

# **Companies in private international law**

## **Abstract**

This thesis focuses on the topic of companies in private international law and aims to summarize this topic using the methods of description, analysis, synthesis and comparison. The main focus of the thesis is primarily on the Czech and European legislation on companies in private international law, but there is also a partial review of the topic from the standpoint of legislation of the Russian Federation and Kingdom of the Netherlands' legislation.

The thesis is divided into six parts - an introduction, four chapters and a conclusion.

The first chapter provides a theoretical insight into the topic by defining the fundamental terms in the title of this thesis, i.e. company and private international law. In the context of Czech private law, a company is a multi-meaning term. Therefore, the thesis makes it clear that for the purposes of this thesis, a company will be understood as a commercial company.

The second chapter addresses the personal statute of a company, the principles of determining the personal statute, including their advantages and disadvantages, the Czech legal regulation of determining the personal statute of a company, the distinction between the personal statute of a company and the nationality of a company, and the significance of the personal statute of a company for its recognition as a legal person. The final section of the chapter provides a description of the legal regulation of companies and the principles of determining the personal statute of a company from the perspective of the Russian legal system, simultaneously comparing it with the Czech legal regulation.

The third chapter of the thesis focuses on the regulation of a company's seat and its cross-border transfer, which typically has implications for the determination of the personal statute of the company. This chapter addresses the national regulation of cross-border transfer of company seats, which is contained in three pieces of legislation. The chapter also includes a demonstration of the process of cross-border transfer of a company's seat to the Czech Republic, using a specific example of a relocated Dutch company. The chapter concludes with an outline of proposed changes to the relevant legal framework.

The last chapter focuses on the regulation of companies in private international law from the perspective of European Union law. A key theme is the freedom of establishment, the explanation of which, in the light of primary law, secondary law and the case law of the Court of Justice of the European Union, is the subject of a substantial part of the chapter. The conclusion of the chapter then focuses on the prospects of unification of the legal framework for determining a company's personal statute at the level of European Union law.

The conclusion then summarises the issues discussed in the thesis and highlights the views expressed by the author in the thesis.

**Key words: company, private international law, personal statute, cross-border transfer of company seat**