

Streszczenie w j. angielskim

rozprawy doktorskiej napisanej przez mgr Dariusza Jurkiewicza, pt.:

„Zarząd i członkowie zarządu spółki z ograniczoną odpowiedzialnością w upadłości”,

w Katedrze Prawa Gospodarczego Prywatnego

pod kierunkiem prof. dr hab. Mirosława Steca,

Uniwersytet Jagielloński w Krakowie

The subject of the dissertation is the answer to the question of the legal position of the management board and its members resulting from the provisions of the Commercial Companies Code (CCC) in the event of a limited liability company being declared bankrupt, because the management of the bankruptcy estate by the trustee cannot be identified with the functions of the executive body of the bankrupt or especially with the body itself, which is the management board of a limited liability company. When assessing the position of the management board and members of the management board of a limited liability company in bankruptcy, it was examined, among others, how bankruptcy affects rights of the management board to conduct the affairs and represent the company in the context of bankruptcy law indicating that on the date of declaration of bankruptcy, the bankrupt loses the right of management and the ability to use the property included in the bankruptcy estate and to dispose of it. In addition, an analysis was made of the impact of bankruptcy on legal relations between a member of the management board and the company, i.e. the impact of bankruptcy on contracts related to the employment of management board members, and non-competition agreements. The issue of financing the management board after the declaration of bankruptcy of a limited liability company was also described, as well as the performance by members of the management board of duties resulting from the Commercial Companies Code, including, for example, the obligation to maintain loyalty to the company, act with due professional diligence, non-competition or abstain from participation in resolving cases in the event of a conflict of interest with a company in bankruptcy.

15.06.2023

