

	Founders/ Shareholders	Notarizati on	Capital	Legal Representation	Liability	Registration in Commercial Register
Stock Corporation (AG) – Aktiengesellschaft	One or more	Mandatory	Minimum 70.000,00 EUR	Board of directors (Vorstand) and supervisory board (Aufsichtsrat) with at least three members and a General Meeting of Shareholders (Hauptversammlung) are required	The company is liable with its entire corporate assets, personal liability for board members for certain breaches of duty	Yes, mandatory
Limited Liability Company (GmbH) – Gesellschaft mit beschränkter Haftung	One or more	Mandatory	Minimum 10.000,00 EUR - of which minimum 5.000,00 EUR must be raised in cash	One or more managing directors (Geschäftsführer) and the general meeting of Shareholders	The shareholders are only liable up to the amount of their investment, personal liability for managing directors for certain breaches of duty	Yes, mandatory
Flexible Company (FlexKapG) - Flexible Kapitalgesellschaft	One or more	Mandatory	Minimum 10.000,00 EUR - of which minimum 5.000,00 EUR must be raised in cash	One or more managing directors (Geschäftsführer) and the general meeting of Shareholders	The shareholders are only liable up to the amount of their investment, personal liability for managing directors for certain breaches of duty	Yes, mandatory
Limited Partnership with Limited Company as General Partner (GmbH & Co. KG) - Gesellschaft mit beschränkter Haftung und Compagnie Kommanditgesellschaft	At least two - a GmbH (Limited Liability Company) as the General Partner (Komplementär), at least one Limited Partner (Kommanditist)	Mandatory	No minimum capital required for the KG itself, the GmbH as the General Partner must have at least 10,000.00 EUR in share capital (with a minimum of 5,000.00 EUR in cash)	The GmbH (General Partner) has management rights, Limited Partners usually do not have management rights unless otherwise agreed	The GmbH (General Partner) has unlimited liability, primarily with its corporate assets, there is no direct or personal liability of the GmbH shareholders; they are only responsible for providing the agreed share capital, the Limited Partner (Kommanditist) has limited liability, only up to the amount of the registered liability sum (Haftsumme) recorded in the commercial register	Yes, mandatory

General Partnership (OG) – Offene Gesellschaft	At least two	Not mandatory	No minimum required	All partners are managing partners (Geschäftsführer)	Unlimited for partners in relation to the company's creditors	Yes, mandatory
Limited Partnership (KG) – Kommanditgesellschaft	At least two (with limited liability for one or more partners)	Not mandatory	No minimum required	General partners have management rights, limited partners usually do not manage (can be agreed otherwise)	Unlimited for general partners, limited with the amount of liability registered in the commercial register for limited partners	Yes, mandatory
Partnership under Civil Law (GesbR) – Gesellschaft bürgerlichen Rechts	At least two	Not mandatory	No minimum required	All partners are managing partners (Geschäftsführer)	Unlimited for partners	No, the GesbR is not legally capable - it cannot be entered in the commercial register

GENERAL NOTES:

- All legal entities must have a unique name and a tax number. Specific rules apply to each type of company regarding its purpose, capital, and structure.
- It is highly advisable that legal representatives be EU citizens or have a permanent residence and work permit in Austria
- Other non-profit legal forms include associations (e.V.), foundations (Stiftung) and non-profit companies (gGmbH).
- EU companies expanding into Austria may open branch offices (Zweigniederlassungen), which must be registered in the Commercial Register.

For more information and detailed advice on the suitable company form, please contact us directly.

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