

99103002011000

Foundation statute change

Heruntergeladen am 09.06.2025

<https://fimportal.de/xzufi-services/S1000020010000012093/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99103002011000
Leistungsbezeichnung I	Foundation statute change
Leistungsbezeichnung II	Apply for approval of an amendment to the articles of association of a foundation
Typisierung	4a - Land: Regelung und Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Amendment of the Articles of Association</div>, <div lang="en-x-mtfrom-de">Articles of Association Amendment Resolution</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	31.08.2022
Fachlich freigegeben durch	
Handlungsgrundlage	[§ 7 Hamburg Foundation Law](https://www.hamburg.de/bjv/stiftungen/4125446/downloads/)
Teaser	If you want to change the statutes of a legal foundation, you can only do so under certain foundation law conditions with the approval of the competent foundation supervisory authority.
Volltext	As the responsible body of the foundation, you can get advice and a check on whether the requirements for a change in the statutes are met.
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Text of the amendments to the articles of incorporation • Justification for each change • Decision of the competent bodies • Evidence of the hearing of the founder • if necessary, further documents
Voraussetzungen	<p>You can change the statutes of a foundation if the following legal requirements are met:</p> <p>It is regulated by law that a foundation can decide to change the statutes, unless 1. the statutes state otherwise, 2. there is a factual reason for this, in particular the factual or legal circumstances have changed permanently, and 3. the actual or presumed will of the founder is not opposed.</p> <p>The historical will of the founder, which was objectified in the statutes when the foundation was established, must not stand in the way of the amendments to the statutes.</p> <p>Each individual amendment to the Articles of Association requires a justification. It is true that the factual reasons for a change must be more intensive, the more profound the change is. For far-reaching changes to the statutes, such as changes to the purpose of the foundation, there must be extremely important needs.</p>

Modul	Sachverhalt
	<p>In addition, the respective statutory requirements must be met.</p> <p>In the case of tax-privileged foundations, we involve the responsible tax office in the process, if necessary.</p>
Kosten	Administrative fees are incurred for the amendment of the foundation statutes, which depend on the effort involved and result from the fee schedule for official acts in the areas of association and foundation law.
Verfahrensablauf	<p>You submit an application for approval of an amendment to the articles of incorporation. For this purpose, it is advisable to first make a preliminary inquiry to clarify the approvability. To do this, please submit the text of the planned changes to the articles of association and a justification for the individual changes. If the planned changes can be approved, you will be informed and you can bring about the necessary committee resolutions. If the founder is alive, he/she should be heard beforehand. The resolutions would then be submitted and approved by the authority responsible for the supervision of foundations. You will receive a notification.</p>
Bearbeitungsdauer	Depending on complexity.
Frist	No.
weiterführende Informationen	https://www.hamburg.de/bjv/stiftungen/ https://www.hamburg.de/bjv/stiftungen/
Hinweise	There are no hints or special features.
Rechtsbehelf	contradiction
Kurztext	<ul style="list-style-type: none"> • Foundation statute change • Application by foundation or authorized person; • charges apply • in the case of ecclesiastical foundations, the approval of the responsible ecclesiastical authority is also required • competent authority: Authority for Justice and Consumer Protection
Ansprechpunkt	
Zuständige Stelle	Justice and Consumer Protection Authority

Modul	Sachverhalt
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)