



**A GUIDE TO COMMUNITY
FOUNDATIONS IN GERMANY.**

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Dear community foundation members,

Welcome to Germany! I am pleased that you have made a study trip to visit us this year to familiarise yourselves with the community foundations in Germany and their actors.

You have arrived at a good time: the community foundations in Gütersloh and Hanover are celebrating their 20th anniversary these months. The first fledgling beginnings have by now evolved into a thriving movement of over 300 foundations. As independent organisations which are carried by citizens, they are in a position to make a sustainable contribution to shaping social conditions in their communities.

As gratifying as this growth is – it also brings new challenges: as local organisations the community foundations are called upon to actively help overcome the refugee crisis. Committees are about to rotate in many community foundations, and the new active members must be familiarised with their responsibilities. In times of low interest rates the question arises of how to tap new sources of income and how to induce the community foundations to become more business-minded.

In this situation it is good to have European visitors from abroad! It allows the German community foundations not only to pass on their own experience. It also gives them the chance to learn from you and your experiences by listening to your questions and suggestions.

And so I hope that you have fruitful dialogues, inspire each other with your diverse creative and innovative ideas, and that new forms of collaboration evolve across borders. Let us make Europe stronger together – by strengthening local cooperation.

We extend our warmest thanks to all those who have contributed to making the study trip an unforgettable and enriching experience for you: as peer learning expert, Boris Strečanský from the Centrum pre filantropiu in Bratislava has carried the main responsibility for organising the trip. The ECFI team in Berlin, Caroline Gleim, Burkhard Küstermann and Anja Böllhoff, served as contact persons to help with the organisation of the study trip. Finally, we owe our thanks to the sponsors of ECFI, whose generous financial support made this event possible to begin with.

With kind regards,

Felix Oldenburg,

Secretary General
Association of German Foundations

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The 10 characteristics

How German community foundations define themselves

Preamble:

A community foundation is an independent, autonomous, non-profit foundation of citizens for citizens with an ideally broad purpose. The foundation works sustainably and long-term for a community in a geographically defined area, and generally acts in the interest of all the citizens in its catchment area.

1. A community foundation is non-profit and works to strengthen communal living. It sees itself as part of a self-determined civil society.
2. A community foundation is generally launched by more than one donor. An initiative for its establishment can also issue from an individual or a specific institution.
3. A community foundation is economically and politically independent. It is not tied to any one confession or political party. A dominant single donor, party or company will be rejected. Political groups and administrative heads are not permitted to assert their influence on decisions.
4. The community foundation's field of action is geographically defined to a city, rural district or region.
5. A community foundation must continually increase its endowment funds. In doing so, it gives all those citizens who feel bound to a certain city or region, and who approve of the foundation's goals, the opportunity to donate to the fund. Additionally, it collects project donations and can create sub-foundations and funds to pursue individual approved goals or to focus on regional sub-districts.

6. A community foundation affects a broad spectrum of urban or regional life, the betterment of which is of foremost importance. For this reason, the aims of the foundation must also be broad. Generally, a foundation's work encompasses the cultural sector, youth and social programmes, education, nature and the environment, and the protection of historical monuments. Its work is either supportive or operational, and should also aim to be innovative.
7. A community foundation supports projects that rely on civil participation or that help others to help themselves. In doing so, the foundation endeavours to encourage a new form of social commitment.
8. A community foundation carries out its projects publicly and also conducts public relations work in order to give all citizens in its region the opportunity to participate in the projects.
9. A community foundation may coordinate a local network of different non-profit organisations within a city or region.
10. The internal workings of a community foundation distinguish themselves through participation and transparency. A community foundation has several groups (directors and controlling bodies) in which citizens acting for other citizens can hold an office with an executive or controlling function.

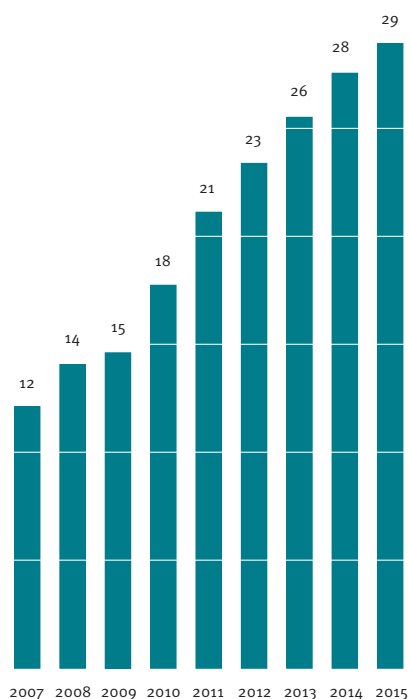
Facts

Number of community donors in Germany

Source: Community foundation survey, 2016,
Community Foundations Initiative

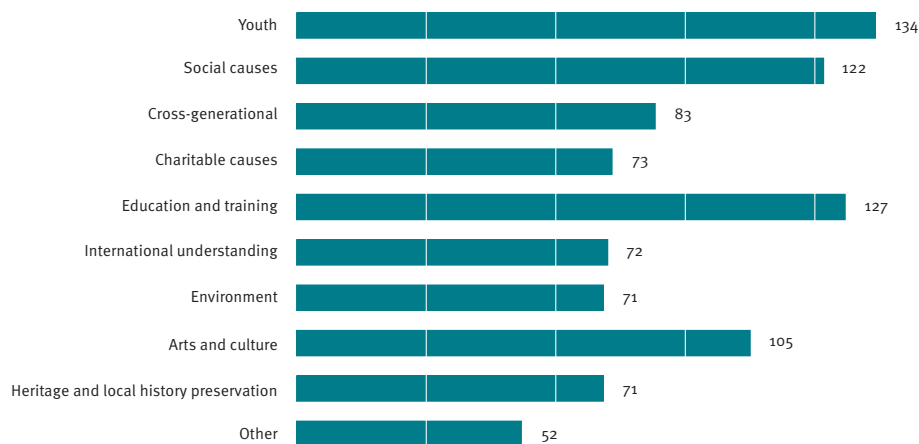
Community foundations with Seal of Approval 307
(in 2015: 293)

Number of donors (endowment) in Germany in 2015 (in thousand)

