

Charter of the Eugen Biser Foundation

Preamble

The present era presents a picture of an epoch vacillating between promising awakening and menacing collapse. This conflict is reflected in the struggle within humankind, for whom so much of what for centuries has been but a dream has now come true, yet who at the same time is suffering under the weight of increasing self-alienation and now runs the risk of being overwhelmed by apersonal structures.

This ambivalence corresponds to the social and religious situation in which humanity finds itself all over the world. Under the influence of other religions and of the reach of secularism and atheism, Christianity has lost some of its identity and its power to shape events. This affects not only social cohesion in Germany but also the nascent European house, a house built on a foundation of the genuinely Christian principles of liberality, solidarity and tolerance. The integration of the European Union – with its strong attraction on other states as well – can be guaranteed only through a return to its own roots, including in particular the Classical World, Christianity and the Enlightenment.

A dialogue from Christian origins carried on with other religions, worldviews and cultures is an appropriate means of moving a society jeopardised by escalating egotism and growing aggression toward greater tolerance, humanity and co-operativeness, and to help self-alienated humankind to a new identity.

It is a Christian conviction that human rights, with its basic values of liberty, equality, fraternity and the consequences that these values entail, are anchored in the fact of our very personhood. To make these values a reality, the Foundation endeavours to work with all individuals and institutions who pursue the same objectives and are willing to engage in dialogue. This co-operation is rooted in an awareness that basic ethical values with a close kindredness of purpose to those of Christianity are also to be found in non-Christian religious communities and among representatives of secular worldviews.

At the same time, the tasks of this dialogue also address the emphases of the life's work of Eugen Biser, a theologian, existential philosopher and diagnostician of the modern era. This work is oriented around a comprehensive exploration of the spiritual-religious situation of our time and is committed to understand and present Christianity as a response to the challenges that our situation poses. Eugen Biser's work is guided by the question of man as a moral subject characterised by personal liberty, interpersonal interrelatedness and social situation. The focus is the concept of theology that, referring to the heart of the gospel, attempts to lead man back to himself and Christianity into the future.

§ 1

Name, Legal Form, Headquarters

The Foundation shall bear the name 'Eugen Biser Foundation'. It is a foundation under public law and is headquartered in Munich, Germany.

§ 2

Purpose of the Foundation

- (1) Working from a Christian understanding of the world and values, the Foundation focuses on all areas of human existence in the interest of encouraging dialogue and communication with other religions, worldviews and cultures in an effort to advance the cause of freedom, tolerance and peace. The activities described in paragraphs (2) through (4) are undertaken in service of the purpose of the Foundation.

Dialogue is to be based upon the Foundation's understanding of the world and values, an understanding shaped by the theological and philosophical work of Professor Dr. phil. Dr. theol. Dr. theol. h. c. Dr. phil h. c. Eugen Biser. It is his intention to develop an understanding of Christianity that points the way to the future – by referring back to the very origins of Christianity. In his work, he devotes particular attention to the consequences of this understanding – particularly with regard to a Christian view of God, man and the world. The aim is to make this work, in its totality and in its constituent elements and objectives, fruitful for theology and for the practical conduct of Christian life in the Church, in the state and in society as a whole.

- (2) In particular, the purpose of the Foundation shall be fulfilled through the following measures:
 - a) Intensification of interreligious and intercultural dialogue from a Christian point of origin with the other monotheistic religions (Judaism, Islam), and with other worldviews and cultures;
 - b) Participation in the organisation of a shared basis for tolerant, peaceful coexistence of the religions and nationalities, both at the national and supranational levels;
 - c) Imparting the basic values of Christianity and Christian ideas on behalf of the social, political, legal and cultural shaping of our shared existence and on behalf of the future of Europe;

