

CONCEPTUAL ASPECTS REGARDING EXCLUSION OF THE ASSOCIATE FROM THE COMPANY

Cristian DRĂGHICI*

ABSTRACT: *Over time, there have been many controversies and divergent doctrinal opinions, regarding the limiting nature of the cases of exclusion of the associate from a company regulated by the provisions of Law no. 31/1990 of companies. A part of the doctrine supported the enunciative, exemplary character of the provisions in question, considering that the associations have the possibility to add other situations that can constitute grounds for exclusion, to the extent that they are in the spirit of the law. High Court of Cassation and Justice - The panel for solving legal issues resolved this dispute by Decision no. 28 of May 10, 2021, establishing that the exclusion of associations from limited liability companies can be done according to the Commercial Companies Law, not under the Civil Code.*

KEYWORDS: *exclusion of associate; affectio societatis; sanction; remedy*
JEL Code: *K20, K22*

* Lawyer, Bucharest Bar, ROMANIA.