

## **SUMMARY OF DOCTORAL THESIS**

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*Interest of a capital company in Polish and Spanish law*

The subject of the thesis is the notion of interest of a capital company in Polish and Spanish law. The issue of a capital company's interest is a momentous and at the same time disputable matter, which has an impact on many detailed issues within the scope of the capital company law.

The dissertation characterises the interest of a (capital) company as a general clause and presents the resulting implications.

It is considered whether the interest of a capital company is of an abstract (schematic) nature or is subject to concretisation for the needs of a given case. It is determined whether the interest of a capital company is fixed or variable and what this results from.

A distinction is made between the interest of a capital company and the interests of a capital company, which is not always consistently differentiated in normative acts. The differences are indicated and the need for such a distinction is explained, as well as the relationship between the objective and the interest of a capital company is described.

The issue of the autonomy of a capital company's interest is discussed and resolved, i.e. whether the interest of a capital company constitutes an independent and autonomous interest of a separate legal entity (legal person) independent from the interest of its shareholders, or whether it does not have an autonomous character and should be perceived as a common interest of the shareholders.

As can be seen from the above, it is analysed who has an influence on shaping the interests of a capital company, i.e. whether these are only the shareholders of a capital company or also its stakeholders such as employees, creditors, customers, etc.

The dissertation also focuses on discussing issues affected by the interest of the (capital) company, including the interest of the company as a premise for challenging shareholder (general meeting, general assembly) resolutions, with a presentation of the interpretation of the interest of the company against the background of the particular subjects of the resolutions being challenged; the role of the interest of the company in *actio pro socio*; and the deprivation of the pre-emptive right in the interest of the company.

The dissertation employs a variety of research methods, including an empirical method – an analysis is carried out on the content of the statutes of companies listed on the Warsaw and Madrid Stock Exchanges.

In summary, the dissertation answers the question of what the interest of a capital company is, while considering its meaning in particular corporate situations.