- d) Preservation, development, continuation and dissemination of the theological and philosophical work of Eugen Biser by promoting scholarly studies, including studies in neighbouring areas (such as e. g. dissertations and postdoctoral qualifications) and through support for publications and events (lectures and seminars);
- e) Promotion of communication and ecumenism within Christianity. In view of the past, the aim is to engage in critical reflexion to open up perspectives for the future and, by focusing on the heart of Christianity, to initiate and accompany a process of intra-Christian regeneration;
- f) Analysis of the spiritual and religious developments across all contexts of the realities of human life in different forms of government – from the individual to the family to society as a whole. These developments are characterised, among other things, by a diminishing acceptance of Christian faith and of its basic values, by robust growth among other religions and by the advance of agnosticism and atheism;
- g) Publications, symposia, seminars, lecture series on topics of interest to the Foundation, conducted in collaboration with colleges and universities, academies, other educational institutions and cultural institutions as well as the business community;
- h) Presentation of a € 5,000 Eugen Biser Award for
 - (1) Outstanding scholarly publications in the fields of theology or philosophy drawing on the theology of Eugen Biser or addressing related problems and/or
 - (2) Public service on behalf of Christian values of the type supported by Eugen Biser and/or
 - (3) Dialogue and encounters with other religions, worldviews and cultures in an effort to promote freedom, tolerance and peace;

- i) A cataloguing of the source and reference works in philosophy, theology and religious studies in the library created by Eugen Biser, along with development of the archive for research purposes; the library shall be supplemented and carried forward with Foundation funds.
- (3) The Foundation shall be entitled to serve as a sponsoring foundation for one or more dependent foundations the purposes of which are charitable and encompass or adjoin the purposes of the Foundation.
- (4) Where the Charter makes no other provision, it is the Board of Trustees of the Foundation that shall determine the specifics of the way in which the purpose of the Foundation is to be fulfilled. Decisions taken in this regard shall take into consideration the amount of funds available to the Foundation through its capital yields and donations. This shall also apply in the case of any resolutions pertaining to supplemental measures not included in the examples set forth in Paragraph (2), above, for the fulfilment of the purposes of the Foundation. In individual instances, the Board of Trustees shall be authorised to pass resolutions modifying the amount of remuneration associated with the Eugen Biser Award (Paragraph 2 h).

§ 3

Charitable Status of the Foundation

- (1) The Foundation shall act to promote only such purposes as are directly charitable in nature, in keeping with the spirit of the section of the German Tax Code designated 'Tax-Privileged Purposes'.
- (2) The Foundation is non-profit. It shall not pursue purposes primarily for its own economic advantage. Foundation funds may be used only for purposes that are in accordance with the Charter. No legal or natural person may benefit as a result of expenditures alien to the purpose of the Foundation, or as a result of donations or other forms of support or remuneration alien to the purposes of the Foundation.

- (3) There shall be no legal entitlement to allocation of Foundation funds.

§ 4

Basic Assets of the Foundation

- (1) The basic assets of the Foundation shall be kept in reserve. [...]
- (2) Endowments (donations to the basic assets of the Foundation) shall be permissible. Donations not earmarked for any particular purpose as a result of a transfer by reason of death may be added to the basic assets of the Foundation.

§ 5

Foundation Funds

- (1) The Foundation fulfils its mission
- a) from the proceeds generated by Foundation assets.
 - b) from donations with respect to which the donor has not designated their addition to the basic assets of the Foundation; this provision shall be without prejudice to § 4 (2) clause 2.
- (2) The Foundation shall have permission to provide interim financing where written confirmation of donations of public funding is in hand by taking out a bank loan in the amount of up to 70 % of the amount of funding promised but not yet disbursed.
- (3) All Foundation funds may be used only for purposes that are in accordance with the Charter. The administrative expenses of the Foundation must be covered in advance from proceeds of and donations to the Foundation.

