

# ATOZ ALERT

---

## Luxembourg RBE: New procedure of access for professionals

21 December 2022

### Background

The law of 13 January 2019 (the “**RBE Law**”) has established a register of beneficial owners in Luxembourg (the “**RBE**”), as part of the implementation of some provisions of the Directives 2015/849/EU (“**AMLD IV**”) and 2018/843/EU (“**AMLD V**”).

By its judgment of 22 November 2022, the Court of Justice of the European Union (“**CJEU**”) ruled that the general public’s access to information on beneficial ownership, provided for in Art 30 (5) of AMLD IV, as amended by Art 1 (15) c of AMLD V, constitutes an interference with the rights guaranteed in Art 7 and 8 of the Charter of Fundamental Rights of the European Union and that therefore Art 30 (5) of AMLD IV is invalid (the “**CJEU Judgment**”).

### Limitation of access to Professionals

Following the CJEU Judgment, the Luxembourg Business Register (the “**LBR**”) decided to limit the access to the RBE to professionals (“**Professionals**”) within the meaning of Article 2 of the amended law of 12 November 2004 on the fight against money laundering and terrorist financing (the “**AML Law**”).

### New procedure

As a consequence of the CJEU Judgment, the LBR has created a new procedure to access the RBE.

## Prerequisites to have access

- Be a Professional;
- Be in possession of a product issued by Luxtrust SA; and
- Have signed an agreement and its annex with LBR.

## Procedure

- You need to have a Luxtrust private or PRO certificate;
- You need to log on the LBR website and download the agreement and its technical annex;
- Complete and sign the documents;
- Send the documents to LBR by email to: [Access\\_rbe@lbr.lu](mailto:Access_rbe@lbr.lu);
- LBR will review the application and will create an account for a designated “leader”.

## Once the procedure is finalised, Professionals will be able to:

- Make researches on the RBE website with the name or RCS number of the registered entity;
- Consult the information listed in Art 3, paragraph 1, points 1° to 8°, 12° and 13° of the RBE Law;
- Order RBE extracts.

## Do you have further questions?



---

### GAELLE BERNARD

Partner,  
ATOZ Services

[gaelle.bernard@atoz-services.lu](mailto:gaelle.bernard@atoz-services.lu)

T +352 26 9467 703



---

### RICHARD FAUVEL

Principal,  
ATOZ Services

[richard.fauvel@atoz-services.lu](mailto:richard.fauvel@atoz-services.lu)

T +352 26 9467 261