

Resume (Corporations in Private International Law)

Free cross-border movement of companies became a new challenge for the European Law in last 30 years and surely changed the old theorems of private international law, concerning the companies at least.

Although it is exactly the companies who are the most important factor shaping the European economy, legislature has not paid much attention and did little to facilitate their cross-border transfer. Under those circumstances, it has been the European Court of Justice (today Court of Justice of European Union) who has played the crucial role in interpreting the rights the European citizens under the Treaty should enjoy. But performing this enormously difficult task and under the scrutiny of European legal commentators it often got criticism, mostly for the inconsistency in his approach to construction of articles regarding the freedom of establishment.

In my work I focused on the most relevant cases and attempted to point out underlying arguments in Court's reasoning. I tried not to set its judicature in debate over traditional issues regarding connecting factors since I think that question of freedom of establishment in European context should move to slightly different area of law.

Nevertheless few pages of my work are devoted to these issues, where I introduced both doctrines, its basics and effects on movement of companies.

I felt like I had to mention debate over the Delaware effect and I tried to suggest that it is rather controversial to claim that the race of national legal orders necessarily means race to the bottom. This should be borne in mind while thinking about the further development of European company and private international legislature.

Lastly I hinted the superficial discrepancy between enjoyment of freedom of establishment under company and tax law. Suggesting one rationale which lies in the very core of foundation of European Union, I tried to find some justification for the *Daily Mail* decision too.