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Marcus Lutter
(Hrsg.)

AktG

Kommentar

3. Auflage

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Jiyuan Zhang



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Die Heilung fehlerhafter Rechtsgeschäfte Sebastian Mock, 2014-04-09 Die Frage nach einer möglichen Heilung eines fehlerhaften Rechtsgeschäfts wirft sogleich die Frage nach der Endgültigkeit von deren Fehlerhaftigkeit auf. Denn obwohl die Zivilrechtsordnung bei einer Fehlerhaftigkeit eines Rechtsgeschäfts jedenfalls im Grundsatz die fehlende Wirksamkeit oder die Möglichkeit einer Aufhebung des Rechtsverhältnisses vorsieht, werden diese Rechtsfolgen durch das Rechtsinstitut der Heilung teilweise erheblich eingeschränkt. Abgesehen von wenigen einzelnen Regelungen im allgemeinen Zivilrecht ist das Rechtsinstitut der Heilung nicht generell für die gesamte Zivilrechtsordnung kodifiziert. Findet sich aber in nahezu jedem Teilgebiet des Zivilrechts. Sebastian Mock untersucht das Konzept der Heilung anhand dieser einzelnen besonderen Regelungen und entwickelt aus diesen allgemeine Grundsätze für die Heilung fehlerhafter Rechtsgeschäfte.

Kapitalgesellschaftsrecht Jan Wilhelm, 2010-01-13 Wilhelm Kapitalgesellschaftsrecht kommt in der dritten Auflage mit dem MoMiG. Das Buch führt durch das Recht der Kapitalgesellschaften und das Kapitalmarktrecht. Nach den Grundbegriffen werden die immer zahlreicheren Gesetzgebungsschritte im nationalen und europäischen Recht vorgestellt. Berücksichtigt sind insbesondere die Societas Europaea und der Verordnungsentwurf zu einer Europäischen Privatgesellschaft. In den Sachkapiteln ist das MoMiG durchgehend berücksichtigt. Die Gründung und das Kapital der Gesellschaften bilden die Grundlagen. Das Thema der Mitgliedschaftsrechte führt sodann zum großen Kapitel über das Kapitalmarktrecht. Die Organisation der Gesellschaften sowie Grundzüge des Konzernrechts und der Rechnungslegung folgen. Beendigung und Umwandlung der Kapitalgesellschaften schließen ab. Das Buch gibt einen umfassenden Überblick über das Recht der Kapitalgesellschaften und bildet Schwerpunkte bei Kernfragen. Besonderes Gewicht wird dabei auf die Rechtsprechung gelegt. Auch deshalb ist es nicht nur für die Studierenden, sondern auch für Referendare und Praktiker hervorragend geeignet.

The Deconstruction of Equity Wolf-Georg Ringe, 2016 New investment techniques and new types of shareholder activists are shaking up the traditional ways of equity investment that inform current corporate law and governance. This book evaluates different risk decoupling strategies and makes the case for regulatory intervention, developing a comprehensive proposal to address the regulatory problem.

German Corporate Governance in International and European Context Jean J. du Plessis, Bernhard Großfeld, Claus Luttermann, Ingo Saenger, Otto Sandrock, Matthias Casper, 2012-01-14 Corporate governance encompasses the free enterprise system which is treated comprehensively in this book from a German perspective. This distinguishes the book from other books written in English in this subject area not only because of the comprehensive way it covers German corporate law and corporate governance but also because of the fact that it provides international and European perspectives on these important topics. This second edition is an extensively revised and updated version of the first edition in particular with a view to the worldwide debt crisis. The authors provide readers with an overview of the unique features of German business and enterprise law and an in-depth analysis of the organs of governance.

of German public limited companies general meeting management board supervisory board In addition approaches for reforms required at the international level are also suggested and discussed including among others the unique interplay and dynamics of the German two tier board model with the system of codetermination referring to the arrangement of employees sitting on the supervisory boards of German public limited companies and private companies employing more than 500 employees also covered are significant recent legal developments in Europe The book highlights the core function of valuation and financial reporting at the international European and German levels with accounting as the documentary proof of good corporate governance It also expands the scope of the first edition by a treatment of the German financial sector global corporate finance and governance and by including a new chapter on compliance of corporate governance laws rules and standards in Germany As far as comparative law is concerned new developments in the area of corporate governance in the EU the OECD Principles of Corporate Governance and corporate governance in the US the UK and Australia are covered The book is addressed to researchers practitioners and basically anyone with an interest in the complex but intriguing areas of corporate law and corporate governance

The impact of regulation on remuneration in banks. An analysis of EU, UK and German law Maxim Hohmann, 2017-02-09 The excessive risk taking at banks might account for the failure of financial undertakings as well as to systemic problems in the European Union and around the world The inappropriate design of remuneration systems in many financial institutions is reported to induce such risk taking The EU regulators have intervened through legislative measures which have been differently implemented in Member States Such legislative measures face critics due to the restriction in banks freedom of business However this book will point out that regulations are necessary and can be justified in order to protect the common good of a sound functioning financial market Nevertheless the effectiveness of current legislative provisions is challenged Therefore this book will critically analyse the legislation of bankers remuneration focussing on relevant EU UK and German measures

