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Newsflash

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Ultimate Beneficial Owner (UBO)'s Central Register

We outline below the basic provisions of the Ministerial Decision (Government Gazette B 2443/20.6.2019) which regulates specific issues regarding the record-keeping and the reporting procedure to the Ultimate Beneficial Owner's Central Register (hereinafter Central Register).

The Central Register is held in the General Secretariat of Information Systems (GSIS) and is electronically linked with the Tax Identification Number (TIN) of each legal entity. It obtains information collected by the Authorities and can be linked to other institutions which keep records regarding beneficial owners.

In addition, all companies and legal entities having their registered office in Greece or carrying out business activity taxed in Greece, regardless of their registered office or any tax exemptions provided under specific provisions, are required to report information regarding their UBOs to the Central Register, and moreover keep records of this information at their registered office address (Special UBO Register).

Entities obliged to report

- The entities obliged for reporting to the Central Register are the following:
 - Corporate enterprises that are **not listed** in a regulated market or in a Multilateral Trading Mechanism.
 - Shipping and ship owning companies
 - Civil law partnerships
 - Non-profit entities
 - Trusts and similar entities
 - Cooperatives
 - Companies that are in a state of bankruptcy or liquidation or special liquidation or in similar insolvency proceedings.

Companies listed in a regulated market or in a Multilateral Trading Mechanism operating in Greece, are automatically reported to the Central Register through the reporting line between the Central Securities Depository and the GSIS.

Reporting procedure

- The reporting procedure to the Central Register is carried out via the e-platform of the GSIS www.gsis.gr, to which legal entities have access for the data reporting, through their specially authorized representatives.

Data Reported

- The authorized person providing the data (data provider) should report the basic data of the legal entity (Tax Identification Number, legal name, distinctive title, etc.) as well as his/her personal data (Tax Identification Number, full name, etc.).
- The basic personal data of the Ultimate Beneficial Owners, their contact address, their position (for example BoD member), as well as the nature and the extent of their rights (for example percentage of voting rights) should also be reported.
- The above information is provided from the Tax Administration's database and is updated and verified by the data provider who bears the responsibility for the accuracy and completeness of the data.
- The data may be retained online for 5 years and after this period they may be retained in a database maintained by the GSIS.

Access rights and fees

- **Full access** to the data is granted to the competent Audit Authorities while **restricted access** is granted to other competent authorities (for example the Bank of Greece) and the obliged entities only for due diligence

purposes according to Anti-Money Laundering Law. Public access for individuals is permitted for certain information (full name, nationality, nature and extent of UBO's rights).

- Access to the data is granted upon an annual fee of EUR 100 payable by the obliged entities who apply due diligence measures for Anti-Money Laundering purposes and a fee of EUR 20 (for 10 searches) payable by individuals.
- The fees are paid via an electronic fee (e-paravolo) which is issued upon the submission of the search application. The search is permitted upon the payment of the fee.
- By accessing the Register, users accept the recording of their data, as well as the fact that the companies/legal entities (for which the search is requested), will be notified about the search conducted by the user.

Request for information

- A procedure is determined for **competent Audit Authorities, competent authorities and obliged entities** to be able to submit an electronic request for information.

Time and order for reporting

- The legal entities concerned shall implement the data reporting in Groups, as per the Appendix of the Decision, which includes all the types of legal entities that are subject to income taxation in Greece. More specifically:
 - **Group A** from 16 September 2019 to 14 October 2019
Including indicatively: civil law firms, shipping companies under Law 959/79, special shipping companies, foreign companies of Law 89/1967
 - **Group B** from 30 September 2019 to 1 November 2019
Including indicatively: sole member société anonymes, private capital companies, partnerships, civil non-profit entities.
 - **Group C** from 14 October 2019 to 29 November 2019
Including indicatively: société anonymes, general partnerships (O.E.), limited partnerships (E.E.), limited liability companies.
- For users' familiarization, the platform will operate experimentally as of 20 July 2019.

Obligation for continuing reporting to the Central Register and Audit

- Each legal entity is obliged to report the required information to the Central Register within 60 days from its establishment. The same deadline applies for updating the initially reported information.
- In case of non-compliance to reporting obligations to the Central Register entails the suspension of the

issuance and the provision of a tax clearance certificate.

- In case that a legal entity fails to comply with the obligation to keep records of the information for its UBOs at its registered office (Special UBO Register), a fine of EUR 10 000 shall be imposed and shall be set a deadline for compliance.

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This Newsletter aims to provide the reader with general information on the above-mentioned matters. No action should be taken without first obtaining professional advice specifically relating to the factual circumstances of each case.

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