

INDEX

- accountability, 543–4
- accounting rules, 352, 373
- administrative fines, 179, 184
- advice and warning notices, 178–9, 183–4, 288
- amendment of statutes, 169–73
- Amtsgericht* (local court), 390
- annual accounts, 157–62, 163
- annual reports, 157–62, 163
- associations, 258. *See also* foundations
 - bolag*, 552–3
 - branches, 96
 - charitable incorporated organisations, 77
 - compensation and remuneration in, 516–17
 - country reports
 - Belgium, 48, 78, 118
 - Czech Republic, 78, 106, 117
 - England and Wales, 78, 105, 117
 - Germany, 106, 118, 384–8, 399
 - Greece, 78, 105, 106, 118, 119, 238, 406–7
 - Hungary, 106, 118
 - Italy, 78, 106, 118, 444
 - the Netherlands, 118
 - Poland, 78, 105, 106, 118, 487–8
 - Russia, 78, 105, 118, 238, 508–11
 - Sweden, 118, 552–3, 558–9
 - de facto*, 327, 328–9
 - dissolution of, 294
 - establishment of, 264, 384–5, 406–7, 421, 467, 491–2, 532–4, 555–7
 - financial reporting obligations, 133
 - föreningar*, 553
 - formal, 467
 - freedom to form, 13–14, 23–5, 238–40
 - general assembly, 121–3, 422–3
 - governance rules on, 117–18, 119
 - informal, 78, 467
 - internal governance, 268–9
 - minimum number of founders, 101
 - non-profit. *See* non-profit associations
 - public, 516–17
 - registered, 487–8, 491–2, 494–6, 506–7, 534–5
 - registrerade trossamfund*, 553
 - regulation of internal structure, 121
 - reporting and supervision of, 496–8
 - representative powers in, 425
 - simple, 487, 506
 - surplus assets after dissolution and liquidation of, 105–6, 266
 - tax benefits for, 461
 - Associations Organic Act (Spain), 532–3
 - associazioni di promozione sociale* (social promotion associations), 446, 455
 - Austrian Civil Code, 344
 - Belgium, CSOs in, 327–43
 - annual accounts/reports, 159
 - associations, 118
 - establishment of, 48
 - informal, 78
 - legal personality of, 77
 - membership of foreign nationals or non-residents, 342–3
 - surplus assets after dissolution and liquidation, 106

- directors, remuneration of, 80
- donations to, 84
- economic activities of, 332
- eligibility criteria, 248
- financial reporting rules in, 133
- foreign CSO, 236, 241, 245
- foundations
 - surplus assets after dissolution and liquidation, 107
 - types of, 79
- functioning of, 329–33
- as government consultants or advisors in, 222
- internal structure of, 329–30
- legal forms, 327–8
- legal personality of, 97, 328
- political activities of, 331
- public benefit status of, 195, 199, 200, 201
- purpose of, 328
- registration of, 141
- representative powers, 129, 330–1
- setting up, 333–5
 - governmental involvement in, 333–4
 - public interest, 335
 - registration, 334–5
 - requirements, 328–9
- supervision and sanctions on, 330, 336–9
 - governmental approval after establishment, 337
 - governmental or public supervisions, 337–8
 - liability of members, founders, and board of directors, 338–9
 - publication and information, 336–7
 - subsidies, 341–2
 - supervisory authority, 147
 - tax status, 339–41
 - third parties in, 155
- surplus assets after dissolution and liquidation, 332–3
- tax exemptions, 209, 213
- taxation of, 250
- board of directors
 - appointment of members to, 173, 174–7
 - compensation and remuneration of, 80, 115, 113–16, 333, 349–50, 369–70, 515–17
 - foreign CSOs as members of, 235–40
 - foreign nationals as members of, 235–40, 311–12, 483
 - in foundations, 424, 571
 - liability of member of. *See* liability of directors/trustees
 - supervisory authority of, 289–90
- bolag*, 552–3
- bookkeeping, 157–62
- Bowman v. the United Kingdom*, 26
- budget, 274–5
- Catharine II, 508
- charitable incorporated organisations, 77, 82
- charities, 50
 - registration of, 140
 - restrictions on political purposes and activities of, 88
 - structural changes of, 169–73, 175
 - surplus assets after dissolution and liquidation, 108
- Charities Act 2011 (United Kingdom), 371
- Charities Act of 2006, 194, 377
- Charity Commission, 140, 198, 201, 364, 365–6, 373
- Charity Tribunal, 377
- Charter of Fundamental Rights of the European Union, 53
 - civil society organisations and, 55–6
- Charter of Human Rights 2000, 55
- Citizens' Initiative, 45–6
- civil dialogue, 37
- civil groups, 418–20
- civil liability, 136
- civil society
 - concept of, 3–4
 - ECHR and, 8–34
 - EU's acknowledgement of, 37–9
 - in EU's institutional and legal framework, 35–71
 - right to privacy, 14