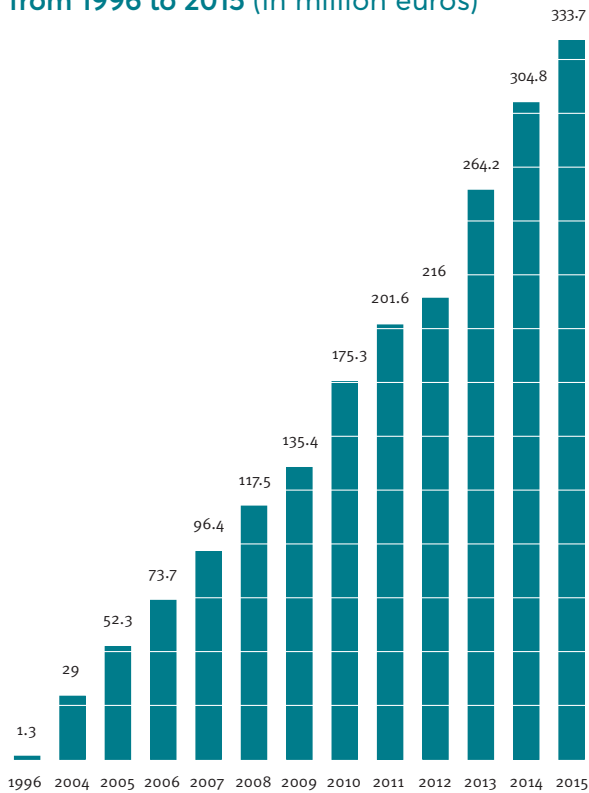


Focus of support by the community foundations in Germany in 2015

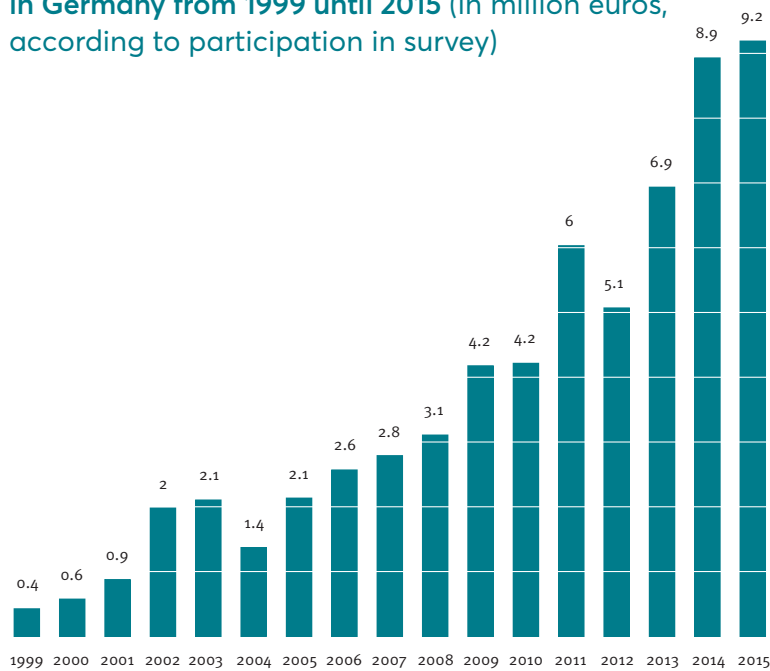
Multiple answers possible, n = 140



Endowment capital of community foundations in Germany from 1996 to 2015 (in million euros)



Development of donations to community foundations in Germany from 1999 until 2015 (in million euros, according to participation in survey)



Social context

The German community foundation movement

When the first community foundations were launched in Germany in the mid-1990s, they constituted something new in many respects. They were modelled after the community foundations in the United States; but since the welfare state is so weak in the U.S., donations and foundations assume much greater importance there than they do in Germany. So does civic self-organisation in the community as opposed to the influence of the government. Therefore we can state:

The first German community foundations marked a **break with the traditional concept** of the German welfare state.

The concept of the welfare state

The welfare state principle is embedded in the Basic Law of the Federal Republic of Germany (art. 20 and 28 Basic Law). It stipulates that the government must help disadvantaged groups and individuals and restore some social balance. Social benefits in such areas as childcare, healthcare, nursing, etc. may be offered by public and private agencies.

The basis of the cooperation between the government and public as well as private agencies is the **principle of subsidiarity**. To put it simply, it means that those who are closest to those in need should help.

If individuals, the family or civic associations can provide help on their own, the government should not intervene. Private agencies and recognised societies and associations are given priority. The government has the duty to provide the necessary funding through redistribution and social insurance companies, and to strengthen the associations.

The '90s: more commitment is called for

In the 1990s, West German corporatism was confronted with many different challenges:

- rising unemployment
- public debt, especially of the municipalities
- the foreseeable consequences of the demographic change for the social insurance companies

The German welfare state seemed to have reached its limits.

Difficulties with the young volunteers

At the same time a change in motivation among the volunteers became distinctly noticeable: until that time, civic commitment in Germany existed for the most part in the form of voluntary service within the structures of established societies and associations.

The willingness to make a long-term commitment to perform volunteer work declined in favour of a more short-term, project-oriented interest in committing oneself.

This was particularly true for younger people. The societies and associations found it increasingly difficult to recruit young volunteers.

In search of transferrable concepts

After the municipalities had first looked for private partners to handle their tasks – e.g. in public–private partnerships – the focus now turned on the citizens. Their involvement and mobilisation were supposed to accomplish tasks together that had been postponed or that were arising anew.

One area which was looked into was transferrable concepts of boosting commitment abroad. Approaches of civic co-responsibility outside of established structures of societies and associations were of particular interest – e.g. the concept of community organising or the establishment of volunteer agencies and centres as municipal contact points for prospective helpers.

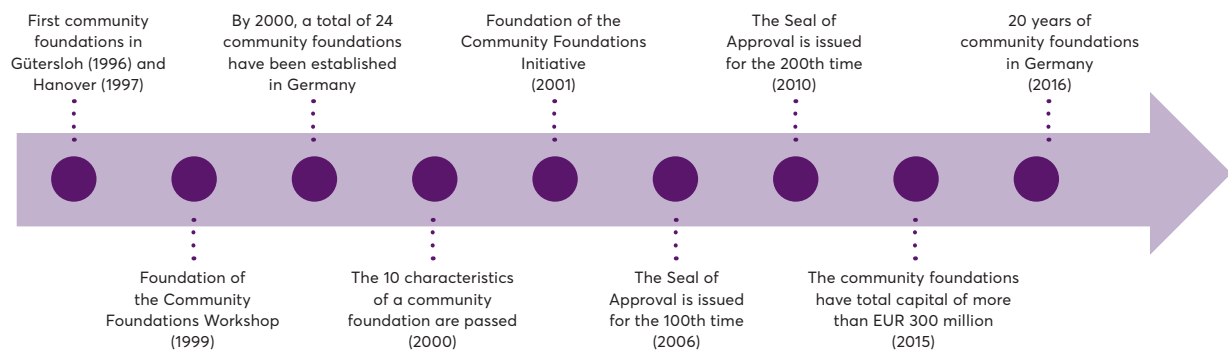
Community foundations offer new possibilities

Community foundations were one of the most promising models in the search of new concepts.

The form of the community foundation combined the tradition of foundations and donating in Germany on the one hand and a new approach on the other: that of mobilising and **allowing for active civic commitment**.

- Community foundations represent a new form of civic self-organisation: they provide a platform for committed citizens who want to carry out many important matters of common welfare outside of the structures of governmental and classic organisational structures.
- Moreover, community foundations may have sufficient integrative power to bring the relevant actors together to solve specific problems.
- They may also function as a new form of infrastructure of active commitment – i.e. of those institutions which work as mediators, advisers, qualifiers and advocates of civic commitment.

Nikolaus Turner is an expert on foundations, the initiator of the **Community Foundation Fürstenfeldbruck**, and until 2012 headed the **Community Foundations Workshop**. He adds two more important aspects: "In a community foundation, anyone can become a donor. This democratises the concept of foundations. Plus, here in Germany, doing something for one's own region was previously possible only indirectly via municipal foundations. But the less people were satisfied with their political representatives, the more the focus was directed on the form of the community foundation."



The history: from the first community foundations until today

Beginnings (1995–2000)

The first community foundation which was based on the American model was launched in **Gütersloh** in 1996 on the initiative of the **Bertelsmann Foundation** and the former chairman of the Board of Directors of Bertelsmann AG, Reinhard Mohn. It was endowed with a capital of DM 2 million (EUR 1,022,582).

