

Information on Belgium national BOR

The information below has been provided by the countries participating in BORIS in relation to the following questions:

Question 1: What does your national central beneficial ownership register(s) offer?

The UBO register is a centralized register which aims to identify the natural persons who control or are considered as exercising control over a legal entity to aim better transparency and to help fighting money laundering, the financing of terrorism and the related predicate offenses.

The Law identifies various categories of beneficial owners depending on the legal entity to which they belong. Three types of legal entities are identified by the Law, namely companies, a(i)sbl and foundations as well as trusts and other similar entities.

The following persons are considered as beneficial owners of companies:

1. the natural person(s) who has/have direct or indirect ownership of a sufficient percentage of the voting rights or ownership interest in that entity, including through bearer shareholdings.
A shareholding of 25 % plus one share or an ownership interest of more than 25 % in the customer held by a natural person shall be an indication of direct ownership or sufficient percentage of voting rights. In case of indirect ownership, the percentage to be taken into account is the weighted percentage.
2. The natural person(s) who control(s) the company by any other means (e.g. shareholders' agreement, power to appoint members of the management board, veto right);
3. The natural person(s) who hold(s) the position of senior managing official(s), if, after having exhausted all other means of identification, and provided there are no grounds for suspicion, none of the aforementioned persons is identified or if it is not sure that the person(s) identified is/are the beneficial owner(s). Being a residual category, the identification of a beneficial owner must be duly documented and justified (e.g. measures and actions undertaken to identify the two first categories, results of said measures and actions).

The following persons are considered as beneficial owners of a(i)sbl and foundations:

1. Administrators;
2. Persons entitled to represent the a(i)sbl;
3. Persons in charge of the daily management of the a(i)sbl or the foundation;
4. The foundation's founders;
5. The natural persons or, when those persons have yet to be determined, the class of persons in whose main interest the legal arrangement or entity is set up or operates;
6. Any other natural person exercising ultimate control over the a(i)sbl or the foundation by other means.

The following persons are considered as beneficial owners of the trusts and other similar legal arrangements:

1. The settlor;
2. The trustee(s);
3. The protector;
4. The beneficiaries, or where the individuals benefiting from the trust have yet to be determined, the class of persons in whose main interest the trust is set up or operates;
5. Any other natural person exercising ultimate control over the trust by means of direct or indirect ownership or by other means.

Question 2: Is registration and/or authentication and/or authorization required to search in your national central beneficial ownership register(s)?

An eIDAS authentication is required for the general public to search for an entity.

An eIDAS authentication and a registration to our whitelist is required to search for an entity or a beneficial owner information for obliged entities and competent authorities.

Question 3: Is registration and/or authentication and/or authorization required to access beneficial ownership information in your national central beneficial ownership register(s)?

An eIDAS authentication is required for the general public to access the UBO register.
An eIDAS authentication and a registration to our whitelist is required to access the UBO register for obliged entities and competent authorities.

Question 4: Is access to your national central beneficial ownership register(s) free of charge?

The access is free of charge.

Question 5: How can you perform searches in your national central beneficial ownership register(s)?

For an entity:

- Commerce registry number or identifier
- Name or part of the name of the entity
- Legal form
- Creation date
- Address or part of it
- City
- Zip code
- Country
- A combination of the above

For a beneficial owner (only for obliged entities and competent authorities):

- National registry number
- First and last name and date of birth
- Foreign identification number

Question 6: How do you ensure adequacy, accuracy and timeliness of the information held in the national central beneficial ownership register(s)?

The Belgian Register offers a very high level of granularity on the nature and extent of control across the entire ownership chains up to the ultimate natural person holding control. Moreover, the Register is interconnected with other authentic sources in order to be updated automatically in the event of a change. A number of preventive mechanisms are in place to prevent registration errors. You can find more details in [this article](#) published on the UBO Register website.

Additionally, the Register retains all changes made to the controls in order to reconstitute the effective control in the past.

The entity also have the obligation to provide supporting documents and to confirm annually that the information are still up to date.

Furthermore, competent authorities and obliged entities have the obligation to notify the UBO Register of all discrepancies that they may encounter.

Question 7: Since when is the national central beneficial ownership register(s) operational? Please also provide the link(s) to the national law(s) implementing the national central beneficial ownership register(s).

The UBO Register is operational since September 28th 2018.

AML Law:

FR: <http://www.ejustice.just.fgov.be/eli/loi/2017/09/18/2017013368/justel>

NL: <http://www.ejustice.just.fgov.be/eli/wet/2017/09/18/2017013368/justel>

DE: https://www.ejustice.just.fgov.be/mopdf/2019/03/13_1.pdf#Page15

Royal Decree concerning the operating procedures of the UBO register:

FR: <http://www.ejustice.just.fgov.be/eli/arrete/2018/07/30/2018031658/justel>

NL: <http://www.ejustice.just.fgov.be/eli/besluit/2018/07/30/2018031658/justel>

DE: https://www.ejustice.just.fgov.be/mopdf/2019/03/13_1.pdf#Page54