

THE AGENCY AND THE COMPANY CONTRACT. THE LEGAL NATURE OF THE RELATIONSHIP BETWEEN THE ADMINISTRATOR AND THE COMMERCIAL COMPANY

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Abstract: *The issue of the legal nature of the relationship between the administrator and the company has generated much doctrinal debate over recent years. We share the theory of the dual nature of these relationship. The administrator, in their relations with the company, acts as an agent, under the stipulations of the agreement that they concluded, accepting the status and powers fixed by the constitutive act or by the decision of the General Assembly of the Associates. In his direct relation with third parties, the administrator has the identity of a body of the company, having powers of representation derived directly from the law. The source of the attributions and power of representation of the administrator will be primarily legal and only secondarily conventional.*

Key words: administrator; company; agency contract; legal representative

JEL Classification: L22; K12; K15; K20; K22

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