Abstract

The aim of this work is to analyse the companies under the private international and European law, their cross-border mobility and the problems associated therewith. Crucial emphasis is placed on the synthesis of foreign and Czech authors and confrontation of theory and practice in the light of the current global development of company law in private international law. The key point is the determination of personal status of the company and the conflict between the incorporation theory and the real seat theory.

At the outset the author explains the reasons which led him to write this thesis, including the methods used to do so.

The whole thesis is divided into four main thematic areas. In the first chapter, some of the basic concepts are defined in order to clarify the thematic framework within which the thesis will be dealt with. The second chapter addresses the definition of the term "Company", its personal status, various approaches to determine the effects of different conflict theories and the regulatory competition arising thereof. The third part deals with a detailed analysis of the Czech law, in particular with the relationship between the Czech Republic and foreign companies, the concept of residence, criteria for determining personal status and different approaches to the cross-border transfer of company’s seat dissipated across a number of codes. In the fourth chapter the focus is turned on the European law. Emphasis is being placed on current legal state where, using historical excursus, the author explains the reasons for current situation and its likely future development in the area of the freedom of establishment of national and multinational companies in the European Union and beyond.

At the end of the thesis, the conclusion is made, assessing the outcomes collected during the creation of the work.