

# COMPARATIVE HIGHLIGHTS OF FOUNDATION LAWS

The Operating Environment for Foundations in Europe



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# FOREWORD



However diverse their origins, fields of activity and methods of operation, public-benefit foundations all ultimately share a common goal - to achieve positive social impact.

Foundations' well-being requires an environment that enables and encourages them to work in ways that are effective, efficient, accountable and sustainable. Legislation governing foundations naturally varies from country to country; it reflects the culture, traditions and context in which the legal system and the foundation sector in a given state have developed. Nonetheless, some common principles generally underpin the legal and tax treatment of foundations, such as the need for mechanisms to balance independence and accountability; and certain trends in the diverse national laws are clear, as highlighted by these charts and further explored in the summary analysis of this publication.

The basic aim of the EFC's Comparative Highlights of Foundation Laws is to paint a picture of the current operating environment for foundations across 40 countries in an accessible and comparative format. By better understanding the legislative landscape foundations inhabit we will be better placed to act on evolutions in this environment, to nurture good practice where we find it, and to spot any signs of trouble on the horizon.

This is a country-by-country mapping, but we must not overlook the fact that international frameworks play an important role in shaping regulatory norms, whether they stem from laws of the European Union or international

conventions. As the practice of philanthropy grows ever more international, the ability of foundations to be active across borders - in conducting programme activities or in giving, receiving, and generating resources - has become more and more important. It is with this in mind that questions on the cross-border tax treatment of foundations and donors and the recognition of foreign-based foundations are explored here.

We hope that this publication will serve all manner of audiences from foundations, founders and donors; to partners, beneficiaries and policymakers. This comparative overview can, we believe, provide a valuable basis for reflection by and discussion among stakeholders on how foundations are regulated. After all, it is in all our interests to give due consideration to these issues and to work together to promote and protect an enabling framework for philanthropy.

Representing the combined efforts of many different individuals and organisations, this publication is itself a true product of collaboration. It gives me great pleasure to thank all the foundations, associations, researchers and legal service professionals who contributed their time and expertise to this endeavour. A special thanks goes to the Stiftung Mercator GmbH with whose generous support this publication is issued.

I hope you will find this publication useful and illuminating - do not hesitate to share with the European Foundation Centre your comments, questions and ideas.

Ewa Kulik-Bielińska

Chair, European Foundation Centre

Executive Director, Stefan Batory Foundation

# SUMMARY ANALYSIS



# SUMMARY ANALYSIS

This publication aims to provide the reader with a comparative overview of the diverse legal and fiscal environments of foundations in 40 countries across wider Europe: the 28 EU Member States, plus Albania, Bosnia and Herzegovina, Kosovo, Liechtenstein, Macedonia, Montenegro, Norway, Russia, Serbia, Switzerland, Turkey, and Ukraine.

The charts presented here draw on the updated EFC Legal and Fiscal Country Profiles, available to download at [www.efc.be](http://www.efc.be). We encourage you to visit the profiles for more detailed country information and further explanation of the information presented in these charts.

The profiles and the charts have widened in scope since the previous edition of this publication and their structure has been redesigned by the EFC membership. These charts address issues concerning the legal environment of foundations, such as the purposes that foundations are allowed to pursue, the requirements for setting them up, and governance requirements, as well as transparency and accountability requirements. The tax treatment of foundations is also outlined, with details on the income tax treatment of the foundation, including income from economic activities and asset administration. In addition the charts provide information on tax incentives for individual and corporate donors, including on the issue of cross-border donations. In this edition, a new chart at the end of the publication provides an overview of the core requirements that foundations have to fulfil according to the various European tax laws to get a special public-benefit tax status. The chart highlights that while tax law requirements may differ in the details from country to country, across wider Europe a general common core of requirements making up the public-benefit concept can be identified.

## Comparative highlights of Europe's national legal and fiscal environments

No common European legal definition of the term "foundation" exists. Nevertheless, there is across wider Europe a generally understood and accepted concept of what public-benefit foundations are, namely: "Independent, separately-constituted non-profit bodies with their own established and reliable source of income, usually but not exclusively from an endowment, and their own governing board. They distribute their financial resources for public-benefit purposes, either by supporting associations, charities, educational institutions or individuals, or by operating their own programmes." This functional

definition was developed by the EFC.<sup>1</sup> Below is a brief analysis comparing key areas of the legal and tax environment for foundations in the 40 countries surveyed.

Most of the countries surveyed that have civil law systems recognise the foundation as a legal form. In other countries, such as the UK, Ireland and Cyprus, the focus is on the public-benefit character and the activities of the foundation, which can take different legal forms such as incorporated or unincorporated associations, trusts, companies limited by guarantee, etc. The law on charities in these countries has been developed on a common law basis.

Important to note is that the operating environment for foundations remains in evolution - as we go to print developments in the laws applying to foundations are afoot in the Czech Republic, Finland, France, Spain and the UK, to name just some examples.

## 1. Purpose of a foundation

All the surveyed countries require that a foundation's assets be dedicated to a specified purpose. In just under half of the countries surveyed, the foundation laws require that the foundation pursue public-benefit purposes only. In other countries, the foundation laws allow foundations to pursue any lawful purpose, including private purposes. Private purposes include, for example, the advancement of one family such as the relatives of the founder, or trust funds for the founders' children's education, etc. On the question as to which purposes are accepted for public-benefit tax status, please refer to point 24 below.

## 2. Minimum capital

All countries assume that a foundation owns assets but differences exist as to whether foundations need to own a certain minimum level of assets at the moment of establishment and also as to whether the assets (or part of the assets) must be preserved or may be spent down.

In most of the countries surveyed, there is some requirement in place to ensure that a foundation, upon establishment, holds an amount of capital considered by the relevant authorities as sufficient to enable it to pursue its statutory purpose. This may take the form of a minimum amount stated in the law, or a requirement in the law that the foundation must hold an amount deemed by the relevant authorities to be enough to enable it to pursue its purpose. In cases where there is no specification made in the law, the relevant authorities may nonetheless in practice require a certain amount of capital for the establishment of



a foundation and would refuse the establishment if they did not consider the amount of capital held to be sufficient for the pursuance of the chosen purpose.

Minimum capital amounts for the establishment of a foundation required in law or in practice in the countries surveyed range from less than €500 up to €1.5 million. The wide variation in amounts cannot be attributed to any one factor, but reflects among others, different traditions about the concept and role of foundations, economic differences and varied expectations on issues such as the need for guaranteed financial sustainability, the need for creditor protection and the manner in which foundations generate income to pursue their purposes.

Minimum capital requirements can also vary within a given country, depending on the legal form the foundation takes. France, for example, requires a large capital amount for the public-benefit foundation but allows for the establishment of an endowment fund with a much smaller amount of capital. Within several countries, minimum capital amounts vary depending on whether or not a foundation holds (tax-exempt) public-benefit status. In such cases, the amount of capital required is higher for public-benefit than for private-purpose foundations. In around one quarter of the countries surveyed, no form of minimum starting capital is required.

The question of the minimum starting capital is clearly one example of the ways in which countries' approaches and national traditions around public-benefit foundations vary. However, it does appear that the strong role that the initial capital may have traditionally played in the concept of a foundation has become less clear cut. New forms of foundations, with new forms of income generation, have developed and it is becoming more important for the foundation to have reliable mechanisms in place to ensure that it has adequate financial resources to pursue its public-benefit purposes rather than to have a fixed amount of static capital at the moment of establishment. Thus we see that the operating environment is providing more possibilities to create new initiatives with a small starting capital as long as there are prospects to grow later and to support the activities in pursuance of the purpose. The public at large can therefore generally trust that a public-benefit foundation owns a certain amount of assets, or has the potential to grow assets, which are considered enough to pursue its statutory public-benefit purpose. Only a few countries require the foundation to maintain the value of the capital. While foundations have traditionally been thought

of and are still in general regarded as perpetual or at least very long-term institutions, foundations may in most countries be established with the intention to spend down their capital. Spending down is, however, not permitted in all countries. Nonetheless, even in cases where the law does not expressly permit or in fact prohibits spending down by a foundation, if a foundation either does not have the resources or it is otherwise unable to pursue its statutory purpose (e.g. that purpose has been fulfilled), the foundation may be dissolved.

### 3. State approval

In a significant number of the countries surveyed, state approval is needed for a foundation to be established. However, in only a few of those countries do the authorities have discretionary powers not to approve the establishment of a foundation in cases where the application otherwise meets all legal requirements for establishment. In a small number of countries, it is only in the case of establishment of a public-benefit foundation that state approval is required; private-purpose foundations may be set up without state approval.

State approval without discretionary power serves as a mechanism to guarantee to the general public that the legal requirements for the establishment of a foundation are checked and reviewed before the legal person is created, while avoiding the legal uncertainty created by the state having discretion to refuse the establishment of a foundation in cases where all legal requirements are met.

### 4. Registration

In almost all of the countries surveyed, foundations are required to register, with either an authority or court. The main exception to the requirement to register is France. In Germany, the requirement to register is determined at state, rather than federal, level and thus varies according to the individual state laws. A variety of regional registers also exist in Spain, and there has been some discussion there on how a more coordinated approach to foundation registration might strengthen the system.

In the majority of cases the register is kept by a state authority. In almost all countries, the registers of foundations are publicly available, giving access to the key data on foundations, including details on the founder, the purpose, the name and registered office of the foundation and in many cases about the starting capital and the names of board members. However in a few countries these registries are not easily accessible to the general public.

## 5. Economic activities

In this publication, economic activity is understood as “trade or business activity involving the sale of goods and services”. It has to be noted that the term “economic activity” is not always clearly defined in the different countries. “Related” economic activity is in itself related to and supports the pursuance of the public-benefit purpose of the foundation.

Foundations can engage in economic activities in almost all of the countries surveyed, although the majority of those countries do impose some limitations on the nature of activities permitted. The most common limitation imposed on economic activities is the requirement for related activities (i.e. the activities must facilitate the foundation’s purposes) and/or should remain ancillary to the foundation’s activities. In a handful of countries, a specific limit or ceiling on economic activities is listed in the law. This may take the form of a fixed amount, a percentage or proportion of total annual income, or a combination of these. A few countries only allow some very specific economic activities listed in the law. In Denmark, two foundation acts exist side by side providing different legal regimes for commercial and non-commercial foundations. Commercial foundations, regulated by the Act on Commercial Foundations, can pursue economic activities as a part of their purpose or as their sole purpose.

The ability of a foundation to generate income through activities beyond fundraising and asset administration can play an important role in ensuring its sustainability through securing financial stability and independence, but this must be balanced with the primacy of the public-benefit purpose and activities, and the need to avoid distortion of competition in the market place, if the organisation is to have tax-exempt status. Generally foundations have become more creative in the ways in which they generate income and sometimes the question is not clear whether an activity is allowed according to the respective foundation law and tax laws. This has become an issue for activities around certain types of investment but also in programmatic activity, if activities would generate income for instance (e.g. the granting of micro-loans).

## 6. Majority shareholding

In almost all of the countries surveyed, foundations are permitted to be majority shareholders.

Foundations may however be prohibited from engaging in active management of the company in which they hold a majority share. Only in Hungary and Slovenia is majority shareholding by foundations not permitted.

## 7. Governing organs

As a general rule, the founder has the freedom to design the internal governance structure but the law may give them some guidance on what needs to be addressed. Legal requirements regarding the governance of foundations vary between countries. In most countries, the mandatory governance organ is a governing board, but foundations are free to set up other organs if they deem it necessary. The most common additional organ is a supervisory board. A handful of countries do require a supervisory board in addition to a governing board for all foundations. In other countries meanwhile, a supervisory board is required only in specific cases, such as for larger foundations or for foundations with public-benefit status.

Most commonly, the governing board of a foundation must comprise at least three members. However, in over a third of the countries surveyed the governing board of a foundation can consist of just one member. Requirements on the number of board members may vary according to the specific organisational form taken by the foundation, whether it holds public-benefit status, and/or the amount of founding capital.

## 8. Remuneration of board members

In around half of the countries surveyed, board members of a foundation may be remunerated. In most cases however this is subject to a notional restriction that the amount must be reasonable.

In a significant number of countries remuneration of board members is prohibited altogether. The question of allowing or not allowing reasonable board remuneration is one of the areas where the notion of public benefit across Europe varies. This was recently debated in a court case examining the comparability of a Swedish-based foundation to a Spanish tax-exempt organisation. The Spanish court decided that the Swedish foundation compensating its board reasonably through a transparent and clear mechanism could be considered comparable to a Spanish-based tax-exempt organisation, even though a Spanish-based tax-exempt organisation

would not according to the Spanish law be allowed to remunerate its board.<sup>2</sup>

## 9. Reporting

All of the countries surveyed require foundations to report on their finances on at least an annual basis. The majority of countries also require that foundations report annually on their activities. In all countries surveyed, at least the financial part of the foundation's reports are submitted to one or several external authorities, be this the tax authority, or a state or independent supervisory authority, or a combination of these.

In the majority of countries, at least the financial reports of the foundation are publicly available. Requirements on publication of reports may apply only to foundations with public-benefit status, or to foundations of a certain size or organisational type. In around one quarter of the countries surveyed, there is no requirement for any of the reports of a foundation to be made publicly available. However, even where the law does not require that the reports of foundations are made public, foundations may choose to make the information publicly available, e.g. via their own website. Generally, clear reporting requirements are found in the foundation or foundation tax laws. The relevant information is sent to the state supervisory authority and/or the tax authority and is in many countries shared with the general public.

## 10. External audit

Most of the countries surveyed have in place requirements that external audit is required for at least certain foundations. Most commonly, requirements are in place that larger foundations must be audited, although the way in which "large" is defined varies. Thresholds may be expressed as an amount of annual income, value of assets, or number of employees (or some combination), which if exceeded triggers the requirement for the foundation to be audited. Audit requirements are in some cases also linked to a foundation's public-benefit status, whether the foundation uses public money, whether the foundation fundraises, or to the use of certain organisational forms.

## 11. Supervisory authorities

Foundations are in general supervised by a designated state authority, although the powers of the supervisory authorities vary widely. Some countries have different supervisory systems for

different types of foundations (e.g. Austria and Denmark). Supervision of foundations established for public-benefit purposes is generally more extensive. Tax-exempt foundations are supervised by the tax authorities as regards their status as a tax-exempt organisation.

The following types of supervision by a state supervisory authority are found in the countries surveyed:

- (1) Public administrative bodies without a court.
- (2) Combined supervision by a public administrative body and the court.
- (3) Public independent bodies which stand outside the hierarchy of public administration and have all necessary competence.
- (4) Court only.

## 12. Recognition of foreign foundations

With foundations' outlook and activity becoming increasingly international, their ability to operate and be legally recognised outside of the borders of the territory in which they are established has become more and more important to enabling them to pursue their objectives. However not all countries recognise the legal personality of foreign-based public-benefit foundations, requiring registration or even creation of a branch in order for the foreign foundation to be able to operate in their territory.

One instrument towards such recognition has been the European Convention on the recognition of the legal personality of NGOs.<sup>3</sup> The Convention facilitates the recognition by signatory countries of the legal personality and capacity of foreign-based public-benefit organisations established in other signatory countries without further steps, although additional requirements may remain in force in certain cases. For instance, Belgium, while recognising the legal personality and capacity of NGOs established in other signatory countries of the Convention, still requires that such organisations register a branch (centre of operations) in case of substantial activity. Similarly, France, while recognising NGOs established in signatory countries of the Convention requires these organisations to seek special recognition of their public-benefit status if they intend to carry out their statutory activity in France. Thus far, only 11 countries have ratified the Convention and the situation as regards recognition of foreign-based public-benefit foundations is far from satisfactory in

today's context where philanthropy is increasingly international. Wider ratification of the Convention could, in particular, facilitate the recognition of foreign-based public-benefit foundations outside of the EU.

