

99103001016000, 99103001016000

Foundation with legal capacity Recognition

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/121390545/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99103001016000, 99103001016000
Leistungsbezeichnung I	Foundation with legal capacity Recognition
Leistungsbezeichnung II	Have the foundation recognized
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Stiftungen (103)
Verrichtungskennung	Anerkennung (016)
SDG-Informationsbereich	Eintragung, Änderung der Rechtsform oder Schließung eines Unternehmens (Registrierungsverfahren und Rechtsformen für geschäftliche Tätigkeiten)
Lagen Portalverbund	Anmeldepflichten (2010100), Engagement und

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	Beteiligung (1100100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	14.02.2023
Fachlich freigegeben durch	Ministry of the Interior of the State of North Rhine-Westphalia
Handlungsgrundlage	http://www.gesetze-im-internet.de/bgb/_80.html https://www.gesetze-im-internet.de/bgb/_81.html https://www.gesetze-im-internet.de/bgb/_82.html https://www.gesetze-im-internet.de/bgb/_83.html https://www.gesetze-im-internet.de/ao_1977/_52.html https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=1&bes_id=6930&anw_nr=2&aufgehoben=N&det_id=221284 https://recht.nrw.de/lmi/owa/br_show_anlage?p_id=46408 https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=0&bes_id=3321&anw_nr=2&aufgehoben=N&det_id=462379 https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=0&bes_id=12265&anw_nr=2&aufgehoben=N&det_id=556581 https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=0&bes_id=4844&anw_nr=2&aufgehoben=N&det_id=614707 http://www.gesetze-im-internet.de/bgb/_80.html https://www.gesetze-im-internet.de/bgb/_81.html https://www.gesetze-im-internet.de/bgb/_82.html https://www.gesetze-im-internet.de/bgb/_83.html https://www.gesetze-im-internet.de/ao_1977/_52.html https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=1&bes_id=6930&anw_nr=2&aufgehoben=N&det_id=221284 https://recht.nrw.de/lmi/owa/br_show_anlage?p_id=46408 https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=0&bes_id=3321&anw_nr=2&aufgehoben=N&det_id=462379 https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu=0&bes_id=12265&anw_nr=2&aufgehoben=N&det_id=556581 https://recht.nrw.de/lmi/owa/br_bes_detail?sg=0&menu

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	u=0&bes_id=4844&anw_nr=2&aufgehoben=N&det_id=614707
Teaser	You can use this application to apply for recognition of your foundation.
Volltext	<p>You can have a foundation with legal capacity recognized.</p> <p>In principle, the name of the foundation can be freely chosen. For example, the name of the founder, the association, the company or even part of the purpose of the foundation can appear in the name.</p> <p>The purpose of the foundation determines the actual nature of the foundation. It should be chosen carefully, as it cannot be changed after recognition without good reason.</p> <p>A foundation is a legal entity without members that uses assets to pursue a purpose defined by the founder. The income from the foundation's assets must be sufficient to permanently and sustainably promote the defined purposes. The purposes of foundations are diverse. They can be charitable or non-charitable. Topics can include, for example, art and culture, science and research or education and upbringing.</p> <p>You can set up foundations either as expendable or perpetual foundations. While the former are set up for a specific period of time and the foundation's assets are to be used up for this purpose, perpetual foundations are set up for an unlimited period of time and their assets are to be preserved for the permanent fulfillment of the foundation's purpose.</p> <p>Both natural and legal persons are entitled to apply for recognition of a foundation. This means that private individuals, companies or associations can pursue a specific purpose through a foundation.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Signed application • Signed foundation agreement in written form • Signed foundation statutes (possibly with disclosure

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of the value of tangible assets contributed)

- Proof of assets (e.g. bank confirmation)
- Note: If works of art, real estate or other tangible assets to be valued are to be contributed to the foundation, a valuation report may be required
- Power of attorney, if applicable (if you are not acting in your own name)
- Signed declaration of acceptance by the board members
- For foundations upon death: will, inheritance contract or similar
- If required and already available: written consent from the relevant responsible bodies in the case of church and charitable foundations, savings bank foundations and foundations in accordance with Section 15 (3) of the Foundation Act for the State of North Rhine-Westphalia (StiftG NRW)

