

PUBLIC NOTICE

(replaces the public notice of August 2, 2021)

Luxembourg Business Registers (LBR) informs you about the upcoming changes, starting **at the end of the first quarter of 2022**, concerning formalities to be carried out at the Trade and Companies Register (RCS):

1. New format for RCS requisition forms

The requisition forms in the current PDF format will soon be replaced by forms to be completed directly online in HTML format. This change of technology will solve the practical difficulties encountered by our users, linked to the PDF format of the requisition forms. It will also provide a more user-friendly interface for the RCS registration process.

2. Registration of the Luxembourg national identification number for natural persons registered with the RCS

With the implementation of the new HTML forms, persons and entities registered with the RCS will have to communicate the Luxembourg national identification number for any natural person registered with the RCS, within their file, pursuant to Article 12bis of the amended law of 19 December 2002 on the register of commerce and companies and the accounting and annual accounts of undertakings. Persons who do not have such a number will be given one when they register with the RCS.



The national identification number registered with the RCS will not be communicated to third parties, will not appear on documents issued by the manager, will not appear on pre-filled requisition forms and will not be available on the dedicated RCS portal.

2.1.1 Case of natural persons to be registered with the RCS with a Luxembourg national identification number

As soon as a natural person is to be registered with the RCS, in any capacity whatsoever (partner, authorised representative, person responsible for auditing the accounts, etc.) if this person already has a Luxembourg national identification number, this number **must** be communicated upon filing.

The applicant must therefore be in possession of the identification number when filing with the RCS.

2.1.2 Case of natural persons to be registered with the RCS who do not yet have a Luxembourg national identification number

If the natural person to be registered in the RCS does not have a Luxembourg national identification number, LBR will issue such a number, at acceptance of the application for registration in the RCS.



The applicant will therefore have to submit, in addition to the documents making up his application to the RCS, additional documents and information concerning the natural person for whom a national identification number is to be issued, for the sole purpose of creating the number in the National Register of Natural Persons.

The following additional information should be provided via the new form:

- > Nationality,
- > Gender,
- > Private residence.

This information will not be registered in the RCS but will be transmitted to the National Register of Natural Persons.

In addition, supporting documents proving the identity (identity card or passport) and, if necessary, the private address (e.g. certificate of residence, declaration of honour **certified by a competent authority**, or even electricity bill) of the person for whom such a number is to be created must be attached to the application. These documents will be submitted to LBR for verification.

The additional information provided must be consistent with the supporting documents submitted.

Following the issuing of the number, only the person for whom the number has been created will receive the Luxembourg national identification number that was finally allocated to him/her by mail from the State Information Technology Centre.



If the depositor has a mandate from the person for whom such a number has been assigned, to receive this information, and specifies this in his filing process, the depositor will be able to consult the information in the filing receipt.

2.1.3 Case of natural persons already registered with the RCS

For natural persons registered with the RCS before the new HTML forms were made available, the information relating to the Luxembourg national identification number will also have to be entered in the RCS for them. The steps described in points 2.1.1 and 2.1.2 are therefore applicable to them.

While initially this information will have to be communicated by registered entities **on a voluntary basis**, in order to give them a reasonable and sufficient time to adapt to this new obligation and obtain the necessary documents and information, it will subsequently be **mandatory**. A specific procedure allowing the sole registration or creation of a Luxembourg national number for a natural person registered with the RCS will also be available on the RCS portal.



During this second phase, if the Luxembourg national identification number of a natural person registered in the file of an entity is not yet included in the RCS, the entity wishing to file will have to fill in this information before being able to proceed.

3. Checking the consistency of Luxembourg addresses

With the introduction of the new forms, a check on the Luxembourg addresses communicated to the RCS will be carried out in relation to the information contained in the National Register of Localities and Streets, pursuant to Article 12ter of the aforementioned amended law of 19 December 2002.

The addresses, as listed in the National Register of Localities and Streets, can be found at https://www.services-publics.lu/caclr/building_listing_form.action.

Thus, when a filing request is created, the Luxembourg address indicated on the requisition form will be automatically checked for consistency with the information in the National Register of Localities and Streets. In the event of inconsistency, an error message will be displayed on the form so that the applicant can check the information provided and correct it.



For Luxembourg addresses registered under this provision, any change in the address registered in the RCS resulting from a change in the National Register of Localities and Streets will automatically be reflected in the RCS.

In the exceptional event that an address to be entered in the RCS is not yet included in the National Register of Localities and Streets, the applicant may override the consistency check and 'force' the communication of such an address to the RCS.



LBR draws attention to the fact that addresses that do not comply with the information in the National Register of Towns and Streets cannot be entered in the Trade Register. In the course of its summary control, it will also check that the address to be entered in the RCS is consistent with the address given in the document attached to the application.

The precise date from which these changes will apply will be communicated later date. A user's guide explaining the new HTML forms will also be made available to the public on the LBR website at a later date.