

Report of WG4 – for IFToMM Legal Status – by Burkhard Corves

I conducted investigations on this issue by getting information about the possibility to register IFToMM as an International Scientific Association as a legal entity.

Since it was mentioned during the 2012 EC-meeting, that Belgium offers easy registration I firstly contacted a Belgian solicitor:

Dr. jur. Jacques Rijckaert

Solicitor

Vervierser Str. 10

B - 4700 Eupen

Tel.: +32 87 59 53 70

Fax: +32 87 74 38 27

E-Mail: jacques.rijckaert@belnot.be

Additionally I also contacted a solicitor in Switzerland because already the financial transactions of IFToMM are handled through a Swiss bank account:

Lic.iur. Stephan Kamer

Solicitor

Terassenweg 1a

Postfach 1130

CH – 6301 Zug

Tel.: +41 41 729 8230

Fax: +41 41 729 8239

In both cases there is the possibility to register IFToMM as a registered non-profit organization but the Constitution must be adapted to fulfill the legal requirements of a non-profit organization in order to be exempted from any taxes. Both Belgium and Switzerland require that the Constitution be set up in one of the official national languages but in both cases English translations can be used complementary, but the chosen national language will be the legal binding version.

French, Dutch or German for Belgium, French, Italian or German for Switzerland

Comparing the two possibilities, the Swiss solution has the advantage of a registration in the same country as IFToMM has its bank account, and the Belgian solution has the advantage that thus IFToMM would be registered in an EU-country with better position with regards to a participation in EU-funded research projects.

In order to get a more precise overview about very likely changes that have to be made to the Constitution in both cases one of the above mentioned solicitors must be contacted for legal counsel, which will for sure not be free of charge.

Burkhard Corves, October 22nd, 2013