

SETTLEMENT SHARE AND DETERMINATION OF ITS AMOUNT

ABSTRACT

The subject of my thesis is to analyse the legal regulation governing the settlement share and determination of its amount. The aim is to provide comprehensive picture of the issue of the settlement share both in terms of the commercial law, as well as in terms of the tax and accounting law.

With regard to the recent and significant changes in private law, and thus in the area of settlement share, there is devoted ample space in the thesis to comparison of the current and former legal framework including application of the available judicature. The change of the particular law brought a lot of new questions and disputed interpretations, which are subsequently identified and analysed.

My thesis consists of introduction, seven chapters and conclusion.

Chapters one to four represent a general part in relation to the settlement share. The first chapter gives the definition of a settlement share from both the legal and economical perspective. It includes also consideration about possible treatment with the settlement share. The second chapter deals with the termination of the participation of a partner, which leads to the constitution of the settlement share. Chapter three analyses the various options for determining the value of the settlement share based on both accounting and fair value. The fourth chapter deals with the payment of the settlement share, including a discussion on the payment terms. Chapter five is specific and analyse the usage of relevant provisions for the Companies, which have not adopted Business Corporation Act. Chapter six is devoted to the tax and accounting issues of the settlement share. Chapter Seven analyses the special provisions related to the settlement share in the case of different types of companies, focusing on the most common form - a limited liability company. Attention is given also to other business corporations, including companies established under European law. The final part summarises the results of my thesis and contains also views to the future (*de lege ferenda*).