At the same time the **Community Foundation Hanover** was launched in 1997 on the initiative of Christian Pfeiffer, the director of the Criminological Research Institute of Lower Saxony. Thirty-one citizens donated a starting capital of DM 105,000 and solicited an additional DM 56,000 in donations for initial activities.

These two first foundations are often cited as examples of two different models of community foundations: on the one hand the top-down foundation in **Gütersloh** on the initiative of a foundation or patron, and on the other the bottom-up version in **Hanover** initiated and supported by the civic community. If we look at the big picture, however, they represent not so much two ideal types but indicate the heterogeneity of the community foundation landscape in Germany.

Examples of the historic background and motivation behind German community foundations

- The starting point for the establishment of a community foundation in the rural municipality of **Steingaden** in Upper Bavaria in 1997 was the 850 year anniversary of the township: the operative income of the ceremonial act and an individual donation amounted to an initial endowment fund of DM 100,000.
- In **Munich** the initiative to launch a community foundation in 2000 evolved from the city's Local Agenda 21 process and therefore from an already existing cooperation process among municipal institutions with associations and initiatives of the civil society. The community foundation in Munich was the first one which – similar to some community foundations in the U.S. – received a matching fund from the Agenda 21 budget of the City of Munich.
- One of the first community foundations in East Germany, the **Community Foundation Dresden**, was established thanks to the initiative and support of the Hamburg-based **Körper Foundation**, which provided the starting capital of DM 100,000 as well as the necessary material and human resources.
- The community foundation in **Kassel** was launched by the local Sparkasse savings bank in 1999, which endowed it with a foundation capital of DM 50,000. The Sparkasse in Kassel has since provided the members of the foundation's Board of Directors, while citizens from

the township of Kassel can earn a seat in the General Assembly of Donors and are eligible to become members of the Foundation Board after making a donation of EUR 5,000.

Concept development and differences (2000–2005)

These examples reveal that the term “community foundation” was a working concept during the initial years – 24 community foundations were launched in Germany by 2000 – rather than a clearly defined type of organisation.

A structured debate about the organisational concept did not start until the establishment of the Community Foundations Workshop within the Association of German Foundations in 1999, which in May 2000 passed **10 characteristics of a community foundation**.

Nikolaus Turner recalls: “I got the inspiration for the **10 characteristics** in Denver in 1999 at the annual Conference for Community Foundations in the U.S., where standards and definitions were discussed as well. We realised that this was what we needed as well. The term ‘foundation’ was barely known in Germany, so we had to create a branding for community foundations – nationwide. The 10 characteristics have been an important identification for the actors in this field to this day.”

With the **10 characteristics**, community foundations can be set off from other forms of organisation, such as non-Seal of Approval community foundations (see below). Wolfgang Anders, founding donor of the **Community Foundation Ludwigshafen** and head of the **Community Foundations Workshop**, explains: “There are many organisations that call themselves a ‘community foundation’ but don’t meet its essential criterion: that citizens become active on be-

» *Community foundations are an avant-garde element in the German foundation landscape. Because traditional foundations work differently. Joining in and the idea of shaping things – this is something special.*

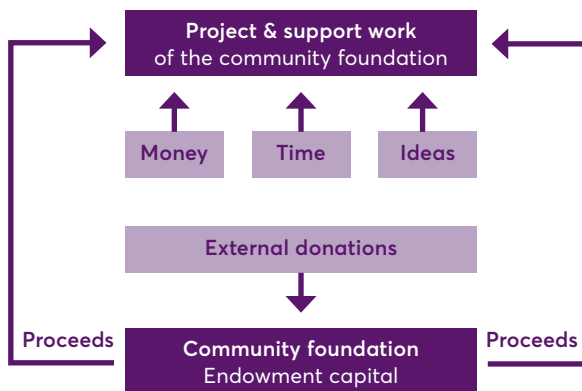
Wolfgang Anders, Community Foundation Ludwigshafen

half of citizens, on an equal footing and at a local level, irrespective of political parties, Churches or financial institutes.” Michael Jacobi was actively involved in the **Community Foundation Gütersloh** for 15 years as an honorary president and spokesman of the Board of Directors. He says: “When we developed the **10 characteristics** we placed special importance on the independence of the community foundations, because it did happen that a bank, for instance, gave us money and derived from this support the right to be represented in the committees.”

So, what distinguishes community foundations are participatory elements, which are often described as the triad of money, time and ideas. Many community foundations in Germany implement their projects on their own: members go to preschools and elementary schools to work as reading volunteers, and other volunteers help refugees or spruce up the city park. Community foundations develop these kinds of plans and activities on the one hand because they often lack the necessary funds to restrict themselves to offering mere financial support. On the other hand these projects express the close ties between the community foundation and local needs.

» *The ‘time donors’ are an extremely important component of German community foundations. This does not exist in this form in many other countries.*

Nikolaus Turner, Community Foundation Fürstfeldbruck



How a community foundation works

Moreover, community foundations advise people who wish to launch their own foundation under their umbrella or want to become actively involved as donors.

Every year, community foundations whose bylaws meet the criteria established in the 10 characteristics can apply for the **Seal of Approval** issued by the Community Foundations Workshop in the Association of German Foundations.

The Seal of Approval is a tool created from the ranks of the community foundations to standardise community foundations as a special form of foundation.

An independent jury evaluates the applications for the **Seal of Approval**. It is valid for two and three years respectively, after which period it must be reapplied for. These measures are still unique among foundations throughout the world.



The Seal of Approval for community foundations

» Year after year we can observe that the issuance of the Seal of Approval and the 10 characteristics set off a reflection process within the community foundations about their own behaviour: What does independence really mean? What do transparency and participation really mean?

Wolfgang Anders, Community Foundation Ludwigshafen

On this basis the large private foundations which initially were involved in launching the first community foundations also supported the effort to publicise the idea of community foundations. The **Bertelsmann Foundation**, **Körber Foundation** and **Klaus Tschira Foundation**, with the help of the American **Charles Stewart Mott Foundation**, supported the **Community Foundations Initiative (Initiative Bürgerstiftungen, IBS)** as a competence centre and forum for the exchange of experience, networking and service for community foundations in Germany. In 2001 the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth also joined the consortium of donors, and IBS was incorporated into the Association of German Foundations.

Growth and increasing political attention (since 2005)

During the past ten years, the community foundations in Germany have experienced unique growth and increasing attention. Despite the international financial crisis, the number of community foundations has grown constantly. As a result, as early as 2009 Germany already ranked second on a global scale, behind the U.S., as the country with the most community foundations.

The celebration of the 200th community foundation to receive the Seal of Approval in 2010 also says a great deal about the development: if it took ten years, from 1996 until 2006, for 100 community foundations

to receive the Seal of Approval, the next 100 community foundations were granted the Seal of Approval within the span of a mere four years.

Politics honoured the dynamic development of the young type of foundations as well: in 2006 the then Minister of Family Affairs Ursula von der Leyen coined the phrase of the “community foundations . . . which can become a strong partner of the government.”

