

Mads Andenas and Frank Wooldridge

European Comparative **Company Law**



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European Comparative Company Law

Justin Borg-Barthet



European Comparative Company Law:

European Comparative Company Law Mads Tønnesson Andenæs, Frank Wooldridge, 2009-07-30 An examination of important aspects of the company laws of seven European countries **European Comparative Company Law** Director Center of European Law Mads Andenas, Ma Dphil PhD, Mads Tønnesson Andenæs, Frank Wooldridge, Andenas Mads, 2014-05-14 An examination of important aspects of the company laws of seven European countries **European Comparative Company Law** Mads Andenas, Frank Wooldridge, 2009-07-30 Company law is undergoing fundamental change in Europe All European countries have undertaken extensive reform of their company legislation Domestic reform has traditionally been driven by corporate failures or scandals Initiatives to make corporate governance more effective are a feature of recent European law reform as are measures to simplify and ease burdens on smaller and medium sized businesses SMEs An increasing EU harmonisation is taking place through the Company Law Directives and the free movement of companies is also facilitated by the case law of the European Court of Justice on the directives and the right to free movement and establishment in the EC Treaty New European corporate forms such as the European Economic Interest Grouping EEIG and the European Company SE have added new dimensions At a time of rapid development of EU and national company laws this book will aid the understanding of an emerging discipline *Comparative Company Law* Mathias Siems, David Cabrelli, 2018-09-20 As attention moves rapidly towards comparative approaches the research and teaching of company law has somehow lagged behind The overall purpose of this book is therefore to fill a gap in the literature by identifying whether conceptual differences between countries exist Rather than concentrate on whether the institutional structure of the corporation varies across jurisdictions the objective of this book will be pursued by focusing on specific cases and how different countries might treat each of these cases The book also has a public policy dimension because the existence or absence of differences may lead to the question of whether formal harmonisation of company law is necessary The book covers 12 legal systems from different legal traditions and from different parts of the world though with a special emphasis on European countries In alphabetical order those countries are Finland France Germany Italy Japan Latvia the Netherlands Poland South Africa Spain the UK and the US All of these jurisdictions are subjected to scrutiny by deploying a comparative case based study On the basis of these case solutions various conclusions are reached some of which challenge established orthodoxies in the field of comparative company law *Comparative Company Law* Carsten Gerner-Beuerle, Michael Schillig, 2019 Comparative Company Law provides a systematic and coherent exposition of company law across jurisdictions augmented by extracts taken from key judgments legislation and scholarly works It provides an overview of the legal framework of company law in the US the UK Germany and France as well as the legislative measures adopted by the EU and the relevant case law of the Court of Justice The comparative analysis of legal frameworks is firmly grounded in legal history and legal and economic theory and bolstered by numerous extracts including extracts in translation

that offer the reader an invaluable insight into how the law operates in context The book is an essential guide to how company law cuts across borders and how different jurisdictions shape the corporate lifespan from its formation by way of incorporation to its demise corporate insolvency and eventual dissolution In addition it offers an introduction to the nature of the corporation the framework of EU company law incorporation and corporate representation agency problems in the firm rights of stakeholders and shareholders neutrality and defensive measures in corporate control transactions legal capital piercing the corporate veil and corporate insolvency and restructuring law **European Company Law** Nicola de Luca, 2021-04-15 Taking a text cases and materials approach de Luca's successful textbook remains the only offering for students of European company law and has been thoroughly updated in this new edition Chapters have been expanded to cover the latest legislation and directives on cross border mergers the use of digital tools and cross border insolvency while figures and graphs have been introduced to help illustrate complex processes and relationships Clearly differentiated explanatory textboxes from the first edition have been revised and allow students to quickly identify sources such as EU legislation official documents and excerpts from scholarly papers The book explores a diverse range of topics from what European company law is to the structure of the Societas Europaea Statute capital markets and takeover law It continues to be an essential resource for the growing number of graduate courses in European company law European business law and comparative corporate law

European Company Law Andrea Vicari, 2021-03-08 The book provides students of European company law courses scholars and practitioners with an overview Although company law remains mainly regulated at the level of national laws it has become important to obtain a systematic view of the main directives in the field of company law the EU Court of Justice's jurisprudence the European Model Company Act and the state of implementation of these directives in the member states of the Union The book therefore contains in addition to the illustration of the law laid down by EU legislative bodies and the related soft laws detailed references to the most important domestic legislations and case laws in order to make them known and usable as much as possible Moreover the book allows identifying the most relevant current legislative trends and the main historical reasons for divergences

