

Founding of a branch office by a foreign legal entity

(sole proprietorship, partnership, or corporation)

Here you will find all the steps required to set up a branch office by a foreign legal entity

- Proof of legal existence of the foreign company (legal entity) for which an Austrian branch office is to be entered into the Austrian Commercial Register, by submission of a confirmation from the foreign authority (e.g., local court, Commercial Register, Chamber of Commerce) – foreign-language documents must be accompanied by a certified German translation.
- For the branch offices of foreign partnerships, all of the details required of an Austrian partnership must be reported to the Austrian Commercial Register – refer to the checklists for the OG and KG above.
 - Specimen signatures (notarised and accompanied by a certified translation) must be filed for general partners with the power of representation and for the “representative(s)” appointed for the Austrian branch office (who must also be registered as such).
- For the branch office of a foreign incorporated company (GmbH, AG, SE), all of the details required for Austrian incorporated companies (GmbH, AG, SE), must be reported to the Austrian Commercial Register – refer to the checklists above on the GmbH and AG.
 - A certified German translation of the articles of association must likewise be submitted.
 - Evidence showing in whom power of representation of the foreign incorporated company is vested (managing director, members of the management board) must be furnished in the form of a confirmation from the relevant foreign authorities (e.g., local court, Commercial Register, Chamber of Commerce) – foreign-language documents must be accompanied by a certified German translation.
 - Legal entities as to which the law governing their legal status is not the law of an EU or EEA member state must appoint at least one person for the entire business operations of the branch office to represent the company permanently in extra-judicial and judicial proceedings, and whose habitual residence is located within Austria (“representative”); legal entities from EU or EEA member states are not obliged to but are allowed to appoint such a person as well. The company is permitted to appoint two or more domestic representatives with the authority of collective representation.
 - Notarised specimen signatures accompanied by a certified translation must be furnished with respect to the corporate bodies of the company with the authority to represent the foreign incorporated company (managing director, members of the management board) and with respect to the “representatives” appointed and registered for the Austrian branch office (who must be registered in the Commercial Register).
- In all cases, the activities of the branch office (business purpose) and the law governing the legal status of the foreign legal entity must be reported in the Austrian Commercial Register filing for the branch office.

