

Date du séminaire :

Le mercredi 16 décembre 2009 de 12h30 à 14h00
(Sandwiches offerts lors de la conférence)

Lieu du séminaire :

Faculté de Droit, d'Economie et de Finance
BRC 2.01 (2^{ème} étage)
148, avenue de la Faïencerie
L-2511 Luxembourg

Inscriptions :

- Séminaire gratuit
- Nombre d'inscriptions maximum : 40

- **Inscriptions par email à l'adresse suivante :**
fdef-colloques@uni.lu (nom, prénom, institution)

Renseignements :

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Séminaire de midi
Cycle Droit privé européen

**Towards creating a
European Foundation**

*By Dr. Thomas von Hippel,
Privatdozent
Judge in Hamburg*



Mercredi 16 décembre 2009
12h30 – 14h00

Towards creating a European Foundation

Description

Since the turn of the millennium there have been initiatives both in science and in practice to introduce a European Foundation as an additional supranational optional form.

In spring 2007 a call for tenders for the feasibility study on a European Foundation Statute was launched. The Max Planck Institute for Comparative and International Private Law in Hamburg and the University of Heidelberg (particularly the Centre of Social Investment and Investigation [CSI] and the Law Faculty), Germany, decided to apply as a consortium for this feasibility study and eventually won the bid. In autumn 2007 the consortium started its work and finalized the study in November 2008.

According to the results of the study there are legal barriers to cross-border activities of foundations of the Member States both in civil law and in tax law. As in company law, most of the barriers can be overcome, but this leads to compliance costs which will often be higher than they would be in company law, given that the legal and personal environments vary (foundation and tax laws of the Member States seem to have more legal uncertainties inter alia because of much less case law and fewer specialized lawyers, and because board members of foundations may be less experienced in legal issues). In comparing the various policy options in order to overcome the existing barriers, the European Foundation Statute seems to suggest itself as the preferable policy option.

On 10 November 2009 the European Commission released the outcomes of the public consultation on a European Foundation Statute carried out from February to May 2009. Outcomes of the consultation show a strong support for a European Foundation Statute from the non-profit sector. Now it is up to the European Commission to decide about the next steps.

Programme

12h45-13h15 Presentation

By Dr. Thomas von Hippel,
Privatdozent
Judge in Hamburg

13h15-13h45 Discussion

Biography

Thomas von Hippel was awarded his Habilitation in 2006, was then invited Professor in different German Universities and is currently Judge in Hamburg. Previously, he was Research fellow and Senior Research fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg. He coordinated different research projects on the non-profit sector and more specifically about foundations. The last one of these projects was a last feasibility study on a European Foundation Statute, Final Report to the European Commission in 2009. He also published widely in the field of foundations law, association law and tax law.