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REFORMING COMPANY AND TAKEOVER LAW IN EUROPE

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Reforming Company And Takeover Law In Europe

Koen Geens, Klaus J. Hopt



Reforming Company And Takeover Law In Europe:

EU Law and the Harmonization of Takeovers in the Internal Market Thomas Papadopoulos, 2010-01-01 Although some provisions of the Directive are obligatory for all Member States two key provisions have been made optional the non frustration rule which requires the board to obtain the prior authorization of the general meeting of shareholders before taking any action that could result in the frustration of the bid and the breakthrough rule restricting significant transfer and voting rights during the time allowed for acceptance of the bid Other relevant legal issues covered in the course of the analysis include the following A the right of establishment as a right of legal persons A vertical vs *Reforming Company and Takeover Law in Europe* Guido Ferrarini, Klaus J. Hopt, Japp Winter, 2004 This book examines reforms in company and takeover law crucial to modern business and economics Reform activity is underway in the UK Germany France Italy and most other member States of the European Union In addition the EU is developing its own rules and reform plans The European 13th directive was enacted in December 2003 this requires modifications of member State takeover law The European Commission has outlined the company law action plan which will lead to important directives from 2004 to 2010 This book is the first to deal comprehensively with both the 13th directive and the EU company law action plan providing commentary on the action plan and critically assessing what the future may hold The takeover law provisions in the 13th directive including the break through rule and the controversial level playing field for takeover activities amongst European member states and between them and the United States are examined The contributions also address a wide range of topical issues including corporate disclosure board structure the role of non executive and supervisory directors remuneration of directors responsibility of the management and the board personal liability of board members auditors and conflicts of interest The company law action plan and the two reports of the High Level Group of Company Law Experts upon which the plan was based are reproduced in full in a useful annex 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 Member States The European Directive on Takeover Bids was adopted in April 2004 and implemented in the UK and in other Member States on 20th May 2006 The Directive seeks to regulate takeovers by way of protecting investors and harmonising takeover laws in Europe In facilitating the restructuring of companies through takeovers the Directive aims at reinforcing the free movement of capital Takeovers and the European Legal Framework studies the European Community Directive on Takeover Bids in order to provide greater understanding of both the impact and effect of the European legal framework of takeover regulation It firstly looks at the Directive from a British perspective focusing on the impact of the transposition of the Takeover Directive into the UK The book examines the provisions of the City Code on Takeovers and Mergers and discusses the takeover provisions in the Companies Act 2006 that implement the Takeover Directive in the UK arguing that the Directive will provide a new basis for UK takeover regulation

and that the system will work well Jonathan Mukwiri goes on to consider the Directive in relation to the EU arguing that despite its deficiencies in that Member States are free to opt to restrict takeovers the Directive provides a useful legal framework by which takeovers are regulated in different jurisdictions Mukwiri highlights how the freedoms of the EC Treaty and EU Directives interact and the effects of the Takeover Directive on political considerations in the law making process in European Community Moreover he argues that the future of EU takeover regulation is likely to follow the lead of the UK making this book relevant to a wide range of policy makers and academics across Europe

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 Beside the 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

Modernization of European Company Law and Corporate Governance Gert-Jan Vossestein, 2010-01-01 This new book offers a substantial framework for examining the competence or powers of the EC in the field of company law and the requirements for the lawful exercise of these powers the principle of subsidiarity and the observance of Article 43 EC in particular In order to provide a clear understanding of the practical relevance of this framework the author tests the provisions of specific EC company law instruments for compatibility with the EC Treaty Although the substantial body of EC company law that has been built up over the years is covered the focus is on EC company law instruments which have been adopted in implementation of the 2003 Action Plan The book includes a survey of the various company law instruments both pre and post Action Plan which together make up EC company law and discusses the objectives of EC company law policy

Boards and Shareholders in European Listed Companies Massimo Belcredi, Guido Ferrarini, 2013-10-10 Is European Corporate Governance really dysfunctional An analysis of European reform proposals based on new comparative evidence

Towards a Sustainable European Company Law Beate Sjøfjell, 2009-01-01 No one doubts any longer that sustainable development is a normative imperative Yet there is unmistakably a great reluctance to acknowledge any legal basis upon which companies are obliged to forgo shareholder value when such a policy clearly dilutes responsibility for company action in the face of continuing environmental degradation Here is a book that boldly says Shareholder primacy is wrong Such a narrow short term focus the author shows works against the achievement of the overarching societal goals of European law itself The core role of EU company and securities law is to promote economic development notably through the facilitation of market integration while its contributory role is to further sustainable development through facilitation of the integration of economic and social

development and environmental protection There is a clear legal basis in European law to overturn the poorly substantiated theory of a market for corporate control as a theoretical and ideological basis when enacting company law With rigorous and persuasive research and analysis this book demonstrates that European companies should have legal obligations beyond the maximization of profit for shareholders human and environmental interests may and should be engaged with in the realm of company law and company law has a crucial role in furthering sustainable development As a test case the author offers an in depth analysis of the Takeover Directive showing that it neither promotes economic development nor furthers the integration of the economic social and environmental interests that the principle of sustainable development requires This book goes to the very core of the ongoing debate on the function and future of European company law Surprisingly it does not make an argument in favour of changing EU law but shows that we can take a great leap forward from where we are For this powerful insight and the innumerable recognitions that support it this book is a timely and exciting new resource for lawyers and academics in both camps those on the activist side of the issue and those with company or official policymaking responsibilities

Yearbook of European Law 2009 Piet Eeckhout,Takis Tridimas,2010-02-25 Now in its 28th year the Yearbook of European Law is one of the most highly respected periodicals in the field Featuring extended essays from leading scholars and practitioners the Yearbook has become essential reading for all involved in European legal research and practice This year s issue includes a special symposium on the recent Kadi case in the European Court of Justice with contributions by Giorgio Gaja Christian Tomuschat Enzo Cannizzaro Riccardo Pavoni and Martin Scheinin

European Company Law Nicola de Luca,2017-03-16 As with corporate law itself however our principal focus in this book is not on establishing the corporate form per se Rather it is on a second equally important function of corporate law namely reducing the ongoing costs of organizing business through the corporate form Corporate law does this by facilitating coordination between participants in corporate enterprise and by reducing the scope for value reducing forms of opportunism among different constituencies

Regulating EU Capital Markets Union Rüdiger Veil,2024-03-14 This is the first of a two volume series that examines the current EU capital markets regimes and explores codification as a means for achieving a true single market for capital in Europe

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