### 13. Assets and dissolution

In the great majority of countries surveyed the legislation provides that the assets of a public-benefit foundation cannot revert to private ownership in the case of the foundation's dissolution. The assets are in general transferred to an entity with a similar purpose to the dissolved foundation, either an entity that has been specified in the dissolved foundation's statutes or as determined by the court or supervisory authority. In some cases, or if a suitable entity of similar purpose cannot be identified, the assets may go to the state (e.g. the local municipality) which is generally required to use them to pursue publicly beneficial goals or in some cases to promote the purposes of the dissolved foundation. In Austria and Hungary, however, those assets deposited by the founders may revert to private ownership and in Russia, the law may in certain cases provide for the reversion to the founders of the foundation of the assets remaining after the claims of all creditors have been satisfied.

### 14. Administration costs

It should first be noted that the definition of "administration costs" varies from country to country, and may even vary according to regional laws or interpretation within a given country. Administration costs frequently include such costs as personnel costs (staff salaries/payroll costs); board remuneration; costs of external audit; other legal/accounting costs; general office overheads (rent/mortgage payments, utilities, office materials, computers, telecommunications, postage); insurance; publicity and promotion of the foundation (e.g. website, printed promotional materials); asset administration costs; in the case of an operating foundation, certain costs related to programmes/institutions run by the foundation; and costs related to fundraising.

Most countries do not fix a maximum amount that a foundation can spend on administration costs either in civil or in tax law. A number of these do however indicate that administration costs should be kept to levels that are "reasonable". Where maximum amounts are

stipulated, these are generally expressed as a percentage of the foundation's annual income or its overall resources.

### 15. Timely disbursement of income and assets

None of the countries surveyed have in place any requirement for a foundation to spend a certain proportion of its overall assets within a certain period. This stands in contrast to the pay-out rule on assets applying to US private foundations.

A number of the countries surveyed do, however, require that foundations spend a certain amount or proportion of their income during a specified period. This may variously be a civil or a tax law requirement.

### 16. Activities abroad and implications for the tax status

The large majority of countries surveyed allow foundations to engage in activities abroad without compromising their tax-exempt public-benefit status. In a small number of countries (Austria, France, Germany, Portugal and Kosovo) the tax status of a foundation pursuing the majority of its activity outside of its country of establishment may, however, be at risk.

### 17. Gift and inheritance tax

Foundations that pursue public-benefit purposes are, in almost all of the countries surveyed, exempt from gift and inheritance tax, where these taxes exist and where the foundation as recipient of the gift/legacy would be the taxable party. In some countries, the living donor (in the case of a gift) or heir (in the case of a legacy) may be jointly liable with the foundation for the gift/inheritance tax. In a handful of countries, foundations are not subject to gift/inheritance tax since these taxes are levied only on natural persons.

As regards cross-border gift/inheritance tax scenarios, the tax where it exists is typically levied by the Member State in which the testator was last resident. In the large majority of countries surveyed, the same exemptions from gift/inheritance tax apply to gifts/legacies to foreign-based public-benefit organisations, as would be available in a wholly domestic scenario. Within the European Union, legacies are protected under the free movement of capital and Member States are required, according to a principle of non-discrimination established under the case law of the European Court of Justice, to apply equal

tax incentives for gifts/legacies to foreign EU-based public-benefit organisations as they, the Member States, apply in domestic cases, as long as the foreign-based organisation can be shown to be comparable to a domestic public-benefit organisation.<sup>4</sup>

## 18. Tax treatment of income from grants and donations

Donations to public-benefit purpose foundations are in general exempt from income tax. In Denmark, however, public-benefit foundations do pay income tax on grants and donations, although this is with the exception of grants/donations given for the purpose of building up the foundation's endowment.

## 19. Tax treatment of income from asset administration and economic activities

In the majority of countries tax exemptions exist for foundations' income from both asset administration and economic activities. As noted under point 5 above, for the purposes of this publication, economic activity can be understood as "trade or business activity involving the sale of goods and services". "Related" economic activity is in itself related to and supports the pursuance of the public-benefit purpose of the foundation. According to the above, normal asset administration by foundations (including investment in bonds, shares, real estate) would not be considered as economic activity.

In a number of countries, income from asset administration may be selectively taxed, according to the type of investment or the type of organisation (e.g. exemptions only for foundations with public-benefit status). Income from economic activities is in the majority of countries at least partially tax exempt: Most countries tax income from unrelated activity but exempt income from related activity in some cases only up to a certain ceiling; others also exempt unrelated economic activity, but only if this is conducted on a small scale.

A handful of countries do however tax all business income in full whether from related or unrelated activity. In the Czech Republic and Malta, foundations are generally not permitted to undertake economic activities.

## 20. Tax treatment of foreign-based foundations

Among the European Union Member States, the majority of countries do provide for equal income tax exemptions for foreign EU-based foundations

active in their territory as for domestic foundations. This reflects the requirement for Member States to implement the non-discrimination principle on the taxation of comparable foreign EU-based public-benefit organisations set out by the European Court of Justice<sup>5</sup>, although full implementation of the principle across the European Union in law and in practice appears not yet to have been achieved.

Outside the European Union, there is a clear trend for countries not to provide equal income tax exemptions for foreign-based foundations. To receive tax incentives, a foreign foundation would generally be required to register and/or set up a branch office in the country from which tax incentives are sought.

## 21. Tax treatment of individual donors - domestic and cross-border cases

In only a small number of the countries surveyed do individual donors not receive a tax incentive for their donation in the form of either a tax credit or tax deduction. The levels of the incentives offered vary and may depend on the type and/or level of the donation (e.g. only monetary donations above a certain amount) and the value of the tax credit/deduction can usually not exceed a specific threshold, most commonly expressed as a percentage of the donor's total annual taxable income.

Where incentives exist these are in the majority of EU Member States applied equally for donations to domestic and comparable foreign EU-based public-benefit organisations. Again, this reflects the obligation on Member States to implement the non-discrimination principle on the taxation of comparable foreign EU-based public-benefit organisations and their donors set out by the European Court of Justice<sup>6</sup>, although full implementation of the principle across the EU in law and in practice appears not yet to have been achieved. Even outside of the European Union, more than half of the countries surveyed do offer equal incentives to donors for donations to domestic and foreign-based public-benefit organisations.

## 22. Tax treatment of corporate donors - domestic and cross-border cases

In almost all of the countries surveyed, there are tax incentives for corporate donors giving to public-benefit organisations. Only in Slovakia do we find no form of tax incentive for corporate donors.



Where incentives exist these are applied equally in the majority of EU Member States for corporate donations to domestic and comparable foreign EU-based public-benefit organisations. This reflects the obligation on Member States to implement the non-discrimination principle on the taxation of comparable foreign EU-based public-benefit organisations and their donors set out by the European Court of Justice<sup>7</sup>, although full implementation of the principle across the EU in law and in practice appears not yet to have been achieved.

Outside of the European Union, a majority of the countries surveyed offer equal incentives to corporate donors for donations to domestic and foreign-based public-benefit organisations.

### 23. Overview of core elements of the legal requirements for public-benefit tax status

Some trends can be identified but differences do remain in how the national legal systems conceive of and frame the concept of “public benefit”. These differences reflect the varying legal and cultural traditions of the countries concerned, as well as their different historical and political circumstances. Nonetheless, certain trends can be identified, such as the fact that in almost all countries surveyed a public-benefit foundation must pursue its public-benefit purpose exclusively, and in cases where a public-benefit foundation dissolves, remaining assets must continue to be used for the public benefit. Points on which greater variation exists are the questions of board remuneration and the requirement that a public-benefit foundation support the “public at large”.

A consideration of these core elements is also relevant in the context of cross-border philanthropy. As indicated above, according to the non-discrimination principle of the European Court of Justice, Member States have an obligation to apply equal tax incentives to foreign EU-based public-benefit foundations and their donors as they would in domestic cases, where the foreign EU-based public-benefit foundation can be considered as comparable to a domestic public-benefit organisation. Recent case law has shown that the fulfilment of every detail of domestic requirements for public-benefit tax-exempt status is not always necessary to show comparability of a foreign public-benefit organisation. For example, in a decision on foreign withholding tax reimbursement in Spain concerning a Swedish foundation, the court held that the fact that remuneration of the foundation’s board members was permitted by Swedish law

did not preclude the comparability of the Swedish foundation to a Spanish foundation.<sup>8</sup>

### 24. Overview of purposes accepted for tax-exempt public-benefit status

The list used in the creation of this table was taken from the European Commission’s 2012 legislative proposal for a Council Regulation on the Statute on a European Foundation.<sup>9</sup>

Notions of what constitutes public benefit are tied closely to national cultural and legal traditions; historical and political circumstances; and approaches to government and this is reflected in the legal definitions and expressions of the concept in national laws. When a foundation is set up for a particular purpose, perhaps the most important practical consideration as regards that purpose is whether it confers on the foundation eligibility for the organisation itself and its donors to receive tax privileges (where these exist). The tax-privileged status of a foundation does depend on the pursuance of a public-benefit purpose. Most countries provide for either a general/open clause but a number do have a closed list of public-benefit purposes, which has the advantage of more legal certainty but the disadvantage of less flexibility (see Germany, for example).

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- 1) “Working with Foundations in Europe: Why and How”, EFC, Brussels 2001
  - 2) Please refer to the 2014 EFC and Transnational Giving Europe study “Taxation of Cross-border Philanthropy In Europe After Persche and Stauffer: From Landlock to Free Movement?”
  - 3) <http://conventions.coe.int/Treaty/en/Treaties/Html/124.htm>
  - 4) The key ECJ case here is the “Missionswerk” case (C-25/10). For further information, please refer to the 2014 EFC and Transnational Giving Europe study “Taxation of Cross-border Philanthropy In Europe After Persche and Stauffer: From Landlock to Free Movement?”
  - 5) The key ECJ case here is the “Stauffer” case (C-386/04). For further information, please refer to the 2014 EFC and Transnational Giving Europe study “Taxation of Cross-border Philanthropy In Europe After Persche and Stauffer: From Landlock to Free Movement?”
  - 6) The key ECJ case here is the “Persche” case (C-318/07). For further information, please refer to the 2014 EFC and Transnational Giving Europe study “Taxation of Cross-border Philanthropy In Europe After Persche and Stauffer: From Landlock to Free Movement?”
  - 7) The key ECJ case here is the “Persche” case (C-318/07). For further information, please refer to the 2014 EFC and Transnational Giving Europe study “Taxation of Cross-border Philanthropy In Europe After Persche and Stauffer: From Landlock to Free Movement?”
  - 8) For further discussion of this, please refer to the 2014 EFC and Transnational Giving Europe study “Taxation of Cross-border Philanthropy In Europe after Persche and Stauffer: From Landlock to Free Movement?”
  - 9) European Commission 2012 legislative proposal for a Council Regulation on the Statute for a European Foundation: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012PC0035&from=EN>

# COUNTRY BY COUNTRY COMPARATIVE CHARTS



# Setting up a foundation

## 1. Purpose of a foundation

COUNTRY	WHAT PURPOSES ARE FOUNDATIONS LEGALLY PERMITTED TO PURSUE?
Austria	Public- and private-benefit purposes
Belgium	Public- and private-benefit purposes
Bulgaria	Public- and private-benefit purposes
Croatia	Public-benefit purposes only
Cyprus	Public- and private-benefit purposes
Czech Republic	Public- and private-benefit purposes
Denmark	Public- and private-benefit purposes
Estonia	Public- and private-benefit purposes
Finland	Public- and private-benefit purposes
France	Public-benefit purposes only
Germany	Public- and private-benefit purposes
Greece	Public- and private-benefit purposes
Hungary	Public- and private-benefit purposes
Ireland	Public-benefit purposes only
Italy	Public- and private-benefit purposes
Latvia	Public- and private-benefit purposes
Lithuania	Public-benefit purposes only
Luxembourg	Public-benefit purposes only
Malta	Public- and private-benefit purposes
Netherlands	Public- and private-benefit purposes
Poland	Public-benefit purposes only
Portugal	Public-benefit purposes only
Romania	Public-benefit purposes only
Slovakia	Public-benefit purposes only
Slovenia	Public-benefit purposes only
Spain	Public-benefit purposes only
Sweden	Public- and private-benefit purposes
United Kingdom (England & Wales)	Public-benefit purposes only
Albania	Public-benefit purposes only
Bosnia and Herzegovina	Public-benefit purposes only
Kosovo	Public- and private-benefit purposes
Liechtenstein	Public- and private-benefit purposes
Macedonia	Public-benefit purposes only
Montenegro	Public-benefit purposes only
Norway	Public- and private-benefit purposes
Russia	Public-benefit purposes only
Serbia	Public-benefit purposes only
Switzerland	Public- and private-benefit purposes
Turkey	Public- and private-benefit purposes
Ukraine	Public- and private-benefit purposes



## 2. Minimum capital

COUNTRY	IS A MINIMUM CAPITAL REQUIRED TO ESTABLISH A FOUNDATION? IF YES, WHAT IS THE AMOUNT?	IS THE FOUNDATION REQUIRED TO MAINTAIN THE CAPITAL?	ARE SPEND-DOWN FOUNDATIONS ALLOWED?
Austria	Public-benefit foundations: enough to pursue the foundation's purpose(s). Private foundations: €70,000.	No	Yes, private foundations only
Belgium	Capital should be enough for the purpose of the foundation. No minimum required by law.	No	Yes
Bulgaria	No	n/a	Yes
Croatia	No, but a foundation may not be established if its assets are deemed insufficient by the Ministry of Public Administration to fulfil its goals.	Yes	Yes
Cyprus	No	n/a	Yes
Czech Republic	Foundations: €18,000. Foundation funds: No.	Foundations: Yes. Foundation funds: No.	Foundation funds, yes. Foundations, no, with some exceptions. The court can dissolve foundations if the foundation capital is spent.
Denmark	Non-commercial foundations: €34,000; Commercial foundations: €40,000. Approval can be sought for smaller assets.	No, but commercial foundations must maintain a "basic capital" of approximately €40,000. For ordinary foundations the capital requirement is approximately €34,500.	Yes
Estonia	No	n/a	Yes
Finland	Yes, €50,000	No	Yes
France	No minimum in the law, but in practice €1.5 million for public-benefit foundations. Endowment funds: €15,000.	No, but public-benefit foundations may be dissolved if the value of their capital becomes less than 10% of the initial value.	Yes
Germany	No minimum in the law, but in practice €50,000 - €100,000.	Yes, in general	Yes, but must be for a duration of at least ten years.
Greece	No minimum, but enough to pursue the foundation's purpose(s).	n/a	Yes
Hungary	No minimum in the law, but in practice €400 - €1,000.		Yes
Ireland	No	n/a	Yes
Italy	No minimum in the law, but in practice state authorities do usually set a requirement of €50,000.		Yes
Latvia	No	n/a	Yes
Lithuania	No, except for registering foundation endowments. For this the requirement is €72,405.	n/a - Except for endowments: If the value of the endowment falls to a level that is 30% lower than the average of 3 past years.	Yes
Luxembourg	No minimum in the law, but in practice €100,000.	No	Yes

