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English summary: Stock corporations can control changes in the structure of shareholders through the statutory requirement of the company's approval for the transfer of shares. The author compares the rules applicable to such clauses and the effectivity of the protection of the company against avoidance strategies under German and French law. Stock corporations can control changes in the structure of shareholders through the statutory requirement of the company's approval for the transfer of shares. The author compares the rules applicable to such clauses and the effectivity of the protection of the company against avoidance strategies under German and French law. German description: Unter Einschränkung des Grundsatzes der freien Übertragbarkeit der Mitgliedschaft eröffnen sowohl das deutsche als auch das französische Recht Aktiengesellschaften die Möglichkeit, Veränderungen ihres Aktionarskreises durch die Aufnahme satzungsmässiger Zustimmungspflichten zur Aktienübertragung (Vinkulierungsklauseln bzw. clauses d'agrement) zu steuern, und auf diese Weise das Eindringen unerwünschter Dritter bzw. ungewollte Verschiebungen der Beteiligungsverhältnisse zu verhindern. Julie Francastel untersucht zunächst rechtsvergleichend die auf satzungsmässige Vinkulierungen anwendbaren Regeln im Hinblick auf den zulässigen Anwendungsbereich sowie auf ihre Wirkungsweise. Im zweiten Teil der Arbeit beschäftigt sich die Autorin mit dem Schutz der Gesellschaft vor der Umgehung von Vinkulierungen im Zusammenhang mit Pfandung und Insolvenz, mittels Treuhandgestaltungen oder der Erteilung umfassender Stimmrechtsvollmachten.

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L'ouvrage r é unit, dans une certaine diversit é de m é thodes et sous une forme accessible, 31 é tudes in é dites dues à des chercheurs fran ç ais et é trangers. Celles-ci s'attachent à la po é tique de l' é criture, à la cr é ation romanesque, au dialogue de Bernanos avec l'histoire et avec le monde moderne. On y trouvera de surcro î t des "lectures" et des t é moignages.

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