

# **The German Limited Liability Company**

**Die deutsche Gesellschaft  
mit beschränkter Haftung**

**Sixth revised edition**

**Fritz Knapp Verlag · Frankfurt am Main**

# German Limited Liability Company

**Joachim Rosengarten, Frank  
Burmeister, Martin Klein**



## **German Limited Liability Company:**

**The GmbH** Klaus J. Müller, 2015-11      *The GmbH* Klaus J. Müller, 2006-01-01 The German limited liability company the GmbH is by far the most commonly used legal form in Germany It is in particular of interest to those who want apart from enjoying the benefit of limited liability a legal form that can be flexibly structured This book familiarizes the reader with the legal rules applicable to the GmbH It should however not be considered to be a substitute for professional advice More than a decade s scholarly interest in and practical experience with the GmbH inspired me to write this book In my practice I have predominantly been confronted with the GmbH as an entity forming part of a large group of companies That is why I have placed the emphasis of the book on GmbHs that are held by corporate shareholders rather than by natural persons Many structures and concepts of the German legal system do not translate into an equivalent structure or concept of the Anglo American legal system and vice versa It is therefore a demanding challenge to describe German legal concepts in the English language I am fully aware of this challenge and have tried my best to avoid shortcomings or ambiguities in this regard I have also attempted to state the law in clear and simple terms and hope the attempt has succeeded Many thanks go to Mr Benjamin Letzler Harvard Law School who thoroughly reviewed the manuscript and offered many valuable suggestions to make it more digestible for the non German reader      **Deutsche Gesellschaft Mit Beschränkter Haftung** Burkhardt W. Meister, Martin H. Heidenhain, 1988      The Limited Liability Company Under German Law (the GmbH) Alexander Schröder-Frerkes, Armin Göhring, 2020-05-27 The Limited Liability Company under German Law published in association with German Law Publishers explores the most relevant legal issues and topics for investors seeking to establish or acquire a GmbH in Germany and is aimed at investors with a legal background as well as those without      **The German Limited Liability Company** Joachim Rosengarten, Frank Burmeister, Martin Klein, 2015-05      **Deutsche Gesellschaft Mit Beschränkter Haftung** Burkhardt W. Meister, Martin Heidenhain, Joachim Rosengarten, 2010      **The German Limited Liability Company** Joachim Rosengarten, Frank Burmeister, Martin Klein, 2020-03-31      German Limited Liability Company Rudiger Volhard, Arndt Stengel, 1997 German Limited Liability Company Edited by R diger Volhard and Arndt Stengel P nder Volhard Weber Axster The German limited liability company GmbH is the most common business form in Germany over 600 000 GmbH companies compared with just 3 000 stock corporation companies To run a successful operation in Germany foreign investors must understand the GmbH Recognising this need the authors of German Limited Liability Company have drawn on years of experience advising domestic and international clients to produce a practical and comprehensive guide Through a combination of the lawyer s grasp of company law and a commercial understanding of corporate finance the authors not only anticipate common questions and problems facing potential investors but also tackle numerous unforeseen legal and business considerations vital to understanding the German marketplace German Limited Liability Company covers the following key areas nuts and bolts overview of German corporate law choice of entity formation shareholders and

directors duties articles of association registration formalities corporate finance and corporate law debt and equity financing capital measures mergers and reorganisations rescue restructures tax introduction to German tax law tax efficient structuring of an acquisition thin capitalization non resident directors The most frequently raised issues on employment law directors liabilities social insurance and residence and work permits are also dealt with Dual language versions of the key documentation together with a comprehensive list of terminology provide the reader with practical support With its breadth of coverage and problem solving advice German Limited Liability Company is essential reading for all investors directors lawyers and consultants serious about doing business in Germany

**The Law of Business Organizations** Martin Schulz, Oliver Wasmeier, 2012-01-05 This book gives a concise introduction to the German law of business organizations and is meant to help business practitioners and international students to familiarize themselves with its key concepts and legal issues After outlining some characteristic features of the German legal system the book describes the various types of German business organizations with a special focus on the German Limited Liability Company GmbH and the German Stock Corporation AG The book discusses some typical problems faced by companies engaged in cross border activities and also provides a brief outline of some recent developments in European company law with a special focus on the new multinational corporate form of the European Company SE

**German Tax and Business Law**, 2005 Providing treatment of landlord and tenant matters this book covers both commercial and residential issues The reader is informed with the changing complexities of legislation and case law in this area The coverage of cases and legislation is complemented by practical advice on issues facing practitioners in their daily work

*Founding Limited Companies (Ltds) in Germany* Tobias Georg Schmidt, 2009-12 In a globalized Europe in which everything is merging together especially the economies and keeping pace with the rapid development of the Internet one can ill afford not to take a look at the Limited company The English Limited seems to be an alternative to the German GmbH In the course of groundbreaking decisions made by the European Court of Justice a new legal platform for economic activity is made available in Germany So far it seems to be an attractive one The fast and uncomplicated establishment of the company as well as the rather liberal rules of capitalization are typically perceived as advantages of the Limited compared to the German GmbH However the limited being a foreign type of company is first of all an alien element in the German legal system Just 2005 Preface There are many questions to be answered and there is additionally a certain amount of legal uncertainty to be reasoned with concerning the decision of whether or not to choose the limited over the German GmbH Also the peculiarities perspectives and risks of the limited are widely unknown to the general public The purpose of this book is to provide an analysis of how an English private company limited by shares based in Germany may offer an alternative to German forms of business organization for entrepreneurs The perspectives and risks that come hand in hand with such an establishment will also be interpreted To begin with I will shortly explain the history of British companies This is then followed firstly by an overview of the types of companies in England and secondly