COUNTRY	IS A MINIMUM CAPITAL REQUIRED TO ESTABLISH A FOUNDATION? IF YES, WHAT IS THE AMOUNT?	IS THE FOUNDATION REQUIRED TO MAINTAIN THE CAPITAL?	ARE SPEND-DOWN FOUNDATIONS ALLOWED?
Malta	A foundation established exclusively for a social purpose or as non-profit making must have an endowment of money or property worth at least €232.94. Other foundations must have an endowment of money or property worth at least €1,164.69.	No	Yes. Private foundations are by nature of limited duration and may be established for a maximum period of 100 years.
Netherlands	No	n/a	No, but in practice if the foundation does not have enough equity to exist, it will be dissolved.
Poland	No, but if the foundation plans to engage in economic activities, then approximately €240 is needed.	No	Yes
Portugal	No minimum, but enough to pursue the foundation's purpose(s). €250,000 is presumed sufficient.	No	Yes
Romania	Foundations: assets with a total value of at least 100 times the minimum gross national salary. Foundations whose purpose is fundraising: assets with a total value of at least 20 times the minimum gross national salary.	No	Yes
Slovakia	Yes, €6638.78	Yes	No, if the minimum capital is spent, the court decides to dissolve the foundation.
Slovenia	No	n/a	No
Spain	€30,000. But the law permits that if the founder wants to set up a foundation with less capital, he must then prove that this amount is sufficient to pursue its aims.	Yes	Yes
Sweden	No	n/a	Yes, but in practice a foundation cannot be set up for less than 5 years.
United Kingdom (England & Wales)	No	n/a	Yes
Albania	Enough to pursue the foundation's purpose(s). In practice: the courts have accepted a minimum capital corresponding to approximately €715.	No	Yes
Bosnia and Herzegovina	Yes, €1,000	No	Yes
Kosovo	No	No	Yes
Liechtenstein	Yes, €30,000	No	Yes
Macedonia	Yes, €10,000	No	Yes
Montenegro	No	n/a	Yes

COUNTRY	IS A MINIMUM CAPITAL REQUIRED TO ESTABLISH A FOUNDATION? IF YES, WHAT IS THE AMOUNT?	IS THE FOUNDATION REQUIRED TO MAINTAIN THE CAPITAL?	ARE SPEND-DOWN FOUNDATIONS ALLOWED?
Norway	Non-commercial foundations: approximately €13,000. Commercial foundations: approximately €26,000. The Foundation Authority may make exceptions.		Yes, but in practice a foundation cannot be set up for less than 5 years.
Russia	No, unless the foundation will carry out economic activities, in which case it must have property with market value of not less than the authorised minimum capital required for limited liability companies, approximately €150.	n/a	Yes, with the exception of endowment foundations which are subject to the provisions of The Federal Law on Endowments.
Serbia	Foundations: No. Endowments: €30,000.	Endowments: Yes	Yes
Switzerland	No minimum in the law, but in practice: €40,000.	No	Yes
Turkey	Yes, amount determined yearly by the supervisory authority. Currently approximately €20,000. For tax-exempt public-benefit status: approximately €300,000.	No, but it is not encouraged for foundations to spend their capital.	No
Ukraine	No	n/a	Yes

### 3. State approval

COUNTRY	IS STATE APPROVAL REQUIRED TO SET UP A FOUNDATION?	IF YES, DOES THE STATE AUTHORITY HAVE DISCRETION IF ALL LEGAL REQUIREMENTS ARE MET?
Austria	Public-benefit foundations: Yes. Private foundations: No.	Public-benefit foundations: No
Belgium	Public-benefit foundations: Yes. Private foundations: No.	Public-benefit foundations: No
Bulgaria	No	n/a
Croatia	Yes	Yes
Cyprus	Yes, depending on the type of organisation.	Yes
Czech Republic	No	n/a
Denmark	No	n/a
Estonia	No	n/a
Finland	No	n/a
France	Public-benefit foundation: Yes. Corporate foundation: Yes. Endowment fund: No.	Foundation: Yes. Endowment fund: n/a.
Germany	Yes	No
Greece	Yes	Yes
Hungary	No	n/a
Ireland	No	n/a
Italy	No	n/a
Latvia	No	n/a
Lithuania	No	n/a
Luxembourg	Yes	Yes, with judicial review
Malta	Yes	No
Netherlands	No	n/a
Poland	No	n/a

COUNTRY	IS STATE APPROVAL REQUIRED TO SET UP A FOUNDATION?	IF YES, DOES THE STATE AUTHORITY HAVE DISCRETION IF ALL LEGAL REQUIREMENTS ARE MET?
Portugal	Yes	Yes
Romania	No	n/a
Slovakia	No	n/a
Slovenia	Yes	No
Spain	Yes	Yes
Sweden	No	n/a
United Kingdom (England & Wales)	No, but approval from the Charity Commission, a Non-Ministerial Government Department.	No
Albania	No	n/a
Bosnia and Herzegovina	Yes	No
Kosovo	Yes	Yes
Liechtenstein	No	n/a
Macedonia	No	n/a
Montenegro	Yes	No
Norway	Yes	No
Russia	Yes	Yes
Serbia	No	n/a
Switzerland	No	n/a
Turkey	Yes	Yes
Ukraine	No	n/a

## 4. Registration

COUNTRY	ARE FOUNDATIONS REQUIRED TO REGISTER? IF YES, WITH WHICH AUTHORITY?	IS THE REGISTER PUBLICLY AVAILABLE?
Austria	Public-benefit foundations: Yes (state) - Registration with the Ministry of Internal Affairs. Private foundations: Yes (court) - Company Register.	Yes
Belgium	Yes (court) - register of legal persons of the Banque Carrefour des Entreprises.	Yes
Bulgaria	All foundations: Yes (court). Public-benefit foundations: (state) Central Register at the Ministry of Justice.	Yes
Croatia	Yes (state) - The Ministry of Public Administration.	Yes
Cyprus	Yes (state) - Foundations: registration with the Council of Ministers. Companies limited by guarantee: Companies Registrar/Tax Authorities.	No
Czech Republic	Yes (court) - Registry of Foundations at the regional court.	Yes
Denmark	Yes (state) - Commercial foundations: Danish Business Authority. Non-commercial foundations: regional tax authorities.	Yes
Estonia	Yes (state) - Registry of Non-Profit Organisations and Foundations, maintained by the courts.	Yes
Finland	Yes (state) - Register of Finnish foundations in the National Board of Patents and Registrations.	Yes

COUNTRY	ARE FOUNDATIONS REQUIRED TO REGISTER? IF YES, WITH WHICH AUTHORITY?	IS THE REGISTER PUBLICLY AVAILABLE?
France	No	n/a
Germany	Depends on federal state law	Yes, if the federal state law requires it, but the registers carry no guarantee as to the accuracy or completeness of the information provided.
Greece	Yes (state) - The Ministry of Finance	Yes
Hungary	Yes (court) - The national court	Yes
Ireland	Yes (state) - Registration with the Revenue Commission to obtain a charity number for tax purposes. There is a register of charities run by the Charities Regulatory Authority under the 2009 Charities Act since the 16th October 2014.	Yes
Italy	Yes (state) - Foundations acting nationwide or in several regions: Legal Entities Register, at the Prefettura-UTG (office which represents the national authority at local level). ONLUS: Ministry of Finance (for tax privileged status).	Yes
Latvia	Yes (state) - State Register of Companies	Yes
Lithuania	Yes (state) - Legal Entities Register	Yes
Luxembourg	Yes (state) - Company register	Yes
Malta	Yes (state) - Registrar for Legal Persons	Yes, in the case of purpose foundations. There is limited access in the case of private foundations.
Netherlands	Yes (state) - Register of Commerce	Yes
Poland	Yes (court) - Registry Court	Yes
Portugal	Yes (state) - For the moment, foundations are registered in the National Register of Legal Entities.	Yes
Romania	Yes (court) - National Register of Associations and Foundations	Yes
Slovakia	Yes (state) - Ministry of Interior	Yes
Slovenia	Yes (state) - Ministry for Home Affairs	Yes
Spain	Yes (state) - National Register of Foundations and regional registers for each autonomous region. Foundations must register in the autonomous region where their main activity is pursued, but if it is pursued in more than one region, they should register with the National Register.	Yes
Sweden	Yes (state) - Registration with one of the regional authorities	Yes
United Kingdom (England & Wales)	Yes - Charity Commission, if annual income exceeds approx. €6,000.	Yes
Albania	Yes (court) - Court of First Instance in Tirana	Yes
Bosnia and Herzegovina	Yes (state) - Associations and Foundations Register at the Ministry of Justice of Bosnia and Herzegovina.	Yes
Kosovo	Yes (state) - Register of Foundations at the Ministry of Public Administration	Yes
Liechtenstein	Yes (state) - The Public Registry for public-benefit foundations and foundations running commercial activities.	Yes
Macedonia	Yes (state) - Central Register of Macedonia	Yes
Montenegro	Yes (state) - Register of Associations at the Ministry of Interior	Yes

COUNTRY	ARE FOUNDATIONS REQUIRED TO REGISTER? IF YES, WITH WHICH AUTHORITY?	IS THE REGISTER PUBLICLY AVAILABLE?
Norway	Yes (state) - Foundations Register at the Foundation Authority. All foundations must also be registered with the Central Coordinating Register for Legal Entities. Commercial foundations must additionally be registered with the Register of Business Enterprises.	Yes
Russia	Yes (state) - Unified State Register of Legal Entities maintained by the Federal Tax Service	Yes
Serbia	Yes (state) - Register of endowments and foundations at the Serbian Business Registry Agency	Yes
Switzerland	Yes (state), except family and church foundations - Commercial Register.	Yes
Turkey	Yes (court and state) - Records kept by the competent court local to the foundation and Central Register of the General Directorate of Foundations.	Yes (names of registered foundations are made available on Directorate General of Foundations website).
Ukraine	Yes (state) - General Register of Legal Entities and Individual Businesses at the State Registration Service, maintained by the Ministry of Justice.	Yes

# Operations and supervision

## 5. Economic activities\*

COUNTRY	ARE ECONOMIC ACTIVITIES (RELATED/ UNRELATED TO THE PUBLIC-BENEFIT PURPOSE) PERMITTED?	IS THERE A CEILING OR OTHER TYPE OF LIMITATION? IF YES, WHAT ARE THESE?
Austria	Public-benefit foundations: related only. Private foundations: related and unrelated.	Yes, economic activities must be ancillary
Belgium	Yes, related and unrelated	No
Bulgaria	Yes, related	Yes, economic activities must be ancillary
Croatia	Yes, related and unrelated	No
Cyprus	Yes, related and unrelated, depending on the type of organisation	No
Czech Republic	Yes, related and unrelated with some limits	Cannot be purpose itself. Profits have to be used for foundation purpose only.
Denmark	Yes, related and unrelated	Yes, for non-commercial foundations economic activities must be ancillary.
Estonia	Yes, related and unrelated	No
Finland	Yes, related and unrelated	No
France	Yes, related	Yes, economic activities must be ancillary
Germany	Yes, related and unrelated	If the annual income from unrelated economic activity does not exceed €35,000, it is not taxed. The tax-exempt ceiling for income from sporting events is €45,000.
Greece	Yes, related	No
Hungary	Yes, related	Yes, 60% of the total income of the foundation
Ireland	Yes, related and unrelated	No
Italy	Yes, depending in the type of organisation	Yes, economic activities must be ancillary
Latvia	Yes, related and unrelated	No
Lithuania	Yes, related and unrelated	No
Luxembourg	Yes, related and unrelated	No
Malta	No, but some exceptions exist	Yes, economic activities must be ancillary
Netherlands	Yes, related and unrelated	No
Poland	Yes, related and unrelated	No
Portugal	Yes, related	No
Romania	Yes, related	Yes, economic activities must be ancillary. Annual limit of €15,000 profit.
Slovakia	No, but some exceptions exist	n/a
Slovenia	Yes, related and unrelated	Yes, income generated must amount to less than 30% of the foundation's total income.
Spain	Yes, related and unrelated	No limit for related economic activities. Income generated from unrelated activities must not exceed 40% of the foundation's total annual income.
Sweden	Yes, related	No
United Kingdom (England & Wales)	Yes, related	Yes, economic activities must be ancillary
Albania	Yes, related and unrelated	Yes, economic activities must be ancillary
Bosnia and Herzegovina	Yes, related. Unrelated economic activities may only be conducted through a specially established legal entity.	No
Kosovo	Yes, related	No

\* For the purposes of this chart economic activity can be understood as "trade or business activity involving the sale of goods and services". "Related" economic activity is in itself related to and supports the pursuance of the public-benefit purpose of the foundation.

COUNTRY	ARE ECONOMIC ACTIVITIES (RELATED/ UNRELATED TO THE PUBLIC-BENEFIT PURPOSE) PERMITTED?	IS THERE A CEILING OR OTHER TYPE OF LIMITATION? IF YES, WHAT ARE THESE?
Liechtenstein	Yes, related	No
Macedonia	Yes, related	No
Montenegro	Yes, related	Yes, annual limit of €4,000 or up to 20% of the total income.
Norway	Yes, related and unrelated	Yes, approximately €18,200 for public-benefit foundations
Russia	Yes, related and only if provided for in the statutes	No
Serbia	Yes, related	Yes, the economic activity must be ancillary
Switzerland	Yes, related and unrelated	From a tax perspective (only): Yes, the economic activity must be ancillary.
Turkey	Yes, related and related by establishing a subsidiary economic enterprise.	No
Ukraine	Yes, related and unrelated	No

## 6. Majority shareholding

COUNTRY	ARE FOUNDATIONS PERMITTED TO BE MAJORITY SHAREHOLDERS?
Austria	Yes, but no active management of the company
Belgium	Yes
Bulgaria	Yes
Croatia	Yes
Cyprus	Yes
Czech Republic	Yes
Denmark	Yes
Estonia	Yes
Finland	Yes
France	Yes
Germany	Yes
Greece	Yes
Hungary	No
Ireland	Yes
Italy	Yes, with certain restrictions depending on type of organisation
Latvia	Yes
Lithuania	Yes
Luxembourg	Yes
Malta	Yes
Netherlands	Yes
Poland	Yes
Portugal	Yes
Romania	Yes



COUNTRY	ARE FOUNDATIONS PERMITTED TO BE MAJORITY SHAREHOLDERS?
Slovakia	Yes
Slovenia	No
Spain	Yes
Sweden	Yes
United Kingdom (England & Wales)	Yes
Albania	Yes
Bosnia and Herzegovina	Yes
Kosovo	Yes
Liechtenstein	Yes
Macedonia	Yes
Montenegro	Yes
Norway	Yes
Russia	Yes
Serbia	Yes
Switzerland	Yes
Turkey	Yes
Ukraine	Yes

## 7. Governing organs of a foundation

COUNTRY	WHAT ARE THE MANDATORY GOVERNING ORGANS OF A FOUNDATION?	WHAT IS THE MINIMUM NUMBER OF GOVERNING BOARD MEMBERS?
Austria	Public-benefit foundations: Governing Board. Larger private foundations: Governing Board and Supervisory Board.	3 for private foundations; 1 for public-benefit foundations.
Belgium	Governing Board	3
Bulgaria	Governing Board	3
Croatia	Governing Board	1
Cyprus	Governing Board	2 for companies limited by guarantee
Czech Republic	Governing Board and Supervisory Board or controller	3 for foundations; 1 for foundation funds.
Denmark	Governing Board	3
Estonia	Governing Board and Management Board	3 on Governing Board; 1 on Management Board.
Finland	Governing Board	3
France	Governing Board	3 for public-benefit foundations and endowment funds. Specific requirements for corporate foundations.
Germany	Governing Board	1
Greece	Governing Board	1
Hungary	Governing Board	3
Ireland	Governing Board	3

