Abstract

This rigorosum work deals with the Foundation and Establishment of European Company in the Czech Republic and in Germany. The new legislation of the European Company entered into force in 2004 and is created by the European Council Regulation No. 2157/2001 of 8. October 2001 on the Statute for a European Company and Council Directive No. 2001/86/ES of 8. October 2001 complementing the Statute for a European Company with regard to the involvement of employees in the European company. This legislation is significant shift in the area of business companies’ rights and is the first which allowed the realization of international fusions within the EU/EEA.

The main goal of this work is to describe a new issues of forming European Companies in the states of EU where is this legal form relatively successful – in the Czech Republic and in Germany by way of legal comparison and clarification of disputable provisions of Regulation No. 2157/2001 and national law. There are described in detail five ways of forming a European Company: Merger, formation of a holding company, formation of a joint subsidiary and conversion into European Company of a public limited company previously established under national law and forming the European Company as subsidiary company of existing European Company.