

28. March 2018

## **SPECIAL AUDIT IN ACCORDANCE WITH GERMAN STOCK CORPORATION LAW IN LIMITED PARTNERSHIPS WITH MANY MEMBERS OF THE PUBLIC AS LIMITED PARTNERS?**

THE FEDERAL COURT OF JUSTICE [*BUNDESGERICHTSHOF - BGH*] HAS CONSISTENTLY EXTENDED THE ANALOGOUS APPLICABILITY OF THE PROVISIONS UNDER CORPORATE LAW TO LIMITED PARTNERSHIPS WITH MANY MEMBERS OF THE PUBLIC AS LIMITED PARTNERS [*PUBLIKUMS-PERSONENGESELLSCHAFTEN*] (HEREINAFTER “PUBLICLY HELD PARTNERSHIP”). HOWEVER, IT HAS SO FAR NOT BEEN DECIDED BY THE BGH, WHETHER THE SPECIAL AUDIT IN ACCORDANCE WITH THE GERMAN STOCK CORPORATION LAW (§§ 142 ET SEQ. GERMAN STOCK CORPORATION ACT [*AKTIENGESETZ - AktG*]) WHICH IS BECOMING AN INCREASINGLY POPULAR TOOL CAN BE APPLIED MUTATIS MUTANDIS TO PUBLICLY HELD PARTNERSHIP AS WELL. THE REGIONAL COURT OF HAMBURG HAS NOW REJECTED THIS OPTION (FILE REFERENCE: 411 HKO 31/15). ([more...](#))