COUNTRY	WHAT ARE THE MANDATORY GOVERNING ORGANS OF A FOUNDATION?	WHAT IS THE MINIMUM NUMBER OF GOVERNING BOARD MEMBERS?
Italy	Governing Board. For ONLUS, foundations of banking origin, and music foundations also Supervisory Board.	1
Latvia	Governing Board	3
Lithuania	In general, a managing body. Foundations that manage an endowment must also have an endowment managing board which consists of experts with economic, finance, and investment background.	1 on Governing Board. 3 on endowment managing board.
Luxembourg	Governing Board	3
Malta	Governing Board (Board of Administrators)	Public-benefit foundations must have at least 3 administrators or at least one legal entity acting as administrator. (The legal entity must have at least three directors). Private foundations must have at least 1 administrator.
Netherlands	Governing Board	1
Poland	Governing Board. For public-benefit status, Supervisory Board also	1
Portugal	Governing Board and Executive Board for private foundations; Governing Board for public foundations	1
Romania	Governing Board	3
Slovakia	Governing Board; Executive director, Inspector or Supervisory Board for larger foundations	At least 3 on Governing and Supervisory Boards. 1 Executive director. 1 Inspector.
Slovenia	Governing Board	3
Spain	Governing Board	3
Sweden	Governing Board or attached management	1
United Kingdom (England & Wales)	Governing Board	1 for incorporated company (private). 2 for incorporated company (public). 1 for unincorporated charity.
Albania	Governing Board	3, unless otherwise stipulated in the statutes of the foundation.
Bosnia and Herzegovina	Governing Board	3
Kosovo	Governing Board	3
Liechtenstein	Governing Board	2
Macedonia	Governing Board	1
Montenegro	Governing board	1
Norway	Governing Board	3, if founding capital is €390,000 or more.
Russia	Governing Board and Supervisory Board	1
Serbia	Governing Board	3
Switzerland	Governing Board	1
Turkey	Governing Board	1
Ukraine	Governing Board and Supervisory Board	1

## 8. Remuneration of board members

COUNTRY	IS REMUNERATION OF BOARD MEMBERS ALLOWED IN CIVIL AND/OR TAX LAW? IF YES, WHAT IF ANY ARE THE LIMITS?
Austria	Yes, it must be reasonable
Belgium	Yes, it must be reasonable
Bulgaria	Yes
Croatia	Yes, it must be reasonable and provided for in the statutes of the foundation
Cyprus	No, for tax-exempt organisations
Czech Republic	Yes, it must be reasonable
Denmark	Yes, it must be reasonable
Estonia	Yes, it must be reasonable
Finland	Yes, it must be "typical"
France	No
Germany	Yes, it must be reasonable and provided for in the statutes of the foundation
Greece	No
Hungary	Yes
Ireland	No
Italy	ONLUS: Yes, but cannot exceed the maximum rate provided by law for auditors of public companies. Foundations of banking origin: Yes. Other foundations granted by the State: Only reimbursement.
Latvia	Yes, it must be reasonable
Lithuania	No
Luxembourg	No
Malta	Yes, unless the deed of foundation provides otherwise. Foundations enrolled as voluntary organisations: The honorarium given to administrators must not materially prejudice the achievement of the purposes of the voluntary organisation.
Netherlands	No, if a foundation wants to be qualified as a tax-exempt, public-benefit institution.
Poland	There are legal limits on remuneration for members of the governing bodies of public-benefit organisations engaged in "paid public-benefit work" (sales of commodities or services generated or provided by individuals using the results of public-benefit work directly).
Portugal	No
Romania	Yes
Slovakia	No
Slovenia	No
Spain	No
Sweden	Yes, it must be reasonable
United Kingdom	Yes, it must be reasonable
Albania	Yes, it must be reasonable
Bosnia and Herzegovina	Yes, it must be reasonable
Kosovo	No
Liechtenstein	Yes, must be reasonable for tax exemption
Macedonia	No
Montenegro	No
Norway	Yes, it must be reasonable
Russia	No
Serbia	No
Switzerland	No, for tax-exempt organisations (this is the tax authorities' view and is controversial, can vary from canton to canton)
Turkey	Yes
Ukraine	Yes

## 9. Reporting requirements

COUNTRY	WHICH TYPES OF REPORT MUST BE PRODUCED ANNUALLY? (E.G. ACTIVITY REPORT, FINANCIAL REPORT, TAX RETURN, OTHER)	TO WHICH AUTHORITIES IF ANY MUST THESE BE SUBMITTED?	ARE THE REPORTS PUBLICLY AVAILABLE?
Austria	Annual accounts	Tax authority	No
Belgium	Annual accounts/financial report; activity report for foundations eligible to receive tax deductible gifts; social balance sheet (for foundations with more than 20 employees); tax return.	Small foundations: annual accounts/financial report to the clerk's office of the commercial court. Large foundations: annual accounts/financial report to be communicated to the National Bank of Belgium. For all foundations: tax return to tax authorities.	Yes (annual accounts)
Bulgaria	Annual accounts/financial report and activity report (for public-benefit foundations); tax return.	Annual accounts/financial report to National Statistical Office; activity report to Central Register within the ministry of Justice; tax return to National Revenue Agency.	Yes (annual reports)
Croatia	Annual accounts/financial report; tax return.	Ministry of Public Administration, Ministry of Finance (Financial Agency - FINA) and the National Audit Office; tax return to tax authorities.	No
Cyprus	Annual accounts/financial report; tax return.	Charitable Trust: annual accounts/financial report must be submitted to the Administrative Secretary. Association: auditor's report is filed with the Registrar. Company Limited by guarantee: annual audited accounts and annual returns must be filed with the Company Registrar and annual accounts must be filed with the Income Tax Department. Tax return to tax authorities.	No
Czech Republic	Foundations: Annual accounts/financial report and activity report; income tax return (only when there was entrepreneur activity or non-public-benefit foundation), other tax returns (depends on activities).	Foundations: Annual report to registration court; tax returns to tax authorities.	Foundations: Yes, except tax returns
Denmark	Commercial foundations: same rules apply as for non-listed limited companies. Non-commercial foundations: annual accounts/financial report. Tax return.	Non-commercial foundations: annual report must be filed with local tax authorities.	Commercial foundations: Yes. Non-commercial foundations: No.
Estonia	Annual accounts/financial report and activity report. Report on public-benefit activities for public-benefit foundations. Tax return.	All foundations: annual audited financial and activity report to Registry of Non-Profit Organisations and Foundations. Foundations that have public-benefit status: report on public-benefit activities to Tax and Customs Board. Tax return to tax authorities.	Annual accounts/financial report and activity report: Yes. Reports to tax authorities: No.

COUNTRY	WHICH TYPES OF REPORT MUST BE PRODUCED ANNUALLY? (E.G. ACTIVITY REPORT, FINANCIAL REPORT, TAX RETURN, OTHER)	TO WHICH AUTHORITIES IF ANY MUST THESE BE SUBMITTED?	ARE THE REPORTS PUBLICLY AVAILABLE?
Finland	Annual accounts/financial report; tax return.	Accounts and annual reports: registration authority; Annual books of accounts: Registration authority; Tax returns, list of individual grantees (for grants of € 1,000 or more), report on received donations and their usage (only donations that are deductible by the donor): Tax authorities.	Annual reports and accounts: Yes. Reports to the tax authority: No.
France	Public utility foundations, corporate foundations and endowment funds: Annual accounts/financial report. Foundations engaged in public fundraising: report on amount and use of funds raised from the public. Tax return.	All reports are filed with the Prefet and the Ministry of the Interior. Tax return to tax authorities.	Yes
Germany	Annual accounts/financial report; tax report once after setting up the foundation, then every 3 years.	Annual reports: relevant state authorities according to the federal laws; if the foundation wishes to receive tax privileges, reports must also be submitted to the relevant financial authorities. Tax return to tax authorities.	No
Greece	Annual accounts/financial report: Every two years foundations need to submit their plans with respect to the future administration of the assets. Tax return.	The Ministry of Finance. Tax return to tax authorities.	Yes
Hungary	Annual accounts/financial report; activity report; donation report; 1% report; tax return.	Annual financial report; public-benefit/activity report: National Court Office. 1% report: Tax authority. Tax return to tax authorities.	Yes
Ireland	As of 16th October 2014: Annual accounts/financial report; activity report; audited accounts for charities with income above a prescribed threshold. The Charities Regulatory Authority (CRA) to issue regulations during 2015 on specific requirements. Tax return.	Under the 2009 Charities Act: financial and activity report to be submitted to the CRA. Tax return to tax authorities.	Publication is mandatory under the 2009 Charities Act except in the case of private foundations, where no funding is raised from the public.
Italy	Foundations: Annual accounts/financial report. Foundations of banking origin: annual accounts/financial report and activity report. Tax return.	Reports: Supervisory Authority. Tax return to tax authorities.	No
Latvia	All foundations: Annual accounts/financial report and activity report. More detailed reporting may be required for foundations with public-benefit status. Tax return.	Tax authority	Yes, for a fee
Lithuania	Annual accounts/financial report; activity report. Tax return.	Register of Legal Entities. Tax return to tax authorities.	Yes
Luxembourg	Annual accounts/financial report; budget. Tax return.	The Ministry of Justice. Tax return to tax authorities.	Yes

COUNTRY	WHICH TYPES OF REPORT MUST BE PRODUCED ANNUALLY? (E.G. ACTIVITY REPORT, FINANCIAL REPORT, TAX RETURN, OTHER)	TO WHICH AUTHORITIES IF ANY MUST THESE BE SUBMITTED?	ARE THE REPORTS PUBLICLY AVAILABLE?
Malta	All foundations: annual accounts and reports. Foundations which are enrolled voluntary organisations: annual return including an organisational chart; a list of current administrators; any documents amending the statute; annual report; annual accounts and a statement of account related to any event organised and/or activity performed to make public collections. In certain cases, annual audited accounts must be submitted. A tax return must also be submitted.	At the moment there is no requirement to submit accounts to the Registrar for Legal Persons when applying for the registration of a foundation nor annually thereafter. Regulations may be issued in this regard. Enrolled Voluntary organisations: an annual return including all additional documentation must be submitted to the Commissioner for Voluntary Organisations. Tax return to tax authorities.	Reports submitted to the Commissioner for Voluntary Organisations by Enrolled Voluntary Organisations: Yes.
Netherlands	Annual accounts/financial report; Corporate Income Tax return as applicable. A foundation that has and wants to retain the status of public-benefit entity: activity report.	Foundations running a business with sales over a two-year period of at least €4.4 million per year must submit the annual accounts to the Chamber of Commerce. Corporate Income Tax return to tax authorities.	Commercial foundation: annual accounts (but there is an exemption based on the size of the business of the foundation). Foundations wanting to obtain or retain the status of public-benefit entity: annual accounts and activity report.
Poland	Annual accounts/financial report; activity report; annual tax return. Annual activity and financial report must be made publicly available.	Annual activity and financial: Minister relevant to the purpose of the foundation in line with the guidelines prepared by the Ministry of Justice. Annual financial report and tax return: tax authorities. Public-benefit foundations - additional narrative and financial report: Minister of Labour and Social Policy. For foundations with economic activity - financial information: registry of enterprises.	Yes
Portugal	Annual accounts/financial report; activity report; external audit report (when audit is required by law). Tax return.	Annual financial report and annual activity report: Secretary-General of the Presidency of the Council of Ministers. Tax return to tax authorities.	Yes
Romania	All foundations: annual accounts/financial report; tax return. Public-benefit foundations: A special technical and financial report. Tax return.	Financial report to the financial authorities. Tax return to tax authorities.	Yes
Slovakia	Annual accounts/financial report, auditor's report and activity report; tax return.	Annual report to Ministry of the Interior auditor's report to Commercial Journal Tax return to tax authorities.	Annual report and auditor's report: Yes. Tax return: No.
Slovenia	Annual accounts/financial report. Tax return.	Relevant ministry depending on the purpose of the foundation. Tax return to tax authorities.	No

COUNTRY	WHICH TYPES OF REPORT MUST BE PRODUCED ANNUALLY? (E.G. ACTIVITY REPORT, FINANCIAL REPORT, TAX RETURN, OTHER)	TO WHICH AUTHORITIES IF ANY MUST THESE BE SUBMITTED?	ARE THE REPORTS PUBLICLY AVAILABLE?
Spain	Annual accounts/financial report; annual action plan. Tax return.	The Protectorate (annual accounts/financial report). Administrative authority (action plan). Tax return to tax authorities.	Yes, but not tax declaration
Sweden	All foundations: return. Larger foundations, foundations that conduct business, and foundations set up by the state, municipality or a county council: annual accounts/financial report and activity report. Smaller foundations: statement of accounts. Tax return.	Regional supervisory authority; tax authority.	Yes (but not tax return)
United Kingdom (England & Wales)	Registered charities: annual accounts/financial report. Larger charities: Summary Information Return ("SIR"). Tax return.	Charity Commission (depending on level of income). Tax return to tax authorities.	Yes (accounts and the SIR are publicly available on the Charity Commission website).
Albania	Annual accounts/financial report; tax return.	Regional tax office (balance sheet). Court of First Instance in Tirana (accounts). Tax return to tax authorities.	Yes
Bosnia and Herzegovina	Annual accounts/financial report; tax return.	Tax authority	Yes
Kosovo	Foundations with public-benefit Status: annual accounts/financial report; activity report, and tax return. All foundations: annual statement on NGO public registry update, tax declaration, audit report for larger foundations and tax report as needed.	Ministry of Public Administration (administrative reports). Tax Administration of Kosovo (tax returns).	Yes
Liechtenstein	Annual accounts/financial report; tax return.	n/a	No
Macedonia	Annual accounts/financial report; activity report; tax return.	Public Revenue Office (balance sheet). Tax return to tax authorities.	Yes
Montenegro	Annual accounts/financial report; tax return.	Tax authority	Yes, if annual income exceeds €10,000.
Norway	Annual accounts/financial report; tax return.	Foundation Supervisory Authority; Register of Company Accounts (accounts); tax authorities (tax return).	Yes
Russia	Annual accounts/financial report; activity report; report on composition of the managing bodies; tax return. Foundations meeting certain criteria in the law: public-benefit report. Foundations meeting certain requirements specified in the law may be subject to less reporting requirement.	Reports are submitted to the Ministry of Justice or its territorial offices. Tax and accounting reporting to the tax authority. The foundation shall also submit quarterly calculations to the state non-budgetary funds where it is registered.	Yes, activity report
Serbia	Annual accounts/financial report; activity report; tax return (if income is earned from economic activity).	Serbian Business Registers Agency (annual accounts). Tax authority (tax return).	Annual reports and accounts: Yes. Reports to the tax authority: No.