- (4) The Foundation shall also be authorised to make funds and material resources available to other, similarly tax-privileged entities, institutions and foundations, or to an appropriate public agency, provided that these recipients devote these funds and resources to measures in accordance with § 2 paragraph 2.
- (5) Reserves may be created, if and insofar this is necessary to permit sustained fulfilment of the tax-privileged purposes of the Foundation under the terms of this Charter, and insofar as specific objectives and a timetable exist for use of these reserves. Above and beyond any free reserve amounts permissible within the scope of the provisions of tax law relating to tax-privileged purposes, a portion of any surplus income in excess of the costs of asset management may be allocated as free reserves.
- (6) In the individual case, the Board of Trustees of the Foundation shall determine whether and in what amounts profits deriving from the basic assets of the Foundation, e. g. from the sale of securities or real estate, are to be reallocated to the basic assets of the Foundation or earmarked as proceeds for use on behalf of the purposes of the Foundation. Where the Board of Trustees has passed no resolution to the contrary, profits deriving from the basic assets of the Foundation shall be reallocated to the basic assets of the Foundation.

§ 6

Governing Bodies of the Foundation

- (1) The governing bodies of the Foundation shall be the Executive Committee and the Board of Trustees of the Foundation. As an additional governing body of the Foundation, a Special Representative may be added in accordance with § 30 of the German Civil Code (BGB).

- (2) The Board of Trustees shall appoint an Advisory Board. It shall also have authority to establish one or several sponsorship and discussion groups.
- (3) In the absence of provisions to the contrary in this Charter, the activities of the governing bodies of the Foundation shall be performed on a voluntary basis. Any outlays incurred in this connection may be compensated within a reasonable amount. Foundation funds permitting, in exceptional cases the Board of Trustees shall be authorised to pass resolutions providing reasonable compensation for the commitments of time and resources by members of the Executive Committee and Board of Trustees.

§ 7

Executive Committee of the Foundation

Number, Chairmanship, Term of Office, Appointment and Recall of Its Members

- (1a) The Executive Committee shall consist of at least 2 but not more than 5 persons. Executive Committee membership shall be limited to members of the Christian faith.
- (1b) Members of the Executive Committee may work for the Foundation against payment as well. The appointment and recall of these members, and their position as members of a governing body, shall be governed by the same provisions as those applicable to Executive Committee members serving on a voluntary basis. The Board of Trustees shall be responsible for the conclusion, amendment, termination and cancellation of contracts of paid service with career members of the Executive Committee.

- (2) Members of the Executive Committee shall be appointed to terms of office of 5 years in accordance with Paragraph 4, below. Members shall be eligible for reappointment to the Executive Committee. Should an Executive Committee member not complete his or her term of office, the member selected to replace him or her shall be appointed to a full term of office of five years. A departing Executive Committee member shall remain in office pending appointment of his or her successor, unless the Executive Committee consists of at least two members even following the member's departure.
- (3) Individuals who have reached the age of 75 shall not be appointed as members of the Executive Committee. This age limit may be waived in individual cases.
- (4) The appointment and recall of the membership of the Executive Committee of the Foundation shall be carried out by the Board of Trustees of the Foundation; likewise, it is the Board of Trustees that appoints the chairman and vice-chairman of the Executive Committee and that has authority to award rights of sole agency to individual members of the Executive Committee.
- (5) If, for whatever reason, the Executive Committee of the Foundation should consist of just one person, then, by virtue of this fact, if not already in possession of rights of sole agency, the remaining Executive Committee member shall acquire rights of sole agency in the affairs of the Foundation, effective for the remainder of his or her membership. The Board of Trustees shall be under obligation, as far as possible, to appoint an additional member to the Executive Committee within three months, but not later than within six months.
- (6) In the absence of an exercise by the Board of Trustees of its appointment authority under Paragraph 4, the Executive Committee shall select its chairman and vice-chairman.

- (7) The Executive Committee shall adopt rules of procedure applicable to its work; these rules shall be subject to approval by the Board of Trustees.
- (8) If the Executive Committee consists of more than two individuals, then its conduct of business shall be governed by the terms of § 12 of this Charter, provided no alternate measures have been determined under rules of procedure adopted in accordance with Paragraph 7 hereof.
- (9) The Executive Committee may appoint an honorary chairman. This individual shall have no voting right and no right of representation. Appointment, recall, term of office and reappointment of the honorary chairman shall be subject to the same provisions as are applicable to ordinary members of the Executive Committee.

