creditors, especially account holders and suppliers of ATB. In addition, the Bankruptcy Trustees answer questions from account holders who have reported to DNB, but which relate to the bankruptcy and cannot be answered by DNB.

Second bankruptcy report:

The Bankruptcy Trustees have prepared a privacy statement and placed it on ATB's website. In the past reporting period, the Bankruptcy Trustees have also been engaged in processing

and assessing the claims submitted via *SFVonline*. Creditors who have submitted their claims through this online portal will be informed about the status of their claims in due course. The Bankruptcy Trustees request creditors (other than account holders with remaining claims) who have not yet submitted their claim via *SFVonline* to do so. For the avoidance of doubt, this does *not* apply to account holders and deposit holders.

The Bankruptcy Trustees have also come to understand that there is a German lawyer who, on behalf of a number of German savings account and deposit holders, argues that the claims of these parties on ATB should be handled outside the estate. The Bankruptcy Trustees have engaged a German law firm to assist in the assessment of this potential claim.

Third bankruptcy report:

The Bankruptcy Trustees have obtained advice on the position taken by a number of German savings account and deposit holders that their claims should be handled outside the estate. Following this advice, the Bankruptcy Trustees have written to the lawyer acting on behalf of the savings account and deposit holders to inform them that their claim is unfounded.

8.2 ICT/Essential suppliers

First bankruptcy report:

The Bankruptcy Trustees have had to spend a lot of time in the first reporting period on regaining access to and securing the existing ICT infrastructure, which is vital for the liquidation. The sale of assets, the settlement of creditors and the securing of information all to a large extent depend on this. The Bankruptcy Trustees have concluded new agreements with various ICT service providers for the provision of services to ensure the continuity and accessibility of the existing ICT infrastructure. In some cases, payment of part or all of an outstanding debt has proven necessary. The Bankruptcy Trustees are still regularly faced with interruptions in the delivery of ICT services and expect to spend a lot of time on this in the coming reporting period as well.

Parallel to this, work is also being done to simplify and reduce the size of the ICT infrastructure where possible, in order to save costs and simplify management. In addition, it is being investigated whether it is desirable that a larger part or even all of the ICT is taken over by the Foundation.

Finally, ATB has entered into a number of lease contracts (e.g., for laptops for employees and a company car). In addition, one supplier has invoked retention of title. The Bankruptcy Trustees are in consultation with these parties and have drawn their attention to the cooling-off period that has been adjudicated by the court.

Second bankruptcy report:

In the second reporting period, the Bankruptcy Trustees continued the work as described in the first bankruptcy report. In the second reporting period, the Bankruptcy Trustees have had to spend a lot of time again on ensuring access to and securing the existing ICT infrastructure, which is vital for the liquidation. As was the case in the first reporting period, this has necessitated the payment of various ICT-related creditors.

The Bankruptcy Trustees aim to be so advanced with the settlement of the bankruptcy that ATB's 'old' ICT infrastructure will have been scrapped almost entirely by the next reporting period. The preparatory work for this has already partly taken place in the second reporting period and is being carried out in cooperation with KPMG and ATB employees.

The lease contracts concluded by ATB for employees (e.g., laptops for employees and a company car) will continue in so far as these employees remain employed.

Third bankruptcy report:

The Bankruptcy Trustees have continued the work as described in the first and second bankruptcy report. This has led in the meantime to the 'old' ICT infrastructure of ATB being almost entirely scrapped in cooperation with KPMG and employees of ATB.

In the second report, the Bankruptcy Trustees reported problems on scrapping the ICT infrastructure with respect to a software supplier (para 9.1). In the third reporting period, the Bankruptcy Trustees have made minimal progress on the desired scrapping of the services provided by this supplier. The Bankruptcy Trustees are also being faced with the problem that ATB does not obtain the services direct from the relevant software supplier, but that a reseller and distributor are also involved. The various links in the chain make it difficult to ascertain the technical problems in scrapping the ICT infrastructure and the possible solutions to this. The work on scrapping the ICT infrastructure will be continued in the next reporting period.