COUNTRY	WHICH TYPES OF REPORT MUST BE PRODUCED ANNUALLY? (E.G. ACTIVITY REPORT, FINANCIAL REPORT, TAX RETURN, OTHER)	TO WHICH AUTHORITIES IF ANY MUST THESE BE SUBMITTED?	ARE THE REPORTS PUBLICLY AVAILABLE?
Switzerland	If the foundation's activity is not limited to a single canton: Annual accounts/ financial report and activity report and audit report, as required; list of the board members, board's approval of the annual reports. Foundations operating at cantonal level: cantonal law applies. Tax return.	If the foundation's activity is not limited to a single canton but includes the whole of Switzerland: Federal Foundation Supervisory Authority. Foundations at cantonal levels: relevant cantonal authority. Tax return to tax authorities.	No
Turkey	Annual report including an activity report as well as financial statements, accounts, balance sheets, information on governing bodies. More detailed reporting for foundations with tax-exempt status. Tax return.	General Directorate of Foundations (annual report). Ministry of Finance (extra report for only tax-exempt foundations). Tax return to tax authority.	No
Ukraine	Annual accounts/financial report; tax return.	Annual accounts and financial report to the registration authority. Tax return to tax authorities.	No

## 10. External audit

COUNTRY	IS EXTERNAL AUDIT REQUIRED BY LAW?
Austria	Yes, for private foundations
Belgium	Yes, for very large foundations
Bulgaria	Yes, if cash flow for the year exceeds approx. €512,000
Croatia	No
Cyprus	For Associations and Companies Limited by Guarantee: the Council of Ministers may at any time request the accounts of a Charitable Trust to be audited. A pending new law proposes mandatory audit for foundations and foundation funds whose assets to annual turnover exceed €200,000.
Czech Republic	Larger foundations: Yes. Foundation funds: No.
Denmark	Yes, for commercial foundations
Estonia	Yes, for large foundations whose annual sales revenue is at least €2,000,000 or who have assets worth at least €1,000,000. Also foundations established by a will, as well as foundations established by the state, local governments and other legal bodies where public institutions are a majority shareholder.
Finland	Yes
France	Yes, for public-benefit and corporate foundations. For endowment funds, only if annual income exceeds €10,000.
Germany	No, but the supervisory authority may demand an external audit for a larger foundation. Some federal laws allow the supervisory authorities to demand an external audit in special cases.
Greece	Yes
Hungary	Yes for foundations with an enterprise income of on average more than approx. €1,000,000 in the 2 business years.
Ireland	Yes, if a charity's income is over €100,000. Under the 2009 Charities Act, audited accounts are required for charities with income above a prescribed threshold of up to a maximum of €500,000. Regulations to be issued during 2015 specifying thresholds.
Italy	No



COUNTRY	IS EXTERNAL AUDIT REQUIRED BY LAW?
Latvia	No
Lithuania	Yes
Luxembourg	No
Malta	Yes, an enrolled voluntary organisation, the annual revenue of which exceeds €200,000 for 3 consecutive calendar years, must submit annual audited accounts to the Commissioner for Voluntary Organisations.
Netherlands	Yes, for medium or large commercial foundations
Poland	Yes, for larger foundations (meeting 2 out of 3 of the following thresholds: at least 50 employees; a total income of over €5 million; total assets of at least €2.5 million) or those public-benefit foundations with a total annual income of at least € 714,000 that receive public funding at the level of a minimum of €12,000 above.
Portugal	Yes, for foundations whose annual income is equal to or greater than €2,000,000
Romania	Yes, for foundations that use public money
Slovakia	Yes
Slovenia	No, but may be requested by the supervisory authority
Spain	Yes, an external audit for larger foundations is required if foundations meet 2 of the following conditions: The total amount of assets is over €2,400,000; the total net amount of the annual turnover is over €2,400,000; the average number of working staff is more than 50.
Sweden	Yes
United Kingdom (England & Wales)	Yes, for larger foundations
Albania	No, but may be requested by the tax authorities
Bosnia and Herzegovina	Yes, for larger foundations
Kosovo	Yes, for foundations with annual income or expenditure in excess of €100,000.
Liechtenstein	Yes, for public-benefit foundations
Macedonia	Yes, for public-benefit foundations whose annual budget is above €20,000. Where the budget is above €100,000 auditing must be in accordance with international accounting standards.
Montenegro	No
Norway	Yes
Russia	Yes
Serbia	Yes, for larger foundations (in terms of number of employees, annual income and assets).
Switzerland	Yes, except family or ecclesiastical foundations, or small foundations that do not raise money from the public and receive an exemption from the supervisory authority.
Turkey	Yes, for tax-exempt foundations
Ukraine	No

## 11. Supervisory authorities

COUNTRY	BY WHICH BODIES ARE FOUNDATIONS SUPERVISED?
Austria	Public-benefit foundations: relevant foundation authority. Private foundations: court. And tax authorities where appropriate.
Belgium	Ministry of Justice, court and tax authorities where appropriate.
Bulgaria	Ministry of Justice and tax authorities where appropriate.
Croatia	Ministry of Public Administration, Ministry of Finance (Financial Agency - FINA) and the National Audit Office, and tax authorities where appropriate.
Cyprus	Charitable Trusts, Societies/Associations: The Ministry of Interior. Companies limited by Guarantee: The Registrar of Companies. And tax authorities where appropriate.
Czech Republic	Court and tax authorities where appropriate.
Denmark	Ministry of Commerce and tax authorities where appropriate.
Estonia	Registry of Non-Profit Organisations and Foundations maintained by the courts, and tax authorities where appropriate.
Finland	National Board of Patents and Registration, and tax authorities where appropriate.
France	Ministry of the Interior, the Prefet and the Cour des Comptes, and tax authorities where appropriate.
Germany	Each Federal State has its own supervisory system. Public-benefit foundations with tax exemptions are also supervised by the responsible tax authority.
Greece	The Council of National Bequests, a public administrative body that functions within the Ministry of Finance, and tax authorities where appropriate.
Hungary	The public prosecutor's office and tax authorities where appropriate.
Ireland	The Charities Regulatory Authority, and tax authorities where appropriate.
Italy	Foundations fall under the supervision of prefectures or regional administrations depending on the type of foundation. Foundations established before autumn 2000, however, fall under the supervision of the competent Ministry (the Ministry of Interior or, in some cases, the Ministry of Education) and there is special supervision of foundations that pursue cultural purposes. Foundations of banking origin fall under the supervision of the Ministry of Economy until all of them divest controlling shareholdings in the banks. And tax authorities where appropriate.
Latvia	The tax administration office (Revenue Service).
Lithuania	The State Tax Inspectorate inspects the payment of taxes, the State Social Insurance Fund checks the payment of social benefits. The Centre of Registers grants and removes the status of support recipient; the National Audit Office may audit the use of public funds.
Luxembourg	Ministry of Justice and tax authorities where appropriate.
Malta	Commissioner for Voluntary Organisations (in the case of foundations which qualify as voluntary organisations), Malta Financial Services Authority, Civil Court in its voluntary jurisdiction, and tax authorities where appropriate.
Netherlands	Public Prosecutor's Office and the District Court, and tax authorities where appropriate.
Poland	The supervisory authority comprises a public administrative body (ministry relevant for foundations' primary activity - for those of national scope) or a regional public administrative body in the case of foundations with a regional scope. Public-benefit foundations additionally are supervised by the Minister of Labour and Social Policy. And tax authorities where appropriate.
Portugal	Competent ministry according to field of activities, and tax authorities where appropriate.
Romania	The Financial Administration. Also for public-benefit foundations: Ministry of Justice. For other foundations: local court. And tax authorities where appropriate.
Slovakia	Ministry of the Interior, and tax authorities where appropriate.
Slovenia	The ministry whose operating range covers the purpose for which a given foundation has been established. In the event that it is not possible to appoint such a ministry, the ministry responsible for public administration shall be competent. And tax authorities where appropriate.
Spain	The Protectorates (part of the General State Administration), and tax authorities where appropriate.
Sweden	The supervisory authorities are the seven county governments appointed by the national government, and tax authorities where appropriate.

COUNTRY	BY WHICH BODIES ARE FOUNDATIONS SUPERVISED?
United Kingdom (England & Wales)	The Charity Commission for England and Wales, an independent regulator (a Non-Ministerial Government Department, accountable to Parliament and the public), and tax authorities where appropriate.
Albania	The supervision of foundations is shared among various governmental bodies whose area of competence relates to or covers activities carried out by the foundations. Typically, a foundation will be supervised by tax, customs, and social insurance authorities. Additionally, various government ministries, such as the Ministry of Education and Sport or Ministry of Social Welfare and Youth would also typically supervise the activities of foundations.
Bosnia and Herzegovina	The Ministry of justice of Bosnia and Herzegovina keeps the registry of the foundations registered on state level and supervises the implementation of the Law on Associations and Foundations of Bosnia and Herzegovina. The competent administrative authority in whose field the foundation's activity falls oversees the legality of those activities. And tax authorities where appropriate.
Kosovo	Division of Reporting and Monitoring of NGOs within the Department of Registration and Liaison with NGOs, under the Ministry of Public Administration; the Kosovo Council for Financial Reporting (upon request); and the Tax Administration of Kosovo.
Liechtenstein	For public-benefit foundations and private foundations with a relevant provision in the foundation deed: The Foundation Supervisory Authority, a public administrative body within the Office of Land and Public Registration. And tax authorities where appropriate.
Macedonia	Central Register of Macedonia, and tax authorities where appropriate.
Montenegro	Relevant public inspection authorities, and tax authorities where appropriate.
Norway	Norwegian Foundation Authority, and tax authorities where appropriate.
Russia	Ministry of Justice and tax authorities. In addition, the Federal Financial Monitoring Service carries out a mandatory control where foundations receive funds/other property from foreign states, international and foreign organisations, foreign citizens and stateless persons, and carries out checks on expenditures equal to or exceeding approximately €1,500.
Serbia	Ministry of Culture and Information supervises implementation of the Law on Endowments and Foundations; financial reports are checked by the tax authorities.
Switzerland	Foundations are supervised by the state authority (Confederation, canton, commune) to which they are assigned; the tax authority checks if an organisation meets the necessary material requirements for a tax exemption.
Turkey	The General Directorate of Foundations (a governmental entity that has certain autonomy in its activities). The Ministry of Finance supervises Tax-Exempt Foundations for tax-exempt status compliance and with regard to taxation issues.
Ukraine	State registration service and tax authorities where appropriate. Courts supervise private foundations when it comes to amending the statutes, purposes, or name of a foundation.

## 12. Recognition of foreign foundations

COUNTRY	UNDER WHAT CONDITIONS DOES THE CIVIL LAW RECOGNISE THE LEGAL PERSONALITY OF A FOREIGN FOUNDATION?
Austria	Recognised without further steps - signed European Convention on the recognition of the legal personality of NGOs from 1986.
Belgium	Recognised without further steps - signed European Convention on the recognition of the legal personality of NGOs from 1986, but must create and register a centre of activity in case of substantial activity.
Bulgaria	Recognised without further steps
Croatia	Recognised but must establish a branch if it wants to operate in Croatia.
Cyprus	Recognised without further steps - signed European Convention on the recognition of the legal personality of NGOs from 1986.
Czech Republic	Recognised without further steps
Denmark	Recognised without further steps
Estonia	Must be registered in Estonia

COUNTRY	UNDER WHAT CONDITIONS DOES THE CIVIL LAW RECOGNISE THE LEGAL PERSONALITY OF A FOREIGN FOUNDATION?
Finland	Recognised without further steps within EU/EEA but special legal permission is needed for foundations outside EEA.
France	Recognised without further steps – signed European Convention on the recognition of the legal personality of NGOs from 1986, but if it intends to perform its statutory purpose in France, it must seek special authorisation (recognition of public utility status).
Germany	Recognised without further steps
Greece	Recognised without further steps – signed European Convention on the recognition of the legal personality of NGOs from 1986.
Hungary	Recognised without further steps
Ireland	Every charitable organisation that wishes to operate in Ireland must register with the charity regulator.
Italy	Recognised without further steps but must be officially recognised in case it pursues its principal purposes in Italy.
Latvia	Recognised without further steps but to conduct economic activities it must be established as a foundation in Latvia.
Lithuania	Recognised by international treaties or upon its registration of a branch office in Lithuania.
Luxembourg	Recognised without further steps
Malta	Recognised without further steps but a foreign organisation which carries on an activity in Malta on a regular basis must register with the Registrar for Legal Persons prior to commencing its activities. (Regular activity means activity having a duration of more than 3 months or which is carried out through a permanent establishment in Malta).
Netherlands	Recognised without further steps – signed European Convention on the recognition of the legal personality of NGOs from 1986.
Poland	Recognised but must register a branch if it wants to operate on a more or less regular basis.
Portugal	Recognised without further steps if within the scope of the European Convention on the recognition of the legal personality of NGOs from 1986. Other foreign foundations seeking to pursue their purpose in Portugal must open a branch, which requires authorisation.
Romania	Recognised without further steps
Slovakia	Recognised but must register a branch office in case it wants to operate in Slovakia.
Slovenia	Recognised without further steps – signed European Convention on the recognition of the legal personality of NGOs from 1986.
Spain	Recognised but must register a branch in case it wants to operate in Spain more regularly (requires registration).
Sweden	Recognised without further steps
United Kingdom (England & Wales)	Recognised without further steps – signed European Convention on the recognition of the legal personality of NGOs from 1986, but recognition of charitable status is generally not possible/the charitable status could be recognised by applying to the tax authority.
Albania	Recognised without further steps but it must register a branch or be created as an Albanian foundation in case it wants to operate in Albania for more than 6 months. To operate for more than 30 days it must apply for a government permit.
Bosnia and Herzegovina	Recognised without further steps – may create a branch office, which must be registered.
Kosovo	Recognised without further steps – may create a branch office which must be registered.
Liechtenstein	Recognised without further steps
Macedonia	Recognised without further steps – signed European Convention on the recognition of the legal personality of NGOs from 1986. May create a branch office which must be registered.
Montenegro	Recognised without further steps – may create a branch office, which must be registered
Norway	Recognised without further steps
Russia	Recognised without further steps
Serbia	Recognised without further steps – may create a branch office, which must be registered.

COUNTRY	UNDER WHAT CONDITIONS DOES THE CIVIL LAW RECOGNISE THE LEGAL PERSONALITY OF A FOREIGN FOUNDATION?
Switzerland	Recognised without further steps - signed European Convention on the recognition of the legal personality of NGOs from 1986.
Turkey	Permission of the Ministry of Interior is required for foreign foundations to be able to operate, open branches or representations, etc. in Turkey. The Ministry of Interior provides this permission after receiving the opinion of the Ministry for Foreign Affairs.
Ukraine	Recognised but must register a branch in case it wants to operate in Ukraine, tax-exempt status is generally not possible.

### 13. Assets and dissolution

COUNTRY	CAN A PUBLIC-BENEFIT FOUNDATION'S ASSETS REVERT TO PRIVATE OWNERSHIP IN CASE OF DISSOLUTION?
Austria	Yes, but only the assets deposited by founders
Belgium	No
Bulgaria	No
Croatia	No
Cyprus	No
Czech Republic	No
Denmark	No
Estonia	No
Finland	No
France	No
Germany	No
Greece	No
Hungary	Yes, but only the assets deposited by founders
Ireland	No
Italy	No
Latvia	No
Lithuania	No
Luxembourg	No
Malta	No
Netherlands	No
Poland	No
Portugal	No
Romania	No
Slovakia	No
Slovenia	No
Spain	No
Sweden	No
United Kingdom (England & Wales)	No
Albania	No
Bosnia and Herzegovina	No
Kosovo	No

COUNTRY	CAN A PUBLIC-BENEFIT FOUNDATION'S ASSETS REVERT TO PRIVATE OWNERSHIP IN CASE OF DISSOLUTION?
Liechtenstein	No
Macedonia	No
Montenegro	No
Norway	No
Russia	Yes, if required by law
Serbia	No
Switzerland	No
Turkey	No
Ukraine	No

## 14. Administration costs\*

COUNTRY	IS THERE A MAXIMUM THAT CAN BE SPENT ON OFFICE/ADMINISTRATION COSTS IN CIVIL AND/OR TAX LAW? IF YES, WHAT IS THE AMOUNT?
Austria	No
Belgium	Yes, to be eligible to receive tax-deductible gifts a foundation must not spend more than 20% of its resources on administrative costs.
Bulgaria	No
Croatia	No
Cyprus	No, but must be reasonable. For tax purposes, the administration costs are not deductible.
Czech Republic	No
Denmark	Yes, for non-commercial foundations administration costs must be approved by the foundation authorities if they exceed 12% of the yearly gross income of the foundation.
Estonia	No
Finland	No
France	No
Germany	No, but many local foundation laws demand that administrative costs should be as low as possible.
Greece	No
Hungary	No
Ireland	No, but The Revenue Commissioners do review the expenditure of organisations to ensure that their activities are charitable as per the definition. The CRA will also review expenditure to ensure that it meets the public-benefit requirements.
Italy	No, but rules exist restricting certain elements of administration costs, such as staff salaries and board remuneration for ONLUS.