With respect to performance, the latest data from the **Community Foundations Initiative** indicates continued great expansion of the community foundation landscape. Contrary to the private foundations, community foundations are getting better and better at making up for financial losses due to negative developments in the financial markets and the low-interest situation with the active involvement of their volunteers, at least temporarily. Even so, it must be stated that the income from foundation assets is not likely to provide funds that can significantly contribute towards resolving major challenges.

Being used for the government's purposes: out of the question

In 2010 the federal government passed the National Engagement Strategy. This was the first time that the potential of civic engagement was outlined for the purpose of resolving major socio-political challenges in a political inter-agency strategy paper.

Great importance was placed on the foundation sector altogether – but also explicitly on the community foundations. In the future, “strategic partnerships” were to be made with them: “The many newly established community foundations in Germany have the potential to play an even more important role in advancing the infrastructure of engagement in Germany at a local level.”

The role which the National Engagement Strategy ascribed to the foundations and community foundations was vigorously debated. The issues that were discussed were a realistic assessment of the effectiveness of the still relatively young type of organisation of the community foundation and, fundamentally, the contradiction between civic self-organisation and expectations of the state.

The German civil society has been sensitised **not to become an instrument of the state and not to fund issues that are typically the state's responsibility.**

However, that community foundations are well advised to establish an equal partnership with the municipal agencies is something Michael Jacobi from the **Community Foundation Gütersloh** knows from experience: “You need to have the city on board. Especially in terms of expertise and professional know-how, specifically in the social and educational sector. In Gütersloh we have always believed in cooperating with the city: we approached the city, explained the project we were planning and asked if they wanted to join us and would provide resources. Plus, we always asked where there were problems we could tackle. We still do things that way – it's give and take.”

Current trends and debates

In 2014 the **Community Foundations Initiative (IBS)** took the 18th anniversary of the community foundations movement as an occasion to summarise the current challenges and outline strategies that show the way to the future.

The three major challenges:

1. Endowment fund

While the capital of German community foundations has grown considerably,

there are striking differences among the individual foundations. In terms of their capital, most community foundations remain at a level where stable funding of their expenditures is not assured. Only about 16 per cent of the community foundations can already work with income from a capital of over EUR 1 million.

2. Change of generations

In many older community foundations the generation of the founders is no longer active or about to leave. This is a normal and necessary process for civic organisations. Even so, it also constitutes a serious litmus test and a loss of experience and ideas. It is important to plan and prepare this process way ahead of time. Diversity of human resources should be part of the plan. Individuals from all age and professional groups and with a religious or migratory background must be given more weight within the community foundations.

3. Recognition

Community foundations have the advantage of being able to be active in an operative as well as supporting way through their own resources. Their roles as intermediaries should be expanded by way of issues rather than through political advocacy. To accomplish this, however, the community foundation must be solidly established and widely recognised in its region.

With these challenges in mind, the **IBS** has created a strategy paper concerning the future development of the community foundations. It identifies three roles of community foundations through which they should sharpen their profile:

Role 1: Community foundations as asset managers

In their role as asset managers, community foundations are **consultants, service providers, trustees and fundraisers**.

Community foundations address a large number of benefactors and donors and must be guided by their needs and concerns. For this reason community foundations offer not only the option of making donations to add to their endowment capital but also of establishing and managing various foundation funds. Here they function for the most part as an umbrella organisation for individual foundation trusts of individual benefactors.

In addition to serving as consultants and trustees, their work as fundraisers is becoming ever more important for community foundations. In this way they receive external donations, thus steadily expanding their foundation capital, or they solicit donations to be used promptly. The latter is one of the funding options of community foundations, and for most of them this has become a routine activity by now.

When performing this kind of work, community foundations are at first inevitably perceived as competitors on the regional donations market by local associations. Therefore cooperation with the various local associations in the spending of funds is important so as not to jeopardise the basis of trust.

Role 2: Community foundations as platforms of civic engagement

Community foundations can involve the citizens in their work especially through their operative activities. Providing the opportunity for civic engagement in their own projects or through co-decision is even an essential requirement for the work of com-

munity foundations. Only in this way can they create a connection between direct concern on the part of the engaged individuals and the performance of active service for the community to begin with.

Community foundations offer **numerous opportunities for civic engagement**: as benefactors, as donors of money or material goods, by performing volunteer work in committees, projects and workshops or by contributing good ideas for the work of the community foundation.

In addition to conventional executive committees, community foundations also establish advisory boards and committees where the citizens can, for example, decide on the way funds are spent. The foundation should offer ways to involve people from all different walks of life and with different outlooks on life.

Demands for establishing salaried positions are heard more and more often, especially for the performance of committee work and operative or administrative duties. Dorothea Jäger, e.g., the chairwoman of the Board of the **Community Foundation Hanover**, states: "Naturally, the co-founders invest a great deal of passion in the community foundation and perform volunteer work. But this cannot be taken for granted, and finding successors is a challenge. Especially when a community foundation wants to grow, more work will have to be done by salaried staff. From a certain size on it is impossible to do everything on a volunteer basis – this is unrealistic, and it shouldn't be 'sold' that way either in the future."

Role 3: Community foundations as intermediaries and moderators in the municipality

Many community foundations in Germany focus their activities on project work

concerning specific issues and implement minor projects in their immediate environment. Others are already a step ahead and are taking a look at the big picture: they want to position the community foundation as a place of change within their town.

A community foundation is largely independent of the municipal or city administration as well as other organisations or companies, both in terms of its management and committee members and concerning the way it spends the foundation funds. Yet as for choosing its committee members, community foundations are still well advised to aim for a membership that is representative of their municipality. It is the only way a community foundation can serve as an independent, neutral and yet representative platform.

This can be accomplished if the community foundation has already earned a certain degree of recognition and is a knowledgeable member of the group of actors who are involved in individual issues. After all, working on major issues via networks which bring together the relevant actors across different institutions and from all sectors has by now become the norm. This is particularly true at the municipal level – in the field of education, in strengthening democracy in its battle against extremism, in integration or the admittance of refugees. The idea that individual agencies of the municipal administration can solve challenges of this scale all by themselves has long since been abandoned.

A community foundation can work as an **independent, neutral and yet representative platform** in its municipality, function as a moderator on future-related issues or in specific disputes and bring together instrumental people from the municipal administration, the civil society and business.

Twenty years of community foundations in Germany

Over the past 20 years, the community foundations in Germany have not become a surrogate provider of services and benefits which were previously the domain of the welfare state. Rather, they have obtained an important position in the reorganisation of social relationships and support services within the respective municipality.

» *An insight after 20 years of community foundations is that networks and dialogue are incredibly important. We must continue to spread success stories. What I would like is that in future, we direct the focus less on the number of community foundations and more on the amount of the endowment fund. Rather than starting a new foundation, small community foundations can band together. This gives them better prospects for growth.*

Dorothea Jäger, Community Foundation Hanover

» *After 20 years, I would sum things up by saying: It has been worthwhile! But we should make sure that community foundations are properly equipped so that future generations can do meaningful work, too. First of all, a foundation is capital – that is what distinguishes it from other forms of civic commitment.*

Nikolaus Turner, Community Foundation Fürstfeldbruck

» *I consider the 15 years of my commitment to the community foundation to be the most meaningful supplement to my job. I have had the opportunity to develop complex solutions to complex issues, to work with many different kinds of people and achieve joint goals. We must work on keeping the idea of the community foundation as alive as it is at present. In this effort it is crucial to find the proper resources in all three areas – money, time and ideas – for all community foundations.*

Michael Jacobi, Community Foundation Gütersloh

» *In the span of 20 years, delicate little plants have grown into a colourful, multi-faceted field of flowers in Germany. Our family of community foundations is extremely diverse. And one thing is clear: there exists no single royal road to leading a community foundation to success. But there is a joint basic understanding – the 10 characteristics. During the next few years we must work on stabilising the community foundation movement and giving it a solid basis.*

Wolfgang Anders, Community Foundation Ludwigshafen

Legal context

The basis of German community foundations

In Germany, community foundations are typically established as **legally independent civil law foundations** (art. 80 et seq. German Civil Code).

