

Exclusion And Withdrawal of Members And Cancellation of Their Membership In a Limited Liability Company

Abstract

This thesis aims to analyze current legislation of exclusion and withdrawal of members and cancellation of their membership in a limited liability company. Although comparing the current legislation with the previous one is not the purpose of the thesis, such comparison is provided in several places. The purpose is to show the same or, conversely, different features of both, particularly in relation to the applicability of existing case law and doctrinal interpretation.

The work consists of three main chapters that form a coherent whole. The first chapter is devoted to the withdrawal of a member of a limited liability company and is further divided into several sub-chapters. It deals with the legal aspects of the withdrawal of a member under the Czech legislation. It describes in detail the various reasons of the withdrawal and also offers some suggestions *de lege ferenda*.

The second chapter focuses on the exclusion of a shareholder of a limited liability company by the general meeting. It brings an analysis of legislation, describes the procedure of exclusion and analyzes the available case law.

The third chapter, entitled "Termination of participation of a member of a limited liability company as a result of the court's decision" constitutes a broader thematic unit and is engaged in various manners in which the participation is ended as a result of a court decision. This section splits into three sub-topics; the expulsion of a shareholder by court, the cancellation of the participation of a member by court and termination of participation of a heir by court.

Finally, a summary of some important aspects of current legislation on exclusion and withdrawal of members and cancellation of their membership in a limited liability company is presented. These facts should not be ignored by either professionals or the recipients of legislation who are mostly involved in business.