\*Definition varies from country to country, and may even vary according to regional laws or interpretation within a given country. Administration costs frequently include such costs as personnel costs; board remuneration; costs of external audit; other legal/accounting costs; general office overheads; insurance; publicity and promotion of the foundation; asset administration costs; in the case of an operating foundation - costs related to programmes/institutions run by the foundation; and costs related to fundraising.

Note: Where an answer indicates "No", this may nonetheless imply that administration costs should be reasonable and relevant authorities would investigate in cases of concern.

COUNTRY	IS THERE A MAXIMUM THAT CAN BE SPENT ON OFFICE/ADMINISTRATION COSTS IN CIVIL AND/OR TAX LAW? IF YES, WHAT IS THE AMOUNT?
Latvia	No, unless covered from donations, in which case there is a limit of up to 25% of general donations.
Lithuania	Yes, 20% of annual income
Luxembourg	No
Malta	No, but must be reasonable. In the case of foundations which are voluntary organisations, the remuneration of persons who are employed to carry out management, executive or fundraising functions in a voluntary organisation shall not be such as to materially prejudice the achievement of the purposes of the voluntary organisation. Moreover, administrators may receive a reasonable honorarium for services rendered insofar as the payment of such honorarium does not materially prejudice the achievement of the purposes of the voluntary organisation.
Netherlands	No, but for public-benefit status, costs of fundraising and administration should be in reasonable proportion to the charitable expenditures.
Poland	No
Portugal	Yes, for private foundations with public utility status and public foundations, staff and administrative costs may not exceed the following limits: (i) for foundations whose activity mainly consists of granting financial benefits or support to the community, 1/10 of their annual income, with at least 2/3 of this being spent on directly pursuing the aims set out in the statutes; (ii) for foundations whose activity mainly consists of sustaining the provision of their own services to the community, 2/3 of their annual income.
Romania	No, but usually grants contracts signed with different donors or public institutions make references to 7% of total costs to be spent for administration (indirect costs or core costs).
Slovakia	No, but administration costs must be separately accounted for.
Slovenia	No
Spain	Yes, administration costs should not exceed the higher of the following two figures: either 5% of a foundation's equity or 20% of its net income.
Sweden	No
United Kingdom (England & Wales)	No
Albania	No
Bosnia and Herzegovina	No
Kosovo	No
Liechtenstein	No
Macedonia	No
Montenegro	No
Norway	No
Russia	No, but for foundations that have charity status spending on remuneration of administrative staff may not exceed 20% of total expenditure per financial year.
Serbia	No
Switzerland	No, but a foundation may lose its non-profit status if it utilises less than 50% of its funds for the purpose that the tax privileges are based upon (varies according to cantonal practice).
Turkey	Yes, a maximum of 1/3 of the annual income can be spent on administration costs.
Ukraine	Yes, in civil law: public-benefit foundations can spend up to 20% of their annual income on office/administration costs.

## 15. Timely disbursement requirements

COUNTRY	DOES CIVIL AND/OR TAX LAW REQUIRE A FOUNDATION TO SPEND ITS INCOME, OR A CERTAIN AMOUNT OF ITS INCOME, WITHIN A CERTAIN PERIOD OF TIME (E.G. WITHIN THE NEXT FINANCIAL YEAR)?	DOES CIVIL AND/OR TAX LAW REQUIRE A FOUNDATION TO SPEND A CERTAIN PERCENTAGE OF ITS OVERALL ASSETS WITHIN A CERTAIN PERIOD OF TIME (E.G. WITHIN THE NEXT FINANCIAL YEAR)?
Austria	No	No
Belgium	No	No
Bulgaria	No	No
Croatia	No	No
Cyprus	No	No
Czech Republic	Yes, court can wind up a foundation that cannot fulfil its purpose or does not distribute grants for a period of 2 years. This does not apply to endowment funds.	No
Denmark	No	No
Estonia	No	No
Finland	Yes, tax law states that public- benefit foundations should spend most of their annual income (not capital gains) within a reasonable time frame.	No
France	No	No
Germany	Yes, tax law requires a tax-exempt foundation to distribute all its income on its public-benefit activity within the next 2 fiscal years. There are however some exceptions related to the building up of certain types of reserves.	No
Greece	No	No
Hungary	No	No
Ireland	Yes, if a foundation wishes to accumulate capital for more than 2 years, the foundation must first obtain permission from the Revenue Commissioners.	No
Italy	For foundations of banking origin: Yes, at least half of the profits of the year must be granted in the following years. Other foundations must also give some grants within a reasonable period of time in order not to be dissolved or transformed by the governmental authority.	No
Latvia	No	No
Lithuania	No	No
Luxembourg	No	No
Malta	No	No
Netherlands	Yes	No
Poland	No	No
Portugal	Yes, at least at least 50% of the overall net income must be allocated to the public-benefit purposes by the end of the 4th year of activity after the year in which the income was obtained.	No
Romania	No	No
Slovakia	Depends on the type of income: income from tax designation must be spent within a certain period.	No
Slovenia	No	No
Spain	Yes, both civil and tax law state that foundations must dedicate at least 70% of their net income to pursue their general interest purpose within a period of 4 years.	No



COUNTRY	DOES CIVIL AND/OR TAX LAW REQUIRE A FOUNDATION TO SPEND ITS INCOME, OR A CERTAIN AMOUNT OF ITS INCOME, WITHIN A CERTAIN PERIOD OF TIME (E.G. WITHIN THE NEXT FINANCIAL YEAR)?	DOES CIVIL AND/OR TAX LAW REQUIRE A FOUNDATION TO SPEND A CERTAIN PERCENTAGE OF ITS OVERALL ASSETS WITHIN A CERTAIN PERIOD OF TIME (E.G. WITHIN THE NEXT FINANCIAL YEAR)?
Sweden	Yes, according to the civil law a fundraising foundation has to use at least 75% of its income during a period of 3 years. According to tax law a foundation has to use approximately 80% of its income during a period of at least 5 years on the pursuit of its public-benefit purpose.	No
United Kingdom (England & Wales)	Yes, both civil law and tax law require that the foundation spends its income within a reasonable period of time, generally accepted to be 3 years.	No
Albania	No	No
Bosnia and Herzegovina	No	No
Kosovo	No	No
Liechtenstein	No	No
Macedonia	No	No
Montenegro	No	No
Norway	No	No
Russia	Yes, Charitable foundations: 80% of charitable donations in cash and in kind shall be used for charitable purposes within the year of receipt. Endowment foundations: may use income of not more than 10% of the value of the endowment to build up the endowment. In addition endowment foundations may accumulate income from endowment asset management for up to 2 consecutive years.	No
Serbia	No	No
Switzerland	No	No
Turkey	Yes, the general requirement is to spend 2/3 of the yearly income within the same year for the foundation's purpose. Surplus funds can be deferred to be spent within a maximum of 3 years for tax-exempt foundations, with the approval of the Ministry of Finance.	No
Ukraine	No	No

# Tax treatment of public-benefit foundations

## 16. Activities abroad and implications for tax-exempt status

COUNTRY	DO ACTIVITIES ABROAD PUT THE TAX-EXEMPT STATUS OF A PUBLIC-BENEFIT FOUNDATION OR THE ABILITY TO RECEIVE TAX DEDUCTIBLE DONATIONS AT RISK?
Austria	Yes, foundations operating mainly abroad can lose their special tax status.
Belgium	No, but the ability to receive tax deductible donations might be put at risk in case major activities take place outside EU/EEA unless they are supporting development aid.
Bulgaria	No
Croatia	No
Cyprus	No, provided such activities are in the normal course of the foundation's activities.
Czech Republic	No, but tax benefits for donors are not granted, if the foundation does not have a seat in an EU or EEA countries.
Denmark	No
Estonia	No
Finland	No
France	Yes, tax benefits for donors are not granted, if the foundations do not conduct the main part of their activities in France. There are exceptions.
Germany	No, but tax exemption requires that pursuing public-benefit purposes abroad possibly has a positive impact for Germany.
Greece	No
Hungary	No
Ireland	No
Italy	No
Latvia	No, but tax exemptions are not applicable to activity abroad.
Lithuania	Yes, if activities are being carried on outside of the European Economic Zone.
Luxembourg	No
Malta	No, in general. There are some conditions which would need to be satisfied for the public-benefit foundation to be tax exempt.
Netherlands	No
Poland	No
Portugal	Yes, the notion of a legal entity of public utility means that the tax-exempt status is dependent on the requirement that the entity pursues aims of general interest for domestic benefit of national or local scope.
Romania	No
Slovakia	No
Slovenia	No
Spain	No
Sweden	No
United Kingdom (England & Wales)	No
Albania	No
Bosnia and Herzegovina	No
Kosovo	No
Liechtenstein	No
Macedonia	No

COUNTRY	DO ACTIVITIES ABROAD PUT THE TAX-EXEMPT STATUS OF A PUBLIC-BENEFIT FOUNDATION OR THE ABILITY TO RECEIVE TAX DEDUCTIBLE DONATIONS AT RISK?
Montenegro	No
Norway	No
Russia	No
Serbia	No
Switzerland	Most tax authorities require some donations within Switzerland. The only exception is international development aid where foundations can invest 100% of their donations abroad.
Turkey	No, but tax exemptions are not applicable to activity abroad.
Ukraine	No

## 17. Gift and inheritance tax

COUNTRY	DOES GIFT/INHERITANCE TAX EXIST?	ARE THERE EXEMPTIONS FROM GIFT/INHERITANCE TAX FOR GIFTS/LEGACIES TO PUBLIC-BENEFIT FOUNDATIONS?	DO EQUAL EXEMPTIONS FROM GIFT/INHERITANCE TAX APPLY FOR GIFTS/LEGACIES TO COMPARABLE FOREIGN EU-BASED PUBLIC-BENEFIT FOUNDATIONS?
Austria	No	n/a	n/a
Belgium	Yes	Yes, at a reduced rate	Yes
Bulgaria	Yes	Yes	Yes
Croatia	Yes	No, only humanitarian associations and the Red Cross are exempt	No
Cyprus	No	n/a	n/a
Czech Republic	Yes (in 2014 these were incorporated into income tax)	Yes (only for public-benefit taxpayers)	Yes
Denmark	Yes	Yes	Yes, but the recipient organisation must be included in a list
Estonia	No	n/a	n/a
Finland	Yes	Yes	Yes
France	Yes	Yes	Yes, since 1 January 2015. But the recipient organisation must be agreed by the tax authorities.
Germany	Yes	Yes	No
Greece	Yes	Yes, taxed at a lower rate of 0.5%	Yes
Hungary	Yes	Yes	No
Ireland	Yes	Yes	Yes
Italy	Yes	Yes	Yes
Latvia	No	n/a	n/a
Lithuania	Yes	Yes	Yes
Luxembourg	Yes	Yes	Yes
Malta	Yes, on certain types of assets	Yes, a tax exemption applies to donations made to certain philanthropic institutions subject to the satisfaction of certain conditions.	Yes
Netherlands	Yes	Yes	Yes, but the recipient organisation must be included in a list
Poland	Yes	Foundations do not pay gift and inheritance tax, which is only levied on individuals. Donors are exempt from gift- and inheritance tax if the beneficiary is a public-benefit foundation.	Yes
Portugal	Yes, stamp duty	Yes	No
Romania	No	n/a	n/a
Slovakia	No	n/a	n/a
Slovenia	Yes	Yes	Yes
Spain	Yes	n/a since levied on natural persons only	n/a
Sweden	No	n/a	n/a
United Kingdom (England & Wales)	Yes	Yes	Yes

COUNTRY	DOES GIFT/INHERITANCE TAX EXIST?	ARE THERE EXEMPTIONS FROM GIFT/INHERITANCE TAX FOR GIFTS/LEGACIES TO PUBLIC-BENEFIT FOUNDATIONS?	DO EQUAL EXEMPTIONS APPLY FOR GIFTS/LEGACIES TO COMPARABLE FOREIGN-BASED PUBLIC-BENEFIT FOUNDATIONS?
Albania	Yes	Yes	n/a
Bosnia and Herzegovina	Yes	Yes	No, only if the foundation sets up a branch or registers in Bosnia and Herzegovina.
Kosovo	Yes	Yes	No
Liechtenstein	No	n/a	n/a
Macedonia	Yes	Yes	No
Montenegro	No	n/a	n/a
Norway	Yes	Yes	Yes
Russia	No	n/a	n/a
Serbia	Yes	Yes, for gifts (not for inheritance)	Yes, if the foreign foundation has a registered branch office, it is treated the same as a local foundation.
Switzerland	Regulated at cantonal level: exists in some cantons.	Regulated at cantonal level: Donations to non-profit organisations are often exempt. However, a uniform definition of the tax exemption based on the public-benefit does not exist.	Donations to foreign public-benefit foundations are only exempted from gift or inheritance taxes in certain cantons in case of a treaty providing for reciprocity.
Turkey	Yes	Yes	No inheritance and gift tax imposed on the payee in this situation, the payer is also not subject to tax. However, there is no tax exemption for the donor.
Ukraine	No	n/a	n/a

## 18. Tax treatment of income from grants and donations

COUNTRY	DO PUBLIC-BENEFIT FOUNDATIONS PAY INCOME TAX ON GRANTS AND DONATIONS?
Austria	No
Belgium	No
Bulgaria	No
Croatia	No
Cyprus	No
Czech Republic	No
Denmark	Yes, unless given in order to build up the foundation's endowment
Estonia	No
Finland	No
France	No
Germany	No
Greece	No
Hungary	No
Ireland	No
Italy	No
Latvia	No
Lithuania	No
Luxembourg	No
Malta	No, for grants/donations of cash
Netherlands	No
Poland	No
Portugal	No
Romania	No
Slovakia	No
Slovenia	No
Spain	No
Sweden	No
United Kingdom (England & Wales)	No
Albania	No
Bosnia and Herzegovina	No
Kosovo	No
Liechtenstein	No
Macedonia	No
Montenegro	No
Norway	No
Russia	Income from donations is not subject to income tax. Income from grants only tax exempt if the grant-maker is named in a list of grant-making organisations approved by the Russian government.
Serbia	No
Switzerland	No
Turkey	No
Ukraine	No

## 19. Tax treatment of income from asset administration and economic activities\*

COUNTRY	IS INCOME FROM ASSET ADMINISTRATION TAXED?	IS INCOME FROM ECONOMIC ACTIVITIES TAXED?
Austria	No	No
Belgium	Yes, certain types of asset income listed by the law.	No, if remain ancillary or if the foundation is active in the so-called "privileged sectors" listed by the law. If none of these grounds for exemption applies, total income subject to corporate tax.
Bulgaria	Yes, except for income from sale of shares on a regulated Bulgarian market.	Yes
Croatia	No	No, unless a tax exemption would lead to unfair competition.
Cyprus	No	Yes
Czech Republic	No, income from the registered endowment of a foundation is exempt from income tax.	n/a - economic activities not permitted
Denmark	Yes, but dividends received from companies in which the foundation holds at least 10% of the shares are exempt from tax.	Yes
Estonia	No	No
Finland	No, with some exceptions	Yes, if unrelated
France	No	Yes, if unrelated or if the annual profits derived from related economic activities exceed €60,000.
Germany	No, for tax-exempt public-benefit foundations	Yes, if unrelated and the income exceeds €35,000.
Greece	Yes	No
Hungary	No	No, if income from economic activities represents less than 15% of the total income.
Ireland	No	No, if related
Italy	Yes	Yes, except for the tax exemption for ONLUS
Latvia	No	No
Lithuania	No, but with limitations	Yes, within a specified threshold
Luxembourg	No	No, if related
Malta	Yes, unless the public-benefit foundation is tax exempt or a specific exemption applies with respect to that income.	n/a economic activities generally not allowed
Netherlands	No, provided that the activities do not entail more than regular asset management as performed by individuals.	No, provided that the annual profit does not exceed €15,000 or the profit from the reporting year and the 4 preceding years does not exceed €75,000.
Poland	No	No, provided that the income is spent on the foundation's statutory public-benefit activity.
Portugal	No, except for income from bearer securities	Yes, if unrelated
Romania	Yes, if profits exceed €15,000	Yes, if profits exceed €15,000
Slovakia	No, except for income from the sale of investments	No, but only allowed to a very limited extent -lease of real estate.
Slovenia	No	Yes
Spain	No	No, provided the activities are purpose related and ancillary.
Sweden	No, except for Income from leasing of a property that belongs to the foundation.	Yes

\* For the purposes of this chart economic activity can be understood as "trade or business activity involving the sale of goods and services". "Related" economic activity is in itself related to and supports the pursuance of the public-benefit purpose of the foundation. According to the above, normal asset administration by foundations (including investment in bonds, shares, real estate) would not be considered as economic activity.