- civil society (*cont.*)
 right to property, 14
 roles and functions of, 4
 vs. democratic society, 11, 16
- civil society organisations (CSOs)
 accountability of, 31–2
 acknowledgement in political/
 governmental debate, 37–46
 by EU, 37–9
 participatory democracy, 45–6
 social dialogue, 39–45
- compensation and remuneration
 of directors in, 113–14, 115, 116
 analysis of, 114–16
- cross-border, 51–3
- enforcement of legal provisions,
 30
- establishment of, 263–5, 310
 branches, 100
 disqualification rules, 100
 formal requirements, 92–6, 100:
 analysis of, 96–100
 incorporation procedures, 98
 material requirements for, 103,
 100–4: analysis of, 102–4;
 associations, 101; foundations
 and trusts, 101–2
 procedures in, 97–100
- EU and, 35–71
 Charter for Fundamental Rights,
 55–6
 ECHR, 22–34, 56–8
 EU law and CSOs, 46–58
 European Foundation Statute,
 65–9
 participation in socioeconomic
 life, 46–50
 services of general economic
 interest (public services), 53–5
 taxation, 51–3
- European legal entity for, 58–61
 financial reporting obligations,
 132–5
- foreign. *See* foreign CSOs
- freedom of association and, 23–5
- fundamental rights for, 14–16
 as government consultants or
 advisors, 223, 221–4, 306–7
- inspection and enquiry procedures,
 31–3
- interference with organisation of,
 33–4
- legal competence of, restrictions on,
 28
- legal forms, 80
- as legal persons, 83–6
- membership of board of directors for
 foreign nationals or residents,
 235–40
- operation before formal
 establishment of, 111–12,
 113
- participation in European policy
 framework, 39–45
- public benefit, 87, 119, 191–207, 231.
See also public benefit status
- public service delivery, 227–31. *See
 also* public services
- purposes and activities for, 86–91
 analysis of, 91–2
 country reports, 86–91
 economic activities, 88
 non-distribution constraint, 87
 permitted, 89
 political purposes and activities,
 88
 public benefit, 87
 religious activities, 88
- restrictions on activities of, 28–9
- right to form, 23–8
- state supervision of, 29–30
 motives and legitimacy of, 30–1
- Statute for a European Association
 and, 62–5
- subsidies, 220, 217–21
- supervisory authority, 33
- surplus assets after dissolution and
 liquidation, 105–8, 111
 analysis of, 108–11
 associations, 105–6
 foundations, 106–7, 109
 public benefit CSOs, 108
- taxation of, 249–53
- transfer of corporate seat and offices,
 246, 245–7, 315–17
- transparency, 31–2

- civil társaság*, 78
- community amateur sports club, 363
- community benefit societies, 77, 363
- contributory CSOs, 231
- conversion of CSOs, 169–73
- cooperative sociali* (social cooperatives), 446, 455
- co-operative societies, 77, 258, 363
- Council of Europe, 5, 8, 9, 215, 234, 242
- Council Regulation on a Statute for European Foundation, 92, 123, 134
- cross-border CSOs. *See also* foreign CSOs
- conversion into, 49
- taxation of, 51–3
- CSOs. *See* civil society organisations (CSOs)
- Czech Republic, CSOs in, 344–62
- annual accounts/reports, 159
- associations
- governance rules on, 117
- informal, 78
- membership of foreign nationals/foreign CSOs, 361–2
- surplus assets after dissolution and liquidation, 106
- budgetary surplus after termination/dissolution, 350
- Civil Code, 356–7
- civil law, 356–7
- economic activities of, 350
- establishment of, 346–7
- foreign CSOs, 247
- foundations, 79
- financial reporting rules, 133
- necessary assets for, 101
- surplus assets after dissolution and liquidation, 107
- government and, 360–1
- internal structure, 348
- legal forms, 77, 80, 344–6
- legal personality of, 94
- New Civil Code, 344–6
- non-distribution constraint on, 87
- non-membership organisations in, 79
- operation of CSOs before formal establishment, 112
- pluralism in, 226
- public benefit status of, 195, 199, 356–8
- public policy and granting rules in, 358–60
- public service delivery in, 228
- purpose of, 87, 346–7
- registration of, 141, 347–8
- remuneration of directors in, 114, 349–50
- representation and liability of, 348–9
- representative powers, 128
- restriction of religious activities, 88
- setting up, 351
- statutes on representative power, 129
- supervision and sanctions on, 351–6
- supervisory authority in, 147
- tax law, 357–8
- income tax, 357
- road tax, 358
- tax exemptions, 211, 212
- value-added tax, 358
- third parties in supervision of, 154
- de facto association, 327, 328–9
- demerger of CSOs, 169–73
- democratic society vs. civil society, 11, 16
- directors, 173, 174–7, 253
- compensation and remuneration of, 80, 115, 113–16, 333, 349–50, 369–70, 515–17
- foreign nationals as, 311–12
- objections to acts by, 540
- remuneration of, 349–50
- supervisory authority of, 289–90
- directors' liability, 135–9, 276–7
- analysis of, 138–9
- country reports, 135–8
- Belgium, 338–9
- England and Wales, 138, 370–2
- Germany, 389
- Greece, 412–13
- Hungary, 426–7
- Italy, 453–4
- the Netherlands, 472–3

- directors' liability (*cont.*)
- Poland, 499
 - Russia, 518
 - Spain, 539–40
 - Sweden, 565–6
- in CSOs without legal personality, 138
- for debts of CSO, 135–6
- suspension/dismissal and, 180
- towards third parties, 137–8
- towards the CSO, 136–7
- dissolution and liquidation of CSOs, 105–11, 169–73, 180–1
- allocation of net assets after, 332–3
 - associations, 105–6, 266
 - charities, 108
 - country reports, 105–8
 - Belgium, 106, 107, 332–3
 - Czech Republic, 106, 107, 350
 - England and Wales, 105, 368
 - Germany, 106, 107, 386
 - Greece, 105, 106, 107
 - Hungary, 106, 107, 421–2
 - Italy, 106
 - the Netherlands, 105, 107, 468
 - Poland, 105, 106, 107
 - Russia, 105, 106, 107, 515
 - Spain, 536–7
 - Sweden, 105, 107
 - foundations, 106–7, 109, 266–7
 - involuntary, 294
 - supervision of, 294–5
- donations from abroad, 52, 211–15, 253–5, 318–21, 398–9, 444, 465, 485, 529–31, 550, 571
- duties, 437
- economic activities, 332, 350, 386–7, 449–51, 536–7
- Economic Associations Act (Sweden), 555
- ECtHR. *See* European Court of Human Rights (ECtHR)
- EEA. *See* European Economic Area (EEA)
- EESC. *See* European Economic and Social Committee (EESC)
- enforcement, 145
- England and Wales, CSOs in, 363–83
- destination of surplus following dissolution, 368
 - directors' liability in, 138
 - foreign CSOs, 233, 237
 - recognition of, 382
 - tax treatment of, 382–3
 - transfer of corporate seat and offices, 245
 - formality requirements, 364–5
 - foundations, necessity assets for, 102
 - governance of, 368–72
 - associations, 117
 - CSOs with public benefit status, 119
 - liability of officers, 370–2
 - remuneration of directors, 369–70
 - self-regulation, 369
 - structure of, 368–9
 - as government consultants or advisors in, 222
 - informal associations in, 78
 - inspection and enquiry procedures in, 162
 - legal capacity of, 366
 - legal form, 80
 - legal personality of, 84, 95
 - legal structures of, 363–4
 - limits on economic activities of CSOs in, 88
 - multinational membership in, 381–2
 - non-distribution constraint on, 87
 - operation of CSOs before formal establishment of, 111
 - policy role, 381
 - public benefit and charitable status of, 195–6, 198, 375–9
 - appeal regarding status, 377
 - legal definition of status, 375–7
 - loss of, 378–9
 - registration effects on, 377–8
 - public service delivery of, 227–8, 380–1
 - purpose and activities of, 87, 367
 - registration of, 140, 365–6
 - remuneration of directors, 114
 - representative powers, 128, 370
 - self-regulation in, 125