§ 8

Power of Agency, Jurisdiction and Management Responsibilities of the Executive Committee of the Foundation

- (1) The Executive Committee shall represent the Foundation in and out of court. It enjoys the status of a legal representative. Its members, acting in groups of two, are jointly authorised to represent the Foundation, unless the Board of Trustees of the Foundation has granted rights of sole agency to an individual member of the Executive Committee.
- (2) Members of the Executive Committee shall recuse themselves from consideration of and action upon matters in which they have a personal interest. Details in this connection shall be determined by the Board of Trustees.

- (3) The Executive Committee shall have the Foundation audited by an auditor designated by the Board of Trustees, or by some other entity designated by the Board of Trustees and authorised to issue a comparable certificate of audit. The audit must also extend to a verification that the basic assets of the Foundation have been retained and that the funds of the Foundation have been disbursed in accordance with specifications.
- (4) The Executive Committee conducts the business of the Foundation and carries out ongoing management tasks, pursuant to any guidelines and resolutions to this effect as adopted by the Board of Trustees. The Executive Committee is under obligation to provide scrupulous and frugal management of the basic assets of the Foundation and of the other funds held. The Executive Committee shall keep a record of Foundation revenues and expenditures, under application of the principles of proper accounting. Further details are dealt with in the rules of procedure (§ 7 Paragraph 7).
- (5) The Chairman of the Executive Committee shall participate in the appointment or recall of members of the Board of Trustees, and of an honorary president or patron of the Foundation, in accordance with § 10 Paragraphs 6, 8 and 9.
- (6) The Executive Committee shall fulfil its reporting and accounting duties to the Board of Trustees through oral reporting and forwarding of relevant documents to the managing member of the Board of Trustees.

§ 8a

Special Representative in accordance with § 30 of the German Civil Code (BGB)

The Board of Trustees may appoint and dismiss a Special Representative, acting on a voluntary or paid basis, for certain divisions of the Foundation. The Board of Trustees shall be responsible for the conclusion, amendment, termination and cancellation of contracts of paid employment with the career Special Representative. The rights and responsibilities of a Special Representative vis-à-vis the Board of Trustees shall be determined pursuant to the provisions pertinent to the rights and responsibilities of the Executive Committee.

§ 9

Business Year

The business year of the Foundation shall be the calendar year.

§ 10

Board of Trustees of the Foundation

Number, Chairmanship, Term of Office, Appointment and Recall of Its Members

- (1) The Board of Trustees shall consist of at least 3 members of the Christian faith with scholarly qualifications (in the field of theology or philosophy) and not more than 9 members, including the two theologians referred to in Paragraph (3) who are of the Jewish or Islamic faith, as well as the managing member of the Board of Trustees as specified in Paragraph (4). The majority of the membership of the Board of Trustees, the Chairman of the Board of Trustees and the managing member of the Board of Trustees must be members of the Christian faith.