COUNTRY	IS INCOME FROM ASSET ADMINISTRATION TAXED?	IS INCOME FROM ECONOMIC ACTIVITIES TAXED?
United Kingdom (England & Wales)	No	No, if directly purpose related. Profits from unrelated economic activities are only taxed if the annual sales exceed the lower of (a) 25% of the foundation's total sales or (b) the equivalent of approximately €60,000.
Albania	No, income from asset administration is normally not taxed, except for income from leasing of foundation's property.	No, if economic activities have been declared in the foundation's statutes as a source of income, the income is used to support stated non-profit goals and the foundation observes the non-distribution constraint. Additionally, under the new VAT Law, some economic activities may be exempted from VAT if the income generated from these activities does not exceed 20% of the foundation's general yearly income.
Bosnia and Herzegovina	No, except income from leasing of property that belongs to the foundation.	No, if related
Kosovo	No, for tax-exempt public-benefit foundations	No, if related
Liechtenstein	No	Yes
Macedonia	No	No
Montenegro	No	Tax base is reduced by the amount of €4,000 provided that the profit is used for the achievement of goals for which it was founded.
Norway	No	No, if related
Russia	Yes, except for income from certain types of asset administration	Yes
Serbia	Yes	No, provided that relevant criteria are met by the foundation, including prescribed limited income.
Switzerland	No	No, provided the activities are purpose related or ancillary.
Turkey	Yes, withheld at source	Yes
Ukraine	No	No, if related

## 20. Tax treatment of foreign-based foundations

COUNTRY	WHERE CORPORATE INCOME TAX EXEMPTIONS EXIST FOR DOMESTIC PUBLIC-BENEFIT ORGANISATIONS, CAN A FOREIGN EU-BASED FOUNDATION GET THE SAME TAX BENEFITS AS A DOMESTIC FOUNDATION?
Austria	Yes
Belgium	Yes, but only on the basis of 1 of the possible 2 alternative grounds for obtaining exemptions.
Bulgaria	Yes
Croatia	No
Cyprus	No
Czech Republic	Yes
Denmark	No
Estonia	Yes, but only applies to EU/EEA-based foundations provided that they fulfil the same requirements that the resident foundations must meet to be considered as public-benefit organisations.
Finland	Yes
France	Yes



COUNTRY	WHERE CORPORATE INCOME TAX EXEMPTIONS EXIST FOR DOMESTIC PUBLIC-BENEFIT ORGANISATIONS, CAN A FOREIGN EU-BASED FOUNDATION GET THE SAME TAX BENEFITS AS A DOMESTIC FOUNDATION?
Germany	Yes
Greece	Yes
Hungary	Yes
Ireland	Yes, but the organisation must be included in a list
Italy	Yes
Latvia	No
Lithuania	Yes
Luxembourg	No
Malta	Yes, but the organisation must be included in a list
Netherlands	Yes
Poland	Yes
Portugal	No
Romania	No
Slovakia	n/a, no tax incentives for public-benefit organisations
Slovenia	n/a, no tax incentives for public-benefit organisations
Spain	No, only if the foreign foundation would register in Spain
Sweden	Yes
United Kingdom (England & Wales)	Yes
COUNTRY	WHERE CORPORATE INCOME TAX EXEMPTIONS EXIST FOR DOMESTIC PUBLIC-BENEFIT ORGANISATIONS, CAN A FOREIGN-BASED FOUNDATION GET THE SAME TAX BENEFITS AS A NATIONAL FOUNDATION?
Albania	No, unless the foundation sets up a branch or registers in Albania, and then only income generated in Albania would be exempt.
Bosnia and Herzegovina	No, unless the foundation sets up a branch or registers in Bosnia and Herzegovina
Kosovo	No, unless the foreign foundation sets up a branch or registers in Kosovo
Liechtenstein	Yes
Macedonia	No, unless the foreign foundation registers in Macedonia
Montenegro	No, unless the foreign foundation registers in Montenegro
Norway	No
Russia	Yes
Serbia	No, unless the foreign foundation registers in Serbia
Switzerland	Yes
Turkey	No
Ukraine	No

# Tax treatment of donors

## 21. Tax treatment of individual donors

COUNTRY	ARE THERE TAX INCENTIVES FOR INDIVIDUAL DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR INDIVIDUAL DONORS GIVING TO A COMPARABLE FOREIGN EU-BASED PUBLIC-BENEFIT FOUNDATION?
Austria	Donations are deductible up to 10% of taxable income.	Yes, but the recipient organisation must be included in a list
Belgium	Cash donations of €40 or more are deductible up to 10% of the taxable income, with an absolute maximum of €380,550 (year 2014).	Yes
Bulgaria	Donations are deductible at rates of 5, 15, or 50% of the income depending on the recipient. Total deduction cannot exceed 65% of the total income.	Yes
Croatia	Donations are deductible up to 2% of taxable income.	No
Cyprus	The full value of donations is tax deductible.	No
Czech Republic	Deductions up to 15% of taxable income, provided at least 2% of taxable base is donated or not less than approximately €35.	Yes
Denmark	Donations deductible exceeding approximately €70 and up to approximately €1,950 (2013).	Yes, but the recipient organisation must be included in a list
Estonia	Donations deductible up to 5% of the donor's total income, up to a limit of €1,920 euro.	Yes
Finland	No tax incentives	n/a
France	Income tax reduction for 66% of the value of the gift (75% for specific donations), up to 20% of the donor's taxable income. Alternatively wealth tax reduction of 75% of the value of the gift, but limited to €50,000.	Yes, but the recipient organisation must be approved by the tax authorities
Germany	Tax deduction up to 20% of the yearly taxable income or donations to the endowment of a foundation (not applicable to spend-down foundations) can be deducted up to an amount of up to €1 million for an assessment period of up to 10 years.	Yes
Greece	10% of the value of a donation beyond €100 up to 10% of the income.	Yes
Hungary	No tax incentives	n/a
Ireland	Charities (not the donor) are able to claim the tax back from donations over €250, up to 31% (grossed up).	Yes, but the recipient organisation must be included in a list
Italy	Donations to ONLUS are deductible up to 10% of income with a maximum of €70,000. Alternatively tax credit of 26% for donations to ONLUS and other kinds of charities, up to the value of € 30,000.	Yes
Latvia	Income tax deduction up to 20% of the donor's total taxable income.	Yes
Lithuania	No tax incentives but individual donors can allocate 2% of their income tax to an approved public-benefit organisation.	No
Luxembourg	Tax deduction up to 20% of the taxable income or €1,000,000, provided the total donations amount to at least €120.	Yes
Malta	Cash donations made to certain organisations can be deducted against the income of the donor. Ceilings vary between €50,000 and €100,000 depending on the organisation to which the donation is made, and minimum donations may also apply for the deduction to be allowed.	Yes

COUNTRY	ARE THERE TAX INCENTIVES FOR INDIVIDUAL DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR INDIVIDUAL DONORS GIVING TO A COMPARABLE FOREIGN EU-BASED PUBLIC-BENEFIT FOUNDATION?
Netherlands	Donations can be deducted up to 10% of the donor's gross income. No deduction is possible for donations below 1% of the gross income or €60.	Yes, but the recipient organisation must be included in a list
Poland	Donations of cash, shares, securities, real estate and in-kind donations are deductible up to 6% of the taxable base.	Yes
Portugal	For cash donations, income tax deduction up to 25% of the amount donated where there is no limit for corporate donors. Where there is a limit on deduction for corporate donors, the amount deducted by individuals should not exceed 15% of the value of the donor's total income tax.	No
Romania	Donors can direct 2% of their income tax to NPOs. Contributions (sponsorship) are deductible up to 5% of total income.	No
Slovakia	No tax incentives	n/a
Slovenia	Donors can deduct up to 0.3% of their taxable income.	Yes
Spain	On 1st January 2015, the government approved a tax reform granting a 75% deduction for the first €150 donated by individuals. For amounts above €150, 30% is deductible, or 35% if donations are made periodically for at least 3 years to the same entity. The ceiling for deduction is 10% of total taxable income. Temporarily for 2015, the above-mentioned deductions are 50%, 27.5% and 32.5% respectively.	No
Sweden	The income tax for an individual donor will be reduced by €160 as a maximum if the donor has given €640 to social welfare or science. The gift must be given to a recipient in Sweden or in the EU which is approved by the Swedish tax authorities.	Yes, but the recipient organisation must be included in a list
United Kingdom (England & Wales)	Cash donations are deductible via Gift Aid or payroll giving schemes. The donor claims a deduction from taxable income or capital gains for the amount of the donation grossed up by the basic rate of tax (currently 20%). Gift Aid allows the charity to then reclaim the income tax deemed to be deducted from the donation from the tax authorities.	Yes, but the recipient foundation must be approved by the tax authority
COUNTRY	ARE THERE TAX INCENTIVES FOR INDIVIDUAL DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR INDIVIDUAL DONORS GIVING TO A COMPARABLE FOREIGN-BASED PUBLIC-BENEFIT FOUNDATION?
Albania	No incentives	n/a
Bosnia and Herzegovina	Incentives only for self-employed persons. Donations are deductible: Federation of Bosnia and Herzegovina: Up to 0.5% of previous year's annual income Republic of Srpska: Up to 2% of annual income Brcko District : Up to 0.5% of annual income	Yes, but only if foreign foundations register and pursue activities in Bosnia and Herzegovina
Kosovo	Donations are deductible up to 5% of taxable income	n/a
Liechtenstein	Donations are deductible up to 10% of taxable income	Yes

COUNTRY	ARE THERE TAX INCENTIVES FOR INDIVIDUAL DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR INDIVIDUAL DONORS GIVING TO A COMPARABLE FOREIGN-BASED PUBLIC-BENEFIT FOUNDATION?
Macedonia	Donations are deductible up to 20% of taxable income, up to the equivalent of €390.	Yes
Montenegro	Donations are deductible up to 3.5% of the gross annual income. Unclear if in-kind donations are deductible.	Yes
Norway	Cash donations of at least approximately €65 made to the same individual organisation during the course of the year may be deducted up to a maximum limit of approximately €1,560 per year.	Yes
Russia	Cash donations to the types of organisations specified in the law are deductible up to a limit of 25% of taxable income for the calendar year.	Yes, but in practice this is undeveloped
Serbia	No tax incentives	n/a
Switzerland	Cash and in-kind donations equivalent to approximately €80 or more are deductible up to 20% of taxable income.	No
Turkey	Donations are deductible up to 5% (10% for the development priority regions) of taxable income. This is only applicable for self-employed persons and not for salaried employees.	No
Ukraine	Donations are deductible up to 4% of taxable income. The total value of the deductions shall not be more than the donor's income received as salary.	No

## 22. Tax treatment of corporate donors

COUNTRY	ARE THERE TAX INCENTIVES FOR CORPORATE DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR CORPORATE DONORS GIVING TO A COMPARABLE FOREIGN EU-BASED PUBLIC-BENEFIT FOUNDATION?
Austria	Deductions up to 10% of taxable income.	Yes, but the recipient organisation must be included in a list
Belgium	Only cash donations (of more than €40), the exception being works of art donated to museums: up to 5% of the taxable income, with a maximum of €500,000 in 2013.	Yes
Bulgaria	10%, 15% or 50% of the donation (dependent on the recipient) can be deducted from the positive financial result. The total amount of the deduction cannot exceed 65% of the total income.	Yes
Croatia	In-kind and monetary donations can be included in business expenses (which will decrease the amount of taxable income) up to 2% of the total revenue generated in the previous calendar year.	No
Cyprus	The whole amount of the donation can be deducted, subject to certain conditions.	Yes
Czech Republic	The donation can be a movable asset or real estate. The donation is deductible up to 10% of taxable income. Minimum value of each gift is €70.	Yes
Denmark	Gifts to qualifying charitable organisations exceeding approximately €70 up to approximately €1,950 are deductible each year. The limit is adjusted annually and was approximately €70 for the fiscal year 2013.	Yes, but the recipient organisation must be included in a list

COUNTRY	ARE THERE TAX INCENTIVES FOR CORPORATE DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR CORPORATE DONORS GIVING TO A COMPARABLE FOREIGN EU-BASED PUBLIC-BENEFIT FOUNDATION?
Estonia	Total amount of donations deducted from taxable income may not exceed 3% of the sum of the payments subject to social insurance tax made during the year, nor exceed 10% of the calculated profit of the latest fiscal year.	Yes
Finland	Cash donations of at least €850 are eligible for a tax deduction. Maximum amounts depend on the recipient: for donations given to a publicly-financed university or to a fund within the university the maximum is €250,000. For donations given to a public-benefit foundation it is €50,000.	Yes, but the recipient organisation must be included in a list
France	A tax reduction equal to 60% of the donations to qualifying public-benefit organisations up to 0.5% of annual turnover. The deduction can be carried forward over the next 5 years.	Yes, but the recipient organisation must be approved by the tax authorities
Germany	A tax deduction on the income up to 20% of taxable income (or 0.4% of the sum of the turnover and salaries).	Yes
Greece	Cash donations are deductible up to a maximum of 10% of taxable income. The total amount of donations that are deductible may not exceed the amount of net profits.	Yes
Hungary	Up to 20% of the value of the donation (or the book value of the goods or services provided). 50% of the value if provided to certain national funds. An additional 20% of the value of the donation if provided under a long-term donation contract, up to the amount of the pre-tax profit on the aggregate.	No
Ireland	Donations of cash and publically quoted shares of at least €250 are deductible in full.	Yes, but the recipient organisation must be included in a list
Italy	Up to 2% of income up to €30,000 for cash donations to ONLUS. No limits on donations to universities or university foundations.	Yes
Latvia	A tax deduction of 85% of donated sums, up to 20% of total payable tax.	Yes
Lithuania	Corporate donors can deduct cash, in-kind donations, and services offered. Exception is cash payments beyond approximately €70 for one single recipient. In some cases, double the amount of the donation may be deducted up to 40% of taxable income.	No
Luxembourg	Tax deduction for donations from €120 up to 20% of the taxable income of the donor or €1,000,000.	Yes
Malta	Cash donations made to certain organisations can be deducted against the income of the donor. Certain capping applies depending on the organisation to whom the donation is made. Capping varies between €50,000 and €100,000, and minimum donations may also apply for the deduction to be allowed.	Yes

