

The purpose of this thesis is to analyse the administration of the corporation in difficulties. The reason for my research is to show how different organs of the corporation are involved in the problem of pre-insolvency situation. This thesis is composed of four chapters each of them dealing with different aspects of the corporation threatened by the insolvency.

Chapter One is introductory and analyses the legal qualification of the „pre-insolvency“ situation. The chapter is subdivided into four parts. In the part one it is explained that the French law has a special part of commercial law focused on the „entreprises in difficulties“. Part two and three explain how the economical difficulties can be measured in relation to the registered capital or the equity and what are the consequences for the administration of the corporation. The part four of the Chapter one deals with „pre-insolvency“ situation of the corporation according to „balance-sheet test“ and the „insolvency test“.

The Chapter two examines the problem of access to the information in relation to the „pre-insolvency“ situation inside the corporation. Part four of the Chapter two focuses on the role of different organs inside the corporation able to initiate or to make provisions in order to avoid the insolvency.

The Chapter three is subdivided in several parts and provides an analysis how the menace of insolvency modifies the corporate governance. It illustrates the position of the management, the intervention of the court and the position of the administrator.