A Global Environmental Right Stephen Turner, 2013-09-11 The development of an international substantive environmental right on a global level has long been a contested issue To a limited extent environmental rights have developed in a fragmented way through different legal regimes This book examines the potential for the development of a global environmental right that would create legal duties for all types of decision makers and provide the bedrock for a new system of international environmental governance Taking a problem solving approach the book seeks to demonstrate how straightforward and logical changes to the existing global legal architecture would address some of the fundamental root causes of environmental degradation It puts forward a draft global environmental right that would integrate duties for both state and non state actors within reformed systems of environmental governance and a rational framework for business and industry to adhere to in order that those systems could be made

operational It also examines the failures of the existing international climate change regime and explains how the draft global environmental right could remedy existing deficits This innovative and interdisciplinary book will be of great interest to policy makers students and researchers in international environmental law climate change environmental politics and global environmental governance as well as those studying the WTO international trade law human rights law constitutional law and corporate law

Criminal Liability of Managers in Europe Stanislaw Tosza,2018-12-27 Every managerial decision is risky at least to some extent Conducting business is impossible without venturing into new territories and even the most ordinary daily choices could turn out to be failures Excessive risk however can be very detrimental as was starkly illustrated by the most recent financial crisis By criminalising managers excessive risk taking criminal law enters a sphere which is at the core of the activity it affects At the same time it provides for criminal punishment for courses of conduct that without doubt can be extremely harmful The objective of this book is to examine existing criminalisation of excessive risk taking as well as to analyse whether such criminalisation is desirable and if yes under which conditions

Related Party Transactions and Corporate Groups Ivan Romashchenko,2020-03-06 In a market environment where economic actors conduct themselves as diligent and conscientious managers the regulation of related party transactions RPTs would be largely irrelevant Unfortunately the corporate reality is far from an ideal world that is innocent of market abuse and corporate fraud It remains necessary to protect minority shareholders from the wrongdoings of majority shareholders and to protect all shareholders from opportunistic managerial behaviour This timely book the first on the subject since implementation of the European Union s EU s revised Shareholders Rights Directive provides in depth analysis of how and to what extent RPTs are covered by existing legal requirements on capital protection and corporate group regulation highlighting experiences and strategies adopted in Germany Poland and the Netherlands as examples for Eastern European countries and in particular Ukraine Beyond his comparative analysis of the current status the author offers recommendations for more effective handling of RPTs investigating such aspects as the following what constitutes a corporate group and how group issues are regulated in the various legal systems what constitutes a conflict of interest originating in ownership and control and what types of such conflicts occur whether RPTs within corporate groups should receive special treatment relative to transactions outside groups combatting corporate raiding most often carried out through illegal seizure of corporate assets approval and disclosure requirements for RPTs and how information about RPTs is disclosed publicly Drawing on resources including legislation case law scholarship and intensive discussions with practicing lawyers from several jurisdictions the author underscores the imperative of establishing limitations and requirements that oblige a company s officers shareholders and other potential related parties to follow certain rules whenever they wish to enter into an RPT As a contribution to the debate about the convergence between EU corporate law and that of major eastern European states the book has no peers Practitioners in both East and West who advise on compliance with regulations for RPTs or represent stakeholders interests

against abusive RPTs will ensure appropriate remedies and protection mechanisms for their clients

The Governing Law of Companies in EU Law Justin Borg-Barthet, 2012-04-09 The manner in which the governing law of companies is determined has attracted much attention from academics and practitioners alike ever since the European Court of Justice began receiving references for preliminary rulings regarding the compatibility of protective conflict of corporate law norms with the EC Treaty provisions concerning freedom of establishment Although recent developments have been less controversial than the ground breaking judgment in Centros they have not only consolidated the general thrust of liberalisation occasioned by the Court of Justice but have added new dimensions to the regulatory landscape These developments include amendments to the European constitutional order enshrined in the Lisbon Treaty European legislation on cross border mergers the proposed statute for a European Private Company the judgment of the Court of Justice in Cartesio and a Commission communication that contemplates the introduction of legislation on the governing law of companies This book examines these recent developments and appraises the current law as well as the foreseeable trajectory of the law within a theoretical setting that addresses the socio economic and legal theoretical concerns associated with choices of the governing law of companies In addition to considering the present and probable future state of EU law the book also develops new theoretical perspectives and proposes novel solutions to long standing dilemmas In particular it suggests that the use of information technology may render possible previously impossible compromises between party autonomy and the proper locus of prescriptive sovereignty

