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Business registers in EU countries

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Austria

Austria



This section provides you with an overview of Austria's business register.

History of the national register establishment

When was it founded?

Until 1990 the Austrian commercial register (*Handelsregister*) was kept in paper form. In 1991 it was replaced by the *Firmenbuch*, which is managed as an electronic database.

When was it digitised?

When the *Handelsregister* was replaced by the *Firmenbuch* in 1991 the data held in the principal register (*Hauptbuch*) was transferred to an electronic database. Since then all data, both current and historical (dating back to 1991), has been available electronically. Since 2005 the document archive (*Urkundensammlung*) of the commercial register has also been kept in electronic form.

What is the current applicable legislation?

The key legislation is laid down in the Commercial Register Act (*Firmenbuchgesetz - FBG*) and the Commercial Code (*Unternehmensgesetzbuch - UGB*).

What information does the business register offer?

Who has access to the register?

Anyone may access the commercial register database to obtain information on entries in the register. Both the principal register and the document archive can be accessed.

What information does the register hold?

The [principal register](#) of the commercial register contains information on all registered Austrian businesses. The documents on which those entries are based are stored in the document archive.

The purpose of the commercial register is to record and disclose facts that must be registered in accordance with the provisions of company law. These include a company's commercial register number, business name, legal form, registered office and business address, as well as the persons authorised to represent it. In principle, changes to the facts entered in the commercial register must be notified to the court without delay (notification obligation).

Which data types are stored? (Which entities are entered in the public register? Information on insolvency, financial reports ...)

In accordance with Section 2 FBG, the following in particular must be entered in the principal register: all limited companies (private limited company (*Gesellschaft mit beschränkter Haftung* - *GmbH*), public limited company (*Aktiengesellschaft* - *AG*), European Company - *SE*), registered partnerships (general partnership (*offene Gesellschaft* - *OG*) and limited partnership (*Kommanditgesellschaft* - *KG*)) and cooperatives (including European Cooperative Societies - *SCEs*) that have their registered office in Austria. Civil-law partnerships (*Gesellschaften bürgerlichen Rechts* - *GesbR*) are not entered in the commercial register, as they do not possess legal personality. Foreign legal entities must be entered in the commercial register if they operate a branch in Austria.

In principle, **sole traders** may be entered in the commercial register on a voluntary basis. Entry in the commercial register is compulsory only if the sole trader generates turnover in excess of EUR 700 000 in two consecutive financial years or turnover in excess of EUR 1 000 000 in any one year.

Which documents are being filed/stored (files, book of documents, statutes, general meetings minutes ...)?

In addition to the entries in the commercial register's principal register, numerous documents are stored in the document archive. These include, in particular, the articles of association of limited companies, the financial statements of companies with an obligation to prepare accounts and sample signatures of authorised representatives.

How can I perform a search (and what are the available search criteria)?

In person / On the website of the register.

What are the available search criteria?

An extract from the commercial register can be retrieved from the database by entering the commercial register number (*Firmenbuchnummer*). In principle, such an extract contains the data currently entered in the register. However, deleted (historical) data can also now be issued on request.

If the commercial register number is not known, it is possible to search using the name of the legal entity (*Firma*) or the name of a person who holds a particular office within the legal entity concerned (e.g. managing director).

All documents that have been stored electronically relating to a legal entity can also be retrieved via the document list (*Urkundenliste*).

See also the information under the question 'How can I obtain an extract from the register, certified copy or transcript of documents?'

How can I obtain documents?

Free of charge? Upon a fee?

See the information under the question 'How can I obtain an extract from the register, certified copy or transcript of documents?'

How can I obtain an extract from the register, certified copy or transcript of documents?

From the commercial register database it is possible to retrieve both commercial register extracts (from the principal register) and documents (from the document archive). The documents that are available for a legal entity can be seen in the document list. There is a charge for requesting data from the commercial register database, with the exception of the free summary information containing the main details about a legal entity.

If the company name or commercial register number of a legal entity is known, commercial register extracts and documents can be retrieved via 'JustizOnline', the digital information and service platform of the Austrian

judiciary. For products subject to a charge you have to register using a mobile phone signature and must be able to make an online payment. The summary information mentioned above, on the other hand, can be accessed without having to fulfil any further conditions.