- statutes on representative power, 129
 - structural changes of foundations/
charitable organisations in, 172
 - supervision of, 372–5
 - accounting in, 373
 - financial reporting, 373–4
 - inspection, 374–5
 - need for approval, 375
 - parties to proceedings in, 373
 - state, 149–50
 - supervisory authority on, 147, 287, 372, 375
 - surplus assets of associations after
dissolution and liquidation, 105
 - tax exemptions, 209, 212
 - taxation of, 250, 379–80, 382–3
 - time of operation of, 367
 - trusts, 79
 - equal treatment, 50
 - ESA. *See* Statute for a European
Association (ESA)
 - Ethical Codex, 424–5
 - European Alliance for the Statute of the
European Association
(EASEA), 62–3
 - European Civil Society Organisation,
establishment of, 58
 - European Commission, 307–8
 - Draft Council Regulation, 37
 - European civil society and, 43–4
 - financial assistance to CSOs, 40
 - Governance White Paper of 2001, 35
 - Transparency Initiative, 63–4
 - European Commission of Human
Rights, 20
 - European Company Statute, 59
 - European Convention on Human
Rights (ECHR), 152, 234, 242, 246
 - Article
 - 6, 14
 - 8, 14, 15–16, 165–6
 - 10, 13, 25, 26–7, 82, 249, 320
 - 10(2), 311
 - 11, 13–14, 23–4, 25, 57–8, 82, 104, 238
 - 11(2), 238, 240
 - 12, 56, 57–8
 - 14, 21, 248, 249, 317
 - 16, 238, 311
 - 17, 283
 - 52, 56, 57
 - becoming party to, 9
 - civil society and, 8–34
 - civil society organisations and, 55
 - CSO law, 22–34
 - democratic society and, 11–14
 - framework for protection of
 - fundamental rights (testing
criteria), 16–22
 - limited grounds for restrictions,
18–20
 - necessary in a democratic society,
20–1
 - non-discrimination, 21
 - positive action vs. direct
infringement, 22
 - prescribed by law, 17–18
 - legal framework, 10–11
 - public benefit status and, 298
 - relevance of, 8, 9
 - tax facilities and, 215
 - vs. democratic society, 11, 16
- European Convention on the
Recognition of the Legal
Personality of International
Non-Governmental
Organisations, 313
 - European Council, 39
 - European Council of Voluntary
Organisations, 64
 - European Court of Human Rights
(ECtHR), 5
 - Council of Europe/EU membership
and, 9
 - democratic society and, 20
 - freedom of expression/association
and, 12, 82
 - pluralism and, 224, 307–8
 - proportionality principle and, 21
 - European Court of Justice (ECJ), 5, 51–2
 - European Directive on Company law,
273
 - European Economic and Social
Committee (EESC), 38, 62

- European Economic Area (EEA), 252, 316
- European Foundation, 5, 61, 123, 132, 183, 252
- European Foundation Statute, 59, 67–9
- European Mutual Society, 59, 62
- European Social Committee, 39
- European Statute of Association, 62
- Extensive Impact Assessment (ExIa), 44
- financial accounts and reports, 274–5
- financial reporting, 132–5, 373–4, 388–9, 425–6, 453, 472, 517–18
- First Company Law Directive, 129
- fiscal neutrality, 50
- foreign CSOs, 231–55
 - analysis of, 234–5
 - board of, 236
 - country reports, 233–4
 - Belgium, 236, 241, 245, 248
 - England and Wales, 233, 237, 245, 382–3
 - Germany, 51, 237, 241, 397, 398–9
 - Hungary, 236, 245, 248, 442–4
 - Italy, 51, 241, 463–5
 - the Netherlands, 482–5
 - Poland, 233, 236–7, 242, 504–5
 - Russia, 237, 242, 527–31
 - Spain, 242, 247, 549–50
 - Sweden, 570–1
 - equal treatment of, 247–9, 316, 398, 444, 465
 - foreign natural person's participation in, 464–5
 - freedom of association and, 238–40, 242–4
 - freedom of expression and, 242–4
 - grants, 316
 - legal conflicts, 463–4
 - as member of board of directors of domestic CSO, 235–40
 - membership, 239, 235–40, 442–3
 - public service contracts, 316
 - real seat doctrine, 241
 - recognition of, 240–4, 312–14, 382, 397, 443, 464, 504–5
 - requirements, 234
 - subsidies, grants and contracts, 248, 316
 - taxation of, 51, 249–53, 318–20, 382–3, 398–9, 444
 - transfer of corporate seat and offices, 245, 443, 464
- foreign foundations, taxation of, 52
- föreningar*, 553
- formal associations, 467
- Foundation Investment Fund (Czech Republic), 359
- foundations, 79–82, 258. *See also* associations
 - board of trustees, 424
 - charitable incorporated organisations, 77
 - country reports
 - Belgium, 79
 - Germany, 107, 384–5, 388
 - Greece, 407
 - Hungary, 421
 - Italy, 444
 - the Netherlands, 466
 - Poland, 489–90, 492–4
 - Russia, 106, 107
 - Spain, 532–4
 - Sweden, 553–4, 557–8
 - directors' liability in, 566
 - dissolution of, 294
 - establishment of, 25–8, 265, 384–5, 407, 421, 466, 492–4, 532–4, 557–8
 - financial reporting, 133, 563
 - foreign board membership in, 571
 - freedom to establish, endow and join, 25–8
 - governance
 - internal, 269–70
 - issues, 563–5
 - rules, 118–19
 - internal organisation and representation of, 496, 559–61
 - necessary assets for, 101–2
 - public benefit status of, 569
 - public interest and, 335
 - registration of, 534–5, 564–5
 - reporting and supervision of, 498
 - supervisory powers, 563–4
 - supervisory tasks on, 153

