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Non-existent resolutions of general meetings of capital companies

This article describes the controversial problem of non-existent resolutions under the Polish law. While considering the acceptability and legitimacy of applying this structure, the provisions of the Commercial Code of 1934 and the present Code of Commercial Companies were quoted. On their basis the standpoints of doctrine approving and opposing the application of this structure were compared and contrasted. The conclusion was made whether to deny the application of the non-existent resolutions due to the lack of direct criteria allowing for the differentiation of defective resolutions into invalid and non-existent, as well as threatening the security of trade because of the unlimited - within time and entity - possibility of filing lawsuits under the provision of art. 189 of the Code of Civil Procedure.

Keywords: non-existent resolutions, general meeting, defectiveness of a resolution