

CROSS-BORDER DIVISION OF COMPANIES – PERSPECTIVE OF A NEW REGULATION

Summary of Doctoral Thesis written under supervision of prof. dr hab. Mirosław Stec

The subject of the thesis is a comprehensive presentation of the set of issues pertaining to the cross-border division of companies. The main objective is to present a solution to the question: is there a possibility within the existing legal framework to perform a cross-border division of a company that will provide sufficient legal certainty? If not, what legislative steps should be taken?

The thesis can be divided into three „informal” parts.

First part focus on the very basis for research problem. Chapter 1 presents historical and economic context of the cross - border division of a company. Chapter 2 discusses the problem of the practical possibility of cross-border division of companies within the existing legal framework.

Second informal part of the dissertation contains studies on justification of introducing new regulation of cross-border division of a company. Chapter 3 discusses rationale for introducing new regulation. Chapter 4 gives verification of the grounds for new cross-border division regulation project.

The third and final part of the thesis discusses key issues of the legislative proposal of cross-border division of a company at European Union level. The author's own legislative proposal of cross-border division was presented in an attachment to the thesis.

The summary of the thesis has a form of conclusions regarding hypothesis which were previously included in the body of the work. The summary also comprises the final conclusion that there is a possibility within the existing legal framework to perform a cross-border division of a company, but it will not provide sufficient legal certainty, therefor a legislative step in the form of legislation based on the author's own legislative proposal is needed.

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