- representative powers in, 425
- sanctions, 566
- structural changes of, 169–73, 175
- supervising authority on, 123
- surplus assets after dissolution and liquidation, 106–7, 109, 266–7
- Foundations Act (Spain), 532, 533
- founders, 347–8
 - liability of, 338–9
- France, fundraising supervision in, 190
- Free Economic Society, 508
- freedom of association, 238–40
- freedom of expression, 13
- friendly societies, 363
- fundraising, 186–91, 297, 392, 408, 433, 459, 478–9
- Fundraising Standards Board (FRSB), 125
- general assembly, 422–3
- Germany, CSOs in, 78
 - annual accounts/reports, 159
 - appointment of members to the board of directors in, 174–7
- associations
 - governance rules on, 118, 387–8
 - informal, 384–99
 - surplus assets after dissolution and liquidation, 106
- Civil Code, 387–8
- corporate income tax, 51
- destination of surplus after dissolution of, 386
- directors' liability in, 136, 137
- economic activities of, 386–7
- eligibility criteria, 248
- establishment by foreign nationals, 397
- financial reporting of, 388–9
- foreign CSOs, 237
 - equal treatment of, 398
 - real seat doctrine, 241
 - recognition of, 397
 - taxation of, 51, 398–9
- foundations, 384–5
 - annual accounts/reports, 158
 - financial reporting, 388–9
 - necessary assets for, 101
 - representative powers, 388
 - surplus assets after dissolution and liquidation, 107
- General Tax Act, 393–4
- as government consultants or advisors, 396
- instruments and sanctions, 391–2
- legal forms, 77, 80, 384–5
- legal personality of, 85, 95, 388
- liability of directors/trustees, 389
- operation before registration of, 112, 386
- pluralism in, 396–7
- public benefit status of, 199, 392–4
- public service delivery in, 228, 396
- purposes of, 385
- registration of, 140, 390
- restriction on activities of, 385–6
- self-regulation in, 124
- statutes on representative power, 130
- supervision of
 - in fundraising, 190, 392
 - state, 150, 390–1
 - third-party role in, 154
- tax exemptions, 209, 212, 395–6
- taxation of, 51, 250
- transfer of corporate seat and offices, 398
- Treuhand*, 79
- trusts, 79
- Gesellschaft bürgerlichen Rechts* (partnership), 386–7
- Gift Tax-Deduction Act (Sweden), 568
- gifts
 - income tax relief on, 380
 - tax deductibility, 480
 - taxation of, 52, 208
- governance
 - rules, 120, 116–24
 - analysis of, 119–24
 - on associations, 117–18
 - on CSOs with public benefit status, 119
 - on foundations, 118–19
 - mandatory, 121
 - self-regulation, 124–7
 - analysis of, 125–7
 - promotion of, 126

- government supervision. *See* supervision
- grants, 438–9
 to foreign CSOs, 247–8, 316
 public benefit status and, 304–6
- Greece, CSOs in, 400–17
 annual accounts/reports, 158, 159
 appointment of members to the board of directors in, 174–7
 approval of transactions in, 168
 associations, 406–7
 charitable, 408–9
 freedom to form, 238
 governance rules on, 118, 119
 informal, 78
 legal personality of, 406–7
 surplus assets after dissolution and liquidation, 105, 106
- Civil Code, 400–2, 412–13
- CSOs as government consultants or advisors in, 222
- directors' liability in, 412–13
- establishment of, 403–10
- external supervision of, 410–12
- foreign CSOs in, 236, 241, 248, 250, 415–16
- foundations
 establishment of, 407
 legal personality of, 407
 necessity assets for, 102
 surplus assets after dissolution and liquidation, 107
 welfare, 408–9
- legal forms, 77, 80, 400–3
- legal personality of, 84, 95
 establishing, general guidelines in, 403–5
 forms, 405–8: associations, 406–7; foundations, 407; fundraising committees, 408; partnerships, 405–6
 special recognition status, 408–9
- non-distribution constraint on, 87
- operation of CSOs before formal establishment of, 112
- pluralism in, 226
- Private International Law, 416
- public benefit, 195, 199–200
- funding of, 414–15
- grants to, 414–15
- tax status, 415
- public service delivery of, 229
- recognition of, 409–10
- registration of, 141, 409–10
- remuneration of directors, 114
- specially recognised philanthropist status in, 200
- state supervision of, 150
- statutes on representative power, 130
- structural changes of foundations/charitable organisations in, 172
- subsidies, 219
- supervisory authority in, 146
- third parties in supervision, 155
- Hein Persche v. Finanzamt Lüdenscheid*, 52
- High Court of England and Wales, 233
- High Level Group of Company Law, 60
- Hungary, CSOs in, 77, 418–44
 annual accounts/reports, 158, 159
 associations, 418–20
 governance rules, 118
 surplus assets after dissolution and liquidation, 106
- Civil Code, 418–20, 422–3
- civil groups in, 418–20
- directors' liability in, 136, 137, 138, 426–7
- financial reporting rules on, 133, 425–6
- foreign CSOs
 board of, 236
 equal treatment of, 444
 establishment of CSOs by foreign nationals, 442
 membership of board of directors for foreign nationals or residents, 442–3
 recognition of, 443
 subsidies, grants and contracts, 248
 taxation of, 444
 transfer of corporate seat and offices, 245, 443