COUNTRY	ARE THERE TAX INCENTIVES FOR CORPORATE DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR CORPORATE DONORS GIVING TO A COMPARABLE FOREIGN EU-BASED PUBLIC-BENEFIT FOUNDATION?
Netherlands	The amount of the donation can be deducted up to 50% of the profits with a maximum of €100,000. Donations to cultural institutions are calculated at 150%, with a maximum annual deduction in this case of €5,000.	Yes, but the recipient organisation must be included in a list
Poland	Cash, shares, real estate and in-kind donations are deductible up to 10% of the tax base.	Yes
Portugal	No limits on tax deduction when donations benefit state supported foundations or represent endowment of private origin foundations pursuing social or cultural aims. Donations are calculated as a cost to the donor and rates range from 120-150% of the monetary value of the donation.	NO
Romania	Donations can be deducted up to 20% of the income tax, but not more than 0.3% of the turnover.	No
Slovakia	No tax incentives	n/a
Slovenia	A tax deduction on the amount of donations up to 0.3% of taxable income.	Yes
Spain	Corporations can deduct from the amount of tax payable 35% of the value of the donation up to a limit of 10% of the taxable base. In addition, from 1st January 2015, the deduction of 35% is increased to 40% for donations made to the same entity for the same or higher amount for at least 3 years. Temporarily in 2015 this 40% deduction rate is 37.5%.	No
Sweden	No	No
United Kingdom (England & Wales)	Money, land, and quoted shares are deductible. A 100% deduction from taxable profits can be claimed.	Yes, but the recipient foundation must be approved by the tax authority

COUNTRY	ARE THERE TAX INCENTIVES FOR CORPORATE DONORS GIVING TO A PUBLIC-BENEFIT FOUNDATION?	DO EQUAL TAX INCENTIVES APPLY FOR CORPORATE DONORS GIVING TO A COMPARABLE FOREIGN-BASED PUBLIC-BENEFIT FOUNDATION?
Albania	Sponsorships are deductible up to 3% of annual pre-tax income.	No
Bosnia and Herzegovina	FBH, RS and BD: Donations are deductible up to 3% of previous year's annual income.	Yes, but only if foreign foundations register and pursue activities in Bosnia and Herzegovina
Kosovo	Donations are deductible up to 5% of taxable income.	No
Liechtenstein	Donations to public-benefit foundations are deductible up to 10% of the taxable income prior to the donations.	Yes
Macedonia	Donations are deductible up to 5% of gross income and in the case of sponsorships up to 3% of gross income.	Yes
Montenegro	Donations are deductible up to 3.5% of gross annual income. Unclear if in-kind donations are deductible.	Yes
Norway	Cash donations of at least approximately €65 may be deducted up to a maximum limit of approximately €1,560 per year.	Yes
Russia	There is no income tax relief for donations to public-benefit organisations, however there is a VAT exemption for transfers to public-benefit organisations for the pursuance of statutory activity.	Yes
Serbia	Donations are deductible up to 5% of total revenue.	Yes, if a foreign foundation has a registered branch office in Serbia it should be treated in the same way as a local foundation. However, practice is undeveloped.
Switzerland	Cash and in-kind donations are deductible from the taxable net profit in the amount of up to 20% of the net profit as business expenses.	No
Turkey	Donations are deductible up to 5% (10% for the development priority regions) of the donor's income for the year.	No
Ukraine	Donations in cash or in kind are deductible up to 4% of the corporation's taxable income in the previous year.	No

# Overview of requirements for tax-exempt status

## 23. Overview of core elements of the legal requirements for public-benefit tax status

COUNTRY	1. MUST A TAX-EXEMPT FOUNDATION PURSUE ITS PUBLIC-BENEFIT PURPOSE EXCLUSIVELY?	2. IS A TAX-EXEMPT FOUNDATION REQUIRED TO FOLLOW NON-DISTRIBUTION CONSTRAINT?*	3. IF A TAX-EXEMPT FOUNDATION DISSOLVES, MUST REMAINING ASSETS CONTINUE TO BE USED FOR PUBLIC BENEFIT?
Austria	Yes	No	No
Belgium	Yes	Yes	Yes
Bulgaria	Yes	No	Yes
Croatia	Yes	No	Yes
Cyprus	Yes	Yes	Yes
Czech Republic	Yes	Yes	Yes
Denmark	No	Yes	Yes
Estonia	Yes	Yes	Yes
Finland	Yes	Yes	Yes
France	Yes	No	Yes
Germany	No	Yes	Yes
Greece	Yes	Yes	Yes
Hungary	Yes	Yes	No
Ireland	Yes	Yes	Yes
Italy	Yes	Yes	Yes
Latvia	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes
Luxembourg	Yes	Yes	Yes
Malta	Yes	Yes	Yes
Netherlands	No	Yes	Yes
Poland	Yes	Yes	Yes
Portugal	Yes	Yes	Yes
Romania	Yes	Yes	Yes
Slovakia	Yes	No	Yes
Slovenia	Yes	Yes	Yes
Spain	Yes	Yes	Yes
Sweden	No	Yes	Yes
UK	Yes	Yes	Yes
Albania	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	No	Yes
Kosovo	Yes	Yes	Yes
Liechtenstein	Yes	No	Yes
Macedonia	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes
Norway	No	No	Yes
Russia	Yes	Yes	No
Serbia	Yes	Yes	Yes
Switzerland	Yes	Yes	Yes
Turkey	Yes	Yes	Yes
Ukraine	Yes	Yes	Yes

\*Meaning that the organisation may not distribute its surplus to individuals who exercise control over it, such as board members, officers, directors and trustees (reasonable remuneration or employment contracts are possible).



	4. IS REMUNERATION OF BOARD MEMBERS ALLOWED (BEYOND REIMBURSEMENT OF EXPENSES)?	5. IS THERE A MAXIMUM THAT A TAX-EXEMPT FOUNDATION CAN SPEND ON ADMINISTRATION COSTS?	6. IS A TAX-EXEMPT FOUNDATION REQUIRED TO SUPPORT THE "PUBLIC AT LARGE"?	7. IS A TAX-EXEMPT FOUNDATION REQUIRED UNDER TAX LAW TO SPEND ITS INCOME OR A CERTAIN PORTION OF ITS INCOME WITHIN A CERTAIN PERIOD?
	Yes	No	Yes	No
	Yes	Yes	No	No
	Yes	No	No	No
	Yes	No	No	No
	No	No	No	No
	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	No
	Yes	No	Yes	No
	Yes	No	Yes	Yes
	No	No	Yes	No
	Yes	No	Yes	Yes
	No	No	No	No
	Yes	No	No	No
	No	No	Yes	Yes
	Yes	No	Yes	Yes in some cases
	Yes	Yes	No	No
	No	Yes	No	No
	No	No	Yes	No
	Yes, a reasonable honorarium	No	No	No
	No	No	Yes	Yes
	Yes	No	Yes	No
	No	Yes	Yes	Yes
	Yes	No	Yes	No
	No	No	No	Yes
	No	No	No	No
	No	Yes	Yes	Yes
	Yes	No.	No	Yes
	Yes	No	Yes	Yes
	Yes	No	Yes	No
	Yes	No	No	No
	No	No	No	No
	Yes	No	Yes	No
	No	No	No	No
	Yes	No	No	No
	No	Yes	No	Yes
	No	No	No	No
	No	No	Yes	No
	Yes	Yes	Yes	Yes
	Yes	Yes	No	No

## 24. Overview of purposes accepted for public-benefit tax status - Part 1

COUNTRY	ARTS, CULTURE OR HISTORICAL PRESERVATION	ENVIRONMENTAL PROTECTION	CIVIL OR HUMAN RIGHTS	ELIMINATION OF DISCRIMINATION BASED ON GENDER, RACE, ETHNICITY, RELIGION, DISABILITY, SEXUAL ORIENTATION OR ANY OTHER LEGALLY PRESCRIBED FORM OF DISCRIMINATION
Austria	Yes	Yes	Yes	Yes
Belgium	Yes	Yes	Probably yes	Probably yes
Bulgaria	Yes	No	No	No
Croatia	Yes	Yes	Yes	Yes
Cyprus	Yes	Probably yes	Probably yes	Probably yes
Czech Republic	Yes	Yes	Yes	Yes
Denmark	Yes	Yes	Yes	Yes
Estonia	Yes	Yes	Yes	Yes
Finland	Yes	Yes	Yes	Yes
France	Yes	Yes	Yes	Probably yes
Germany	Yes	Yes	Yes	Yes
Greece	Yes	Yes	Yes	Yes
Hungary	Yes	Yes	Yes	Yes
Ireland	Yes	Yes	No	Yes
Italy	Yes	Yes	Yes	Yes
Latvia	Yes	Yes	Yes	Probably yes
Lithuania	Yes	Yes	Yes	Yes
Luxembourg	Yes	Yes	Yes	Yes
Malta	Yes	No	No	No
Netherlands	Yes	Yes	Yes	Yes
Poland	Yes	Yes	Yes	Yes
Portugal	Yes	Yes	Yes	Yes
Romania	Probably yes	Probably yes	Probably yes	Probably yes
Slovakia	Yes	Yes	Yes	Yes
Slovenia	Yes	Yes	Yes	Yes
Spain	Yes	Yes	Yes	Yes
Sweden	No	Yes	Yes	No
UK (England and Wales)	Yes	Yes	Probably yes	Yes
Albania	Probably yes	No	Probably yes	Probably no
Bosnia and Herzegovina	Probably yes	Probably yes	Probably yes	Probably yes
Kosovo	Yes	Yes	Yes	Probably yes
Liechtenstein	Probably yes	Yes	Yes	Yes
Macedonia	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Probably no	Probably no
Norway	Yes	Yes	Yes	Yes
Russia	Yes	Yes	Yes	Probably yes
Serbia	Yes	Yes	Probably yes	Probably yes
Switzerland	Yes	Yes	Yes	Yes
Turkey	Yes	Yes	No	No
Ukraine	Yes	Yes	Yes	Probably yes

	SOCIAL WELFARE, INCLUDING PREVENTION OR RELIEF OF POVERTY	HUMANITARIAN OR DISASTER RELIEF	DEVELOPMENT AID AND DEVELOPMENT COOPERATION	ASSISTANCE TO REFUGEES OR IMMIGRANTS	PROTECTION OF, AND SUPPORT FOR, CHILDREN, YOUTH OR ELDERLY
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Probably yes	No	No	Yes
	Yes	Yes	Probably yes	Yes	Yes
	Probably yes	Probably yes	Probably no	Probably no	Probably yes
	Yes	Yes	Probably yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	No	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Probably yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Probably yes	No	No	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	No	No	No	No
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Probably yes	Probably yes	Probably yes	Probably yes	Probably yes
	Yes	Yes	Probably yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Probably yes	Yes	Yes
	Yes	Yes	Yes	Probably yes	Yes
	Probably yes	Probably yes	Probably yes	Probably yes	Probably yes
	Probably yes	Yes	Yes	Probably yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	No	Yes	Yes
	Probably yes	Probably no	Probably no	Probably no	Probably yes
	Yes	Yes	Yes	Yes	Yes
	Probably yes	Yes	Probably yes	Yes	Yes
	Yes	Probably yes	Probably no	Probably yes	Yes
	Yes	Yes	Yes	Yes	Yes
	Yes	Yes	Probably yes	No	Yes
	Yes	Yes	Yes	Yes	Yes

## 24. Overview of purposes accepted for public-benefit tax status - Part 2

COUNTRY	ASSISTANCE TO, OR PROTECTION OF, PEOPLE WITH DISABILITIES	PROTECTION OF ANIMALS	SCIENCE, RESEARCH AND INNOVATION	EDUCATION AND TRAINING	EUROPEAN AND INTERNATIONAL UNDERSTANDING
Austria	Yes	Yes	Yes	Yes	Yes
Belgium	Yes	Yes	Yes	Probably yes	Probably yes
Bulgaria	No	No	No	Yes	No
Croatia	Yes	Yes	Yes	Yes	Probably yes
Cyprus	Probably yes	Probably yes	Yes	Yes	Probably no
Czech Republic	Yes	Yes	Yes	Yes	Yes
Denmark	Yes	Yes	Yes	Yes	Yes
Estonia	Yes	Yes	Yes	Yes	Yes
Finland	Yes	Yes	Yes	Yes	Yes
France	Yes	Yes	Yes	Yes	Probably no
Germany	Yes	Yes	Yes	Yes	Yes
Greece	Yes	Yes	Yes	Yes	Yes
Hungary	Yes	Yes	Yes	Yes	Yes
Ireland	Yes	Yes	Yes	Yes	Yes
Italy	Yes	No	Yes	Yes	No
Latvia	Yes	Probably yes	Yes	Yes	No
Lithuania	Yes	Yes	Yes	Yes	Yes
Luxembourg	Yes	Yes	Yes	Yes	Yes
Malta	Yes	Yes	Yes	Yes	No
Netherlands	Yes	Yes	Yes	Yes	Yes
Poland	Yes	Yes	Yes	Yes	Yes
Portugal	Yes	Yes	Yes	Yes	Probably yes
Romania	Probably yes	Probably yes	Probably yes	Probably yes	Probably yes
Slovakia	Yes	Yes	Yes	Yes	Probably yes
Slovenia	Yes	Yes	Yes	Yes	Yes
Spain	Yes	Yes	Yes	Yes	Yes
Sweden	No	No	Yes	Yes	No
UK (England and Wales)	Yes	Yes	Probably yes	Yes	Probably yes
Albania	Yes	No	Yes	Yes	No
Bosnia and Herzegovina	Probably yes	Probably no	Probably yes	Probably yes	Probably yes
Kosovo	Yes	Probably yes	Yes	Yes	Probably yes
Liechtenstein	Yes	Yes	Yes	Yes	Probably yes
Macedonia	Yes	Yes	Yes	Yes	No
Montenegro	Probably no	Probably no	Yes	Yes	Probably no
Norway	Yes	Yes	Yes	Yes	Yes
Russia	Yes	Yes	Yes	Yes	Yes
Serbia	Probably yes	No	Yes	Yes	Yes
Switzerland	Yes	Yes	Yes	Yes	Probably yes
Turkey	Yes	Yes	Yes	Yes	No
Ukraine	Yes	Yes	Yes	Yes	Yes

HEALTH, WELL-BEING AND MEDICAL CARE	CONSUMER PROTECTION	ASSISTANCE TO, OR PROTECTION OF VULNERABLE AND DISADVANTAGED PERSONS	AMATEUR SPORTS	INFRASTRUCTURE SUPPORT FOR PUBLIC-BENEFIT PURPOSE ORGANISATIONS
Yes	No	Yes	No	No
Yes	No	Yes	Yes	Yes
Yes	No	Yes	No	Yes
Yes	Yes	Yes	Yes	Yes
Probably yes	Probably no	Probably no	Probably no	Probably yes
Yes	Yes	Yes	Yes	Probably yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	No	Yes	Yes	No
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	No	Yes	No	Yes
Yes	No	Yes	Yes	Yes
Yes	No	Yes	Yes	Probably yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	No	Yes	Yes	No
Yes	Yes	Yes	No	Yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Probably yes	Probably yes	Probably yes	Probably yes	Probably yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	No
Yes	Probably yes	Yes	Yes	Yes
Yes	No	Yes	Yes	Probably no
Probably yes	Probably yes	Probably yes	Probably yes	Probably yes
Yes	Probably yes	Yes	Yes	Yes
Yes	Probably yes	Yes	No	Probably no
Yes	Yes	Yes	Yes	Probably yes
Yes	Probably no	Probably yes	Yes	Probably no
Yes	Yes	Yes	Yes	Yes
Yes	Yes	Yes	Yes	Yes
Yes	Probably no	Yes	Yes	Probably no
Yes	Probably yes	Probably yes	Probably no	Probably no
Yes	No	No	Yes	No
Yes	Probably no	Yes	Yes	Yes





## About the EFC

The EFC, founded in 1989, is an international membership association representing public-benefit foundations and corporate funders active in philanthropy in Europe, and beyond. The EFC develops and pursues activities in line with its four key objectives: creating an enabling legal and fiscal environment; documenting the foundation landscape; building the capacity of foundation professionals; and promoting collaboration, both among foundations and between foundations and other actors. Emphasising transparency and best practice, all members sign up to and uphold the EFC Principles of Good Practice.



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