8.3 Deposit Guarantee Fund

First bankruptcy report:

As a result of ATB's bankruptcy, the deposit guarantee scheme entered into force. This means that account holders can via DNB claim the balance of their bank account at ATB, in principle up to an amount of EUR 100,000 per account holder. Exceptions to this are possible. DNB assesses whether an account holder is eligible for a payment on the basis of the applicable regulations and if so, for what amount. Information about the deposit guarantee scheme for ATB, including information about receiving payment and the progress of implementation, can be found at <https://www.dnb.nl/>.

DNB relies to a large extent on ATB's records for implementation. In that context, ATB had to provide a file containing details of all ATB account holders within three working days of the bankruptcy. This file was delivered one working day after the bankruptcy was declared, as a result of which the first account holders were paid within a week. The Bankruptcy Trustees understand that an amount of approximately EUR 624 million has now been paid to approximately 18,000 account holders.

In the context of the deposit guarantee scheme, there is intensive contact between DNB, ATB and the Bankruptcy Trustees. Issues discussed include the enhancement and/or supplementation of the data provided, how to deal with interest, dormant accounts or cases of death and how to answer questions from account holders. In the first weeks, daily (often multiple) consultations took place between DNB, ATB and the Bankruptcy Trustees. At present, this is approximately three times a week. In addition, DNB, ATB and the Bankruptcy Trustees have frequent contact regarding individual questions from creditors covered by the deposit guarantee scheme. Consultations are also held with DNB on making an interim payment within the meaning of Section 212rd Bankruptcy Act.

Second bankruptcy report:

During the past reporting period, there has once again been intensive contact between DNB, ATB and the Bankruptcy Trustees. Consultations involving all these parties are currently held once a week. In addition, questions from DNB about the position of individual creditors are answered by ATB and/or the Bankruptcy Trustees on an ad hoc basis.

The Deposit Guarantee Fund has since paid an amount of EUR 662,573,137.19 to account holders of ATB (position as at mid-August 2022). The Deposit Guarantee Fund therefore has a claim on ATB for that amount. In the past reporting period, the Bankruptcy Trustees made three interim distributions within the meaning of Section 212rd Bankruptcy Act to the Deposit Guarantee Fund, totalling EUR 664,133,793.48. This amount is higher than the amount paid by the Deposit Guarantee Fund, because (i) the amount of EUR 662,573,137.19 does not yet include the interest due under Section 212rc Bankruptcy Act after the date of bankruptcy and (ii) the Deposit Guarantee Fund is still making distributions as a result of which its claim will further increase. These interim distributions have satisfied the vast majority of the Deposit Guarantee Fund's claim, as a result of which the estate will owe less interest to the fund. In making the interim distributions, the Bankruptcy Trustees have, in accordance with Section 212rd Bankruptcy Act, taken into account other, higher ranking creditors. The estate has sufficient means to satisfy these higher ranking creditors.

It is expected that the Deposit Guarantee Fund will still make payments to account holders in the coming reporting period. This will involve a relatively limited amount. In the upcoming reporting period, the Bankruptcy Trustees and the Deposit Guarantee Fund will reach agreements about these payments. In addition, the Bankruptcy Trustees and the Deposit Guarantee Fund will strive to reach agreement in the next reporting period regarding the interest owed by ATB to the fund in connection with the preparations for the creditors' meeting. In addition, the Bankruptcy Trustees, together with KPMG, are working on accounts payable records that will be linked to the Deposit Guarantee Fund's payment records, also in connection with the preparations for the verification meeting.

Third bankruptcy report:

The Bankruptcy Trustees are still holding consultations each week with DNB (Deposit Guarantee System team) and one of the ATB employees engaged by the Bankruptcy Trustees. In addition, questions from DNB on the position of individual creditors are answered on an ad hoc basis.

In the meantime, the Deposit Guarantee Fund has paid out to ATB account holders an amount of approximately EUR 667 million (position as of 15 November 2022). The Deposit Guarantee Fund succeeds to the rights of the account holder to the extent that it has made payments to account holders. The Bankruptcy Trustees have made a total of four interim distributions within the meaning of Section 212rd Bankruptcy Act to the Deposit Guarantee Fund, for a total amount of EUR 667,131,136.55. These interim distributions mean that almost the entire claim of the Deposit Guarantee Fund has been paid, as a result of which the estate will owe less interest to the fund. When making the interim distributions, in accordance with Section 212rd Bankruptcy Act the Bankruptcy Trustees have taken account of other, higher ranked creditors. The estate has sufficient resources to pay these higher ranked creditors. If the claim of the Deposit Guarantee Fund rises, the Bankruptcy Trustees will consider making additional interim distributions.