- foundations, 418–20
 - governance rules, 119
 - surplus assets after dissolution and liquidation, 107
- fundraising, 433
- governance rules
 - on associations, 118
 - on foundations, 119
 - on public benefits CSOs, 119
 - structure of, 422–4
- as government consultants or advisors, 221, 439–40
- instruments and sanctions in, 429–33
 - advice, enforcement and sanctions, 431–3
 - amendment to statutes, 431
 - annual accounts/reports, 429–30
 - approval of certain acts and transactions, 430
 - bookkeeping, 429–30
 - dissolution, 431
 - inspection and enquiry procedures, 430
 - records, 429–30
 - structural changes, 431
- legal capacity of, 418–20
- legal forms of, 80, 418–20
- limits on economic activities of, 88
- operation before registration of, 112, 421–2
- pluralism in, 225, 441–2
- public benefit status of, 158, 194, 195–6, 197, 199, 433–6
- public service delivery of, 229, 442
- purposes and activities of, 420–1
- registration of, 141, 142, 427–8
- remuneration of directors, 114
- representative powers, 128, 130, 425
- requirements for establishment of, 421
- self-regulation, 424–5
- structural changes of foundations/charitable organisations in, 172
- subsidies and grants to, 438–9
- supervision of
 - authorities, 147
 - external, 428–9
 - third-party role in, 429
- surplus assets after dissolution and liquidation, 421–2
 - associations, 106
 - foundations, 107
- taxation of, 436–8
 - corporate income tax, 436
 - duties, 437
 - exemptions, 210, 212–13, 436–7
 - local taxes, 437
 - tax benefits for donors, 438
 - value added tax, 211, 436–7
- Idealvereine* (non-profit associations), 386–7
- impresa sociale* (social enterprise), 446, 455
- income tax, 51, 357, 395–6, 436. *See also* taxation
- Income Tax Act (Sweden), 567
- Income Tax Code (Belgium), 339–40
- incorporation doctrine, 240–1
- informal associations, 467. *See also* associations
- injunctions and instructions, 179–80, 185–6, 288
- inspection and enquiry procedures, 31–3, 162–5, 166, 285–6
 - analysis of, 165–6
 - in England and Wales, 162, 374–5
 - in Hungary, 430
 - in the Netherlands, 162, 476
 - in Russia, 165, 522–4
 - in Spain, 162
 - in Sweden, 162
- internal governance, 268–70
- investigatory powers, 167
- Italy, CSOs in, 445–65
 - annual accounts/reports, 159
 - associations, 444
 - governance rules on, 118
 - informal, 78
 - surplus assets after dissolution and liquidation, 106
- economic activities, 449–51
- establishment of, 445–8
- financial reporting of, 453

- Italy, CSOs in (*cont.*)
 foreign CSOs, 241
 equal treatment of, 465
 foreign natural person's
 participation in, 464–5
 legal conflicts, 463–4
 recognition of, 464
 taxation of, 51
 transfer of seat, 464
 foundations, 444
 fundraising, 459
 governance structure rules for, 451–2
 as government consultants or
 advisors, 463
 instruments and sanctions in, 457–9
 legal forms, 80, 445–8
 liability of directors/trustees, 136,
 453–4
 operation before registration of,
 449
 public benefit status in, 195, 459–60
 public service delivery, 228, 463
 purpose of, 88
 registration of, 454–6
 representative powers, 130, 452–3
 scope and purpose of, 448–9
 supervision of
 external, 456–7
 third-party role in, 154
 tax benefits for, 211, 460–3
 types of, 445–8
- judicial review, 283–4
- Länder*, 146, 190, 391
länsstyrelse, 146
 last will (*mortis causa*), 94
 Law on Non-Commercial
 Organisations (Russia), 510
 Law on Public Associations (Russia),
 510
 legal forms, 76–116, 258–61, 267
 acts on behalf of CSOs prior to its
 establishment, 266
 analysis, 82–3
 establishment of CSOs, 263–5
 European, 58–69
 legal capacity of CSOs as legal
 persons, 83–6
- legal personality, 259–61
 membership organisations, 77–9
 non-membership organisations,
 79–82
 overview of, 76, 258
 purposes and activities for, 86–92,
 261–3, 535–6
 surplus assets of after dissolution,
 266–7
 without legal responsibility, 82
 legal personality of CSOs, 83–6,
 259–61
 analysis of, 85–6
 applying for, 94
 authorities on
 civil law notary, 93
 courts, 93
 governmental authority, 93
 independent authority, 93
 country reports, 83–5
 Belgium, 77, 84, 97, 328
 Czech Republic, 94
 Germany, 85, 95, 388
 Greece, 84, 95, 405–8
 the Netherlands, 77, 83, 84, 95,
 471–2
 Poland, 95
 Russia, 95
 Spain, 84
 Sweden, 95
 regulation of internal structure and,
 121
 representative powers and, 127–8
 unlimited time for, 100
- legislation
 budget, 274–5
 external effect of authority to
 represent CSO, 273
 financial accounts and reports,
 274–5
 internal governance, 268–70
 international aspects of CSOs,
 309–21
 board membership by foreign
 nationals, 311–12
 equal treatment of foreign CSOs,
 316
 establishment of CSOs by foreign
 nationals/legal entities, 310

- recognition of CSOs from other countries, 312–14
- taxation of foreign CSOs, 318–20
- transfer of corporate seat and offices, 315–17
- legal forms, 258–67
- liability of directors, 276–7
- management, 274–5
- public benefit status, 297
- registration, 279–80
- representative powers, 272–3
- self-regulation, 277–9
- supervision, 281–97
- transparency, 274–5
- liability of directors/trustees, 135–9, 276–7, 370–2
- analysis of, 138–9
- country reports, 135–8
 - Belgium, 338–9
 - Germany, 389
 - Greece, 412–13
 - Hungary, 426–7
 - Italy, 453–4
 - the Netherlands, 472–3
 - Poland, 499
 - Russia, 518
 - Spain, 539–40
 - Sweden, 565–6
- CSOs without legal personality, 138
 - for debts of CSO, 135–6
 - suspension/dismissal and, 180
 - towards third parties, 137–8
 - towards the CSO, 136–7
- limited liability companies, 77
- Lindblom, Anna-Karin, 551
- liquidation of CSOs. *See* dissolution and liquidation of CSOs
- Lisbon Treaty, 36–7, 42, 53, 55
- local taxes, 437

