

The Simplicity of the Future: Plain Methods of Setting up a Company under the Freedom of Enterprise

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Abstract : This research aims to present today's corporate law reforms in the micro, small and medium-sized enterprise sector. The UN Commission on International Trade Law (UNCITRAL) currently deals with emerging issues in the sector in its Working Group I that has specifically focused on possible company law simplifications, including the creation of a fully unique company, the UNCITRAL Limited Liability Organization. However, beyond the work at the UN, the different states has also been focusing on simplification efforts and demands in the sphere of commercial law. We can observe that e.g. Slovakia, Serbia, Poland, Croatia, Hungary, Romania and France are undergoing legal reforms aimed at restructuring the sector through simplification of registration or operation. An important objective of the research is to examine where the boundary is for the legal entity to be more transparent and accountable, while the legislator wants to bring the possibility of establishing a company closer to the citizen. The research material presents the advantages and disadvantages of different initiatives with comparative legal instruments and draws conclusions on the possible future vision. The researcher herself attended some of the meetings of the relevant UNCITRAL working group as a national delegated expert, giving her a personal insight into the UNLLO discourse.

Keywords : commercial law, company formation, MSME, UNCITRAL

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