

Abstract: Corporate Mobility in European Union Law

The thesis deals with the latest developments in corporate mobility in the light of the recent CJEU decisions and its inherently formulated doctrine. After a brief introduction of the discussed general concepts, a dissection of previous case law and relevant legislation, the author explores the ways in which the current changes in the conception of cross-border conversions have influenced corporate mobility as a whole and the perception of freedom of establishment in particular. The question whether further legislative actions have to be taken in order to enable companies to take advantage of these developments is debated. The thesis is divided into five logical clusters which are structured in the following manner. Firstly, I analyze the fundamental pillars of corporate mobility, liability and capital protection doctrines that serve as the tangential object of interest to the actual subject matter as they represent the wider legal framework of European company law. Secondly, a comprehensive summary of the preceding case law of the Court on the issue of freedom of establishment is presented, providing an insight on the current issues, which are thoroughly discussed and analyzed in the remainder of the thesis. In Chapter four, the VALE case is further dissected and implications of the case on the corporate mobility doctrine as well as the problematic issues that it left unresolved are reflected upon. In the fifth Chapter, the aforementioned developments are perceived in a broader context by taking into consideration the scholarly interpretation as well as empirical studies that have been conducted to assess the impact of the relevant CJEU decisions on the legislation of the member States and the behavior of companies within the EU. Part of this chapter is a brief description of the changes in the national legislation of France, Spain, the Netherlands, Germany, the United Kingdom, and Austria as a direct reaction to the developments in EU Law regarding corporate mobility. Lastly, the arguments used throughout the analyzed body of literature are summarized in order to evaluate the need and nature of changes that are expected from the European legislator in the near future.