This is relevant in several respects:

1. Because there are no specific legal regulations which solely apply to community foundations. This was the reason why the representatives of the community foundations defined themselves in the **10 characteristics**.
2. Because in Germany, the term "foundation" cannot be equated with a specific legal form of organisation. For example, under certain conditions associations and joint stock companies may also call themselves foundations. The **Community Foundation Duisburg** for instance was formed as a not-for-profit stock corporation.
3. Because apart from the legally independent foundations there are also so-called "dependent foundations" or foundation trusts. These foundations cannot autonomously engage in legal relations. They need a trustee who acts in their behalf. Usually community foundations carry out projects autonomously and in this connection must enter into agreements with partners. Therefore the legal form of the dependent foundation is not suitable for community foundations.

Civil Foundation Law

In Germany, Civil Foundation Law is laid down in the German Civil Code (Bürgerliches Gesetzbuch, BGB) (art. 80 et seq.) – which contains many references to Associations Law (art. 86 BGB).

The foundation's purpose is the core of every foundation

The purpose of the foundation is subject to special protection by the government. It may be altered or expanded later on only under narrowly defined conditions. The bodies of the foundation are bound by its purpose and must bring it to life through their activities.

As far as defining the purpose of the foundation is concerned, the donor enjoys great freedom and is only subject to one restriction: the purpose of the foundation must not jeopardise the public welfare (art. 80 (2) sentence 1 BGB). With this qualification, the donor may choose any purpose (whether charitable or serving private interests) for the organisation that is particularly important to him or her.

The **10 characteristics** make two qualifications regarding the definition of the foundation's purpose:

1. They stipulate that the field of action of community foundations be geographically restricted to a city, rural district or region.
2. They state that community foundations should have as many options as possible for shaping the community in their catchment area.

Community foundations can carry out their purpose through their **own, operative projects** and by **supporting** projects of other charitable organisations.

Building community foundation capital

A community foundation needs an endowment fund to be acknowledged as having legal capacity. This capital is invested, and the returns are used to pursue the purpose of the foundation.

Civil law has not defined a fixed amount as capital requirement. It only stipulates that the foundation have sufficient assets "to reasonably ensure the lasting and sustainable fulfilment of the foundation's purpose" (cf. art. 80 (2) sentence 1 BGB).

At the same time, this legal provision also allows the government's supervisory authority to take the future development of the capital into account in the context of its forecast. This is especially important for community foundations, as soliciting donations is part of their strategy. The **10 characteristics** explicitly oblige the community foundations to further expand the endowment fund after it has been established and in addition to solicit donations for their project work.

No fixed amount has been legally established for the required endowment fund. However, it is often mentioned that a foundation should have **minimum capital of EUR 50,000**.

Amount of the required capital

If you want to purchase toys for preschools from the income on the capital reserve, even a fairly small amount will get you far. Yet funding top medical research requires major amounts.



As a general rule, foundations are established for the long term. For this reason the bylaws of community foundations typically contain a provision that says: "The foundation capital should be preserved continuously and without being diminished, and be invested safely and profitably."

Organisation of a foundation with several bodies

To engage in legal relations, an independent foundation requires a body. In this regard the German Civil Code only stipulates that it must have a board of directors (art. 86 in combination with art. 26 (1) sentence 1 BGB). The **10 characteristics** furthermore stipulate that the internal activities of a community foundation be marked by participation and transparency. This requires several bodies.

A community foundation should have **several bodies** (board of directors and supervisory body) in which citizens have executive and control functions for citizens.

Transparency of community foundations

German law contains only few provisions that deal with the transparency of foundations. Community foundations are usually not covered by these legal regulations.

Even so, it is important for community foundations that their activities are transparent. This can establish the trust that the community foundation properly handles the funds with which it has been provided. For this reason the **10 characteristics** expressly stipulate that the community foundations post their projects publicly and do extensive publicity work.

Foundation tax law

The criteria for the recognition of foundations as charitable institutions are established in tax law in Germany. The majority of foundations – including the community foundations – are subject to the provisions of not-for-profit legislation. Whether a foundation satisfies the criteria is checked by the Inland Revenue Office. On the one hand, the bylaws of the community foundation must meet certain formal requirements. On the other hand, the way the foundation actually conducts its business must comply with the provisions of the bylaws and tax law (art. 59 German Fiscal Code – Abgabenordnung, AO).

Three tax-privileged purposes

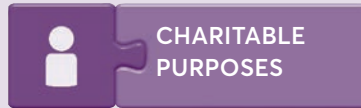
Three different purposes may be recognised as enjoying tax privileges: not-for-profit, charitable and Church purposes (art. 52–54 AO).

Not-for-profit purposes are those that "altruistically (support) the public at large financially, mentally or morally" (art. 52 (1) sentence 1 AO). The law provides an incomplete list of areas of support which are covered by this definition: work with young people and the elderly, art and culture, preservation of sites of historic interest, education, adult education and vocational training. Since 2007 the law has expressly stated that the support of civic engagement for not-for-profit, charitable and Church purposes is also to be regarded as a charitable purpose (art. 52 (2) no. 25 AO). The focus of the activities of community foundations is in this area of not-for-profit purposes. Community foundations have typically included at least three different purposes from this list in their bylaws.



NOT-FOR-PROFIT PURPOSES

e.g. supporting work with young people and the elderly, arts and culture, preservation of sites of historic interest, education, adult education and vocational training, promoting civic engagement.



CHARITABLE PURPOSES

are intended for the altruistic support of individuals rather than the public at large (art. 53 AO).



CHURCH PURPOSES

aim at the altruistic support of a religious community (cf. art. 54 AO). They are typically not pursued by community foundations.

Purposes

In their work, community foundations focus on not-for-profit purposes. Non-profit purposes are causes that “altruistically (support) the public at large financially, mentally or morally” (art. 52 (1) sentence 1 AO). Community foundations typically include at least three different purposes from this list in their bylaws.

Charitable purposes are those that support individuals rather than the public at large in an altruistic way. In terms of taxes, such support is only justified if the persons receiving the support depend on the help of others due to their financial situation or their physical, mental or psychological state (art. 53 AO). For (community) foundations, pursuing charitable purposes can constitute quite a challenge in terms of proving the need of the individual to be supported. Frequently intensive debates are conducted in initiatives about whether the community foundation should in fact pursue charitable purposes. The proponents argue that it is the task of the community foundation to deal with the situation of local citizens in need. Critics, on the other hand, do not want to spend the limited funds of the community foundations on “one-on-one support”. In their opinion, the funds should rather be spent on effecting structural changes.

Church purposes that aim at the altruistic support of a religious community which is a public body (cf. art. 54 AO) are usually not pursued by community foundations.

