

Unlimited Shareholder Liability in Multinationals

By Timo Rapakko

Unlimited Shareholder Liability In Multinationals

José Engrácia Antunes



Unlimited Shareholder Liability In Multinationals:

Unlimited Shareholder Liability in Multinationals Timo Rapakko, 1997-01-01 Unlimited liability of controlling shareholders otherwise known as piercing the corporate veil has been frequently suggested as an approach to corporate liability Unlimited Shareholder Liability in Multinationals examines this type of liability especially in multinational groups based upon an economic analysis of risk allocation between corporations and various corporate shareholders The analysis also contrasts shareholders limited liability with two other similar liability limitations the use of negligence as opposed to strict liability in tort law and non liability for consequential damages in contract law Unlimited Shareholder Liability in Multinationals ultimately suggests that shareholder control cannot be used as a liability criterion Its analysis indicates further that other legal regimes can more efficiently eliminate inefficient or inequitable corporate risk allocation than unlimited shareholder liability the author recommends using a liquidation priority for certain pre insolvency claims in combination with a mandatory disclosure of shareholders losses of their equity as such a regime The book s interdisciplinary approach including both an economic and a legal analysis makes it important reading for corporate attorneys in house counsel and legal scholars

The Multinational Challenge to Corporation Law Phillip I. Blumberg, 1993-04-08 Modern multinational corporate groups of incredible complexity conducting world enterprises through numerous subsidiaries have rendered traditional corporation law archaic The traditional concept of each corporation as a separate legal unit clashes with modern economic realities and frustrates effective regulation when applied to affiliated corporations collectively conducting a common enterprise In response there is emerging a law of corporate groups directed at the enterprise rather than its corporate components As national legal systems begin to apply enterprise law to multinationals including their foreign companies the resulting extraterritorial application of national law inevitably leads to international controversy Resolution of the problems presented by conflicting national regulation of multinational enterprises presents a major challenge to international law and foreign relations law as well as to corporation law This volume is a comprehensive review and analysis of these major legal developments and their economic and political implications It concludes with a pathbreaking analysis of the jurisprudential implications of the changing corporate personality in enterprise law focusing on economic organization rather than on the conceptualized legal entity of yesterday

Multinational Enterprises and Tort Liabilities Muzaffer Eroglu, 2008-01-01 This book conducts an interdisciplinary and comparative examination of tort liabilities of multinational enterprises MNEs It examines the social economic managerial and legal characteristics of MNEs and compares the findings of this examination to the current understanding of MNEs in the way that tort liability is applied to them Existing laws and principles related to liability of MNEs are explored from a variety of jurisdictions with the aim of assessing whether these laws are adequate for the challenges that modern MNEs create Muzaffer Eroglu also proposes solutions to the problems of tort liability of MNEs Comparing the theory of control in existing laws and the theory of control in business management

structure Multinational Enterprises and Tort Liabilities will be of great interest to academics researchers students and practitioners It will also appeal to NGOs particularly interested with the liabilities of MNEs for their human rights breaches

Multinational Enterprises and the Law Peter Muchlinski,2021 Multinational Enterprises and the Law is the only comprehensive contemporary and interdisciplinary account of the techniques used to regulate multinational enterprises MNEs at the national regional and multilateral levels In addition it considers the effects of corporate self regulation and the impact of civil society and community groups upon the development of the legal order in this area The book has been thoroughly revised and updated for this third edition making it a definitive reference work for students researchers and practitioners of international economic law business corporate and commercial law development studies and international politics Split into four parts the book first deals with the conceptual basis for MNE regulation It explains the growth of MNEs their business and legal forms and the relationship between them and the effects of a globalized economy and society now increasingly challenged by recently revived nationalist economic policies upon the evolution of regulatory agendas in the field In addition the limits of national and regional jurisdiction over MNE activities are considered a question that arises throughout the specialized areas of regulation covered in the remainder of the book Part II covers the main areas of economic regulation including controls over and the liberalization of entry and establishment tax company and competition law and the impact of intellectual property rights on technology diffusion and transfer A specialized chapter on the regulation of multinational banks in the wake of the global financial crisis is new to this edition Part III introduces the social dimension of MNE regulation covering labour rights human rights and environmental issues Finally Part IV deals with the contribution of international investment law to MNE regulation and to the control of investment risks covering the main provisions found in international investment agreements their interpretation by international tribunals the process of investor state arbitration and how concerns over these developments are leading to reform proposals

Corporate Liability:A Study in Principles of Attribution Cheong-Ann Png,2001-08-03 When infringement or wrongdoing is alleged against a corporation where are we to look for the imputed reprehensible conduct or knowledge on which the case must depend This is a question that is asked and asked again as each expansion and intensification of corporate activity gives rise to ever more complex issues of accountability and responsibility This major new theoretical study builds on classic and recent work in the field to provide a systematic and coherent analysis of corporate liability in its current context Focusing on rules of attribution developed in a notable series of English cases the author explains in detail the various ways in which these rules may be applied in civil criminal and regulatory proceedings against corporate defendants The book exposes the circumstances in which corporations as legal persons may incur personal liability for the acts or omissions of their servants or agents that were carried out in the course of their employment defining the means through which corporate liability must be determined It focuses on the personal liability of corporations incorporating common law principles of vicarious liability and agency as well as exceptions

arising from the Companies Act 1985 and other legislation The study covers such important areas as the following the
 problem of many hands in which individual servants or agents may be aware of only a portion of a corporate transaction or
 undertaking the traditional directing mind theory as one of the means of identifying the relevant individuals whose conduct
 or state of knowledge may result in corporate liability the development of principles of attribution as a framework for
 approaching different situations where liability may be established against corporations a new concept of aggregation which
 allows under particular circumstances the collective knowledge of various individuals to be attributed to the corporation the
 relevance of Chinese Walls in limiting the extent to which principles of attribution apply a comprehensive survey of the
 different circumstances in which corporations including holding corporations in corporate groups and their servants and
 agents may incur liability Corporate Liability A Study in Principles of Attribution is far more than a mere legal device for
 practical purposes It is in every way a groundbreaking work in the field of absorbing interest to scholars jurists and lawyers
 alike The Shareholders' and Directors' Manual J. D. Warde,1907 *Current Publications in Legal and Related Fields*
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 an essential reference for those engaged in legal work in China giving an historical overview of the concept of intellectual
 property the development of legal protections criminal liabilities and prospects for the future **New Perspectives on
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 Antunes,1994-05-11 Full Title Liability of Corporate Groups Autonomy and control in Parent Subsidiary Relationships in US
 German and EU Law An International and Comparative Perspective Corporation law dates from the 19th century when the
 growth of business enterprise required a division between the private and the company sphere making the company a legal
 person with its own rights responsibilities and liabilities The company was no longer the legal equivalent of its owner but
 became a separate legal entity providing a form of legal protection for the owners employees and the customers The
 introduction of company law meant a great step forward for those engaged in big business in Europe the U S and elsewhere
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