Permanent online access to the Austrian commercial register with all search options can be obtained via a *Verrechnungsstelle*. These are firms contracted by the Ministry of Justice to handle commercial register enquiries. All notaries, lawyers and auditors and tax advisers (*Wirtschaftstreuhänder*) also have such online access. Requests for information from the commercial register database can also be submitted to the courts.

Registration procedure

How can I launch the registration procedure (how to submit applications to the register, certification of documents, type of documents which need to be attached)?

In person / Online

In principle, applications to the commercial register must be submitted in writing and the signatures of the applicants must usually be certified by a notary or court.

The entry that is being requested must be precisely indicated in the application. In many cases corresponding documents must also be enclosed with the application, some of which are subject to specific formal requirements. The articles of association of an AG or GmbH, for example, must always take the form of a notarial deed.

Applications may be submitted to the commercial register court in paper form or electronically. Specific forms are available for certain applications. See:

<https://justizonline.gv.at/jop/web/formulare/kategorie/2>

<https://portal.justiz.gv.at/at.gv.justiz.formulare/Justiz/Firmenbuch.aspx>

On this page it is not possible to provide details of all the formal and content requirements that applications to the commercial register must satisfy, in addition to the basic information set out above. If you require advice in this area, please contact a notary or lawyer.

How are submitted applications reviewed?

Applications are subject to a formal and substantive review by the competent commercial register court. These are the courts of first instance responsible for dealing with commercial matters (regional courts (*Landesgerichte*)). Territorial jurisdiction is determined based on the location of the head office or registered office of the legal entity that has been or is to be entered in the commercial register.

At the commercial register courts decisions are made by judges or judicial officers. If an application cannot be approved due to shortcomings, the court may ask the applicant to correct the application.

Legal effects of the registration

Effect of entries on third parties according to Article 17 of Directive (EU) 2017/1132

The effects of entries in the commercial register vis-à-vis third parties are regulated by [Section 15 of the Commercial Code](#), which states that a fact which should have been entered in the commercial register, but was not, cannot be invoked by the company concerned against a third party, unless the third party was already aware of the fact in question (paragraph 1). Once a fact has been entered, a third party must accept the fact as binding on it. However, this does not apply to legal acts carried out within 15 days of entry, provided that the

third party proves that they were neither aware nor ought to have been aware of the fact (paragraph 2). The company must also accept incorrect entries as binding on it vis-à-vis a third party in commercial transactions if it made the incorrect entry itself or did not delete an entry which it knew or should have known to be incorrect. However, the company does not have to accept incorrect entries as binding on it if it can prove either that the third party acted without relying on the entry, or that the third party knew it was incorrect or did not know as a result of gross negligence (paragraph 3).

The binding version of the articles of association of an AG or a GmbH is always that which appears in the commercial register, as any amendment to the articles of association has no legal effect until it is entered in the commercial register ([Section 148\(3\) of the Public Limited Companies Act \(Aktiengesetz - AktG\)](#), [Section 49\(2\) of the Private Limited Companies Act \(GmbH-Gesetz - GmbHG\)](#)).

Discrepancies between the register entry and its publication

As commercial register entries from the commercial register database are forwarded directly to the additional publication media (legal notices database (*Ediktsdatei*) and *Wiener Zeitung* Official Gazette) using an IT-supported process, discrepancies between the content of the commercial register entry and the content of the additional publication can be virtually excluded. Should a discrepancy nevertheless arise, the entry in the commercial register takes precedence.

Who has responsibility for the accuracy of the records?

In principle, every entrepreneur is obliged to ensure that the facts about him or her that are entered in the commercial register are correct and up to date. If such facts change, the commercial register must be notified without delay. If a person who is obliged to notify the commercial register of a fact fails to submit an application to that effect, he or she may be compelled to do so through the imposition of fines.

Data protection procedures

Procedures relating to the rights of the data subject regarding publishing and storing their personal data

Any data protection entitlements are governed primarily by the provisions of the judicial commercial register procedure (see Section 84 of the Court Organisation Act (*Gerichtsorganisationsgesetz*)).

Contact information

The commercial register court with territorial jurisdiction for a particular legal entity (see the information under the question 'How are submitted applications reviewed?') can be determined using the court search (*Gerichtssuche*) function on the 'JustizOnline' platform. See: <https://justizonline.gv.at/jop/web/home>

Useful links

<https://www.justiz.gv.at/home/service/firmenbuch~36f.de.html>

<https://justizonline.gv.at/jop/web/firmenbuchabfrage>

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