Principle of altruism

Not-for-profit organisations may conduct business activities in order to generate income for the realisation of their purposes.

Community foundations in Germany organise, e.g., auctions or invite people to balls. This is admissible, even if community foundations act like commercial companies in these instances.

The German Fiscal Code stipulates that organisations may conduct business activities but **“not primarily pursue commercial interests”** (art. 55 (1) AO).

A limit has been reached when it seems that the foundation primarily engages in commercial rather than not-for-profit activities.

Not-for-profit organisations – and this also includes community foundations – must **spend their funds promptly**. In this way tax law wants to ensure that the funds are indeed used for the good cause rather than to amass an ever greater fortune.

Funds are spent promptly if they are used for the tax-privileged purposes within two calendar or fiscal years after they have been received (art. 55 (1) no. 5 AO).

There are a few exceptions to the principle of altruism. For instance, the endowment capital obviously does not have to be spent promptly but is to be preserved permanently. Not-for-profit organisations moreover may, within narrow limits, build reserves (e.g. for projects to maintain their operative activities or their purchasing power, art. 62 (1) AO).

Principle of exclusivity

If a not-for-profit organisation pursues a variety of purposes – as community foundations do – then all of these purposes must be not-for-profit.

The principle of exclusivity requires that not-for-profit organisations focus their activities **exclusively on the realisation of their tax-privileged purposes as defined in their bylaws.**

In other words, it would violate the principle of exclusivity if the community foundation used one half of its funds for the realisation of not-for-profit purposes and the other half to create a regular source of income for the donors. There are exceptions to the principle of exclusivity as well. For example, a community foundation may use funds to

take care of the graves of donors or to honour their memory (art. 58 no. 6 AO).

Principle of directness

A not-for-profit organisation enjoys tax privileges because it has made it its task to support the general public. For this reason it is the not-for-profit organisation itself that must directly realise the tax-privileged purposes – but outside help is welcome.

A not-for-profit organisation can also involve **helpers** for its support.

In this case the activities of the helper must be attributable to the not-for-profit organisation's own activities (art. 57 (1) AO). To this end the not-for-profit organisation and the helper must conclude an agreement which stipulates that the not-for-profit organisation exercise control over the activities and can take decisions regarding the project.

Tax law also permits not-for-profit organisations to pass on, within narrow limits, their own funds to other tax-privileged organisations, that is to say, to become sponsors themselves. If the community foundation focuses on supporting other

organisations, this requires a pertinent provision in its bylaws (art. 58 (1) and (2) AO).

Donations and external donations with tax benefits

Foundations are in the unusual situation of pursuing their not-for-profit purposes primarily by drawing on the earnings of their capital. This is only possible if their endowment fund is sufficiently large.

For this reason the legislature has created special incentives that allow a foundation to build a capital reserve: taxpayers can apply to deduct donations to a foundation to promote its tax-privileged purposes during the assessment period and the following nine assessment periods, up to a total of EUR 1 million.

The government is interested in supporting the work of not-for-profit organisations, as they perform tasks which serve the public at large. For this reason **tax law grants benefits for donations** to charitable organisations (e.g. art. 10 (1) sentence 1 no. 1 Income Tax Law).

The Foundation Supervisory Authority

Many people in Germany use their property to launch a foundation. If the foundation is recognised by the government, this creates a new legal entity to which the donor transfers the endowment fund. After the transfer, the assets no longer belong to the person but to the foundation.

As a separate fund, the foundation has no shareholders who own it and who are therefore interested in controlling the activities of Board of Directors. Therefore the donor may have reason to fear that the bodies of the foundation fail to adhere to the bylaws but simply spend the available funds according to their personal preferences. That is why the Foundation Supervisory Authority has been established.

The Foundation Supervisory Authority has three main duties:

- It protects the intent of the donor and the purpose of the foundation.
 - It protects the preservation of the endowment capital in compliance with the bylaws and legal provisions.
 - It protects abuses of the law by the bodies of the foundation.
-

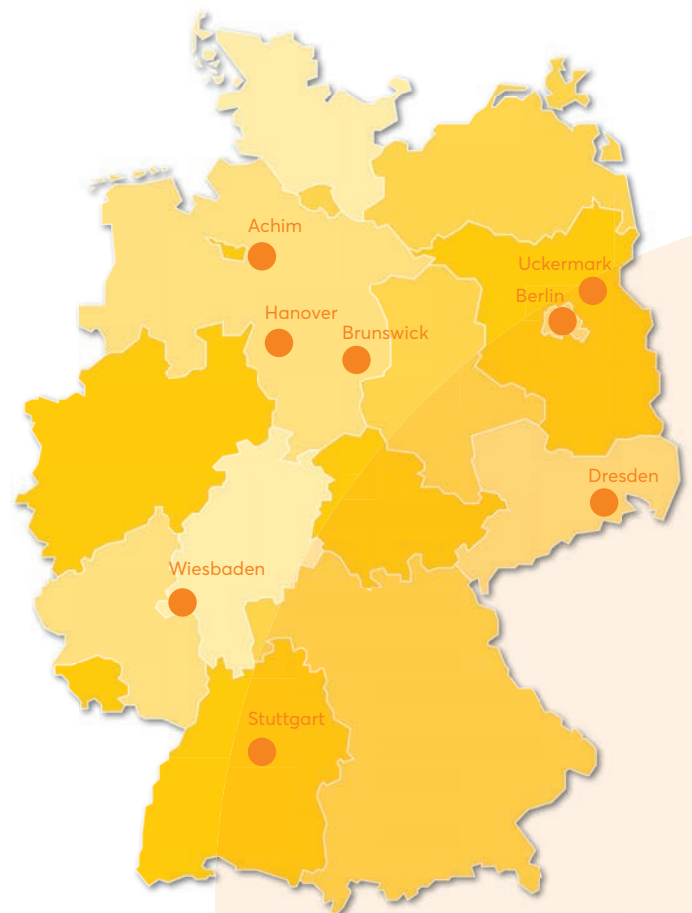
Best practices & learnings

Stories from the community foundations

Peer learning helps to build relationships between community foundations and community foundation support organisations, providing inspiration or supportive experts or organisations (within and beyond Europe) from inside and outside the community foundation or community philanthropy field. The dialogue with one another and a look “behind the scenes” of all different kinds of community foundations in Europe inspires ideas and leads to important new insights.

A look behind the scenes

Community foundations in Germany assume three roles which distinguish them from other actors: they are managers of endowment funds, platforms of civic engagement and intermediaries and moderators (see p. 15). Many community foundations perform all three functions successfully – but there are some best practices which manage specific tasks particularly well. Six of these examples are presented below. Yet hundreds of additional success stories about great community foundation work can obviously be found throughout Germany.



Map of Germany showing the community foundations mentioned.

(Source: Community Foundations Initiative)

Of trustees and donation professionals

As managers of capital, community foundations take care of the jointly collected foundation assets. Many German community foundations rely on civic engagement to carry out operative projects – and this is a good thing. But needless to say, nothing goes without money.

How people in Dresden donate future

Community donors exercise various options to build capital and collect donations. One of them is trusteeship. The **Community Foundation Dresden**, for example, offers the option of launching a foundation without legal capacity under its umbrella. This is possible from an amount of EUR 25,000. The **Community Foundation Dresden** helps writing the bylaws and, as legal proxy, takes care of all important steps.

