

18. December 2017

## **RESIGNATION OF THE MANAGING DIRECTOR OF A “ONE PERSON LIMITED LIABILITY COMPANY” (“EIN-MANN-GMBH”): RISK OF INVALIDITY DUE TO ABUSE OF LAW**

BASICALLY, THE MANAGING DIRECTOR OF A LIMITED LIABILITY COMPANY CAN QUIT HIS POSITION AS MANAGING DIRECTOR AT ANY TIME AND WITHOUT NOTICE PERIOD BY SIMPLE NOTIFICATION. HOWEVER, SUCH RESIGNATION FROM HIS POSITION IS SUBJECT TO CERTAIN RESTRICTIONS. IN PARTICULAR, IF THE RESIGNING MANAGING DIRECTOR IS THE SOLE SHAREHOLDER AND MANAGING DIRECTOR OF THE LIMITED LIABILITY COMPANY AND THIS LIMITED LIABILITY COMPANY IS FACING A DIFFICULT ECONOMIC SITUATION, ONE HAS TO TREAD CAREFULLY. IN SUCH A CASE THERE IS A RISK THAT A RESIGNATION FROM THE MANAGING POSITION CAN BE CONSIDERED AS AN ABUSE OF LAW AND THEREFORE WILL BE TREATED AS VOID, AS RECENTLY DECIDED BY THE HIGHER REGIONAL COURT OF BAMBERG (OLG BAMBERG). [\(more...\)](#)