- Maastricht Treaty, 35, 37, 40
- mandatory registration, 140
- merger of CSOs, 169–73
- money laundering, 523–4
- mortis causa*, 94, 95
- mutual recognition, 49–50

- Nebenzweckprivileg*, 78
- the Netherlands, CSOs in, 78, 105, 466–85
 - annual accounts/reports, 159
 - associations
 - governance rules, 118
 - informal, 78
 - membership of board of directors for foreign nationals or residents, 483
 - surplus assets after dissolution and liquidation, 105
 - directors' liability in, 135–6
 - economic activities of, 469
 - establishment of, 466–7, 482–3
 - financial reporting, 133, 472
 - foreign CSOs, 482–5
 - board membership in, 483
 - equal treatment of, 484
 - establishment of, 482–3
 - recognition of, 484
 - relocation of seat, 484
 - taxation of, 485
 - foreign membership in, 237
 - foundations
 - governance rules, 119
 - necessary assets for, 102
 - surplus assets after dissolution and liquidation, 107
 - fundraising, 478–9
 - governance rules
 - associations, 118
 - foundations, 119
 - self-regulation, 470–1
 - structure of, 469–70
 - as government consultants or advisors, 222, 481–2
 - inspection and inquiry procedures in, 162
 - instruments and sanctions on, 476–8
 - amendment of statutes, 477–8
 - annual accounts/reports in, 476
 - approval of certain acts and transactions, 477
 - bookkeeping, 476
 - enforcement and sanctions, 478
 - inspections, 476
 - records, 476
 - structural changes, 477–8

- the Netherlands, CSOs in (*cont.*)
 legal forms, 80, 466–7
 legal personality of, 77, 83, 84, 95, 471–2
 liability of directors/trustees, 472–3
 non-distribution constraint on, 87
 operation before registration of, 468–9
 pluralism of, 226, 482
 public benefit status of, 193, 197, 199, 479–80
 public service delivery of, 229, 482
 registration of, 140, 141, 473–4
 requirements, 233
 scope of, 467–8
 self-regulation in, 124
 statutes on representative power, 129
 subsidies, 481
 supervision of
 external, 474–5
 third-party role in, 155, 475–6
 surplus assets after dissolution and liquidation, 468
 associations, 105
 foundations, 107
 tax exemptions, 210, 211, 213
 taxation of, 480–1
 non-governmental organizations (NGOs), 445, 455
 non-profit associations, 555–7. *See also* associations
 directors' liability, 565
 financial reporting, 561
 foreign membership in, 569–71
 governance issues, 561–3
 instruments and sanctions on, dissolution, 477–8
 internal organisation and representation of, 558–9
 public benefit status of, 567–8
 register of members, 561–2
 registration, 562–3
 supervisory powers, 562
 Non-Profit Associations Act (Sweden), 565
 Non-profit Information and Education Centre (NIOK), 424–5
 OECD Model Tax Convention, 250
 Office for the Disclosure of Unusual Transactions., 253
 open method of coordination (OMC), 40–1, 64
organizzazioni di volontariato (voluntary organisations), 446, 455
organizzazioni non governative (non-governmental organizations), 445, 455
organizzazioni non lucrative di utilità sociale (ONLUS), 446, 455
 participatory democracy, 45–6
 Partnership Act (Sweden), 555
 partnerships, 405–6
patronato, 537–8
 penalties, 288–9
 pluralism, 224–7
 country reports, 225–6
 Czech Republic, 226
 Germany, 396–7
 Greece, 226
 Hungary, 225, 441–2
 the Netherlands, 226, 482
 Poland, 225
 Russia, 226
 Spain, 225, 548–9
 Sweden, 226
 ECtHR and, 224, 307–8
 public benefit status, 307–8
 pluriformity, 3
 Poland, CSOs in, 77, 78, 486–507
 Act on Associations amendments, 506–7
 associations, 487–8
 governance rules on, 118
 informal, 78
 legal personality of, 95
 surplus assets after dissolution and liquidation, 105, 106
 establishment of, 491–4
 financial reporting rules in, 133
 foreign CSOs, 233, 236–7, 242, 504–5
 foreign nationals in, 504–5
 foundations, 489–90

- necessity assets for, 101
- surplus assets after dissolution and liquidation, 107
- as government consultants or advisors in, 222
- internal organisation and representation of, 494–6
- laws, 486–7
- legal forms, 80
- liability of board members, 499
- non-distribution constraint on, 87
- operation of CSOs before formal establishment of, 112
- political activities, 490
- public benefit status of, 196, 199, 499–501
 - governance rules on, 119
 - reporting and supervision of, 502–3
- public service delivery in, 228
- remuneration of directors in, 114
- statutes on representative power, 130
- supervision of, 496–8
 - third-party role in, 154
- tax exemptions, 210, 213
- taxation of, 503–4
- types of, 486–90
- political activities, 331
- political purposes and activities, 88
- poverty relief, 195
- poviat* governor, 498
- privacy, right to, 14, 15–16
- Prokura system, 129, 132
- property, right to, 14, 15
- proportionality, 21
- public associations, 516–17
- public benefit status, 191–231
 - acquiring and losing, 299–301, 433–6
 - analysis of, 203–7
 - country reports, 193–203
 - Belgium, 195, 199, 200, 201
 - Czech Republic, 195, 199, 356–8
 - England and Wales, 195–6, 198, 375–9
 - Germany, 392–4
 - Greece, 195, 199–200, 414–15
 - Hungary, 158, 194, 195–6, 197, 199, 433–6
 - Italy, 195, 459–60
 - the Netherlands, 193, 197, 199, 479–80
 - Poland, 119, 196, 199, 499–501, 502–4
 - Russia, 194, 195, 199, 525–6
 - Sweden, 195, 199, 200, 567–9
 - criteria, 193–7, 299–301
 - CSOs as government consultants or advisors, 306–7
 - government's policy on, 298–9
 - grants and, 304–6
 - legislation on, 298–309
 - loss of, 392–4
 - consequences of, 202–3
 - criteria for, 200–2
 - grounds for, 200
 - obtaining, 198–200
 - pluralism and, 307–8
 - procedure, 299–301
 - public authority's withdrawal of, 201–2
 - public service delivery and, 308–9
 - reporting and supervision of, 502–3
 - requirements, 299–301
 - status, 204
 - subsidies and, 304–6
 - tax exemptions, 302–4
 - tax facilities and, 208–15, 302–4
 - tax laws, 503–4
 - public registers, 518–21
 - public services, 53–5, 227–31
 - analysis of, 230–1
 - country reports
 - England and Wales, 380–1
 - Germany, 396
 - Italy, 228, 463
 - the Netherlands, 229, 482
 - Poland, 228
 - Russia, 229
 - Spain, 547–8
 - Sweden, 229
 - foreign CSOs, 316
 - provision of, 308–9
 - public policy rules, 227–9
 - statutory requirements, 227–9, 230
 - purposes of CSOs, 261–3