Voraussetzungen

- To set up a foundation under civil law, you need what is known as a foundation deed.
 - The following requirements must be met when setting up a foundation during your lifetime:
 - \- The written form is required.
 - \- You must submit a binding declaration in which you confirm that you are using assets to fulfill a purpose that you specify.
 - \- You must draw up a charter with regulations on the name, registered office, purpose, assets and formation of the board of directors.
 - In the case of foundations upon death, the following requirements must be met:
 - \- The foundation transaction must be set out in the disposition
 - \- The probate court must notify the competent authority of this for recognition, unless recognition is requested by the inheriting person, the executor of the will or the executrix.
 - In addition, you must ensure the permanent and sustainable fulfillment of the foundation's purpose. The purpose of the foundation must also not jeopardize the common good. In principle, you must preserve the foundation's assets. You must use the income from this for the purpose of the foundation and to cover administrative costs. However, you can also set up foundations that only exist for a certain

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period of time and whose assets are to be used up. In this case, your foundation must exist for at least 10 years.

- In the case of an ecclesiastical foundation, the approval of the ecclesiastical supervisory authority is required
- In the case of foundations in accordance with Section 15 (3) of the Foundation Act for the State of North Rhine-Westphalia (StiftG NRW), you require the approval of the relevant specialist department.
- In the case of savings bank foundations, you require the approval of the administrative board of the savings banks.

Kosten

Administrative fee (depending on the work involved for the foundation authority and the benefit for the donor): EUR 25 - 5,000. For foundations whose purpose has been recognized as charitable, benevolent or ecclesiastical: free of charge.

Verfahrensablauf

You can have a foundation with legal capacity recognized as follows:

- You send the formulated foundation deed and the foundation statutes.
- If the foundation is disposed of in the event of death, the probate court, the inheriting person, the executor of the estate or the executor of the will will inform the competent foundation authority; the latter can draw up a missing statute or complete an incomplete statute.
- Upon recognition, your foundation will have legal capacity and can therefore participate independently in legal transactions.
- Until the foundation is recognized, you can revoke the foundation transaction.
- If the foundation is recognized as having legal capacity, you are obliged to transfer the assets to your foundation.
- Once your foundation has been recognized, the foundation authority will automatically enter it in the foundation register.

Bearbeitungsdauer

The processing time depends on the individual case and the number of agencies to be involved. The law

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	stipulates a maximum processing period of six months. However, this can be extended once if necessary. The date of application is the date on which all the necessary documents have been submitted in full.
Frist	none
weiterführende Informationen	Information on foundations can be found on the website of the Ministry of the Interior of North Rhine-Westphalia. URL: https://www.im.nrw/themen/beteiligung/stiftungen-nrw/ueberblick
Hinweise	Since October 1, 2017, entry in the transparency register has been mandatory for legally independent foundations.
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Having a foundation recognized <ul style="list-style-type: none"> • Foundations under civil law must be recognized by the competent state authority • Requirements for recognition: <ul style="list-style-type: none"> \- Foundation deed required \- Various requirements for the foundation deed, depending on whether the donor is living or deceased \- Foundation deed between living persons: <ul style="list-style-type: none"> o Written form required o Binding declaration by the donor to dedicate assets to fulfill a purpose specified by him/her o Statutes with regulations on the name, registered office, purpose, assets and formation of the board of directors o Until the foundation is recognized, the donor can revoke the foundation transaction o If the foundation is recognized as having legal capacity, the donor is obliged to transfer the assets to the foundation to \- Foundations upon death: <ul style="list-style-type: none"> o Arises from the disposition of the deceased person o Notifies the probate court, the inheriting person, the executor of the will or the executrix of the will to the competent authority o If not all details are included, a charter is drawn up or

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	<p>supplemented</p> <p>\- Permanent and sustainable fulfillment of the foundation's purpose must be ensured</p> <p>\- The foundation's purpose must not jeopardize the common good</p> <p>\- For foundations that are only established for a certain period of time and whose assets are to be used up, the duration of existence to be determined is at least 10 years</p> <ul style="list-style-type: none"> • Foundations are recorded in an electronic directory of foundations • Competent foundation authority
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	rechtsfähige Stiftung Anerkennung, Foundation with legal capacity Recognition