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Recent attempts to harmonise company law within the EU have led to major European company law reforms. This examination of European company law uses seven European countries as case studies: the United Kingdom, France, Germany, Italy,

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The driving forces of comparative company law can be traced back to the spread of the 1930s' U.S. securities regulation into European Union member states, Eastern European states, and also China; the harmonization efforts of the European Community since the late 1950s; and most recently, the international rise of the corporate governance

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and code movements in the 1990s that had some famous origins in the United Kingdom.

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stakeholders rights in Europe, International and Comparative Corporate Law Journal, 10 (1), 80–97. Clift B. (2009) The second time as farce? The EU Takeover Directive, the clash of capitalisms and the hamstrung harmonization of European (and French) corporate governance, Journal of Common Market Studies, 47 (1), 55–79. Commission of the European Communities (1974) Report on takeover and ...

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hope both to understand the overall framework of the law and grasp its practical application. This text's structure, now in its second edition, solves that dilemma.

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about learning from each others experience in a competitive  
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for and from companies that are facing global competition  
comparative company law today is

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european company law comparative company law is at once

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very old and very modern it is very old because ever since companies and company laws first existed trade has not stopped at the frontiers of countries and states the persons concerned practitioners as well as rule makers had to look beyond their own city country rules and laws

Company law is undergoing fundamental change in Europe. All European countries have undertaken extensive reform of their company legislation. Domestic reform has traditionally been driven by corporate failures or scandals. Initiatives to make corporate governance more effective are a feature of recent European law reform, as are measures to simplify and

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ease burdens on smaller and medium-sized businesses (SMEs). An increasing EU harmonisation is taking place through the Company Law Directives, and the free movement of companies is also facilitated by the case law of the European Court of Justice on the directives and the right to free movement and establishment in the EC Treaty. New European corporate forms such as the European Economic Interest Grouping (EEIG) and the European Company (SE) have added new dimensions. At a time of rapid development of EU and national company laws, this book will aid the understanding of an emerging discipline.

Comparative Company Law provides a systematic and coherent exposition of company law across jurisdictions,



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augmented by extracts taken from key judgments, legislation, and scholarly works. It provides an overview of the legal framework of company law in the US, the UK, Germany, and France, as well as the legislative measures adopted by the EU and the relevant case law of the Court of Justice. The comparative analysis of legal frameworks is firmly grounded in legal history and legal and economic theory and bolstered by numerous extracts (including extracts in translation) that offer the reader an invaluable insight into how the law operates in context. The book is an essential guide to how company law cuts across borders, and how different jurisdictions shape the corporate lifespan from its formation by way of incorporation to its demise (corporate insolvency) and eventual dissolution. In addition, it offers an introduction

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to the nature of the corporation, the framework of EU company law, incorporation and corporate representation, agency problems in the firm, rights of stakeholders and shareholders, neutrality and defensive measures in corporate control transactions, legal capital, piercing the corporate veil, and corporate insolvency and restructuring law.

This successful textbook remains the only offering for students of European company law, and has been fully updated.

Presents in-depth, comparative analyses of German, UK and US company laws illustrated by leading cases, with German cases in English translation.

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An examination of important aspects of the company laws of seven European countries.

The book provides students of European company law courses, scholars and practitioners with an overview. Although company law remains mainly regulated at the level of national laws, it has become important to obtain a systematic view of the main directives in the field of company law, the EU Court of Justice's jurisprudence, the European Model Company Act and the state of implementation of these directives in the member states of the Union. The book therefore contains, in addition to the illustration of the law laid down by EU legislative bodies and the related soft laws,

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detailed references to the most important domestic legislations and case laws, in order to make them known and usable as much as possible. Moreover, the book allows identifying the most relevant current legislative trends and the main historical reasons for divergences.

As attention moves rapidly towards comparative approaches, the research and teaching of company law has somehow lagged behind. The overall purpose of this book is therefore to fill a gap in the literature by identifying whether conceptual differences between countries exist. Rather than concentrate on whether the institutional structure of the corporation varies across jurisdictions, the objective of this book will be pursued by focusing on specific cases and how different countries

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might treat each of these cases. The book also has a public policy dimension, because the existence or absence of differences may lead to the question of whether formal harmonisation of company law is necessary. The book covers 12 legal systems from different legal traditions and from different parts of the world (though with a special emphasis on European countries). In alphabetical order, those countries are: Finland, France, Germany, Italy, Japan, Latvia, the Netherlands, Poland, South Africa, Spain, the UK, and the US. All of these jurisdictions are subjected to scrutiny by deploying a comparative case-based study. On the basis of these case solutions, various conclusions are reached, some of which challenge established orthodoxies in the field of comparative company law.

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Eine Gruppe von deutschen Kennern des Rechts der Kapitalgesellschaften aus Wissenschaft und Praxis hat sich zusammengefunden, um Sinn und Nutzen des festen Kapitals und seiner einzelnen Elemente zu untersuchen. Im vorliegenden Band finden sich, neben einer Zusammenfassung der Ergebnisse, insgesamt 16 Einzeluntersuchungen zu Aspekten des Kapitals in Deutschland und seiner Bezüge zu angrenzenden Rechtsbereichen (z.B. Rechnungslegung, Insolvenz) sowie 7 Berichte zum festen Kapital im Ausland (Frankreich, Großbritannien, Italien, Niederlande, Polen, Spanien und USA).

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As attention moves rapidly towards comparative approaches, the research and teaching of company law has somehow lagged behind. The overall purpose of this book is therefore to fill a gap in the literature by identifying whether conceptual differences between countries exist. Rather than concentrate on whether the institutional structure of the corporation varies across jurisdictions, the objective of this book will be pursued by focusing on specific cases and how different countries might treat each of these cases. The book also has a public policy dimension, because the existence or absence of differences may lead to the question of whether formal harmonisation of company law is necessary. The book covers 10 legal systems. With respect to countries of the European Union, it focuses on the most populous countries (Germany,

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France, the UK, Spain, Italy and Poland) as well as two smaller Member States (Finland and Latvia). In addition, the laws of two of the world's largest economies (the US and Japan) are included for the purposes of wider comparison. All of these jurisdictions are subjected to scrutiny by deploying a comparative case-based study. On the basis of these case solutions, various conclusions are reached, some of which challenge established orthodoxies in the field of comparative company law.

An analytical overview of the regulation of shareholder activism in the UK and Germany. The book shows how the comparative legal method can be used in the study of the corporate governance systems of different countries. It deals



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with the regulation of the governance of listed companies within a wide framework that recognises the importance of company law, securities markets law, standards and internal rule-making.

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