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Der faktische Konzern (German Edition)

Jan Cihar

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Der faktische Konzern (German Edition) Jan Cihar
Studienarbeit aus dem Jahr 2002 im Fachbereich BWL - Recht, Note: 2,0, Helmut-Schmidt-Universität - Universität der Bundeswehr Hamburg (Privatrecht), Veranstaltung: Kapitalgesellschafts- und Konzernrecht, Sprache: Deutsch, Abstract: In der vorliegenden Arbeit soll der faktische Konzern mit seinen Rechtsgrundlagen und
konzernrechtlichen Besonderheiten dargestellt werden. Dazu empfiehlt es sich zunächst, den Konzernbegriff im allgemeinen zu klären sowie den faktischen Konzern gegenüber anderen Erscheinungsformen der Unternehmenskonzentration abzugrenzen.
Ein Konzern ist nach §§ 15, 18/1 AktG ein Zusammenschluss mehrerer selbständiger Unternehmen unter einer einheitlichen Leitung, wobei letzteres das entscheidende Kriterium ist.1 Da es im faktischen Konzern i.d.R. schon an der einheitlichen Leitung fehlt2, wird noch zu untersuchen sein, inwieweit es gerechtfertigt ist, hier trotzdem von einem Konzern zu sprechen.

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