

Complete legislative provision for the definition of user fees for use of the Register of Beneficial Owners, version dated 10-MAR-2020

Long title

Ordinance of the Federal Minister of Finance on the Definition of User Fees for Use of the Register of Beneficial Owners (*Verordnung des Bundesministers für Finanzen zur Festlegung der Nutzungsentgelte für die Nutzung des Registers der wirtschaftlichen Eigentümer, WiEReG-NutzungsentgelteV*)
Original version: Federal Law Gazette II № 77/2018

Amendment

Federal Law Gazette II № 108/2019

Federal Law Gazette II № 437/2019

Preamble/Promulgation Clause

On the basis of Article 17 of the Beneficial Owners Register Act (BORA), Federal Law Gazette I № 136/2017, most recently amended by the Federal Law, Federal Law Gazette I № 150/2017, it is hereby ordained:

Text

Individual settlement of the user fees

Article 1. (1) The user fee for the inspection of the Register of Beneficial Owners shall be, for each excerpt upon inspection

1. by the obligated party by means of simple excerpts pursuant to Article 9 IV BORA, € 3.00;
2. by the obligated party by means of extended excerpts pursuant to Article 9 V BORA, .. € 3.60;
3. by the obligated party by means of extended excerpts pursuant to Article 9 V BORA with simultaneous inspection of a compliance package pursuant to Article 9 Va, € 7.20;
4. for public excerpts pursuant to Article 10 BORA..... € 3.00.

The user fee is to be paid in advance by means of an electronic payment transaction.

Flat-rate user fee

Article 2. (1) Upon application by an obligated party, inspection of the Register shall be granted by invoicing an annual flat-rate user fee to be paid in advance. The annual flat-rate user fee entitles the payer to simple excerpts pursuant to Article 9 IV BORA, to extended excerpts pursuant to Article 9 V BORA, and to extended statements with simultaneous inspection of a compliance package pursuant to Article 9 Va BORA, and to submission of reports as a party representative for legal entities.

(2) For the following individual quotas, the respective user fee shall be:

1. 50 queries € 130;
2. 250 queries € 600;
3. 750 queries € 1,650;
4. 2,500 queries € 5,250;
5. 7,500 queries € 15,000.

A query entitles to retrieval of a simple or extended excerpt. Two queries are required to retrieve an extended excerpt with simultaneous inspection of a compliance package.

(3) After the end of the annual utilisation period, any unused quota may no longer be used. Upon application for a new quota pursuant to para. 2, any unused quota is transferred to the same and can be used further. An annual flat-rate user fee already paid cannot be refunded.

(4) If a new quota is applied for before the end of the current period of use, the new period of use shall start at the time when the current period of use ends due to

expiry of the term. If the current quota has been completely used up at an earlier time, the new usage period begins at this time.

(5) Upon application by an obligated party, the annual flat-rate user fee may also be granted as a subscription if the party has agreed to a permanent payment method. In this case, the obligated party may choose which quota is to be activated pursuant to para. 2 after the end of the annual period of use. One month before the end of the current period of use or as soon as 75% of a quota has been used up, the obligated party shall be informed that after the end of the current period of use or after the quota according to the subscription has been used up, the selected quota will be activated and the user fee must be paid. Until the beginning of a new annual period of use, the obligated party may deactivate the subscription or change the amount of the requested quota at any time. If the user fee cannot be paid by way of the agreed permanent payment method, para. 6 shall apply *mutatis mutandis*.

(6) If a payment of a user fee already effected is revoked in any way, a quota not yet utilised at this time can no longer be used. Only after full payment of the user fee can an unused quota be used until the end of the original usage period. If payment of a user fee already effected is revoked with the intention of misuse, the Federal Minister of Finance may demand appropriate compensation from the obligated party for the portion of the quota that has already been utilised.

Entry into Force

Article 3. (1) This Ordinance enters into force on 01-MAY-2018.

(2) Article 2 III as amended by the Ordinance, Federal Law Gazette II № 108/2019, enters into force on 01-MAY-2019, and Article 2 V and VI as amended by the Ordinance, Federal Law Gazette II № 108/2019, on 01-OCT-2019.

(3) Article 1 I and Article 2 I and II as amended by the Ordinance, Federal Law Gazette II № 437/2019, enter into force on 10-JAN-2020. Article 2 I and II shall be applied with the proviso that user fees for retrieving extended excerpts with simultaneous inspection of a compliance package pursuant to Article 9 Va BORA may be imposed only from 10-NOV-2020 on. Article 2 II is to be applied to quotas existing as per 10-JAN-2020 with the proviso that from 10-JAN-2020 these shall entitle users to searches to the amount of the simple or extended excerpts still existing.