

Chapter 14

Shareholder Voting Rights

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Shareholder Voting Rights And Practices In Europe And The United States

**Stefan Grundmann, Hans-W.
Micklitz, Moritz Renner**



Shareholder Voting Rights And Practices In Europe And The United States:

Shareholder Voting Rights and Practices in Europe and the United States Theodor Baums,E.

Wymeersch,1999-12-13 With the increasing interest of foreign investors particularly institutional investors in European companies there is a growing need for information on the different regimes affecting the legal status of shareholders Investors need to be aware of the rights and privileges of shareholders in various jurisdictions in order to participate effectively in companies voting and decision making processes This book provides detailed analysis of the rules and practices in sixteen European jurisdictions and the United States covering issues such as convening the general meeting depositing and blocking of shares participation rights setting of the agenda voting rights and proxy rules The authors also aim to make companies aware of practices which may hamper effective shareholder participation and in comparing the different rules and practices to identify areas where further harmonisation might be undertaken within the European Community framework The papers collected here are the result of a conference organised by Professor Theodor Baums of the University of Osnabrück and Professor Eddy Wymeersch of the University of Ghent

Public Companies and the Role of Shareholders

Sabrina Bruno,Eugenio Ruggiero,2011-01-01 This is a book that will be warmly welcomed by everyone engaged in the important debate under way on corporate responsibility and governance

Texas International Law Journal ,2003

The Deconstruction of Equity Wolf-Georg Ringe,2016-09-15 New investment techniques and new types of shareholder activists are shaking up the traditional ways of equity investment that informs much of our present day corporate law and governance Savvy investors such as hedge funds are using financial derivatives securities lending transactions and related concepts to decouple the financial risk from shares This leads to a distortion of incentives and has potentially severe consequences for the functioning of corporate governance and of capital markets overall Taking stock of the different decoupling strategies that have become known over the past several years this book then provides an evaluation of each from a legal and an economic perspective Based on several analytical frameworks the author identifies the elements of equity deconstruction and demonstrates the consequences for shareholders outside investors and capital markets On this basis the book makes the case for regulatory intervention based on three different pillars and comprising disclosure voting right suspension and ex post litigation The book concludes by developing a concrete comprehensive proposal on how to address the regulatory problem Overall this book contributes to the debate about activist investment and the role of shareholders in corporate governance At the same time it raises a number of important considerations about the role of equity investment more generally

Perspectives in Company Law and Financial Regulation Michel Tison,Hans De Wulf,Christoph Van der Elst,Reinhard Steennot,2009-06-18 This collection of essays has been compiled in honour of Professor Eddy Wymeersch on the occasion of his retirement as professor at Ghent University His main international academic peers explore developments on the crossroads of company law and financial regulation in Europe and the United States providing a unique

view on the dynamics of regulatory competition in an era of economic globalisation whether in the fields of rulemaking organising the mobility of capital or the enforcement of rules The deepening of European financial integration and the transatlantic regulatory dialogue has generated new paradigms of rule setting in a multinational framework and reinforced the need to develop adequate instruments for co operation between regulators Regulators increasingly use concepts such as equivalence or mutual recognition to regulate cross border relations

Comparative Company Law Andreas Cahn, David C. Donald, 2018-10-04 When comparing the laws of different jurisdictions one often sees only the forest or the trees This is particularly problematic in comparative company law where students hope both to understand the overall framework of the law and grasp its practical application This text's structure now in its second edition solves that dilemma Chapters open with discursive analyses of the law in each of Germany the UK and the US Delaware the ABA Model Business Corporation Act and federal securities laws and set out the high level governing framework particularly for the EU and its member states This analysis is succinct and pointed with numerous references to both the law and leading scholarship The whole text is arranged to highlight comparative aspects Diagrams are used where helpful Chapters close with edited judicial decisions from at least two of the jurisdictions discussed which allows fresh exploration of comparison in more detail and pointed questions to guide class discussion