- (2) Members of the Board of Trustees are appointed to terms of 5 years. Should a member depart prior to the completion of his or her term, the member appointed to succeed the departing member shall be appointed to a full term of 5 years. Members shall be eligible for reappointment to the Board of Trustees. A departing member of the Board of Trustees shall remain in office pending appointment of his or her successor, unless the Board of Trustees consists of at least three members of the Christian faith even following the member's departure.
- (3) The members of the Board of Trustees shall include one Jewish theologian or member of the Jewish faith and one Islamic theologian or member of the Islamic faith.
- (4) The Board of Trustees shall have a managing member whose area of responsibility includes particularly the work of pursuing the legal and business matters of the Board of Trustees along with co-ordination between the Board of Trustees, the Executive Committee and the Advisory Board. The managing member of the Board of Trustees shall be the point of contact for the Executive Committee in all matters concerning the Board of Trustees or the Advisory Board.
- (5) Individuals who have reached the age of seventy-five shall not be appointed as members of the Board of Trustees. The age limit may be waived in individual cases. At the request of Eugen Biser, the age limit shall not apply in the case of Prof. Dr. Richard Heinzmann ('Richard Heinzmann'), Prof. Dr. Dr. h. c. Gunther Wenz ('Gunther Wenz'), and Dr. Heiner Koester ('Heiner Koester'). As long as Richard Heinzmann remains a member of the Board of Trustees, he shall also remain its Chairman. During his term of office, Gunther Wenz shall remain the Vice-Chairman of the Board of Trustees, and Heiner Koester the managing member of the Board of Trustees.

- (6) Appointments and any recalls of Board of Trustees members shall be decided by a majority vote by those members of the election committee who are authorised to vote; this committee shall consist of members of the Board of Trustees, the Chairman of the Executive Committee and the Chairman of the Advisory Board. A member eligible for appointment or recall shall have no voting rights in the disposition of the matter affecting him or her. If a member with voting rights on this committee should withhold his or her vote, that member shall not be taken into consideration when determining the number of individuals with voting rights in the matter before the committee.
- (7) Following the departure of Richard Heinzmann or Gunther Wenz or Heiner Koester from the Board of Trustees, the election committee (Paragraph 6) shall, by a majority vote of those persons eligible to vote, select the chairman or the managing member of the Board of Trustees to serve for a term of five years.
- (8) The Board of Trustees shall be authorised to appoint an Honorary President of the Foundation.
- a) Eugen Biser shall serve as Honorary President of the Foundation for life.
 - b) If Richard Heinzmann should withdraw from his capacity as Chairman of the Board of Trustees, at the request of Eugen Biser, following the conclusion of his honorary presidency, Richard Heinzmann shall assume this office for life. As long as Richard Heinzmann continues to serve as Chairman of the Board of Trustees, the appointment of any other honorary president shall be subject to his approval.

- c) Following the departure of Eugen Biser and Richard Heinzmann as the respective Honorary Presidents, the Board of Trustees shall have authority to appoint an honorary president for a term of 5 years. Honorary presidents who have completed their terms shall be eligible for reappointment. Paragraph (6), above, shall apply accordingly to the appointment and any recalls of honorary presidents and shall include the participation of the chairmen of the Executive Committee and of the Advisory Board.
 - d) The honorary president shall have no voting rights and no rights to represent the Foundation.
- (9) The Board of Trustees shall be authorised to appoint a patron to a term of office of five years. Patrons of the Foundation who have completed their terms shall be eligible for reappointment. Paragraph (6), above, shall apply accordingly to the appointment and any recalls of patrons of the Foundation and shall include the participation of the chairmen of the Executive Committee and of the Advisory Board.

The patron of the Foundation shall have no voting rights and no rights to represent the Foundation.

§ 11

Mission and Jurisdiction of the Board of Trustees of the Foundation

- (1) Unless and to the extent that additional powers have been granted to it by the Charter, the Board of Trustees shall have the following mission and jurisdiction:
- a) Determining the guidelines applicable to fulfilment of the purposes of the Foundation;
 - b) Passage of resolutions concerning the award of Foundation funds within the framework of the purpose of the Foundation;