the two types of businesses known to British company law in which liability may be limited to the paid in company assets A discussion of the new rulings of the European Court of Justice ECJ followed by the topics of freedom of establishment incorporation theory and real seat theory are also presented The next chapter explicitly examines establishment and management of the limited ac      *The German Limited Liability Company* Joachim Rosengarten, Frank Burmeister, Martin Klein, 2015      **Federal and State Taxation of Limited Liability Companies 2009** David J. Cartano, 2008 Federal and State Taxation of Limited Liability Companies provides clear and reliable guidance on what the latest tax treatment is for limited liability companies and what it means for your clients or your business It answers all of your questions with an analysis of all federal tax issues applicable to LLCs with detailed references to related Code Sections and Treasury Regulations plus cases revenue rulings and private letter rulings It provides a state by state analysis of state tax laws and filing requirements in all 50 states and the District of Columbia with references to the applicable tax forms and places of filing listed It explains how to prepare the most common LLC tax forms state tax forms checklists practice tips tables and examples This comprehensive manual offers scrupulous and exhaustive coverage of LLC taxation that accountants tax attorneys and CPAs working with LLCs will find invaluable      *Limited Liability* Stephen M. Bainbridge, M. Todd Henderson, 2016-09-30 The modern corporation has become central to our society The key feature of the corporation that makes it such an attractive form of human collaboration is its limited liability This book explores how by allowing those who form the corporation to limit their downside risk and personal liability to only the amount they invest there is the opportunity for more risks taken at a lower cost      *Reception of the 'Limited liability company (GmbH)'* Martin Löhnig, Anna Moszyńska, 2023-12-04 The limited liability company GmbH was created by the German legislature in 1892 as a company form without any historical forerunners or suggestions from comparative law It brought about a readjustment of the relationship between the chance of profit and the liability risk However criticism from the jurisprudence that had not been included in the quick legislative process was also heard from the start As early as 1892 Levin Goldschmidt expressed concern that the GmbH would replace principally more solid forms of company However this criticism did not prevent the company form of the GmbH from being adopted in numerous European countries or at least seriously considering its reception

**Limited Liability Companies For Dummies** Jennifer Reuting, 2008-01-07 What is a limited liability company How is an LLC different from a corporation Should you form an LLC for your business Limited Liability Companies For Dummies answers all of your questions about LLCs and demystifies the formation and management of these increasingly popular business entities This clear concise guide explains the pros and cons of LLCs and shares insider insights on everything from choosing your members and your company name to creating and filing your Articles of Organization to the day to day operation of your LLC You ll also find valuable tips on creating your Operating Agreement saving on taxes and avoiding bankruptcy and fraud You ll discover all the information you need to Decide if an LLC is right for you Get the help you need

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Trading Under the Laws of Germany Harry Cleveland Harris, 1933 Drafting Limited Liability Company Operating Agreements, Fourth Edition John M. Cunningham, Vernon R. Proctor, Amanda Nelson, 2016-06-15 This essential resource enables you to negotiate draft and fine tune LLC operating agreements for all basic types of LLCs and in every U S jurisdiction It delivers exclusive guidance on all 10 stages of the LLC formation process and comes with a CD ROM packed full of valuable material including complete agreements forms and clauses all ready for immediate use Newly expanded to two volumes theand Fourthand Edition of Drafting Limited Liability Company Operating Agreements is the only limited liability company formbook and practice manual that addresses the entire process of planning negotiating and drafting LLC operating agreements and handling LLC formations Providing hands on guidance directly from John M Cunningham one of the acknowledged leaders in the field Drafting Limited Liability Company Operating Agreements Fourthand Edition ensures that youand re prepared to handle all legal and tax aspects of the LLC formation process for member managed manager managed single member and multi member LLCs including Fiduciary issues and other critical business organization law issues facing the managers of multi member LLCs Multi member LLC partnership tax issues The unique legal and tax issues confronting owners of single member LLCs Hidden issues in drafting articles of organization The complex issues of legal ethics when representing two or more clients in forming multi member LLCs Only Drafting Limited Liability Company Operating Agreements Fourthand Edition fully covers The 10 main stages of the LLC formation process providing detailed practice oriented comments on each and Red flagsand spotlighting common pitfalls and risks in LLC formation Key federal tax materials including the and Check the Box Regulationsand and the IRSand s guidelines on the application of the Self Employment Tax to LLC members The current text of the Delaware Limited Liability Company Act And Drafting Limited Liability Company Operating Agreements Fourthand Edition includes All of the general purpose model operating agreements you are likely to need to form both single member and multi member LLCs designed for use in all 50 states and accompanied by line by line instructions Guidance through the entire complex maze of legal tax and drafting issues An all new section on protecting clientsand assets through LLCs Valuable exhibits including a master table and various subsidiary tables of the Delaware Limited Liability Company Act provisions relevant to LLC formations Plus Every clause form and complete agreement is on CD ROMand to speed the formation process and help save you time To assist in your LLC formation practice

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