

19. December 2019

NOT WITHOUT MY DAUGHTER! ON THE DESIGN OF SUCCESSION CLAUSES IN COMPANY AGREEMENTS (OF PARTNERSHIPS)

IN ITS DECISION OF 24 JANUARY 2019 THE VIENNA SUPREME COURT [*OBERSTER GERICHTSHOF - OGH*] DETERMINED FOR THE FIRST TIME THAT SO-CALLED GENDER CLAUSES IN THE COMPANY AGREEMENTS OF COMMERCIAL PARTNERSHIPS ARE UNETHICAL AND THUS VOID BECAUSE THEY VIOLATE THE PRINCIPLE OF EQUALITY GUARANTEED UNDER CONSTITUTIONAL LAW. THE DECISION ISSUED UNDER AUSTRIAN LAW IS CONSIDERED TO HAVE A SIGNALING EFFECT ON GERMAN CORPORATE LAW. AGAINST THIS BACKGROUND, REGULATIONS IN REGARD TO CORPORATE SUCCESSION SHOULD BE CRITICALLY REVIEWED AND ADJUSTED, IF NECESSARY. ([more...](#))

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