The Anatomy of Corporate Law Reinier Kraakman, John Armour, Paul Davies, Luca Enriques, Henry Hansmann, Gerard Hertig, Klaus Hopt, Hideki Kanda, Mariana Pargendler, Wolf-Georg Ringe, Edward Rock, 2017-01-19 This is the long awaited third edition of this highly regarded comparative overview of corporate law This edition has been comprehensively revised and updated to reflect the profound changes in corporate law and governance practices that have taken place since the previous edition These include numerous regulatory changes following the financial crisis of 2007 09 and the changing landscape of governance especially in the US with the ever more central role of institutional investors as active owners of corporations The geographic scope of the coverage has been broadened to include an important emerging economy Brazil In addition the book now incorporates analysis of the burgeoning use of corporate law to protect the interests of external constituencies without any contractual relationship to a company in an attempt to tackle broader social and economic problems The authors start from the premise that corporations or companies in all jurisdictions share the same key legal attributes legal personality limited liability

delegated management transferable shares and investor ownership Businesses using the corporate form give rise to three basic types of agency problems those between managers and shareholders as a class controlling shareholders and minority shareholders and shareholders as a class and other corporate constituencies such as corporate creditors and employees After identifying the common set of legal strategies used to address these agency problems and discussing their interaction with enforcement institutions The Anatomy of Corporate Law illustrates how a number of core jurisdictions around the world deploy such strategies In so doing the book highlights the many commonalities across jurisdictions and reflects on the reasons why they may differ on specific issues The analysis covers the basic governance structure of the corporation including the powers of the board of directors and the shareholder meeting both when management and when a dominant shareholder is in control It then analyses the role of corporate law in shaping labor relationships protection of external stakeholders relationships with creditors related party transactions fundamental corporate actions such as mergers and charter amendments takeovers and the regulation of capital markets The Anatomy of Corporate Law has established itself as the leading book in the field of comparative corporate law Across the world students and scholars at various stages in their careers from undergraduate law students to well established authorities in the field routinely consult this book as a starting point for their inquiries The Oxford Handbook of Corporate Law and Governance Jeffrey N. Gordon, Wolf-Georg

Ringe, 2018-04-26 Corporate law and corporate governance have been at the forefront of regulatory activities across the world for several decades now and are subject to increasing public attention following the Global Financial Crisis of 2008 The Oxford Handbook of Corporate Law and Governance provides the global framework necessary to understand the aims and methods of legal research in this field Written by leading scholars from around the world the Handbook contains a rich variety of chapters that provide a comparative and functional overview of corporate governance It opens with the central theoretical approaches and methodologies in corporate law scholarship in Part I before examining core substantive topics in corporate law including shareholder rights takeovers and restructuring and minority rights in Part II Part III focuses on new challenges in the field including conflicts between Western and Asian corporate governance environments the rise of foreign ownership and emerging markets Enforcement issues are covered in Part IV and Part V takes a broader approach examining those areas of law and finance that are interwoven with corporate governance including insolvency taxation and securities law as well as financial regulation The Handbook is a comprehensive interdisciplinary resource placing corporate law and governance in its wider context and is essential reading for scholars practitioners and policymakers in the field

Verhaltensrisiken und aktienrechtliche Vermögensbindung Philipp Scheibenpflug, 2016-06-03 English summary Philipp Scheibenpflug deals with the sense and purpose of the capital maintenance system Using methodology borrowed from the economic sciences he examines if and how far the system is able to meet up to the predominant objectives of legal discourse German description Der Sinn und Zweck der aktienrechtlichen Vermögensbindung ist seit Jahrzehnten heftig umstritten

Dabei beschränkt sich die im Rahmen des Disputs bemühte Argumentation bisher vornehmlich auf rechtshistorische Ausführungen. Philipp Scheibelpflug geht einen neuen Weg und nimmt unter Zuhilfenahme ökonomischer Methodik eine Wirkungsanalyse vor, die darauf zielt, die Leistungsfähigkeit der Vermögensbindung zu klären. Die Wirkungsanalyse ermöglicht ihm die Debatte um eine innovative Akzentsetzung zu bereichern. Sie belegt zugleich, dass eine Einbindung ökonomischer Methodik und Forschung in die rechtswissenschaftliche Debatte dazu in der Lage ist, festgefahrene Positionen in Frage zu stellen. So können basierend auf den dabei gefundenen Erkenntnissen neue Lösungsvorschläge für juristische Streitfragen entwickelt werden.

Introduction to German Law Joachim Zekoll, Gerhard Wagner, 2018-11-28. It is thirteen years since the appearance of the successful second edition of this convenient English language introduction to the law of Germany. This new edition covers all the significant changes and innovations that have occurred during that period encompassing the pervasive impacts of European Union law and of globalization as well as the greatly increased activity of the German legislature in every area addressed in this volume. With fifteen lucid chapters written by academic experts in their respective fields of law as well as detailed bibliographies, this is the ideal starting point for research whenever a question of German law must be answered. The authors clearly explain the legal concepts, customs and rules arising from such basic elements as the following: characteristic problems of German legal unity, principles and practices of constitutional law, administrative law and procedure, the German Commercial Code, formation and conduct of corporations and partnerships, contracts, tort liability, property rights, family law, succession and inheritance, labor and employment issues, private international law, courts and civil procedure, the penal code and criminal procedure.

Introduction to German Law Third Edition provides an authoritative description of all issues likely to emerge in the course of normal application of German law in any context.

Aktionärsmacht und Aktienrecht Walter Andert, 2017. Der Gesetzgeber prägt das Aktieneigentum indem er Strukturen und Instrumente schafft, die es dem Aktionär erlauben Einfluss auf die Unternehmenspolitik zu nehmen. Macht. Die Arbeit untersucht den verfassungsrechtlichen Rahmen jener Ausgestaltung und die verschiedenen Instrumente, die dem Aktionär Macht verschaffen. Sie findet ökonomische Instrumente zur Quantifizierung dieser Aktionärsmacht und erprobt sie anhand der verfassungsrechtlichen Diskussionen um Mitbestimmung und um den Ausschluss von Minderheitsaktionären sowie der Diskussion um die Konformität des VW Gesetzes mit den europäischen Grundfreiheiten.

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