The Bankruptcy Trustees and the Deposit Guarantee Fund are still in discussions about the distributions made to the Deposit Guarantee Fund, the claims to be verified and the interest payable by ATB to the Deposit Guarantee Fund.

KPMG's work on drawing up the accounts payable records is an advanced stage. This database is expected to contribute to an efficient preparation of a verification meeting.

8.4 Account holders with remaining claims

First bankruptcy report:

The majority of the outstanding debt to account holders is covered by the deposit guarantee scheme. However, there are also account holders who had an amount in their bank account that exceeds the amount covered by the deposit guarantee scheme. In addition, all account holders are likely to have an interest claim against ATB for the period between 22 April 2022 and the time they are paid by DNB. Since 3 March 2022, interest claims in a bank's bankruptcy are in principle verifiable. These claims will be settled in the bankruptcy in the usual manner. Frequent consultations are taking place between the Bankruptcy Trustees, ATB and KPMG on how this can be done most efficiently.

The Bankruptcy Trustees intend to verify the (remaining) claims of account holders, including interest over the period of the bankruptcy, on the basis of ATB's books and records. This means that account holders will be informed by the Bankruptcy Trustees about the (remaining) claims they have against ATB according to ATB's books records and whether, and in what way, they are entitled to a distribution from the bankruptcy. The amounts already paid out by DNB under the deposit guarantee scheme will be taken into account. As such, for the time being, account holders do not need to undertake any action.

Second bankruptcy report:

The Bankruptcy Trustees are making preparations for a verification meeting. A date is not yet known. ATB's creditors (including account holders with a residual claim) will be informed about this later. For the time being, they do not have to take any action.

Third bankruptcy report:

In the current reporting period, account holders who had a balance exceeding EUR 100,000 on the date of the bankruptcy and who received payment by the Deposit Guarantee Fund have received from the Bankruptcy Trustees an interim distribution of 85% of the balance exceeding EUR 100,000. In total, an amount of EUR 12,910,089.80 has been paid out to 1,329 account holders. In accordance with Section 212rd Bankruptcy Act, this interim distribution has been approved by the bankruptcy judge. When making the interim distributions, in accordance with Section 212rd Bankruptcy Act the Bankruptcy Trustees have taken account of other, higher ranked creditors. The estate has sufficient resources to pay these higher ranked creditors.

The Bankruptcy Trustees are still making preparations for a verification meeting. A date is not yet known. ATB's creditors (including account holders with a residual claim) will be informed about this later. For the time being, they do not have to take any action.

8.5 Lessor of business premises

First bankruptcy report:

The Bankruptcy Trustees have understood that ATB and the lessor of the business premises leased by ATB in the WTC in Amsterdam have reached an agreement prior to bankruptcy to terminate the lease as per 1 September 2022. The Bankruptcy Trustees are currently in discussions with the lessor regarding the end date of the lease and the handover.

Second bankruptcy report:

The Bankruptcy Trustees have agreed with the lessor that, in connection with the obligation to hand over the shell of the business premises, the premises will be handed over no later than

30 September 2022. This will allow sufficient time to remove the fit-out package installed by ATB. The Bankruptcy Trustees have engaged a third party to coordinate the removal.

In addition, the existing furniture has been sold and is currently being removed.

Third bankruptcy report:

Considerable work has been done in the reporting period to hand over the office space leased by ATB in shell condition. At a certain moment it became apparent that contrary to expectations it would not be possible to hand over the office space entirely in shell condition before the end of the lease term, partly due to the availability of the parties to be contracted and the delivery times for the materials needed. Initially the lessor took the view that the Bankruptcy Trustees had to ensure that the property would be handed over entirely in shell condition and that during the period that this obligation to hand over in shell condition was not met, rent had to be paid. This was not acceptable to the Bankruptcy Trustees. In the meantime, the Bankruptcy Trustees, with the approval of the bankruptcy judge, have reached a settlement in which they will make a one-off payment to the lessor and will be discharged from the obligation to hand over the property in shell condition and any other obligations that may still rest on them.