Corporate Governance Regimes Joseph McCahery, 2002 *Corporate Governance Regimes* addresses corporate law's leading question whether one or another corporate law regime possesses relative competitive advantage To this end the editors have brought together an international team of scholars in economics and law to critically assess the new theories of ownership and control which seek to explain the important efficiency advantages of dispersed ownership and the inevitable limitations of control oriented systems of governance Contributors describe and analyse the relative strength of the forces that shape the evolution of corporate law rules and practice They also raise the issue of whether nations undertaking reforms should develop corporate governance policies that borrow from other systems best practices or pursue a course of internally designed corporate governance reforms And building on new theories of law and finance they examine the incentives for introducing meaningful corporate governance reforms that disrupt or destabilize Europe's blockholding regimes The collection is divided into seven parts Part One provides not only a means for assessing the key features of market and control based systems of governance but a standpoint for determining whether national governance systems are likely to converge on a single optimal system of governance Part Two introduces the reader to the building blocks of European corporate governance and the securities law harmonization program Part Three examines the complex ownership and control structures that are found in Western Europe investigating the consequences of large shareholdings for minority investors Part Four offers law and finance analyses of the relationship between legal and financial systems and corporate performance Part Five looks at the economic perspective on the operation of the market for corporate control and the key legal rules and institutions of the bankruptcy and insolvency regimes in the USA and Britain Part Six is devoted to exploring

the economic effect of institutional shareholder participation in corporate governance in the USA Britain and continental Europe The final section Part Seven evaluates empirically the executive compensation arrangements in the USA Britain and continental Europe The contributions supply a pool of current research on the motivational effect of performance related remuneration and the substantial increase in top executive remuneration in the USA

Comparative Corporate Governance Andreas M. Fleckner, Klaus J. Hopt, 2013-07-11 The business corporation is one of the greatest organizational inventions but it creates risks both for shareholders and for third parties To mitigate these risks legislators judges and corporate lawyers have tried to learn from foreign experiences and adapt their regulatory regimes to them In the last three decades this approach has led to a stream of corporate and capital market law reforms unseen before Corporate governance the system by which companies are directed and controlled is today a key topic for legislation practice and academia all over the world Corporate scandals and financial crises have repeatedly highlighted the need to better understand the economic social political and legal determinants of corporate governance in individual countries Comparative Corporate Governance furthers this goal by bringing together current scholarship in law and economics with the expertise of local corporate governance specialists from twenty three countries

Annual of German and European Law Russell Miller, 2007-02-01 German law has been of long standing interest and increasing relevance around the world but access for researchers and practitioners very frequently was limited by the necessity of German language proficiency Offering English language access to these fields the Annual of German 2 jurisdictional reports comments on the latest caselaw from Germany s most significant courts and the case law of the European courts having importance for Germany 3 book reviews surveying the most compelling recent literature whether in the German or English language in the fields of German and European law and 4 translations exclusive English language versions of significant primary sources of German law including statutes and court opinions The first volumes of the Annual of German Juliet Lodge Volume I Alexander Somek Volume I Susanne Baer Volume I Renate Jaeger Volume II G nter Frankenberg Volume II Bootjan Zupan i Volume II Nigel Foster Volume II The third volume maintains this tradition of high quality peer reviewed scholarship with contributions expected from Gertrude L bbe Wolff Justice German Federal Constitutional Court and Christian Joerges European University Institute

Financial Services, Financial Crisis and General European Contract Law Stefan Grundmann, Ye?im M. Atamer, 2011-01-01 Speculation is rife on the origins of the worldwide financial crisis of 2008 with a preponderance focusing on alleged shortcomings in corporate governance This book offers a distinct yet complementary perspective that the most useful path to follow if we want to understand what happened and forestall its happening again is through an analysis of contract relationships specifically banking contracts entered into in the financial services sector considered under the rubric of contract law rather than company law Because banking is the area of European contract law which is most thoroughly developed banking contracts can be seen as paradigmatic of typical assumptions and shortcomings often examined in the more general debate on contract law And indeed the very thoroughness

of European banking contract law makes it a promising ground on which to build effective preventive measures In this book thirteen noted scholars recognizing that modern contract law must take into account global markets and risks consider banking contracts within networks and within mass transactions Always attending to the long term relationships that characterize financial services contracts they focus on such cross sector issues as the following rule setting and the question of who should best regulate and at which level networks of contracts as the backbone of a market economy the complex interplay between market regulation and traditional contract law avoiding erroneous assumptions about the future development of prices the passing on of the risk via securitization rating relationships affected by conflicts of interests remuneration problems core duties of information and advice in an agency relationship in services fiduciary duties of loyalty and care types of clients and level of protection differentiation in information available on various markets and the question of enforcement

