



# Luxembourg Business Registers

## New corporate filing formalities regarding the national identification number

On 18 January 2022, the Luxembourg Trade and Companies Register (“RCS”), being part of the Luxembourg Business Registers (“LBR”), released a communication concerning the introduction of new formalities to be fulfilled in relation to the registration of individuals. The RCS has now communicated that the initially envisaged implementation date of 31 March 2022 will not be met due to technical issues. A new implementation date will be communicated as soon as possible.

### 1. Registration of the Luxembourg national identification number

#### a) Concerned persons

In future, any individual registered with the LBR for any purpose (board member, shareholder, auditor...) has to indicate its Luxembourg national identification number. Only judicial representatives and board members of foreign entities having a branch in Luxembourg are exempt.

#### b) Which information/document(s) is required?

The individuals that already have a national identification number can directly be registered by filling in the appropriate field in the various filing forms available at the RCS. In such case, no supporting documentation is needed.

For those individuals who don't have a Luxembourg national identification number, it will be compulsory to request one.

To do so, an application form needs to be completed with the following information:

- ▶ Name and first name(s)
- ▶ Date and place of birth
- ▶ Gender (male/female/diverse)
- ▶ Nationality
- ▶ Private address (number, street, post code, city, country).

In order to evidence the information registered with the RCS, supporting documents will have to be provided:

- ▶ Copy of an ID or passport
- ▶ A residency certificate issued by the municipality of the private address, or
- ▶ a declaration under oath certified by a notary, local authority in charge of the confirmation of domiciles, or an embassy, or
- ▶ a utility bill.

Regarding the residency, the supporting documents must not be older than six months and need to be issued in or translated into English, French, Luxembourgish or German.

### 2. How to register or request the creation of the national identification number?

It will be possible to record, or request the creation of, the national identification number of an individual that is already registered with the RCS.

#### a) Upon modification of the information or registration of an individual

Whether the filing with the RCS concerns the update of the information of an already registered individual or the recording of a new one, the national identification number must be indicated.



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In such case, dedicated fields of the requisition form will have to be completed, either with the national identification number if available, or with the information necessary for its creation, or it will not be possible to finalize the filing.

b) Upon filings with the RCS that do not concern an individual

In case the filing doesn't concern an individual, it will still be possible to register or request the creation of a national identification number. This formality is then optional and (within a transitory period which has not yet been defined) the filing can be finalized even if the national identification number or the request for its creation has not been completed.

c) Dedicated application form

When the individual is already registered with the RCS (as a board member, shareholder...), a specific application form will be available for the purpose of the update or the creation of the national identification number.

It should be noted that as from the end of the transitory period, it will no longer be possible to complete any filing or deposits with the RCS if the national identification number of an individual is missing.

d) Confidentiality of the national identification number

The national identification number is a personal and confidential information and will never be published.

When the creation of the national identification number is requested, it will only be communicated to the applicant at the private address mentioned in the application process.

However, when the application is made by a services provider, it will be possible to choose the option that the filing is operated through a mandate granted by the applicant for this purpose. In such case, the national identification number will be indicated in the filing receipt submitted to the services provider by the RCS.

### 3. Control of the information

Concerning the individuals already in possession of a national identification number, the LBR will verify the information communicated by reconciliation with the information recorded in the national register of individuals (Registre national des personnes physiques).

Upon application for the creation of a national identification number, the LBR will check the consistency between the information recorded in the application and the supporting documentation. In this respect, the LBR already provided some guidance:

- ▶ Titles or functions will not be recorded (Dr, noble titles...)
- ▶ Only the maiden name has to be indicated (married name, nicknames or others are not accepted)
- ▶ All first names appearing on the ID/passport must be provided
- ▶ No comas or brackets can be included in the fields reserved for the recording of names.

The RCS will also verify any Luxembourgish addresses by reconciliation with the address registered with the national register of municipalities and streets (Registre national des localités et des rues).



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### INTERESTED?

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