

FEDERAL LAW GAZETTE

FOR THE REPUBLIC OF AUSTRIA

Volume 2019**Issued on 9 December 2019 Part II**

390th Ordinance: BORA inspection directive

390th Ordinance of the Federal Minister of Finance on Additional Technical Options for Inspection of the Register (BORA inspection directive)

On the basis of Article 9 and Article 17 V of the Beneficial Owners Register Act (BORA), Federal Law Gazette I № 136/2017, most recently amended by the Federal Law Federal Law Gazette I № 104/2019, it is hereby ordained:

Content of XML files

Article 1. (1) When an obligated entity retrieves an extended excerpt from the Register of Beneficial Owners using the web service of the Business Service Portal pursuant to Article 9 III BORA, a file in Extensible Mark-up Language Format (XML file) shall also be made available.

(2) The XML file shall contain the following:

1. General information:
 - a) an indication of whether a complete extended excerpt is on hand;
 - b) an indication of whether there is a notice in force pursuant to Article 11 IV or Article 13 III of the BORA;
 - c) the date of the latest report and an indication of whether an exemption from the reporting obligation pursuant to Article 6 of the BORA applies, and whether the same has been waived;
2. details of the legal entity:
 - a) name of the legal entity and address characteristics;
 - b) legal form and information about the legal entity's time of existence;
 - c) master number and master register of the legal entity;
 - d) ÖNACE code for the primary activities of the legal entity, if and insofar as the same is recorded in the register;
3. information on the beneficial owners:
 - a) the data on all direct beneficial owners pursuant to Article 9 IV 5 BORA;
 - b) the data on all indirect beneficial owners pursuant to Article 9 IV 6 lit. a to e, g and h of the BORA, and the data pursuant to Article 9 IV 6 lit. f of the BORA on the respective top-level legal entities, if and insofar as available;
4. the presentation of all known participation levels pursuant to Article 9 V 1 of the WiEReG semi-automatically generated on the basis of the entries in the Register, with the data pursuant to Article 9 IV 1 to 4 of the BORA on the calculated legal entities and the data pursuant to Article 9 IV 5 lit. a to d and g of the BORA on the calculated individuals, in each case if and insofar as available;
5. data pursuant to Article 9 IV 5 lit. a to d and g BORA on the persons authorised to represent the legal entity and
6. other information:
 - a) information as to whether the data in case of a beneficial owner or a person authorised to represent the same are reconciled with the Central Register of Residents and kept up-to-date;
 - b) whether the data of a legal entity or top-level legal entity are reconciled with the respective master register and kept up to date;

- c) information on whether data records are marked with an information block (Article 9 IV BORA), a restriction of access (Article 10a BORA) or a restriction of processing (Article 14 VII BORA), or have been deleted (Article 14 VII BORA);
- d) an unambiguous identification of individuals and legal entities within the XML file, which is newly assigned when the XML file is created;
- e) the prorated costs of the excerpt based on the current annual flat-rate user charge;
- f) the note that no guarantee can be given for the correctness and completeness of the data.

Article 2. Article 1 II shall be applied mutatis mutandis to the transmission of excerpt data in an XML file via the web service for the integration of the Money Laundering Reporting Office and the Federal Office for Protection of the Constitution and Counter Terrorism (Article 1 III Police State Protection Act (PStSG), Federal Law Gazette I № 5/2016, in the version of Federal Act Federal Law Gazette I № 32/2018).

Entry into Force

Article 3. The present Ordinance enters into force on 11-MAR-2020.

Müller