- c) Passage of resolutions concerning the presentation of the Eugen Biser Award;
- d) Monitoring of the fulfilment of management responsibilities by the Executive Committee of the Foundation;
- e) Decisions approving the actions of the members of the Executive Committee;
- f) Establishment of the annual financial statement;
- g) Designation of an auditor, or other entity authorised to issue a certificate of audit comparable to that issued by an auditor, for purposes of review and certification of the annual rendering of accounts provided by the Executive Committee;
- h) Appointment and recall of members of the Executive Committee, of an honorary chairman and of a Special Representative in accordance with § 30 of the German Civil Code (BGB), as well as the issuance or revocation of rights of sole agency with respect to individual Executive Committee members or with respect to the Special Representative; approval of any rules of procedure applicable to the Executive Committee; and conclusion, amendment, termination and cancellation of contracts of paid employment with a career member of the Executive Committee or a Special Representative.
- i) Appointment and recall of the membership of the Board of Trustees, of any honorary chairmen thereof, and of any sponsors in accordance with § 10, along with the issuance and modification of the rules of procedure applicable to the Board of Trustees;
- j) Provision of assistance to the Executive Committee in the execution of its duties;

- k) Constituting an Advisory Board; appointment and recall of the members, and of any honorary chairmen, of the Advisory Board, along with the issuance and modification of any rules of procedure applicable to the Advisory Board;
 - l) Establishing sponsorship groups for the Foundation, along with appointment and recall of the membership thereof.
- (2) The Chairman and managing member of the Board of Trustees each individually represent the Foundation in legal proceedings with the Executive Committee or with individual Executive Committee members.

§ 12

Calling of Meetings, Quorum Rules, Voting Rights, Passage of Resolutions, Working Committee and Rules of Procedure of the Board of Trustees of the Foundation

- (1) At least once each year, the Board of Trustees will be convened in writing by its managing member to an ordinary meeting, with indication provided of the individual agenda items for the meeting. This announcement must be issued at least 4 weeks prior to the meeting. The Board of Trustees also convenes upon request by at least 1/3 of its members indicating the items to be considered.
- (2) The Board of Trustees shall have a quorum whenever the meeting has been called in appropriate fashion and a majority of its members are present or represented. Errors in the convening of meetings shall be considered rectified if all members affected are present or represented and no objections are raised. The meeting shall be presided over by the managing member of the Board of Trustees, unless a majority of the Board of Trustees members in attendance votes to designate another individual to preside.

- (3) In all matters before it, and unless otherwise specified in this Charter, the Board of Trustees shall decide on the basis of a majority of its members. If a member with voting rights should withhold his or her vote, that member shall not be taken into consideration when determining the number of members with voting rights in the matter before the Board of Trustees. In the event of tie votes, the matter shall be decided by vote of the chairman of the Board of Trustees. Members of the Board of Trustees shall be entitled to convey their voting rights to another member in writing – i.e. to have their interests represented by another member of the Board of Trustees – provided that the Board of Trustees consists of more than three members. No member may vote on behalf of more than one fellow member.
- (4) Resolutions by the Board of Trustees may also be formulated in writing by way of circular resolutions, provided no member objects to this method of proceeding.
- (5) Minutes shall be drawn up of the resolutions passed at the Board of Trustees meeting, and of those passed by means of circular resolution; these minutes are to be signed by the member presiding over the meeting and by the individual taking the minutes. Resolutions by the Board of Trustees shall be compiled and kept by the chairman. A copy of the resolutions passed shall be communicated to the members of the governing bodies of the Foundation.
- (6) The Board of Trustees shall be authorised to constitute a working subcommittee consisting of three members. In the event, the chairman of the Board of Trustees shall also chair this working group.

§ 13

Advisory Board to the Foundation

- (1) The Advisory Board shall work to promote the activity and the prestige of the Foundation. Its role is to assist the Board of Trustees and the Executive Committee in fulfilling the purpose of the Foundation. Its work is of an advisory nature.
- (2) The Chairman of the Advisory Board shall participate in the appointment or recall of members of the Board of Trustees, and of an honorary president or patron of the Foundation, in accordance with § 10 Paragraphs 6, 8 and 9.
- (3) The Advisory Board shall consist of at least 5, and no more than 50, members appointed by the Board of Trustees for terms of 3 or 5 years. Advisory Board members who have completed their terms shall be eligible for reappointment. If possible, the Advisory Board shall consist of fewer than 40 members.
- (4) The Advisory Board shall convene at least once each year in a joint meeting upon invitation by the Board of Trustees or by the chairman of the Advisory Board. The Board of Trustees and the Executive Committee shall also participate in these joint meetings.
- (5) Appointees to the Advisory Board should be individuals offering particular reason to expect that their participation will further the aims of the Foundation.

