

Checklist – formation of a branch office by a foreign legal entity (sole proprietor, partnership or incorporated entity)

- Proof of the foreign (legal) entity's legal existence. This applies to foreign entities with a domestic Austrian branch office ("branch") wishing to be entered into the Austrian Commercial Register. To be done by submission of a confirmation from the foreign authority (local court, Commercial Register, chamber of commerce or similar). Foreign language documents must be accompanied by a certified German translation.
- For a branch of a foreign partnership, all of the same details must be reported to the Austrian Commercial Register as are required in respect of an Austrian partnership – see the checklists for OGs and KGs above.
 - Specimen signatures (notarised and accompanied by a certified translation) must be filed for general partners with power of representation and for the „representative(s)" appointed for the domestic branch (who must also be registered as such).
- For a branch of a foreign incorporated entity (GmbH, AG, SE), all of the same details must be reported to the Commercial Register as are required in respect to an Austrian incorporated entity – see the checklists for GmbHs and AGs above.
 - A certified German translation of the articles of association/charter must likewise be submitted.
 - Evidence showing in whom the foreign incorporated entity's power of representation is vested (managing director(s), members of the management board) must be furnished in the form of a confirmation from the relevant foreign authorities (local court, Commercial Register, chamber of commerce or similar) – foreign language documents must be accompanied by a certified German translation.
 - Legal entities whose legal status is not covered by the law of an EU or EEA member state must appoint at least one person with durable agency authority to represent the company both in court and extra judicially. This person's normal residence must be located within Austria („representative"). Legal entities from EU or EEA member states may, but are not obliged to, appoint such a person, as well. It is permitted for the company to appoint two or more domestic representatives with collective agency authority.
 - Notarised specimen signatures – accompanied by a certified translation – must be furnished by the following persons: The constitutive officers of the foreign incorporated entity (managing director(s), members of the management board) and the „representatives" appointed for the domestic branch office (who must be registered on the Commercial Register)
- In all cases, the activities of the branch office (objects of the enterprise) and the law governing the legal status of the foreign legal entity must be noted on the Austrian Commercial Register filing for the branch office.