

Checklist – formation of a private foundation

- Deed of foundation
 - Minimum contents
 - » Name and date of birth/Commercial Register number of founder(s)
 - » Designation of assets contributed to private foundation
 - » Purpose of foundation
 - » Provisions on beneficiaries
 - » Name and registered office of private foundation
 - » Term of foundation and rules on agency authority
 - » Appointment of first foundation board
 - » The founders may reserve the right in the deed of foundation to modify and (if the founders are natural persons) even revoke the foundation
- Supplemental deeds of foundation may be prepared
- Minimum capital € 70,000
- Bank confirmation on deposit of minimum capital
- Specimen signatures and declaration of the impartiality of all members of the foundation board (in notarised form)
- Application for registration with Commercial Register by all members of foundation board (with notarised signatures)

Notes:

- Supplemental deed of foundation not available for public inspection
- Minimum number of members of foundation board: three
- Foundation auditor required by law
- As a rule, no supervisory board required
- Advisory board may be set up
- Detailed rules on beneficiaries may be incorporated into supplemental deed of foundation or the right to designate the beneficiary/beneficiaries may be delegated to the foundation board, the founders, the advisory board or some other “official person or body” (individual)
- Basic rule on term of private foundation: 100 years
- Tax on initiating a foundation (Stiftungsseingangssteuer) for Austrian private foundations: generally 2.5% on assets with which foundation is endowed, 6% of the value of endowed real estate