

Information on Spain 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?

- 1) It will contain all the information on beneficial ownership regulated in Law 10/2010 relating to (i) Spanish legal entities and entities or structures without legal personality that have the seat of their effective management or their main activity in Spain, or that are managed or administered by persons resident or established in Spain and (ii) entities or structures without legal personality that, not being managed or administered from Spain or another European Union State, and not being registered by another European Union State, intend to establish business relations, carry out occasional operations or acquire real estate in Spain.
- 2) It will centralize the information on beneficial ownership available in public registries, such as the Foundations, Associations and Mercantile Registries, as well as that obtained by the General Council of Notaries, and will also directly collect the data of all legal persons, trust-type trusts and entities or structures without legal personality that do not declare their beneficial ownership through the Registries where they are registered, which will be obliged to declare this information directly to the Registry.
- 3) The information contained in this new Register will be kept and updated - by the obliged subjects of Law 10/2010 - during the life of the legal persons or unincorporated entities or structures (or for as long as the business relationship or the ownership of the real estate is prolonged), and will be maintained for a period of 10 years after their extinction (or for a period of 10 years after the termination of the business relationship, the sale of the real estate or the termination of the occasional transaction).
- 4) Natural persons whose personal data are kept in the Register as beneficial owners shall be informed thereof in accordance with the applicable regulations on the protection of personal data.

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

Only VIP users will be allowed to search in the national registry. National VIP users will be registered by the RETIR administration team and will require authentication and authorization.

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

Only VIP users will be allowed to access to the national registry. National VIP users will be registered by the RETIR administration team and will require authentication and authorization.

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

It is free of charge for VIP users.

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

Once the user is authenticated and authorized, they can use a form to search for any entity ID (“código de identificación fiscal”, CIF, the Spanish for tax identification code) or any person ID (“número de identificación fiscal”, NIF, the Spanish for tax identification number).

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

Checks on data quality will be performed regularly and the updates will be loaded once a day from the original sources.

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 national registry is not operational yet. The first version is intended to be ready by the end of 2021.

Royal Decree-Law 7/2021 (RDL 7/2021), of April 27, transposing, among others, the directive on the prevention of money laundering -Directive (EU) 2018/843 of the European Parliament and of the Council, of May 30, 2018-, adds two new additional provisions -third and fourth- to Law 10/2010 (L 10/2010), of April 28, on the prevention of money laundering and financing of terrorism, to regulate the creation in the Ministry of Justice of a central and single Beneficial Ownership Registry throughout the national territory.

RDL 7/2021: <https://www.boe.es/buscar/act.php?lang=en&id=BOE-A-2021-6872&tn=1&p=>

L 10/2010: <https://www.boe.es/buscar/act.php?id=BOE-A-2010-6737>