- real seat doctrine, 240–1, 245, 398
 Recommendations of the Council of Europe, 223
 Register of Charities, 140, 201
 registered associations, 487–8, 491–2, 494–6, 506–7
 registration, 139–43, 144, 473–4
 analysis of, 142–3
 of associations, 487–8, 491–2, 494–6, 506–7, 534–5
 authorities, 141
 country reports, 140–2, 518–21
 Belgium, 79, 334–5
 Czech Republic, 141, 347–8
 Germany, 390
 Hungary, 141, 142, 427–8
 Italy, 454–6
 the Netherlands, 140, 141, 473–4
 Poland, 491–2
 Russia, 518–21
 Spain, 534–5
 effects of, 377–8
 of foundations, 534–5, 564–5
 functions and types of registers, 279–80
 information, 141–2
 mandatory, 140
 significance of, 139–40
 types of, 139–40
 voluntary, 140
registrerade trossamfund, 553
 religious activities, 88
 representative powers, 272–3
 in associations, 425
 country reports
 Belgium, 129, 330–1
 Czech Republic, 128, 129
 England and Wales, 128, 129, 370
 Germany, 130
 Greece, 130
 Hungary, 128, 130, 425
 Italy, 130, 452–3
 the Netherlands, 129
 Poland, 130
 Russia, 128, 130, 517–18
 Sweden, 128, 130
 external effect of statutes on, 128–32
 in foundations, 425
 legal personality of CSOs and, 127–8, 425, 471–2, 517–18
 legislation, 272–3
 rules, 131
 Russia, CSOs in, 508–31
 amendment of statutes, 524–5
 associations
 freedom to form, 238
 informal, 78
 surplus assets after dissolution and liquidation, 105
 voluntary, 508–11
 compensation and remuneration of directors in, 515–17
 conversion, 524–5
 demergers of, 524–5
 dissolution of, 524–5
 establishment of
 formal requirements for, 513–14
 material requirements for, 514–15
 federal state supervision of, 522–3
 financial reporting, 517–18
 foreign CSOs, 527–31
 equal treatment of, 529
 establishment of, 527–31
 federal state supervision of, 522–3
 recognition of, 528–9
 registration of, 237, 242
 taxation of, 529–31
 foreign membership of, 527–8
 foundations
 annual accounts/reports, 158
 surplus assets after dissolution and liquidation, 106, 107
 governance rules
 associations, 118
 public benefit CSOs, 119
 inspection and enquiry procedures, 165, 522–4
 instruments and sanctions on, 522–4
 legal capacity of, 512
 legal forms of, 80, 511–12
 purposes and activities for, 513
 legal personality of, 95
 liability of directors/trustees, 518
 limits on economic activities of, 88
 merger, 524–5
 money laundering, 523–4

- pluralism in, 226
- public benefit status in, 194, 195, 199, 525–6
- public registers, 518–21
- public service delivery in, 229
- remuneration of directors in, 114
- representative powers, 128, 130, 517–18
- structural changes of, 524–5
- subsidies, 219
- supervisory authorities on, 521
- surplus assets after dissolution and liquidation, 515
 - associations, 105
 - foundations, 106, 107
- taxation of, 210
 - exemptions, 213
 - facilities and subsidies, 526–7
- self-regulation, 124–7, 277–9, 355–6, 424–5, 470–1
- service contracts, for foreign CSOs, 247–8
- services of general economic interest (SGEI), 53–5
- siège réel doctrine, 398
- simple associations, 487, 491, 506
- Sitztheorie*, 398
- Sixth Directive, 50
- social dialogue, 39–45
- social enterprise, 446
- social promotion associations, 446, 455
- Spain, CSOs in, 77, 532–50
 - accountability of, 543–4
 - appointment of members to the board of directors in, 174–7
 - approval of transactions in, 168
 - in autonomous communities, 535
 - directors' liability in, 135–6, 137, 539–40
 - directors of, 538
 - distribution of benefits, 536–7
 - economic activities of, 536–7
 - establishment of, 532–4
 - financial reporting rules in, 133
 - foreign CSOs, 242, 247, 549–50
 - equal treatment of, 550
 - recognition of, 549
 - transfer of seat, 550
 - foreign membership in, 549
 - as government consultants or advisors, 548–9
 - inspection and enquiry procedures, 162
 - internal structure of, 537–8
 - legal forms of, 532–4
 - legal personality of, 84
 - objections to acts by directors, 540
 - pluralism in, 225, 548–9
 - public benefit status of, 199, 544–5
 - public service delivery of, 229, 547–8
 - purpose of, 87, 535–6
 - registration of, 534–5
 - structural changes of foundations/charitable organisations in, 171, 172
 - structure of, 171
 - supervision of, 149, 537–8, 540–3
 - supervisory authority on, 147, 287
 - surplus assets after dissolution and liquidation, 536–7
 - tax benefits for, 546–7
 - tax exemptions, 213, 545–6
 - transparency of, 543–4
- state supervision. *See* supervision
- Statute for a European Association (ESA), 59, 62–5
- Statute for a European Cooperative Society (SCE), 60
- Statute for European Associations, 60
- statutes on representative power, amendment of, 292–3
- Stauffer* foundation, 51
- Stiftungsverzeichnisse* (foundation), 390
- subsidiarity, 231
- subsidies, 217–21, 438–9, 481
 - analysis of, 219–21
 - decisions by authorities on, 218–19
 - for foreign CSOs, 247–8, 316
 - grant of, 217–19, 220
 - public benefit status and, 304–6
 - statutory or governmental guidelines on, 217–18
- supervision, 145–91, 281–97
 - advice, enforcement and sanctions, 178–86, 187, 288

