



ADVISORY  
Industry Information

## Beneficial Ownership Register - Update and Actions Required

24 November 2016

The European Union (Anti-Money Laundering: Beneficial Ownership of Corporate Entities) Regulations 2016 (the “Regulations”) (see our previous briefing [here](#)) have come into force as of 15 November 2016.

### Immediate Action Required

In a move that will come as a surprise to most Irish incorporated companies and other legal entities (“Corporates”), the Department of Finance have opted to implement the Regulations with immediate effect without having undertaken any meaningful consultation on, or forewarning to industry of, these requirements.

This approach has had the effect of forcing the vast majority of Corporates into an immediate technical breach of the Regulations and now requires Corporates to take prompt action to comply with the Regulations.

Any in-scope Corporate (ie the vast majority of Corporates<sup>1</sup>) is now required to take immediate steps to prepare a register (the “Register”) that holds adequate, accurate and current information in respect of its beneficial owners.

### Who is a “Beneficial Owner”?

A detailed consideration of the concept of beneficial ownership is set out in our [previous briefing](#). In summary, the concept of beneficial ownership is deliberately broadly drafted to capture any:

- a) natural person individual;
- b) who, directly or indirectly, has a greater than 25% ownership or controlling interest in an Irish Corporate.

In many cases (for example, where the ultimate ownership of an Irish Corporate is diluted amongst multiple individuals) it will not be possible to identify any natural person individual that satisfies this greater than 25% test. In such cases, the Regulations provide that the Register should be populated with the senior managing officials of the relevant Corporate.

### How can Walkers help?

Walkers and Walkers Professional Services are ready to assist clients by:

- 1) aiding with the identification of beneficial owners;
- 2) advising on any steps necessary to obtain this information, including drafting statutory correspondence to compel the production of this information if so required;
- 3) drafting a Register to capture the information required to be held by Corporates in respect of their beneficial owners; and
- 4) preparing board resolutions and compliance statements/handbooks to ensure that the Register is kept up to date and compliant with the Regulations.

Walkers Professional Services can provide both technical and operational assistance to ensure ongoing compliance with the Regulations.

<sup>1</sup> A limited exemption exists for companies listed on an EU regulated market or otherwise subject to equivalent international ownership transparency standards.



## Key Contacts

If you have any queries on the above or would like to discuss in more detail please do not hesitate to contact us or your regular Walkers contact.



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