- (6) The Advisory Board shall have authority to constitute one or more advisory committees devoted to areas of the Foundation's mission, particularly in order to support the activities of the Board of Trustees and Executive Committee and to prepare items for consideration by the Advisory Board. The Board of Trustees appoints committee members to terms of office of three years in consultation with the chairman of the Advisory Board. Individuals who are not members of the Advisory Board may be assigned to committees as well. The committee chair must, however, be a member of the Advisory Board or of the Board of Trustees. Committee members who have completed their terms shall be eligible for reappointment.

Appointments to committee chairmanships and vice-chairmanships shall be determined by the Board of Trustees, in consultation with the chairman of the Advisory Board. The size of any particular committee shall be variable. The number of members shall be determined by the Board of Trustees on a case-by-case basis.

- (7) The members of the Advisory Board shall perform their activities on a voluntary basis. Foundation funds permitting, the Executive Committee shall be authorised to reimburse an Advisory Board member for reasonable expenses incurred in the course of carrying out his or her responsibilities.

§ 14

Amendments to the Charter, Conversion and Cancellation of the Foundation

- (1) Amendments to the Charter shall be permissible insofar as they appear necessary in order to adapt to changed circumstances. Amendments to the Charter shall be subject to passage by a 75% majority of the members of the Board of Trustees, unless the modifications called for require majorities larger than this in accordance with Paragraph (2) of this provision.

- (2) Any amendments to §§ 2 (Purposes of the Foundation) and 15 (Accumulation of Assets) of this Charter shall be permitted only upon approval by all members of the Board of Trustees. The same shall apply to the passage of resolutions concerning conversion and the merger of this Foundation with another foundation.
- (3) As long as Foundation founder Eugen Biser is still alive, any amendments to the Charter shall be subject to his consent.
- (4) Amendments to the Charter shall not affect or lift the tax-privileged status of the Foundation. Any amendments susceptible of affecting the Foundation's tax-privileged status shall be submitted to the appropriate fiscal authorities for comment.
- (5) Resolutions shall take effect only following approval by the Foundation Supervisory Authority (§ 16).

§ 15

Accumulation of Assets

Upon cancellation or dissolution of the Foundation, or upon cessation of the Foundation's tax-privileged purposes, the assets shall devolve to another tax-privileged entity or to a legal person under public law, which in turn shall be required to dispense the assets of the Foundation directly and exclusively for scholarly purposes within the spirit of the Foundation. The designation of the above-mentioned entity or legal person shall be effectuated by resolution of the Board of Trustees. This resolution is to be presented for approval by the Foundation Supervisory Authority and the appropriate fiscal authorities.

§ 16

Foundation Supervisory Authority [Stiftungsaufsicht]

- (1) The Foundation is subject to the supervisory authority of the Government of Upper Bavaria.
- (2) The Executive Committee of the Foundation shall provide the Foundation Supervisory Authority with a rendering of accounts on a regular basis, within six months after the expiry of the business year. This rendering of accounts shall include a presentation of the activities of the Foundation in the business year completed, its revenues and expenditures, and its financial circumstances. The rendering of accounts shall be provided by an auditor (§ 9 Paragraph 3) whose report is submitted to the Foundation Supervisory Authority.
- (3) Any changes in address, in powers of representation and in the composition of the Foundation's governing bodies must be communicated to the Foundation Supervisory Authority without delay.

§ 17

Effective Date

The Charter of the Eugen Biser Foundation shall take effect upon approval by the Government of Upper Bavaria. At the same time, the Foundation Charter in its version as ratified by resolutions dated May 3rd, 2010 shall become invalid.

Munich, Germany, dated this 12th day of September 2013