Digitalisation in Company Law

Gintautas Bartkus
2017-06-15, Vilnius, ECRF conference
ICLEG and Report

- Informal Company Law Expert Group
- Report on digitalisation in company law
- Available at SSRN:
  https://ssrn.com/abstract=2893701
State of Play

- Shareholders Rights Directive
- Transparency Directive
- Proposed directive on single-member private limited liability companies (SUP)
- European Model Company Act (EMCA)
General Principles

• Digitalisation should **respect and dovetail** with existing corporate governance regimes

• The law should at all times remain **technology neutral** and abstain from mandating or favouring any specific technology

• The **principle of mutual recognition** should be applied to the greatest extent possible
Companies and State

- Online formation of all national companies
  - Safeguards
  - Standard forms (templates)
  - Language
- Single point delivery
Companies and Shareholders

• Company’s designated homepage and an email address

• Electronic communication
  – individual opt-in
  – individual opt-out
  – for all shareholders from formation
  – for all shareholders in existing companies

• General meeting – two way communication
DESI and Conclusion
Thank you

Gintautas Bartkus
Vilnius University Law Faculty

g.bartkus@icloud.com
linkedin.com/in/gintautasbartkus