

UNIVERSITÄT
HEIDELBERG



CSI

Centrum für soziale Investitionen und Innovationen
Centre for Social Investment

MAX PLANCK INSTITUTE FOR
COMPARATIVE AND INTERNATIONAL
PRIVATE LAW

MAX-PLANCK-GESELLSCHAFT

***Feasibility Study on a European
Foundation Statute
2008***

Annex C

Questionnaire

Personal Data

Please note that all personal information will be kept separate from the information provided in this questionnaire. Personal information is used at this stage of the project for contact and follow-up purposes only. We will detach this page from the questionnaire, and destroy it once the data from this questionnaire has been computerized.

Information Provided in Questionnaire

All information provided will be treated anonymously and in utmost confidentiality. Your foundation will not be identified in public with any of the information you have given in this questionnaire.

For contact purposes, please provide the following:

Name (the person primarily responsible for completing the questionnaire)

Your current position in Foundation

Office phone

Cell phone

Email

Questionnaire

Please leave blank, for internal purposes only	EN1		
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1) What is the main objective of your foundation as stated in the relevant articles of incorporation or other governing documents? (Please offer a brief summary description and indicate relevant website reference, if applicable)

URL:

1.1) In terms of activity areas, in which of the following fields do you operate domestically, internationally or both? (Check all that apply)

Activity area	Domestically only	Internationally only	Both
Arts and culture	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment, housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic, technological development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Civic engagement, advocacy, public debate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion, ethics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**1.1a) If more than one field checked in Question 1.1:
In which field are you most active, as a share of your total operating budget?**

Field: _____

Share of operating budget in % of total: _____%

And which field comes second as a share of your total operating budget?

Field: _____

Share of operating budget in % of total: _____%

1.2) How do you achieve your objective(s)? Do you do this through (check all that apply and rank in terms of 1=most important way of achieving objective, 2= second most important etc.)

- Grantmaking programs involving grantees (organizations, individuals)
- operating your own programs and nonprofit organizations
- operating your own commercial enterprises
- asset-management for others
- fundraising activities
- engaging in other businesses activities related to the field you work in
- engaging in other business activities unrelated to the field you work in
- other (please specify):
-

1.3) What is the geographic scope of your international activities? (Please check primary scope)

- Domestic only
- Specific countries only (list up to three): _____
- European regions (e.g., Scandinavia, Western Europe, central Europe etc.): _____
- EU wide
- Other continents or world regions: _____
- Worldwide

1.4) Do you conduct international activities never, rarely, occasionally, or more or less regularly?

- Never
- Rarely
- Occasionally
- Regularly

1.5) Which of the descriptions below comes closest to describing your foundation?

- We are a public benefit foundation
- We are a private benefit foundation
- We are a pension fund
- We are an operating enterprise
- Other (please specify): _____

IF NO CURRENT INTERNATIONAL ACTIVITIES (Question 1.4) GO TO QUESTION 4 ON PAGE 9

3) Barriers against international activities

3.1) Generally speaking: in your conducting activities abroad or internationally, did you experience significant barriers?

- Yes, grantmaking is more complicated
- Yes, grantmaking is more costly
- Yes, working in different jurisdictions complicates program operations
- Yes, different tax laws make the differentiation of what is related and what is unrelated business income cumbersome
- Yes, reporting requirements to different authorities are cumbersome and costly
- Yes, asset management costs increase
- Yes, fundraising costs increase
- Yes, administrative costs are higher due to the need to establish affiliate organizations (or other legal entities) recognized in the other country/countries of the EU
- Yes, specify _____
- No, we experienced no significant barriers for cross-border activities within the EU

3.2) Specifically, in what aspects of activities abroad did or does your foundation experience difficulties?

- Program planning
- Formation of new organization/program
- Establishment and legal recognition
- Reporting requirements to tax and other relevant authorities
- Asset management
- Fundraising
- Day-to-day operational activities
- Other aspect (please specify): _____
- None

3.3) Did you manage to solve most, some, a few or none of the difficulties and barriers encountered?