- supervision (*cont.*)
 administrative fines, 179, 184
 advice and warning notices,
 178–9, 183–4
 analysis of, 181–6
 dissolution, 180–1
 injunctions and instructions,
 179–80, 185–6
 liability of directors/trustees,
 180
 suspension and dismissal of
 directors/trustees, 180, 184–5
 appointment of members to the
 board of directors, 173, 174–7
 approval of certain transactions or
 acts, 166–9, 287–8
 analysis of, 168–9
 from supervisory authority, 170
 authorities, 146, 372, 521, 540–3
 analysis of, 148
 types of, 146–8, 149, 281–2
 definition of, 145
 of dissolution, 294–5
 enforcement and, 145
 exercise of, 283–4
 framework, 148–52
 analysis of, 150–2
 country reports, 149–50
 of fundraising, 186–90, 191
 analysis of, 190–1
 information and inspection,
 285–6
 injunctions, 288
 instructions, 288
 instruments and sanctions in,
 157–86
 annual accounts, 157–62, 163
 annual reports, 157–62, 163
 bookkeeping, 157–62
 inspection and enquiry
 procedures, 162–6: analysis of,
 165–6; country reports, 162–5
 judicial review and, 283–4
 legislation, 281–97
 motives for, 148
 penalties, 288–9
 power of board members/trustees,
 289–90
 structural changes of foundations/
 charitable organisations,
 169–73
 country reports, 171–2
 third parties in, 153–7
 analysis of, 155–7
 country reports, 154–5
 criteria, 155
 role of, 295–6
 standing, 154–5
 warning notices, 288–9
 supervisory board, 423
 suspension and dismissal of directors/
 trustees, 180, 184–5
 Sweden, CSOs in, 77, 551–71
 annual accounts/reports, 158, 159
 appointment of members to the
 board of directors in, 174–7
 associations, 552–3
 governance rules on, 118
 non-profit, 558–9
 surplus assets after dissolution
 and liquidation, 105
 establishment of, 555–7, 558
 financial reporting rules in, 133
 foreign CSOs in, 570–1
 foreign membership in, 569–71
 foundations, 559–61
 necessity assets for, 102
 surplus assets after dissolution
 and liquidation, 107
 governance issues, 561–5
 inspection and enquiry procedures
 in, 162
 internal organisation and
 representation of, 558–61
 legal forms, 551–5
 legal personality of CSOs in, 95
 legal sources of, 554–5
 liability of directors/trustees, 565–6
 non-distribution constraint on, 87
 non-governmental organizations,
 551
 operation of CSOs before formal
 establishment of, 113
 pluralism in, 226
 public benefit status of, 195, 199,
 200, 567–9

- public service delivery of, 229
 - representative powers, 128, 130
 - supervisory authority in, 146
 - surplus assets after dissolution and liquidation, associations, 105
 - taxation of, 567–9
 - types of, 551–5
- taxation, 51–3, 208–15, 249–53
- analysis of, 215–17
 - benefits/exemptions, 208–11, 214, 215–17, 302–4, 395–6, 436–7, 438, 460–3, 545–7
 - corporate income tax, 436
 - country reports, 250, 480–1
 - Belgium, 250
 - Czech Republic, 211, 212, 357–8
 - England and Wales, 250, 379–80, 382–3
 - Germany, 51, 250, 398–9
 - Hungary, 210, 212–13, 436–8
 - Italy, 211, 460–3
 - the Netherlands, 210, 211, 213, 480–1
 - Poland, 210, 213, 503–4
 - Russia, 210, 526–7
 - Spain, 213, 546–7
 - tax exemptions, 208–11, 214
- of cross-border CSOs, 51–3
- duties, 437
- of foreign CSOs, 51, 249–53, 318–20, 382–3, 398–9, 444
- of foreign foundations, 52
- of foreign public benefit organisations, 249–53, 485
- of gifts, 52, 208
- income tax, 51, 395–6, 436
- local taxes, 437
- subsidies, 341–2, 526–7
- tax exemptions, Spain, 545–6
- tax status, 339–41
- value-added tax, 211, 341, 436–7, 480
- taxation of, country reports, Sweden, 567–9
- TEU. *See* Treaty on European Union (TEU)
- TFEU. *See* Treaty on the Functioning of European Union (TFEU)
- transactions, approval of, 166–9
- transparency, 274–5, 543–4
- Transparency Act (Spain), 544
- travaux préparatoires*, 24
- Treaty of Lisbon, 44
- Treaty of Rome, 38
- Treaty on European Union (TEU), 35
- Article 10, 35
 - Article 11, 42, 45–6
 - Article 17, 42
- Treaty on the Functioning of European Union (TFEU), 35
- Article 14, 53
 - Article 18, 48, 248, 311
 - Article 20, 311
 - Article 49, 47, 48, 49, 316, 398
 - Article 52, 46
 - Article 54, 47, 49, 60, 235, 241, 244, 247, 313, 315, 398
 - Article 63, 47, 320
 - Article 65, 320
 - Article 106, 317
 - Article 352, 60–1, 67
- foundations, 311
- Treuhand*, 79
- trustees
- liability of. *See* liability of directors/trustees
 - supervisory authority of, 289–90
- trusts, 79–82, 258
- amendment of, 292–3
 - necessary assets for, 101–2
- United Kingdom, CSOs in. *See* England and Wales, CSOs in
- value-added tax (VAT), 211, 341, 436–7, 480. *See also* taxation
- voluntary registration, 140
- Vorstiftung*, 386
- Vorverein*, 386
- Wales. *See* England and Wales, CSOs in
- warning notices, 288–9
- White Paper on European Governance, 42