

Droit spécial des sociétés

Titre 1 : La société en nom collectif (SNC)

Chapitre 1 : La constitution de la société en nom collectif SNC

S1 : Les associés

Pas de SNC unipersonnelle -> au moins 2 associés (PP ou PM).

Pas de maximum d'associé.

Spécificité : la qualité d'associé confère à ces derniers la qualité de commerçant. De facto, SNC pas possible pour :

- Les mineurs (non émancipés)
- Les majeurs incapables (curatelle, tutelle)
- Les professionnels libéraux (avocats, notaires, médecins)
- Les sociétés civiles

Ip constante : la qualité de commerçant est incompatible avec celle de salarié. L'associé en nom ne peut pas être lié à la SNC par un ct de W -> **cass, soc, 14 octobre 2015**.

S2 : Le capital social

SNC peut avoir un capital symbolique (1€) -> pas de capital social min.

Tous les types d'apports sont permis.

Apports en numéraire : pas de délai pour leur libération

Apports en nature : pas de nomination d'un commissaire aux apports obligatoire

Apports en industrie : autorisés dans les SNC

Pas de réserves obligatoires.

S3 : L'objet social

Certaines activités sont interdites aux SNC (ex : entreprises d'assurance, de banque, coopératives de commerçants détaillants).

D'autres activités nécessitent une SNC (ex : activité de débit de boissons, tabac).

⚠ L'objet social est un élément essentiel de la SNC. Dans les actes à RL, les associés ne sont pas engagés par les actes pris par le gérant qui dépassent l'objet social. Alors que dans les actes à RL, les associés sont engagés.

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Mark Steyvers



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