In the 1990s, director Winfried Ripp managed the establishment of the **Community Foundation Dresden**, which was initiated by the Körber Foundation and had a starting capital of EUR 51,000. Today the community foundation has funds of over EUR 3 million. The capital of the foundations without legal capacity under its umbrella amounts to over EUR 2 million.

Many community foundations in Germany regard themselves as local service providers. Some manage one or two foundation trusts or endowment funds, while others are in charge of 30 foundation trusts. Donors who sign a contract with a trustee mainly want to be relieved of administrative duties and rely on the expertise of the community foundations. Oftentimes they are no less committed than other donors.

Numerous foundation trusts with different objectives, all of which are dear to the heart of the donors, are gathered under the umbrella of the **Community Foundation Dresden**: since 2005, e.g., the **StudentenStiftung Dresden** has been dedicated to the battle for improving conditions of studying and supported projects in which students themselves take the initiative. As a community foundation, the **StudentenStiftung** relies on additional donations, including from outside. The **Stiftung Dresdner Kinderhilfe** (Children's Aid Foundation) pursues a very specific purpose: it wants to financially secure "Teddybär", a house for parents of chronically ill children at the University Hospital Dresden, for the long term.

Sometimes new objectives arise for community foundations which are not provided for in the bylaws. This makes their work more diverse, and supporting projects can

» *Launching a foundation trust is often worthwhile. When sufficient capital is available, synergy effects can be generated or additional donations or inheritances can be acquired. It also allows for serving purposes which are not expressly mentioned in the bylaws of the community foundation that serves as the umbrella foundation. This always requires pertinent competence. For strategic reasons, it certainly makes sense for a community foundation to function as an umbrella for foundation trusts and in this way to establish itself as a local competence centre for donating.*

Winfried Ripp, Community Foundation Dresden

generate synergy effects. But it also entails challenges. Dorothea Jäger, chairwoman of the Board of the **Community Foundation Hanover**, is familiar with this: "With over 30 foundation trusts and endowment funds, we work on many different issues. Some of them run on their own, especially if the donors themselves are actively involved. But often bringing the intention of the donor and support projects together in the best way possible takes a lot of work."

Tips for community foundations which manage foundation trusts:

1. Clear, written agreements concluded at the beginning of the trustee relationship minimise the conflict potential.
 2. A project committee with experts who are well connected in the region can help with the selection of good projects to be supported by foundation trusts.
 3. When the process of building the assets of the foundation trust is moving along at a sluggish pace and projects cannot be supported in a meaningful way, the foundation trust can be transformed into an endowment fund under the umbrella of a community foundation. In this way it is possible to continue to pursue the purpose of the foundation.
 4. To get higher returns and minimise the investment risk through more capital, foundation assets should be pooled. Regional management and investment pools of community foundations are a good way of doing this.
-

Brunching with the citizens of Brunswick

Soliciting donations requires creativity. And when an idea is particularly good, it is adopted by others. Take the citizens brunch of the **Community Foundation Brunswick**, for instance. On a Sunday in May 2016 the Brunswickers met "at the longest table in the city" for the sixth time already to eat, listen to music, talk and get to know each other.

The concept is simple but smart: The community foundation supplies beer tent furniture and drinks – with the support of local restaurant businesses. Attendants bring their own brunch titbits. A table for ten people at the citizens brunch costs between EUR 50 and 60, and proceeds go to the children's and youth projects of the community foundation. Musicians, stage acts and performances involving the audience provide entertainment, and a lot of donations are collected at the event to boot.



The idea for the citizens brunch was formed in May 2004. "As a young community foundation we were wondering: How do we ever become known?" recalls Karin Heidemann-Thien, a member of the Board of the **Community Foundation Brunswick**. "We'll put up a lot of beer tent furniture at the city centre and have a picnic. That sounded very simple." The article in the Brunswick newspaper triggered a veritable run – a team of 20 volunteers answered the phone, confirmed reservations and assigned the tables, and 250 volunteer workers set everything up starting at 5 a.m. on the day of the event. It was a tour de force but worth it.

Over the years the community foundation has learned a few lessons, according to Karin Heidemann-Thien: "What we see on site: your ability to excite young people is limited, many prefer to brunch privately, with friends and family. And so we organised a few small city district brunches. This has shrunk the number of bookings we receive. But in May 2016 it still meant that we sold 780 tables and 8,000 people came. The idea still has allure."

The impact of the citizens brunch in the media cannot be underestimated. If you manage to mobilise thousands of people, you'll be talked about. Therefore many people in the region are familiar with the **Community Foundation Brunswick**. The **10 characteristics** also specifically require "public relations work", and with good projects community foundations can certainly create a stir in the press.

The **Community Foundation Brunswick** has thrilled citizens with its public picnics since 2005 – and it also makes the knowledge it has gained available to other community

foundations: by now regular citizens brunches are held in Hanover, Rostock, Gütersloh and other cities.

The most important steps for holding a citizens brunch:

1. Make arrangements with the city administration.
 2. Get volunteers and sponsors on board.
 3. Plan an entertainment programme and other fundraising activities (e.g. prize draw, competition, etc.).
 4. Organise beer tent furniture.
 5. Do public relations (e.g. with flyers, cinema advertising, etc.) and inform the media.
 6. Let tables.
 7. When setting everything up, make sure there are escape routes, fire rescue paths and room for people in wheelchairs.
 8. Provide electricity, water and toilets nearby.
 9. Keep capes or umbrellas ready in case it rains.
 10. After the event: follow up by collecting experiences and feedback.
-

Give people the opportunity to more civic engagement

Community foundations are platforms for civic engagement. Frequently they offer people in the region diverse opportunities to get involved and help out. At the same time they make the engagement visible and in this way also inspire new volunteer initiatives.

Making Wiesbaden's citizens strong for volunteer work

People who want to actively support a good cause usually have a sound hands-on mentality and put their heart into it. That is why there are so many admirable projects which are carried out by volunteers. But how can one support these people even better? This was what the community foundation in Wiesbaden in the state of Hesse, the **Wiesbaden Foundation**, was wondering before it decided to launch the **Bürger-Kolleg** in 2010.

The **BürgerKolleg** offers free advanced education and training for committed citizens from Wiesbaden and surroundings. More than 300 seminars, workshops and other events have taken place so far, with a total of nearly 4,000 attendants. Over 600 different associations, groups and initiatives have been supported to date by the **Wiesbaden Foundation**. Marie-Luise Stoll-Steffan, vice-chairwoman, explains: "By now we provide all volunteers who want to spontaneously engage in work on behalf of refugees with the fitting qualifications – e.g. as mentors or German teachers – free of charge and without any red tape. The **Bürger-Kolleg** offers more than just qualification. Networking is equally important. In 2016 we launched a 'Lobby for Refugees' to aid the entire integration process rather than look-

ing at qualification as an isolated issue. We work together with local actors on strengthening the self-organisation of the refugees and integrating them in existing groups and tasks of the civil society."

Children co-decide in Uckermark County

Why is it always the grown-ups who call the shots? Especially when the issue is children's rights, the kids should have a say, too. Take Uckermark County in north-eastern Brandenburg, for instance. Here the **Community Foundation Barnim Uckermark** implemented the initiative "x-mal anders. x-mal gleich." (x times differently, x times equally) for three years to include children in establishing children's rights in the town and schools. The project underwent several phases between 2013 and 2016. The concept was based on the community foundation's many years of experience with children's rights. The **Community Foundation Barnim Uckermark** has no doubt that young people have a desire and the ability to join the debate on this issue.

