



I. Lukach,

Candidate of Law Sciences,
Associate Professor at the Department of Economic Law,
Taras Shevchenko National University of Kyiv

LEGAL ASPECTS OF ABSENT VOTING AT GENERAL SHAREHOLDERS MEETING

The article is devoted to the mechanism for absent voting at general shareholders meeting in connection with the adaptation of Ukrainian corporate law to EU directives. The author makes a statement that in the modern world shareholders must be connected by up to date means of communication. Approaches to voting of shareholders in shareholders meeting in different legislative systems are examined and systemized. The article proposes reforms of alternative ways of holding general meetings by implementation of mechanism of absent voting. The author concludes that the draft bill of changes into shareholders meetings in absence which ignores the possibility of voting by electronic means of communication does not comply not only with the EU directives, but also with progressive international experience.

In line with current trends and Ukraine's aspirations for European integration the following mechanisms of changes of Ukrainian legislation were developed: 1. Priority should be given to absent voting by electronic means of communication. 2. Absent voting should also be permitted by the exchange of letters. 3. Priority should be given to holding general meetings in real time, but in limited liability companies and private companies they may be conducted by means of absent voting. 4. Absent voting (without holding a general meeting including an annual one) shall not be held on the matters requiring a qualified majority, as well as the exclusion of a member of a limited liability company. 5. Necessary amendments in Ukraine should be developed in collaboration with experts in law, economics and software.