- All or most
- Some
- Few
- None

3.4) Can you briefly describe how you solved one of the most pressing issues?

3.5) In terms of operating costs, to what extent do you think the following statements to be correct?

	incorrect	partly incorrect	neutral	partly correct	correct
It is relatively cheaper to operate at the national level only.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is comparatively cheaper to operate on an international level only.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cost wise it is irrelevant whether we operate on a national or international level.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3.6) Based on your experience, are the costs lower, the same, or higher for 'doing business' abroad than for comparable projects/activities on the national level?

	much lower	somewhat lower	about the same	somewhat higher	much higher
Based on your experience, are the costs of 'doing business' abroad lower, the same, or higher than for comparable projects/activities on the national level?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4) Is your foundation planning or exploring to expand (or interested in expanding) its international activities?

- Yes (Please continue Question 4Y1)
- No (Please continue Question 4N1 on page 10)

4Y1) In terms of activity areas, in which of the following fields are you planning to expand?
(Check all that apply)

- Arts and culture
- Education
- Research
- Health
- Social Services
- Environment, housing
- Economic, technological development
- Civic engagement, advocacy, public debate
- Religion, ethics
- Other activities (please specify): _____

4Y2) Are you planning to do so in terms of... (Also, please indicate approximate amount of Euros that would be involved in the first three years of your expanding activities)

- | | |
|---|---------|
| Grantmaking activities? | _____ € |
| Direct program operations?
(supply of services/goods for public benefit) | _____ € |
| Unrelated business activities? | _____ € |
| Program-related investments? | _____ € |
| Asset management? | _____ € |
| Fundraising activities? | _____ € |
| Other activities? | _____ € |

4Y3) In what aspects of international activities does your foundation anticipate coming up against significant barriers (if any)?

- Grantmaking will be more complicated.
- Grantmaking will be more costly.
- Working in different jurisdictions will complicate program operations.
- Different tax laws will make the differentiation of what is related and what is unrelated business income cumbersome.
- Reporting requirements to different authorities will be cumbersome and costly.
- Asset management costs will increase.
- Fundraising costs will increase.
- Administrative costs will be higher due to the need to establish affiliate organizations (or other legal entities) recognized in the other country/countries of the EU.
- Other (please specify) _____
- No, we anticipate no significant barriers for cross-border activities within the EU.

4Y4) Specifically, in what aspects of activities abroad do you expect to experience difficulties?

- Program planning
- Formation of new organization/program
- Establishment and legal recognition
- Reporting requirements to tax authorities
- Asset management
- Fundraising
- Day-to-day operational activities

- Other phase (please specify): _____

Please continue with question 5 on page 12

4N1) Please indicate reasons why your foundation does not intend to increase international activities.

a) Absolute barriers

- Foundation is too small
- Purpose is geographically limited to specific region
- Donor wish (deed)
- Legal recognition
- Other absolute barrier (please specify): _____

b) Relative barriers

- Tax reasons
- Administrative costs due to the need to establish affiliate organizations (or several legal entities) are too high
- Administration costs overall are prohibitive
- Overall cost-benefit ratio not favorable
- Overall assessment of barriers resulted in negative board decision

- Other reasons (please specify): _____

4N2) In which of the following international activities would your foundation anticipate coming up against significant barriers?

- Grantmaking activities
- Direct program operations (supply of services/goods for public benefit)
- Unrelated business activities
- Program-related investments
- Asset management
- Fundraising activities

Other activities (please specify): _____

4N3) In what aspects would your foundation anticipate having the most difficulties for its international activities?

- Program planning
- Formation of new organization/program
- Establishment and legal recognition
- Reporting requirements to tax authorities
- Asset management
- Fundraising
- Day-to-day operational activities

- Other phase (please specify): _____

5) Is your foundation planning to reduce its international activities?