Institutional Activism in Corporate Governance Wenge Wang, 2019-11-22 Using both qualitative and quantitative methods this book examines whether qualified foreign institutional investors QFIIs through their shareholder activism have a meaningful positive impact on the corporate governance of firms listed on the mainland Chinese stock market Capital flows into and out of China are still subject to tight controls and the QFII scheme is one important avenue through which QFIIs can become invested in the Chinese stock market This book is an invaluable resource for anyone interested in learning about ways to invest in one of the world's largest economies Wang discusses in depth what specific opportunities challenges and restrictions to expect in the process and how investing in China differs from investing in countries with a more open capital account

Comparative Corporate Governance Klaus J. Hopt, 1998 This book comprises a comprehensive survey of the most recent research being done on corporate governance in the triad Europe with particular emphasis on Germany and the UK the US and Japan The comparative nature of the research brings forth new insights which studies conducted within one system may fail to produce The contributors to this volume represent a unique sample of scholars from throughout the triad and across disciplines

Takeovers and the European Legal Framework Jonathan Mukwiri, 2009-05-07 Since the implementation of the European Directive on Takeover Bids a European common legal framework governs regulation of takeovers in EU Members States This book studies the European Community Directive on Takeover Bids first from a British perspective but also considers the Directive in relation to the EU

The AGM in Europe Anne Lafarre, 2017-11-02 Anne Lafarre combines wide ranging empirical legal and economic research to analyse and understand the real role of the AGM in the European businesses and corporate governance frameworks today

New Private Law Theory Stefan Grundmann, Hans-W. Micklitz, Moritz Renner, 2021-03-18 New Private Law Theory opens a new pathway to private law theory through a pluralistic approach Such a theory needs a broad and stable foundation which the authors have built here through a canon of nearly seventy texts of reference This book brings these different texts from different disciplines into conversation with each other grouping them around central questions of private law and at the same

time integrating them with the legal doctrinal analysis of example cases This book will be accessible to both experienced and early career scholars working on private law **Corporate Practice Series** ,2009 *Shareholder Voting Rights and Practices in Europe and the United States* E. Wymeersch,1999-12-13 This book provides detailed analysis of the rules and practices in 16 European jurisdictions and the United States covering issues such as convening the general meeting depositing and blocking of shares participation rights setting of the agenda voting rights and proxy rules **The European Company Law Action Plan Revisited** Koen Geens,Klaus J. Hopt,2010 The harmonization of company law has always been on the agenda of the European Union Besidesthe protection of third parties affected by business transactions the founders had two other objectives first promoting freedom of establishment and second preventing the abuse of such freedom The European Commission issued its Company Law Action Plan in 2003 In this volume researchers of the Jan Ronse Institute for Company Law of the Katholieke Universiteit Leuven present five chapters on the main priorities of the Action Plan capital and creditor protection corporate governance one share one vote financial reporting and corporate mobility The book also includes responses and ensuing discussions by reputed European company law experts European Comparative Company Law Mads Andenas,Frank Wooldridge,2009-07-30 Company law is undergoing fundamental change in Europe All European countries have undertaken extensive reform of their company legislation Domestic reform has traditionally been driven by corporate failures or scandals Initiatives to make corporate governance more effective are a feature of recent European law reform as are measures to simplify and ease burdens on smaller and medium sized businesses SMEs An increasing EU harmonisation is taking place through the Company Law Directives and the free movement of companies is also facilitated by the case law of the European Court of Justice on the directives and the right to free movement and establishment in the EC Treaty New European corporate forms such as the European Economic Interest Grouping EEIG and the European Company SE have added new dimensions At a time of rapid development of EU and national company laws this book will aid the understanding of an emerging discipline *Corporate Governance* Donald Nordberg,2010-11-15 Offering a fresh look at the commonly accepted view of what constitutes good governance Donald Nordberg explores the contexts of board decisions and draws upon his academic research and years of business and financial journalism in Europe North America and Asia to provide a distinctive and pertinent contribution to the literature on corporate governance The book Features 21 detailed case studies drawn from international examples to prompt discussion and analysis Provides topical up to date examples and evidence Gives attention to the important question What next for Corporate Governance Supporting features include Case Study questions Agenda Point boxes to provide further analysis and consideration on topical issues Further readings Companion Website featuring online resources

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