

Our Ref: 5999/FN/fxn/60052.1

Mr. Charles Michel
President of the European Council

Mr. Didier Reynders
European Commissioner for Justice

Mr. Wojciech Wiewiórowski
European Data Protection Supervisor (EDPS)

Cc. CNIL/CNPD

Mishcon de Reya
Africa House
70 Kingsway
London WC2B 6AH
DX 37954 Kingsway
T: +44 20 3321 7000
www.mishcon.com

London | Cambridge | Oxford | Hong Kong | Singapore

16 September 2024

Dear European Council President, Commissioner and Supervisor

“Several lawyers have been asked to sell data comprised in the central register of beneficial ownership”
Chair of the Luxembourg Law Society

The words from the Chair of the Luxembourg law society in an email sent to its members last week confirm the concerns raised in our [previous correspondence](#).

By allowing 'immediate, unfiltered, direct and free access' to beneficial ownership information held in national registers" to unregulated sectors of the population, coupled with (a) a "passporting"-system that allows free roaming throughout the EU¹; and (b) the inability, for beneficial owners to find out the identity of the requesting parties², the new rules are intrinsically flawed and prone to abuse.



Dear colleagues,

The Luxembourg Law Society has been informed that several members have been approached by an unauthorised entity seeking to retrieve data relating to the beneficial owners of local companies via your access to the Register of Beneficial Owners, in return for payment.

We remind you that such solicitation takes place outside any legal framework and falls under criminal law (in particular articles 509-1 et seq. of the Criminal Code).

*We invite you to ignore such proposals and to redouble your vigilance.
Thank you for your cooperation.*



It is time for the EDPS to invoke [Art. 42](#) of Regulation (EU) 2018/1725 and issue an updated opinion to the new rules which were haphazardly modified by the European Parliament without his previous consultation, as would have been required under EU law.

Best regards

Filippo Noseda
Partner

¹ See [Art. 12\(2\)](#) and [Art. 13\(3\)](#) of Directive (EU) 2024/1640.

² See [Art.12\(4\)](#) of Directive (EU) 2024/1640.

Annex to 16 Sept 2024 letter to the EU

From: Info <info@barreau.lu>

Sent: vendredi 13 septembre 2024

Subject: ATTENTION – Tentative de pratique risquée et interdite auprès de nos membres

Chers confrères,

L'Ordre a été informé que certains confrères ont été approchés par une entité non autorisée cherchant à récupérer des données relatives aux bénéficiaires effectifs de sociétés luxembourgeoises par le biais de vos accès au Registre des Bénéficiaires Effectifs, contre rémunération.

Nous vous rappelons qu'une telle sollicitation intervient en dehors de tout cadre légal et tombe sous le coup de la loi pénale (notamment les articles 509-1 et suivants du Code pénal).

Nous vous invitons à ignorer de telles propositions et à redoubler de vigilance.

Nous vous remercions pour votre coopération.

Bien confraternellement à vous

Pit RECKINGER

Bâtonnier

ORDRE DES AVOCATS DU BARREAU DE LUXEMBOURG

Maison de l'Avocat – Site Joseph II,
2A, Boulevard Joseph II L-1840 Luxembourg
T. (+352) 46 72 72-1
Courriel : batonnier@barreau.lu