8.6 Insurance

First bankruptcy report:

The Bankruptcy Trustees are taking stock of ATB's current insurance policies and are investigating to what extent extending or terminating these policies would be in the interest of the bankrupt estate.

Second bankruptcy report:

In the past reporting period, the Bankruptcy Trustees have inventoried ATB's various insurance policies. ATB had among others liability, (business) travel, (group) health and accident insurance and a single car insurance. Some insurance policies proved to be no longer necessary and have been discontinued (e.g., the insurance for long-term reintegration). The Bankruptcy Trustees are encountering reluctance by some insurers to provide coverage for some of the insurance policies that are still required, due in part to the sanctions imposed in the US. The Bankruptcy Trustees are therefore in discussions with a number of insurers regarding continuation of coverage.

Third bankruptcy report:

The Bankruptcy Trustees have terminated the Business Travel Insurance and Equipment Insurance policies. The Bankruptcy Trustees are still negotiating with the insurer and broker on continuing a number of insurance policies.

8.7 Interim distributions, verification and interest

First bankruptcy report:

The Bankruptcy Trustees are investigating the possibilities of making an interim distribution within the meaning of Section 212rd Bankruptcy Act in the short term. For the method of verification of remaining claims by account holders, see para 8.4. Creditors who are not account holders of ATB can submit their claims against ATB via the self-help function of SFVonline. The use of www.sfvonline.nl is free.

Second bankruptcy report:

For an explanation of the interim distributions made to the Deposit Guarantee Fund, see para. 8.3.

A date for the verification meeting is not yet known. Creditors will be informed at a later stage via the website <https://www.fibr.com/nl-nl> and <https://www.atbank.nl>. In preparation for the verification meeting, the Bankruptcy Trustees, employees of ATB and KPMG are working on creating the accounts receivable records. The interest claims after the bankruptcy date are verifiable in ATB's bankruptcy. In order to design the creditor database, the Bankruptcy Trustees are still investigating various issues related to the interest claims, such as the applicable interest regime.

Third bankruptcy report:

For an explanation of the interim distributions made to the Deposit Guarantee Fund, see para. 8.3 and for an explanation of the interim distributions made to account holders with a balance exceeding EUR 100,000 see para 8.4. To date, the Bankruptcy Trustees have made interim distributions of more than EUR 680 million.

A date for the verification meeting is not yet known. The creditors will be informed of this at a later moment via the website <https://www.fibr.com/nl-nl>, <https://www.amsterdamtradebank.com/> and <https://www.atbank.nl>. In preparation for the verification meeting, the Bankruptcy Trustees, employees of ATB and KPMG are working on the accounts receivable records. The interest claims following the date of ATB's bankruptcy are verifiable. The Bankruptcy Trustees, in view of the form of the accounts receivable database, are carrying out a further investigation into various issues relating to the interest claims, such as the applicable interest rate regime.

9. LEGAL PROCEEDINGS

9.1 Preliminary relief proceedings against ICT supplier

First bankruptcy report:

At the start of the bankruptcy, the Bankruptcy Trustees encountered problems with some of ATB's key ICT suppliers. An important ICT supplier had already ceased its services to ATB at that time. For both this and other suppliers, this measure was related to sanctions that would take effect in the United States after the expiry of the General Licence after Thursday, 5 May 2022.

As a result, the Bankruptcy Trustees had no access or risked losing access to much of ATB's essential digital records. In addition, the risk could not be excluded that parts of the records would be destroyed at some point by the relevant software suppliers, which would obviously have very serious consequences for the liquidation. The Bankruptcy Trustees therefore decided, with permission of the supervisory judge, to initiate preliminary relief proceedings in order to ensure the resumption or continuation of services and to prevent the possible destruction of records.

An agreement was reached with one supplier before the start of the preliminary relief proceedings, as a result of which the services concerned remained accessible to ATB without interruption and it was not necessary to continue the preliminary relief proceedings. The preliminary relief proceedings were therefore only conducted against another essential supplier.