Treaty on the Functioning of the European Union - A Commentary Hermann-Josef Blanke, Stelio Mangiameli, 2021-05-31 The Commentary on the Treaty on the Functioning of the European Union four volumes is a major European project that aims to contribute to the development of ever closer conceptual and dogmatic standpoints with regard to the creation of Europeanised research on Union law Following on from the Commentary on the Treaty of the European Union this book presents detailed explanations article by article of all the provisions of the TFEU discussing the application of Union law in the national legal orders and its interpretation by the Court of Justice of the EU The authors are academics and practitioners from twenty eight European states and different legal fields some from a constitutional law background others experts in the field of international law and EU law Reflecting the various approaches to European legal culture this book promotes a system concept of European Union law toward more unity notwithstanding its rich diversity grounded in national traditions

Liberalization of Trade in Banking Services Bart De Meester, 2014-07-10 The financial crisis struck with full force in the autumn of 2008 Very soon after the start of the crisis culprits were sought An important recurring argument was that liberalization of trade in banking services as pursued at the European within the EU and international level in the WTO had seriously reduced the possibilities for governments to regulate and supervise the banking sector This book examines the validity of this claim and considers how EU law and WTO law deal with the trade off any policy maker must make between stability and efficiency in the market for banking services

The book considers specifically the interaction between EU and WTO law because the EU is itself a Member of the WTO next to its Member States This implies that the EU must respect the obligations it undertook in the framework of the WTO when the EU determines its policy towards third country banks

Cross-Border Mergers Thomas Papadopoulos, 2019-09-28 This edited volume focuses on specific crucially important structural measures that foster corporate change namely cross border mergers Such cross border transactions play a key role in business reality economic theory and corporate financial and capital markets law Since the adoption of the Cross border Mergers Directive these mergers have been regulated by specific legal provisions in EU member states This book analyzes various aspects of the directive closely examining this harmonized area of EU company law and critically evaluating cross border mergers as a method of corporate restructuring in order to gain insights into their fundamental mechanisms It comprehensively discusses the practicalities of EU harmonization of cross border mergers linking it to corporate restructuring in general while also taking the transposition of the directive into account Exploring specific angles of the Cross border Mergers Directive in the light of European and national company law the book is divided into three sections the first section focuses on EU and comparative aspects of the Cross border Mergers Directive while the second examines the interaction of the directive with other areas of law capital markets law competition law employment law tax law civil procedure Lastly the third section describes the various member states experiences of implementing the Cross border Mergers Directive

International and Foreign Legal Research Marci Hoffman, Mary Rumsey, 2007-12-31 International and Foreign Legal Research A Coursebook emphasizes legal research strategies applicable across the landscape of research sources covering basic concepts as well as particular subjects of international law

Transnational, European, and National Labour Relations Gerald G. Sander, Vesna Tomljenović, Nada Bodiroga-Vukobrat, 2018-06-22 This book employs an innovative approach to explore the topic of flexicurity and related changes in the working world the importance of which for the overall economic and social development is gradually being recognised It focuses on the changing nature of work and its impact on EU law and national labour and social security laws Though the transformation of regulatory and institutional frameworks of labour relations follows different patterns in different EU Member States it is nevertheless a common phenomenon that offers an excellent opportunity for mutual learning experiences and comparing notes on best practices Taking these ideas as a starting point the book presents a collection of research on various aspects and implications of changing labour relations in the EU Member States The opening chapters address the internal market dimension of the transformation of employment relations by investigating how social dumping integration of migrant workers and cross border mergers influence national labour policies and laws The book further analyses linguistic and terminological challenges in the field of labour law in the EU's multi lingual legal environment Subsequent chapters cover various theoretical and practical issues such as the impact of chain liability regulatory models on the legal situation of workers in subcontracting networks and modern work arrangements in the collaborative or gig

economy Other chapters are dedicated to issues of jurisdiction and law applicable to individual employment contracts as well as alternative resolution mechanisms in labour disputes The next section offers fresh insights on and a critical overview of the well known Danish and Dutch models of flexicurity often cited as role models for reforms of labour markets in other EU Member States Three individual chapters investigate specific aspects of flexicurity in Croatia in terms of individual dismissals life long learning and the impact of non standard employment on future pension entitlements One paper explores temporary agency work in Germany as an important instrument of flexicurity while another discusses various forms of work used in Slovenia in the context of flexibilization of work relations Many challenges still lie ahead and the primary aim of this book is to provide a solid basis for informed future discussions

