



Franz Mittendorfer, Linz



Franz Mittendorfer

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Partner

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Main areas

- Mergers & Acquisitions
- Real Estate
- Litigation / Dispute Resolution
- Banking and Finance
- Corporate

Background

Between 1980 and 1985, Franz Mittendorfer studied law and business management at Johannes Kepler University in Linz.

Between 1986 and 1987, he completed a postgraduate degree (international legal studies) at the Emory University of Atlanta, graduating with a Master of Laws (LL.M.). In addition, he has also been an academically certified graduate of the course in European law at Johannes Kepler University in Linz since 1997.

Franz Mittendorfer has worked as a lawyer and partner for SAXINGER in Linz since 1991.

Expertise

Franz Mittendorfer advises domestic and foreign companies of all sizes, in particular on complex matters, such as for instance transactions (financing or company acquisition or disposal) or the structuring of company transfers.

In more than 100 national and international M&A and financing transactions in a career spanning more than 20 years, Franz Mittendorfer has demonstrated his special expertise in solving problems in contract negotiation situations, in particular also thanks to his degree in business management.

After many years of managing cases, he also deals with arbitration proceedings, both as an arbitration judge (proceedings according to the arbitration code of the Austrian Chamber of Commerce, both as an individual arbitration judge and as a member of a senate) and as a representative and consultant, particularly on post-M&A disputes (ICC).

In connection with the financing of public sector budgets, he played a leading role in the development of a number of pioneering concepts; in the area of Public Private Partnership, the first shadow toll model in Austria; the first large-volume build-and-operate project for a central government building and also the privately financed (PFI) projects in the setting up and running of hospitals.□□

Franz Mittendorfer has many years of experience in the support of a large number of property transactions, both for private and

institutional investors. He has also advised on large-volume transactions in connection with public bidding processes, from due diligence to the structuring of bidder communities.

In addition to his work as a lawyer, Franz Mittendorfer regularly gives talks and publishes articles; in particular, he is a university lecturer at Johannes Kepler University in Linz in the area of mergers & acquisitions and at the Danube University in Krems for the area of Public Private Partnerships. In the area of Public Private Partnership he is co-editor and co-author of the book Public Private Partnerships published by lexis-nexis-Verlag, on the topic of Mergers & Acquisitions, he is editor and co-author of the Handbook on Company Acquisitions published by Verlag Österreich, which is now in its second revised edition. He is also co-editor and co-author of the Handbook on Corporate Finance.

Due to his many years of experience of advising on business transfers, in particular in connection with very complex tasks in the settlement of obligatory and inheritance claims, Franz Mittendorfer is also a member of the board of trustees in several private foundations and a member of the supervisory board at several companies.

Since 2004, he has also been the Chairman of the Supervisory Board of one of the leading public sector hospital companies.

Franz Mittendorfer has been a member of the Board of the Academy for Basic and Further Training of Lawyers ("Anwaltliche Aus- und Fortbildungsakademie") for several years. Further he is president of the Upper Austrian Bar Association since 2012.

References

- Advising an Austrian group of investors on the sale of a shopping centre in Zagreb to the Croatian subsidiary of a Luxembourg-based fund (whilst advising at the same time on the structuring of the fund and the financing of the transaction by Austrian banks) and on a number of financing transactions for the financing of further real estate projects
- Advising of a leading European construction corporation with its registered office in Austria on a number of international M&A transactions
- Legal assistance of the asset acquisitions in several CEE countries by a Finnish stock-exchange-listed corporation on the basis of a legal one-stop-shop structure
- Advising of an Austrian energy supplier on a number of international financing transactions (stock-exchange-listed corporate bonds, registered bonds, promissory note loans, structured financing transactions)
- Advising on a number of large-volume real estate projects, such as in particular office buildings and shopping centres, as well as the acquisition of shares in privatised housing companies as part of an international, structured bidding process
- Comprehensive legal advice of the AVE Group (subsidiary of Energie AG Österreich), in particular in connection with the expansion into a leading European waste disposal operations, focusing on CEE/SEE
- Legal structuring and ongoing support of the Machland Dam project
- Advising of the EIB (European Investment Bank) iZ on the PPP project Eastern Region.
- Advising of Bundesbeschaffung GmbH, the leading procurement services provider of the public sector, and the Federal Ministry of Justice in the structuring of PPP real estate projects.
- Comprehensive legal accompaniment of the realisation of Linz music theatre
- Advising of the PPP projects Ebelsberg bypass (shadow toll model), LDZ (state service centre) in Linz, Vöcklabruck specialist hospital and Linz emergency hospital (UKH) as well as several thermal bath projects (Geinberg, Bad Sauerbrunn, St. Martin's Thermal Bath and Lodge)
- Structuring of company transfers, with an emphasis on family-owned businesses

Languages

German, English

Publications

Wesentliche Vertragsbestimmungen und Formulierungsbeispiele

Gestaltungsvarianten (Asset Deal, Share Deal)

Haftungsfragen

Einleitung & Grundbegriffe

Kreditvertrag

Gesellschafterdarlehen

Genussrechte

Partiarisches Darlehen

Immobilien, Kaufen – Verwerten – Entwickeln

Vergabe von öffentlichen Aufträgen im Zuge von (Teil-)Privatisierungen ausschreibungsfrei? Ein Beitrag zu EuGH 6.5.2010, verb Rs C-145/08 & C-149/08, Club Hotel Loutraki

On the Constitutionality of a Bank Tax – The planned special tax on financial institutions may face legal challenge in Austria

PPP und Vertragsrecht, Grundsätzliches und ausgewählte vertragsrechtliche Fragen

Austria's new deal

The Austrian M&A Market