Beneficial Ownership Register Solution in the Czech Republic

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Register of beneficial owners (1)

• Functional as of 1 January 2018

• Independent register, not part of public or commercial register

• Maintained by Register Courts

• Non-public
Register of beneficial owners (2)

• Information on beneficial owners of

1. Registered corporate and other legal entities and

2. Trusts and similar arrangements
Access to the BO register (1)

• Two types of access:
  1. For anyone (with legitimate interest)
  2. For competent authorities (relevant state agencies, obliged entities according to the AML Act etc.)
Access to the BO register (2)

• Access to anyone:
  ▪ Legitimate interest in connection with prevention from specific offences need to be demonstrated
  ▪ Only part of the information will be provided
Access to the BO register (3)

• **Access to competent authorities:**
  - Relevant state agencies, obliged entities according to the AML Act etc.
  - Direct access via internet application (interface)
  - Pre-registration of users needed
  - Information will be displayed immediately
Content of the BO register (1)

• The record in the BO register shall contain the information specifying
  ▪ **who** the beneficial owner is and
  ▪ **what** the beneficial ownership is based on
Sec. 118f of the Act No. 304/2013 Coll.: 

a) name and address of the place of stay, and also the place of residence if it differs from the place of stay,  
b) date of birth and the birth number if assigned,  
c) nationality,  
d) information on  
   1. a share in the voting rights, if the position of beneficial owner is based upon his direct business share in the legal person,  
   2. a share in profits, if the beneficial owner is a beneficiary,  
   3. any other facts if the position of beneficial owner is based otherwise.
Registration process (2)

- Registered entities just report the information on their BO
- Submission (application)
  - Via page form
  - Can be filled in solely electronically
  - Can be filed either electronically or in paper
  - Documents from which follows who the beneficial owner is
Register Court solely confirms the existence of designated natural person (beneficial owner)

- No other formal or material control of provided data (no investigation whether the natural person designated as the BO is in fact the BO)
Quality of registered data

• Depends on activity of registered entities

• Change only based on the submission of the registered entity

• No fines or other sanctions (for omission to file/wrong filing the register)
Perspective

• Experience with the usage of the BO register is a precondition for its possible improvement
• More will be known in 2018 and 2019
• Technical and legislative changes (access, sanctions etc.) of the register will be considered eventually
Thank you for your attention