

LEGAL HIGHLIGHTS



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ZAKON O CENTRALNOJ EVIDENCIJI STVARNIH VLASNIKA

Vlada Republike Srbije je na sednici održanoj 25.maja 2018. godine usvojila Zakon o centralnoj evidenciji stvarnih vlasnika (u daljem tekstu: Zakon).

Zakon je dana 31.05.2018. godine objavljen u "Službenom glasniku RS" br. 41/2018 i stupa na snagu osam dana od dana objavljivanja, odnosno dana **08.06.2018. godine**.

Usvojen tekst Zakona je identičan Predlogu Zakona koji je predstavljen u prethodnom, majskom izdanju *Legal Highlights*, odnosno najvažnije, suštinske odredbe koje prikazuju pojmove i određenja (stvarni vlasnik, centralna evidencija, rokovi za postupanje, kaznene odredbe i dr.) nisu pretrpele nikakve izmene i dopune.

U tom smislu u ovom prikazu se nećemo ponovo na njih osvrnuti, ali ćemo zbog važnosti ponovo ukazati na definisane obaveze i rokove za postupanje registrovanih privrednih subjekata prema Zakonu, koji su dužni da:

- najkasnije **u roku od 30 dana** od dana stupanja na snagu Zakona **odrede stvarnog vlasnika** registrovanog subjekta;
- **u roku od deset godina** od dana evidentiranja podataka o stvarnom vlasniku **imaju i čuvaju odgovarajuće, tačne i ažurne podatke i dokumenta** na osnovu kojih se određuje stvarni vlasnik registrovanog subjekta;
- na zahtev nadležnog državnog organa i Narodne banke Srbije **učine dostupnim**, odnosno dostave tražena dokumenta koja se odnose na stvarnog vlasnika;

LAW ON THE CENTRALISED RECORDS OF BENEFICIAL OWNERS

On its session held on 25 May 2018, the Government of the Republic of Serbia adopted the Law on the Centralised Records of Beneficial Owners (hereinafter: the Law).

On 31 May 2018, the Law was published in the "Official Gazette of RS" no. 41/2018 and **should enter into force** eight days from the date of publication, i.e. on **8 June 2018**.

The adopted text of the Law is identical to the Draft Law presented in the previous, May edition of the *Legal Highlights*. The most important, essential provisions presenting terms and definitions (beneficial owner, centralised records, time frames, penal provisions, etc.) have not undergone any modifications and additions.

In this respect, we will not look back on them again in this review, but, due to the importance of the matter, we will point again to the defined obligations and timeframes for the application by registered business entities liable in accordance with the Law:

- to appoint **the beneficial owner** of the registered entity **within 30 days** at the latest;
- to provide and keep **the adequate, accurate and updated data and documents**, which are used to determine the beneficial owner of the registered entity, **within ten years from the day of recording** the data on the beneficial owner;
- at the request of the competent state authority and the National Bank of Serbia, **make available**, or submit the required documents relating to the beneficial owner;

- najkasnije **do 31.01.2019. godine evidentiraju** podatke o stvarnom vlasniku privrednog subjekta osnovanog do 31.12.2018. godine.

Uspostavljanje centralne evidencije je povereno Agenciji za privredne registre sa rokom do 31.12.2018. godine.

Dakle, kao zaključak se može izvesti da su u ovom trenutku **registrovani privredni subjekti** kod kojih u postojećoj evidenciji Agencije za privredne registre **nije utvrđen stvarni vlasnik u smislu Zakona, dužni da obezbede sva potrebna dokumenta koja određuju stvarnog vlasnika, dok je rok za evidentiranje stvarnog vlasnika u centralnoj evidenciji do 31.01.2019.godine.**

Preduslov za evidentiranje stvarnog vlasnika je obaveza Agencije za privredne registre da obezbedi aplikativni softver za uvođenje centralne evidencije, te uspostavi centralnu evidenciju, dok će se podzakonskim aktima koji će se doneti najkasnije u roku od 3 meseca od dana stupanja na snagu Zakona bliže urediti sam postupak evidentiranja.

- **record** the data on the beneficial owner incorporated by 31 December 2018 **no later than 31 January 2019.**

The establishment of the centralised records is entrusted to the Business Registers Agency with the deadline until 31 December 2018.

Therefore, as a conclusion, it can be stated that, at present, business entities for which in the existing records of the Business Registers Agency **the beneficial owner for the purposes of the Law has not been determined are liable to provide all necessary documents which determine the beneficial owner, while the deadline for recording the beneficial owner in the centralised records is 31 January 2019.**

The prerequisite for recording the beneficial owner is the obligation of the Business Registers Agency to provide an application software for the introduction of the centralised records, establish the centralised records, while the procedure of recording will be defined in detail by by-laws to be adopted within the period of 3 months from the date of entering of the Law into force.



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