

# Corporate, Contractual, and Selected Other Legal Aspects of Impact Investments

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Die Rechtswissenschaftliche Fakultät gestattet hierdurch die Drucklegung der vorliegenden Dissertation, ohne damit zu den darin ausgesprochenen Anschauungen Stellung zu nehmen.

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## **Preface and Acknowledgements**

When I first encountered the term and the concept “impact investing,” I immediately recognized and believed in its potential to address the social and ecological problems the world faces nowadays. Back then, I had already worked as a transaction lawyer in the venture capital and private equity business for a couple years. I had realized that plenty of wealthy individuals, either independently or together with others in the form of investment funds, were willing to invest in young companies with promising business ideas. These investors were not interested in simply giving away their money, but wanted to put their money to work in order to support a business. So what if they were convinced to invest in businesses that set out to address social or ecological problems? Not only could they generate a profit, but they would also contribute to the solution or at least alleviation of such problems, thereby complementing efforts that have been undertaken by philanthropic institutions with the support of donations. Doing well and doing good at the same time seemed to be a compelling investment strategy. But why had impact investing not become a mainstream investment strategy, instead remaining a niche concept?

Several international reports I had read mentioned different impediments that prevented impact investing from becoming mainstream. Among others, corporate and tax legal concerns, in particular with regard to corporate forms available for investments, were mentioned several times. Most reports complained that there was simply no suitable corporate form to generate distributable profits and positive impacts at the same time. Having had the feeling that this complaint is not appropriate with regard to Swiss law, I decided to make a humble contribution to the expected success of impact investing and to engage in an analysis of legal aspects of direct impact investments in Switzerland.

On my research journey, I was fortunate to receive the support of different persons to whom I owe my deepest appreciations. Among them are family members, friends, colleagues from work, library mates, and many others that have to remain undisclosed due to the lack of space but deserve a big thank-you.

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and discussions throughout the entire project. Unfortunately, health issues forced her to step down as my supervisor and prevented her from reviewing and accepting my dissertation. However, this does not diminish her efforts in any way.

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