To get children excited about becoming involved and having the right to co-determination in their town requires special formats. And so the **Community Foundation Barnim Uckermark** initiated the **Children's Rights Club**", for example: girls and boys met once a week as part of the project to develop ideas on how to bolster children's rights. One of the issues that were important to the kids was that people should find out about children's rights to begin with – and that this be worded in a way that was comprehensible to everybody. They wrote down their rights in their own words, and "children's rights biscuits" were baked, each of which contained a small piece of paper – much like a Chinese fortune cookie – on which was written one self-formulated



children's right. A resounding success! The proceeds from the biscuit sale went into children's and youth projects in the Barnim Uckermark region.

In addition to the Children's Rights Club and the biscuit campaign, many other projects were carried out as part of the "x-mal anders. x-mal gleich." initiative – often in cooperation with preschools and schools. The **Community Foundation Barnim Uckermark** is providing extensive documentation of the initiative. The most important insights:

- Participation means paving the way for mutual recognition.
- Participation means conducting genuine dialogue processes.
- Participation needs to be learned and means yielding power.
- Change processes take a long time.

» *Implementing children's rights in society requires permanent work in the everyday of preschools and schools. The objective is to make the establishment of children's rights an integral part of the institutions. Here, too, the principle applies that money is not everything, but without – public or private – money nothing is going to work in the long run. We would like to communicate our experiences to other towns in the region as well, and our project workers will be pleased to advise interested people."*

Uta Leichsenring, Community Foundation Barnim Uckermark



A park for all generations in Achim

For a long time there was an abandoned park property behind the old town hall in the city of Achim near Bremen. Its potential was recognised by the **Community Foundation Achim**. The vision: bringing the park to life again! This is how the idea of the Generations Park for young and old people came about.

In 2009 work could begin – thanks to the financial support of the community foundation, the citizens of Achim, local companies which contributed money and man hours, a landscape architect as well as associations and the city government.

The Generations Park has been a project of many regional actors to this day. Not only well invested money but also many hours of civic engagement have been put into it. By now the Generations Park has three boules alleys, a playground, a pavilion, and gaming afternoons for children, culture and music festivals are held.

Everyone is brought together

Thanks to their independence, community foundations can take on the role of intermediary or moderator in the town. They have an open ear, recognise needs and are the mouthpiece of people who are otherwise not heard.

Smart solutions for Stuttgart

How can we support refugees better? This was the question many actors in cities and townships throughout Germany have been asking themselves for some time. The **Community Foundation Stuttgart** understood that smart solutions are most easily found jointly: its roundtable method brings all people in the city together who have something to say about a specific issue. When a good solution has been found, the community foundation is committed to properly implementing the ideas. So there is not just talk, people also act.

That joint debates at the start of a project are important was once again demonstrated in December 2015. The issue was "Refugees and Training". The meetings, which took place on the initiative of the **Community Foundation Stuttgart**, were attended by all relevant actors: from the employment agency and the job centre to large companies, the Chamber of Crafts and through to the Office of Social Affairs and Youth Welfare, everybody was there.

During the meetings it turned out that consultation was available for young refugees and companies wanted to hire them. However, often these offerings were not taken advantage of because people quite simply were not aware they existed, procedures were too complicated, language skills were lacking or the young refugees were afraid of the authorities. Together the different actors developed the concept for the "training campus": young refugees and companies get all the counselling and support they need for successful placement in the job market at one point of contact in Stuttgart.

Better projects through intensive dialogue

For the **Community Foundation Stuttgart** the roundtables are not only a method: the idea is based on the belief in the wisdom of the group and the insight that those concerned can make particularly valuable contributions to solving problems. In this way new networks between administration, business, culture, politics and the civil society are being established on the initiative of the community foundations.

The challenge is to actually bring all relevant actors together – which takes an effort: people must be persuaded and meetings must be organised. Plus, it goes without saying that these complex participation processes require professional moderation.

Network – Community Foundations Initiative

The Community Foundations Initiative (Initiative Bürgerstiftungen – IBS) is the only independent authority for all questions pertaining to community foundations in Germany. Its aim is to advise new initiatives and existing foundations in its strategic and professional work, to give useful impulses and to build a network to facilitate exchange among community foundations in Germany. The IBS also wants to strengthen public awareness of the Community Foundations concept.

Numerous information resources can be ordered at the IBS. The IBS provides and can also send representatives to take part in discussions and workshops all over Germany. Since autumn 2005, IBS has received support for its work from regional curators from the community foundations sector. Across the country, they serve as local contacts who can offer advice and practical experience in committee and project-based work.

The Initiative's office is located within the Association of German Foundations.

www.buergerstiftungen.org

Websites of the community foundations:

- BürgerKolleg of the Wiesbaden Foundation: <https://www.buergerkolleg.de>
- Community Foundation Achim: <http://www.buergerstiftung-achim.de>
- Community Foundation Barnim Uckermark: <http://www.barnim-uckermark-stiftung.de>
- Community Foundation Brunswick: <http://www.buergerstiftungbraunschweig.de>
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About ECFI

Our vision

Our vision is a world in which strong civil organisations work in peaceful harmony in order to improve communities and societies, starting at the local level. We want to provide the global movement of community foundations with a central contact point in Europe.

Our mission

As an umbrella initiative we build a network for community foundation associations and support organisations in Europe and encourage the launch of these organisations and their foundations. We promote and develop the community foundation movement in Europe by creating a strong and effective network and facilitating learning exchange and joint action among them.

Our beliefs

We believe in community foundations as a vibrant form of civil self-organisation. As foundations created for citizens by citizens, they are evidence of a strong and engaged civil society, contributing significantly to the local resolution of important social issues. Their capital endowment contributes to the sustainability of efforts on a local level. Infrastructural support is well-suited to promote the quantitative and qualitative development of community foundations as demonstrated by national organisations (e.g. UK Community Foundations in the United Kingdom or the Community Foundation Initiative in Germany).

Our strategic priorities

- We strengthen community foundation associations and support organisations in Europe and their local community foundations by providing networking and peer learning opportunities.
- We listen to the needs and challenges of community foundations and provide a platform for exchange, development of relationships and collaboration on pressing European issues.
- We build a knowledge base on community foundations in Europe and promote the contributions community foundations can make to social cohesion.
- We raise additional resources and involve new donors and partners at a European, transnational and national level to support the community foundation movement in Europe.

Our next steps

- We will establish an advisory group as a circle of community foundation associations and support organisation experts and researchers.
- In collaboration with associations and support organisations we will map the field of more than 600 community foundations in Europe. This data collection will provide additional information about needs and challenges in the different European countries.
- We will offer a cross-border peer learning programme which addresses the needs of leading individuals in the field

of community foundations in Europe. Our written reports synthesising local results will provide a useful tool that is made available to anyone interested in community foundations.

- Every two years we will organise a European Conference of Community Foundations (the next one in 2017).

The European Community Foundation Initiative (ECFI) is housed at the Association of German Foundations in Berlin. Our partners (UK Community Foundations, Initiative Bürgerstiftungen, Centrum pre filantropiu in Slovakia) work throughout Europe.



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