

ABSTRACT

The purpose of my thesis is to analyze process of formation and incorporation of business company. It is a procedure composed of several phases, which results in the establishment of a new company, a legal person different from its members, separate legal entity. My thesis also deals with the invalidity of business company.

My thesis focuses on formation and incorporation of business company under Czech legislation. It concerns with unlimited liability company, limited partnership company, limited liability company and joint-stock company. It does not concern with Societas Europaea and European Economic Interest Grouping.

The thesis is composed of five chapters.

Chapter one is introductory and it concerns with companies in general. The chapter presents individual types of companies under the Czech legislation and it describes their characteristics.

Chapter Two, Three and Four describes the process of formation and incorporation of business company, each of them dealing with different phase.

Chapter Two deals with the formation of business company. It is a phase, during which a memorandum of association is concluded. This chapter describes obligatory content of this memorandum and also presents who is entitled to be a founder of business company. Last part of this chapter describes the process of formation of joint-stock company, which differs from the others.

Chapter Three concentrates on the phase, which precedes the incorporation of business company. The chapter describes acts, which must be carried out before the incorporation of business company, for instance trades license acquisition, and it also concerns with acting on behalf of the company before its incorporation.

Chapter Four concentrates on the process of company incorporation. This chapter describes court proceedings and necessary content of application of incorporation.

Chapter Five focus on the invalidity of business company. This chapter features reasons of the invalidity of the company and also illustrates impact of EU legislation on Czech company law.