The Control of Non-Cash Contributions to Companies Yitayal Mekonnen Ayalew, 2010-09-24 Master s Thesis from the year 2010 in the subject Business economics Law grade A Central European University Budapest Law Faculty course Law of Corporations language English abstract Abstract The capital of a company is considered as security for creditors and legal systems provide the framework to safeguard this security This paper demonstrates overvaluation of non cash contributions as a risk this security is to be safeguarded from It outlines what a comprehensive control system on non cash contributions looks like and comparatively assesses the laws of the EC Germany France England and Ethiopia as to the mechanisms they provide to control this form of contribution The paper shows that the three member states of the EC have transposed the Community law on the subject of control of non cash contributions in a similar fashion and that they converge on a number of areas regarding their approaches to controlling non cash contributions like definition of valid forms of non cash contributions and the expert valuation payment and disclosure requirements The above three legal systems are selected because of their relevance to the Ethiopian law for they are the sources of the latter s Commercial Code Compared to these legal systems the control system over non cash contributions under the Ethiopian law involves a number of matters that need addressed through amendment of the law

[The EU Treaties and the Charter of Fundamental Rights](#) Manuel Kellerbauer, Marcus Klamert, Jonathan Tomkin, 2019-05-16 This Commentary provides an article by article summary of the TEU the TFEU and the Charter of Fundamental Rights offering a quick reference to the provisions of the Treaties and how they are interpreted and applied in practice Written by a team of contributors drawn from the Legal Service of the European Commission and academia the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties and current practice The Commentary follows a set structure offering a short overview of the Article the Article text itself a key references list including essential case law and legislation and a structured commentary on the Article itself The editors and contributors combine experience in practice with a strong academic background and have published widely on a variety of EU law subjects

[Multinational Enterprises and the Law](#) Peter Muchlinski, 2021-02-18 Multinational Enterprises and the Law is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In

addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

The EU Treaties and Charter of Fundamental Rights: A Commentary, 2024-07-23 The second edition of *The EU Treaties and the Charter of Fundamental Rights A Commentary* provides an article by article summary of the TEU the TFEU and the Charter of Fundamental Rights to reflect the latest developments in the law since publication of the first edition in 2019 It offers a quick reference to the provisions of the treaties how they are interpreted and applied in practice and to the most important legal instruments enacted on their basis The fully updated Commentary considers key developments in all areas of EU law including the debates and requirements around the Rule of Law legal decisions in relation to the Covid 19 pandemic climate change measures such as the European Green Deal as well as recent changes to the Common Agricultural Policy It also includes significant court rulings on freedom security and justice migration and asylum as well as issues relating to freedom of movement and Brexit The new edition outlines the Digital Markets Act a major piece of legislation adopted in 2022 and contains significant updates on EU competition law in the light of new Regulations and Guidelines Written by a team of contributors drawn from the Legal Service of the European Commission and from academia the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties secondary law and current practice The Commentary follows a set structure offering a short overview of the Article the Article text itself a key references list including essential case law and legislation followed by a structured commentary on the Article The editors and contributors combine experience in practice with a strong academic background and have

published widely on a variety of EU law subjects

Unveiling the Power of Verbal Artistry: An Emotional Sojourn through **European Comparative Company Law**

In a global inundated with screens and the cacophony of quick communication, the profound power and emotional resonance of verbal beauty frequently disappear in to obscurity, eclipsed by the regular onslaught of noise and distractions. However, nestled within the lyrical pages of **European Comparative Company Law**, a captivating perform of literary splendor that pulses with organic thoughts, lies an memorable journey waiting to be embarked upon. Penned with a virtuoso wordsmith, that magical opus books visitors on an emotional odyssey, softly revealing the latent potential and profound impact stuck within the complicated web of language. Within the heart-wrenching expanse of this evocative examination, we shall embark upon an introspective exploration of the book is central styles, dissect their fascinating writing fashion, and immerse ourselves in the indelible effect it leaves upon the depths of readers souls.

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