

The main purpose of my thesis is to analyse and clarify the process of foundation, incorporation and invalidity of the business company. A business company may be defined as a private association of persons established under an agreement, whose purpose is to undertake business. Members contribute their own money to the business and divide among themselves the profits attained. Regulation of all types of business company is contained in Part II of the Commercial Code.

Our Commercial Code provides six types of the business company: Unlimited liability company, limited partnership company, limited liability company, joint-stock company, European public limited company and finally European economic interest grouping. It is necessary to be careful with the translation of the concrete types of the company, because this is only approximate translation of the terms, because of the distinct legal institutions in each legal system.

The thesis is composed of seven chapters, each of them dealing with different aspects of the above mentioned process of foundation, incorporation and invalidity of the business company.

Chapter One is introductory and defines basic terminology used in the thesis. The chapter is subdivided into three subchapters. The subchapter one deals with the concept of the legal person in general. The subchapter two explains the concept of the business company in general. The subchapter three deals with the basic characters of the each type of the company.

Chapter Two examines relevant Czech legislation in the field of foundation of the company. Under the Czech Commercial Code, we distinguish the moment of foundation of the company and the moment of the incorporation of the company.

The chapter consists of five subchapters. Subchapter One focuses on the foundation of the company in general. The subchapter two gives theoretical models of the company foundation. The subchapter three defines the concept of preliminary agreements. The subchapter four deals with the document of foundation and its types. The subchapter five deals with the foundation of the joint-stock company. It is subdivided into six parts. The last subchapter deals with the shareholders agreement.

Chapter Three explains the concept and the purpose of the preliminary company regulation. It is subdivided into three subchapters. Subchapter One considers the acting on behalf of the company before its incorporation. Subchapter two deals with contribution administration. Subchapter three mentions EU legislation.

Chapter Four concentrates on the problem of the company incorporation. It is subdivided into three subchapters. Subchapter One describes the process of the trades licence acquisition. Subchapter two deals with the process of the company registration. It is subdivided into two parts. Subchapter three investigates the legal consequences of the company incorporation.

Chapter Five addresses the issue of the invalidity of the company. It is subdivided into three subchapters. Subchapter One deals with the invalidity of the company in general. Subchapter two push for distinguish between invalidity of the company and dissolution of the company. Subchapter three features each of the reasons of the invalidity of the company.

Chapter Six deals with the foundation, incorporation and invalidity of the European economic interest grouping.

Chapter Seven describes the process of the foundation, incorporation and invalidity of the European public limited company.