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Handbuch Gesellschaftsrechtliche Streitigkeiten

Corporate Litigation

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Handbuch Gesellschaftliche Streitigkeiten Lars Mehrbrey:

Die internationale Zuständigkeit bei gesellschaftlichen Streitigkeiten im Rechtsrahmen des europäischen Binnenmarktes Gerhard Anliker, 2018-09-26 Die Arbeit befasst sich mit der Frage der internationalen Zuständigkeit der Gerichte bei gesellschaftsrechtlichen Streitigkeiten im europäischen Binnenmarkt. Die Themenstellung ist hoch praxisrelevant. Aufgrund der weitgehenden Mobilität von Gesellschaften im Binnenmarkt besteht ein gesteigertes Bedürfnis gesellschaftsinterne Streitigkeiten rechtssicher fürchten zu können. Die Arbeit kommt zum Ergebnis, dass Art 24 Nr 2 EuGVVO einen Gleichlauf zwischen Zuständigkeit und anwendbarem Recht bezweckt. Der Verfasser konkretisiert den unionsrechtlich indizierten Gleichlauf anhand materieller Sachgerichtspunkte. Hierzu bedient sich der Verfasser des gesellschaftsrechtlichen Gleichbehandlungsgrundsatzes, den der Verfasser auf europäischer Ebene als allgemeinen Rechtsgrundsatz verortet. Schließlich qualifiziert der Verfasser die alternative Anknüpfung des allgemeinen Gerichtsstandes in Art 4 Abs 1 iVm Art 63 Abs 1 EuGVVO als eine nicht gerechtfertigte Beschränkung der Niederlassungsfreiheit. **Fortbestand akzessorischer**

Sicherheiten Normen Hörnig, 2018-10-22 Long description Geht der Hauptschuldner unter, entfallen nicht nur die Hauptschuld, sondern auch alle hiermit verbundenen akzessorischen Kreditsicherheiten. Damit Sicherungsgeber trotzdem haften wird, beruht eine Verschuldung vertretener Normen. Hörnig zeigt eine alternative Lösung anhand gesellschaftsrechtlicher Überlegungen auf. *Die Vertretung der Aktiengesellschaft durch ihren Aufsichtsrat* Elena Luisa Wasserbach, 2018-02-16 English summary Elena Wasserbach investigates the widely established practice of German companies limited by shares (Aktiengesellschaft AG) being represented by their supervisory boards. The main focus of this work is the way such companies are represented to third parties, while in addition to considering legal business vis-à-vis legal or natural persons close to members of boards of directors, the legal transactions benefitting them and multilateral legal transactions involving members, the author also looks into the use of directors and officers' D & O liability insurances and auditors. German description Die organschaftliche Vertretung der Aktiengesellschaft obliegt nach 78 AktG grundsätzlich dem Vorstand. 112 AktG bestimmt allerdings, dass die Gesellschaft Vorstandsmitgliedern gegenüber durch den Aufsichtsrat vertreten wird. Das Aktiengesetz reagiert damit auf die mit einem Insichgeschäft verbundene Interessenkollision durch die Verlagerung der Vertretungskompetenz auf ein nicht befangenes Organ. Das Institut der organschaftlichen Vertretung der AG durch den Aufsichtsrat erscheint weitgehend als erschlossen. Elena Luisa Wasserbach stellt Überlegungen zur Vertretung gegenüber Dritten ins Zentrum ihrer Untersuchung. Neben Rechtsgeschäften gegenüber dem Vorstandsmitglied nahestehenden juristischen oder natürlichen Personen, Rechtsgeschäften zugunsten von Vorstandsmitgliedern und mehrseitigen Rechtsgeschäften unter Beteiligung von Vorstandsmitgliedern analysiert die Autorin auch Möglichkeiten der Inanspruchnahme des D & O Versicherers und des Abschlussprüfers. Handbuch Gesellschaftsrechtliche Streitigkeiten Kim Lars Mehrbrey, 2024-07 **Handbuch gesellschaftsrechtliche Streitigkeiten** Kim Lars Mehrbrey, Wendelin Acker, Ingrid

Andres, Sebastian Baur, 2015

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