

Table of contents

Preface	V
Glossary	VII
List of abbreviations	IX
Table of contents	XI
 Chapter 1	 1
Introduction to the Austrian Private Foundation Act	1
Background	1
Trust and foundation law	2
Concept of the private foundation	4
Private foundation and entailed estates	5
Charitable private and private purpose	5
Types of private foundations	7
 Chapter 2	
Commentary	9
Article I	9
Article II	12
Article III	13
Article IV	15
Article V	16
Article VI	18
Article VII	19
Article VIII	21
Article IX	23
Article X	27
Article XI	28
Article XII	30
Article XIII	32
Article XIV	35
Article XV	38
Article XVI	41
Article XVII	42
Article XVIII	45
Article XIX	46
Article XX	47
Article XXI	50
Article XXII	53
Article XXIII	56

Table of contents

Article XXIV	58
Article XXV	60
Article XXVI	63
Article XXVII	64
Article XXVIII	67
Article XXIX	68
Article XXX	71
Article XXXI	73
Article XXXII	76
Article XXXIII	78
Article XXXIV	82
Article XXXV	84
Article XXXVI	87
Article XXXVII	89
Article XXXVIII	91
Article XXXIX	94
Article XL	96
Article XLI	96
 Chapter 3	 99
Private foundations under Austrian law	99
Entrepreneur according to UGB	99
General commercial powers of representation	100
Branches	100
Consumer protection act	101
The austrian company reconstruction act	101
Austrian tenancy act	102
Rights of succession and compulsory portion	104
Maintenance and divorce	106
Endowment	108
Private international law	108
Cartel law	108
Takeover legislation	109
Austrian equity substitution act	110
Austrian stock exchange act	111
Corporate associations responsibility act	111
 Chapter 4	 113
The new foundation law in Liechtenstein	113
Introduction	113
Strengthening of the founder's responsibility	113
The purpose of a foundation in Liechtenstein	114

Table of contents

Deposited foundations	115
Foundation governance	115
Asset protection and creditor protection	116
Conclusion	116
Banking secrecy in Austria	117
Introduction	117
Compliance with OECD standards	117
Withholding tax	118
Limits of banking secrecy	119
Legal assistance in fiscal matters	119
The austrian donation tax act 2008 for foundations and comparable entities	120
Introduction	120
Scope of application and tax exemptions	121
Tax rates	122
Non-disclosure of the foundation's documents	122
Austrian and foreign foundations	123
Mutual assistance and direct taxation	124
Donations to sub-foundations	125
Revocation of foundation	125
Austrian budget accompanying act 2011	126
Conclusion	127
Incompatibility provisions	127
Introduction	127
Advisory board and Board of Directors	128
Incoherency of beneficiaries substitution	129
Index	131