

## Mehrsprachige Info

# Business Registration

## Gewerbeanmeldung

A business licence is obtained through informal registration with the responsible commercial authority if all requirements have been met and documented. For trades with legal force reservation, it is necessary to wait for the legal force of the notification of reliability. Any allowances, approvals or equivalences applied for at the latest at the time of business registration must be taken into consideration within the three-month deadline for execution, effective upon receipt of the business registration. Certain trades must also document liability insurance//liability coverage (e.g. construction industry, real estate trustees, insurance brokers, investment consultants).

The competent Chamber of Commerce (district or regional office) will advise you about applicable permits and will issue a NeuFöG confirmation for start-ups or company transfers. As an additional service, your business registration can be transmitted electronically to the competent trade authority from there.

## Competent authority for business registrations

The competent trade authority is the district administrative authority of the business's location, namely, depending on the location, the office of the district commissioner, the municipal authority of the city or, in Vienna, the municipal district office.

## Act for Promoting Start-Up Companies (NeuFöG)

Given that certain requirements have been met, the Act for Promoting Start-Up Companies releases persons who register a business from the costs of the registration (stamp duties and federal administrative fees, certain taxes and fees, portions of ancillary wage costs). Company founders benefit from this in the full; company successors to a lesser extent.

The Chamber of Commerce (Founder Service, district and regional offices or competent professional organisations) issues the NeuFöG confirmation on the basis of an obligatory consultation. They also help with completing the business registration.

**ATTENTION:** The NeuFöG confirmation must be obtained in advance and enclosed with the documents of application, otherwise the authority cannot exempt the applicant from the fees!

## Business registration for sole proprietors

The business registration must contain the exact designation of the business and the intended location. Furthermore, the sole proprietor must submit the following documents:

- Valid passport or birth certificate, proof of citizenship or residence permit required for the pursuit of a commercial activity in the case of third country citizens
- Marriage certificate (only if the current last name deviates from the name given at birth)
- Registration certificate if not resident in Austria.

**ATTENTION:** A criminal record certificate does not have to be submitted. Only a person who is not a resident in Austria or has been a resident in Austria for less than 5 years is required to submit a criminal record certificate issued by his home country or country of previous residence.

If the corresponding master data have already been entered in the commercial registry, the applicant does not have to submit the documents again.

## Documents for Proof of Competence

For regulated trades and partial trades, documents regarding the fulfilment of the prescribed proof of competence applicable in each case (e.g. master craftsman's certificate, entrepreneur examination, university graduation diploma, school and/or employment certificate) must be enclosed with the business registration application.

In the event that the applicant does not render the proof of competence himself, either notification must be made about the appointment of a managing director under trade law or the assessment of individual qualification must be applied for.

## Business registration of companies or other legal entities

The business registration of a company or firm (GmbH, AG, OG, KG) requires the submission of an excerpt from the Commercial Registry (not older than 6 months). Obtaining the excerpt from the Commercial Registry can be left to the trade authority, to which the incurred costs must be refunded. Other legal entities not entered in the Commercial Registry, e.g. cooperatives, must render evidence of their existence accordingly (e.g. associations – entry in the register of associations).

## Appointment of a managing Director under Trade Law

When a business is registered by a legal entity or partnership, notification about the appointment of a suitable managing director under trade law must be made with the following documents:

- Personal documents (cf. sole proprietor); if required, proof of competence
- In the case of an employee: confirmation of registration with a district health insurance office if the employment covers at least half of usual weekly working hours
- Written granting of authority by the proprietor and written consent of the managing director under trade law regarding his appointment and the granting of authority.

## Registration procedure

The registration can be submitted to the trade authority together with all documents in person, by normal mail, by fax or by electronic data transmission (e.g. by e-mail or Internet).

Upon receipt of all application documents, the commercial activity can be started as soon as all prerequisites have been met.

**ATTENTION:** For trades with legal force reservation, it is necessary to wait for the legal force of the notification! In the case of an application to establish individual qualification, it is also necessary to wait for the legal force of the assessment notification!

Within three months, the authority – albeit only if all legal requirements have been met – must enter the applicant in the main Commercial Registry and notify him of the entry by means of transmitting to him the original excerpt from the Commercial Registry.

This information leaflet is a joint product of all Chambers of Commerce.

**Note:** Despite careful editing, no responsibility can be taken for the correctness of this information. Any liability of the Austrian Chambers of Commerce is excluded. The terms used for references to persons always apply to both genders!

Stand: 01.11.2013