

Abstract

The goal of this work is the analysis of current legal regulation of the process of increasing and decreasing the registered capital of a limited liability company. Registered capital belongs among the most important institutes characterizing capital companies. Limited liability company, as a capital company, has the liability to create registered capital and maintain it at least in the minimum amount required by law for the entire time of its existence (registered capital preservation principle). As a consequence of changes of economic conditions and other facts, which may arise inside or outside of a company, a need to alter the amount of the registered capital may arise, but always only in certain limits determined by law, and through rather formalized process regulated by provisions of the Commercial Code. The legal regulation of the Commercial Code and this work focus on the process of changes of registered capital itself and on protection provided to creditors of the company and members of the company within this process. That is, the amount of the registered capital may have significant influence on external relations with business partners and financing companies and may bring significant changes within the company as well. However, the main issue is the change in the arrangement and the proportion of contributions (business shares) of individual members of the company. The current legal regulation provides controversial or unsolved questions in many places, which are left for judicial and doctrinal interpretation, which is not always unambiguous. Therefore, this work in its parts brings comparison of opinions of individual authors and also references to the most important judicial decisions. The final output of this analysis is assessment of the current legal condition of this issue including possible recommendations for future amendments.