- Yes (Please continue on page Question 5Y1)
- No (Please answer question 6 on page 14)

5Y1) In terms of activity areas, in which of the following fields are you planning to reduce abroad? (check all that apply)

- Arts and culture
- Education
- Research
- Health
- Social Services
- Environment, housing
- Economic, technological development
- Civic engagement, advocacy, public debate
- Religion, ethics

- Other (please specify): _____

5Y2) Are you planning to do so in terms of... (Also, please indicate approximate amount of Euros that would be involved in the first three years of reducing your activities)

- | | | |
|---|-------|---|
| Grantmaking activities? | _____ | € |
| Direct program operations?
(supply of services/goods for public benefit) | _____ | € |
| Unrelated business activities? | _____ | € |
| Program-related investments? | _____ | € |
| Asset management? | _____ | € |
| Fundraising activities? | _____ | € |
| Other activities? | _____ | € |

5Y3) Why are you cutting back activities abroad or internationally? Because...

- Grantmaking was too complicated.
- Grantmaking was too costly.
- Working in different jurisdictions complicates program operations too much.
- Different tax laws make the operations of what is related and what is unrelated business income too cumbersome.
- Reporting requirements to different authorities are too cumbersome and too costly.
- Asset management costs increased too much.
- Fundraising costs increased too much.
- Administrative costs were too high due to the need to establish affiliate organizations (or other legal entities) recognized in the other country/countries of the EU

- Other reasons (please specify)

5Y4) Specifically, in what aspects of activities abroad did you experience most difficulties?

- Program planning
- Formation of new organization/program
- Establishment and legal recognition
- Reporting requirements to tax authorities
- Asset management
- Fundraising
- Day-to-day operational activities

- Other phase (please specify): _____

6) What benefits/advantages do you associate with the EUROPEAN FOUNDATION STATUTE (as described above)?

The European Foundation Statute would...	Very unlikely	Unlikely	Neither likely nor unlikely	Likely	Very likely
...improve opportunities to act internationally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...reduce the need for multiple legal structures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...improve corporate governance structure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...reduce administration costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...mobilize fundraising across Europe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...lead to a simpler registration process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...define the term: "foundation" more clearly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...help to improve European competitiveness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...make legal structures more predictable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...improve reputation for fundraising	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...make supervision by the relevant authorities more efficient	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...standardize public benefit purposes of foundation across the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...retain and grow European private wealth for public benefit causes in the EU and beyond	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...increase the policy coherence at domestic, European and international levels for foundations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...enable individuals to mobilize assets for trans-national public benefit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...attract and grow foreign private wealth for public benefit causes in the EU and beyond	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...facilitate cooperation between foundations in Europe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...attract more funding from the United States and other countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...other benefits/advantages (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7) What disadvantages/risks do you associate with the EUROPEAN FOUNDATION STATUTE (as described above)?

The European Foundation Statute would...	Very unlikely	Unlikely	Neither likely nor unlikely	Likely	Very likely
...add another layer of bureaucracy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...increase the competition among foundations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...be attractive to a few larger foundations only	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...lead to higher competition in domestic fundraising	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...reduce the importance of smaller foundations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...reduce the diversity of European philanthropy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...put pressure on member state governments to streamline the national foundation laws (e.g. corporate governance law / transparency laws etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...open up our country to fund-raisers from abroad	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...lead to an outflow of philanthropic resources to other countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...diminish the local identities of the foundation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...other disadvantages / risks (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8) How likely is it that the EUROPEAN FOUNDATION STATUTE would...

	Very unlikely	Unlikely	Neither likely nor unlikely	Likely	Very likely
...lead to a Europeanization of the strategy of your foundation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...increase your European grantmaking activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...reduce the costs of your European operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
...lead to a greater impact of your foundation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Thank you very much for your cooperation!