Abstract

Companies in private international law

The topic of this diploma thesis includes questions related to companies in private international law. The thesis deals especially with changes of the Czech law evoked by the recent recodification of the private law in the Czech Republic. The purpose of the thesis is, first of all, to introduce the current form of this part of the law, to sum up and analyse ideas published in expert sources, and also to add own views concerning the topic. Following methods were primarily used: analysis, synthesis, description and comparison.

The thesis, besides general Introduction and Conclusion, includes seven individual chapters which create coherent total.

Chapter One explains basic terms used in the thesis. The following chapter defines the term personal statute of legal person and introduces two basic principles of its determination – the incorporation principle and the seat principle. The third chapter continues with detailed description of the position of the incorporation principle in the Czech law, including the questions related.

Chapter Four defines foreign legal persons and gives the reasons why the registered seat of the legal person is relevant for determination of such a person. Chapter Five focuses on the basis of the fact that a legal person with the seat registered in the Czech Republic must be founded only under the Czech law. The ambiguity of the provision of Section 30 para. 3 of the Act Governing Private International Law (Act No. 91/2012 Coll.) which mentions the transfer of the seat of a legal person is introduced in this chapter, too. This ambiguity results in different interpretations, also discussed in this part.

The next chapter investigates the Czech regulation of the transfer of the seat of a legal person in the Civil Code (Act No. 89/2012 Coll.), as well as in the Transformation Act (Act No. 125/2008 Coll.). The final chapter puts the issue of companies in private international law in the context of the law of the European Union.

The thesis brings not only a survey of current questions connected especially with personal statute of legal persons, but also own views and conclusions. Such a wide topic, of course, raises a lot of further stimuli, which opens possibilities for additional investigation.