On 3 May 2022, in view of the urgency of the matter, the preliminary relief judge issued a so-called 'head-and-tail judgment', an order whereby the motivation is left out for reasons of expediency. The motivation of the judgment was issued to the parties on 10 May 2022. In short, the preliminary relief judge ordered the relevant supplier to do everything necessary to ensure that Stichting Vereffening (the Foundation) has and continues to have unhindered access to and use of the entire ICT environment. In addition, the preliminary relief judge prohibited the supplier from destroying all or part of the ICT environment or data stored therein. The enforcement of the judgment is currently a work in progress; the Bankruptcy Trustees expect more clarity on this in the coming reporting period.

Second bankruptcy report:

In the second reporting period, the software supplier concerned continued to implement the order by the preliminary relief judge of 3 May 2022. This implementation ensured that Stichting Vereffening in principle has (renewed) access to the relevant ICT environment. Nevertheless, the Bankruptcy Trustees encountered various problems in the second reporting period. For example, it has not yet proved possible to scale down the existing ICT environment at the relevant software supplier. The Bankruptcy Trustees therefore had to spend a lot of time on this issue and expect to have to spend more time on it in the coming reporting period.

Third bankruptcy report:

In the second report, the Bankruptcy Trustees reported on the difficulties in scrapping the services/ICT infrastructure delivered by a software supplier (see para. 8.2). This has also been the case in the third reporting period, when the desired scrapping has been unsuccessful. Work on this will continue in the coming reporting period.

9.2 Criminal investigation

First bankruptcy report:

Since 2016, a criminal investigation has been underway against ATB regarding the suspicion of criminal offences dating from 2012 to 2016. These are economic offences consisting mainly of violations of obligations under the Money Laundering and Terrorist Financing (Prevention) Act and violations of European sanctions regulations. In 2017, the Fiscal Intelligence and Investigation Service (FIOD) carried out a raid at ATB as part of this investigation. The Bankruptcy Trustees are taking stock of the status of this investigation, are consulting with the parties involved where possible and are examining to what extent further action by the Bankruptcy Trustees is necessary or desirable.

Second bankruptcy report:

The Bankruptcy Trustees met with the National Office for Serious Fraud, Environmental Crime and Asset Confiscation in Amsterdam on 30 May 2022. The aim of the meeting for the Bankruptcy Trustees was to obtain clarity on the question of whether, and if so which, (further) steps the National Office intends to take in this case. After the interview, the National Office requested further information from the Bankruptcy Trustees. The Bankruptcy Trustees provided this information. They are currently awaiting a response from the National Office.

Third bankruptcy report:

The National Office has informed the Bankruptcy Trustees that it wishes to arrange a meeting to discuss the case further. This meeting has now been arranged and will take place in the next reporting period.

9.3 Current proceedings at the time of the bankruptcy order

First bankruptcy report:

The Bankruptcy Trustees are taking stock of the current proceedings in the Netherlands and abroad, instituted by and against ATB. They are determining the status of each of these proceedings and the extent to which further action by the Bankruptcy Trustees is necessary or desirable. The Bankruptcy Trustees expect to be able to report on this in more detail in the coming reporting period.

For now, the Bankruptcy Trustees are aware of one current proceeding pending in Greece. This concerns a dispute between ATB and a party that was responsible for the storage and management of goods pledged to ATB. The collateral was partly destroyed and ATB held the Greek party liable. In first instance, the other party was ordered to pay approximately EUR 13 million plus interest. An appeal has been lodged against this judgment. On 26 May next, the oral hearing on appeal will take place. With the supervisory judge's permission, the Bankruptcy Trustees will continue the proceedings, or at least be represented during the oral hearing. The Bankruptcy Trustees will monitor the proceedings in the coming reporting period.

Second bankruptcy report:

The Bankruptcy Trustees have not as yet identified any other ongoing proceedings besides the one in Greece mentioned in the previous report. This concerns a dispute between ATB and Paegae SA, a subsidiary of the National Bank of Greece that was responsible for the storage and management of goods pledged to ATB. In November 2016, ATB was informed by Paegae that approximately one-third of the pledged goods had purportedly disappeared from the storage controlled by Paegae. Following this notification, Paegae closed the storage locations where the goods pledged to ATB were located, making the sale of these goods impossible. In addition, it appeared that the goods remaining in storage were not properly separated, so that no link could be made between the goods and the relevant security holder to those goods. The Bankruptcy Trustees understand that this resulted in a loss of ATB's entire collateral. ATB held Paegae liable for the loss it suffered. In the first instance, Paegae was ordered by the Greek court to pay ATB an amount of EUR 13.4 million, plus interest, by judgment of November 2020.

An oral hearing in the appeal proceedings took place on 26 May 2022. The Bankruptcy Trustees understand that the Greek court of appeal is required to rule within eight months after the oral hearing. The Bankruptcy Trustees are therefore awaiting the outcome of the appeal.

Third bankruptcy report:

In September 2022 the Bankruptcy Trustees were informed by the law firm that assisted ATB in the proceedings described earlier between ATB and Paegae that it wished to terminate its services. The Bankruptcy Trustees understand that this desired termination is the result of the law firm's problems with its liability insurer and a conflict of interest. Following a discussion between the Bankruptcy Trustees and the law firm, it was decided to terminate the relationship, with the proviso that the law firm would remain responsible for delivering the judgment in appeal to the Bankruptcy Trustees.

In early October the Bankruptcy Trustees were informed of an interim ruling by the Greek court of appeal. In summary, the court of appeal has ordered the Bankruptcy Trustees to submit a number of documents before 30 December 2022 which show that the Bankruptcy Trustees are authorised, on behalf of ATB, to continue the appeal proceedings lodged by

Paegae. The Bankruptcy Trustees are currently examining the implications of the court of appeal's ruling and will, if necessary, instruct a new Greek lawyer to represent them.

In the meantime, it has become apparent to the Bankruptcy Trustees that other proceedings were pending on the bankruptcy date. These are proceedings brought by a German party against ATB for payment of an amount of EUR 183,169 plus interest and, additionally, for submission of certain transaction documentation. The District Court of Amsterdam dismissed the claims in its judgment of 8 December 2021. In its notice of appeal of 8 March 2022, the claimant lodged an appeal before the Amsterdam Court of Appeal. In its procedural direction of 1 November 2022, the Court of Appeal stayed the proceedings in respect of the claim for payment on the grounds of Section 29 Bankruptcy Act. Regarding the claim for the release of documentation, the Court of Appeal stayed the proceedings on the grounds of Section 28 Bankruptcy Act and gave the German party the opportunity to call the Bankruptcy Trustees to appear in the proceedings and take over the case in respect of this claim. By letter of 21 November 2022, the Bankruptcy Trustees informed the Court of Appeal that the claim for the release of transaction documentation has also been stayed under Section 29 Bankruptcy Act, as the claim is based on an alleged contractual claim against ATB. The Bankruptcy Trustees are awaiting the Court of Appeal's decision.

10. OTHER

First bankruptcy report:

In the coming reporting period, the Bankruptcy Trustees will continue the sale of assets and work to obtain additional licences from the US regulator OFAC in the context of the liquidation so that the Bankruptcy Trustees can continue their activities beyond 11 July 2022 without having to use the Foundation established by them. In addition, the Bankruptcy Trustees are investigating the possibilities of commencing an (interim) distribution to creditors in the coming reporting period.

The next public bankruptcy report will be published on or around 23 August 2022.

Second bankruptcy report:

In the coming reporting period, the Bankruptcy Trustees will continue the liquidation of the assets. Where necessary, renewal of existing licences or additional licences from the relevant regulators will be sought. In addition, in the coming reporting period, the Bankruptcy Trustees will focus on ATB's liabilities, including the assessment and (provisional) recognition of filed claims, the elaboration of the interest issue and the possibilities for one or more (interim) distributions to creditors. Since many of the ATB employees will be leaving at the beginning of the next reporting period, the Bankruptcy Trustees also expect to make the transition in this reporting period to a structure whereby the activities in the bankruptcy can be continued without support from the ATB employees.

The next public bankruptcy report will be published on or around 23 November 2022.

Third bankruptcy report:

During the coming reporting period the Bankruptcy Trustees will continue to liquidate the assets. Where necessary a request will be made to extend existing licences or additional licences from the relevant supervisory authorities. In addition, during the coming reporting period the Bankruptcy Trustees will assess the claims submitted, and where possible (provisionally) recognise them, make a further analysis of the interest issue, examine the options for further (interim) distributions to creditors and attempt to finish setting up the

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management of the accounts payable records. The Bankruptcy Trustees will also start with the investigation into the bankruptcy's causes.
