

Identification of the Beneficial Owners pursuant to the German Anti-Money Laundering Act (*Geldwäschegesetz – GwG*)

General information

*Notaries are obliged under the Anti-Money Laundering Act (*Geldwäschegesetz – GwG*). Therefore, with regard to certain transactions, they are obliged to determine the beneficial owners of companies involved in the transaction to be notarised (Section 10 (1) no. 2 GwG).*

Beneficial owners are all natural persons who directly or indirectly (in case of a multi-level Ownership structure) hold more than 25% of the capital or voting rights or exercise control in a comparable manner (Section 3 (2) GwG).

The parties are obliged to provide the information and documents necessary to determine the beneficial owner.

If German companies are involved in a transaction, the notary is obliged to examine an extract from the relevant transparency register. The same applies to foreign companies intending to acquire real estate in Germany.

Therefore, you are kindly asked to use this questionnaire in order to determine the ownership and control structure of the companies involved in the transaction and to provide certain documents.

1. Can the actual shareholdings in the company be correctly ascertained from the company's documents (in particular articles of association and/or list of shareholders)?

Yes

→ please attach the relevant document(s) and explain if necessary (for a German GmbH the notary can download the current list of shareholders from the commercial register himself)

No

→ please explain the ownership structure (see Annex)

Note: If other companies are shareholders in the company (= multi-level structure), their ownership structure must also be set out; this continues until at the end of the investment chain only natural / individual persons remain. In the case of a multi-level participation structure, a graphical representation (structure chart) is needed.

2. Do the voting rights in the company correspond with the participation ratio?

Yes

No (due to pooling agreements or disproportional voting rights)

→ please attach the relevant document(s) and explain if necessary

3. **Are there people or companies that hold less than 25% of the capital or voting rights in the company or are not involved at all, but still have a significant impact on decisions to be taken in/for the company?**

No

Yes (e.g. due to trust or domination agreements, special or veto rights)
→ please attach the relevant document(s) and explain if necessary

4. **Can you provide an extract from the relevant transparency register (*register of people with significant control / registre des bénéficiaires effectifs*) for the company?**

Yes
→ please attach the extract

No, we ask the notary to download an extract from the German transparency register (*this is not an option in case of foreign companies not registered with the German transparency register – in that case, the client needs to provide an extract from the respective foreign transparency register*)

Note: Foreign companies only need to provide an extract from the transparency register if they intend to purchase real estate in Germany.

Company's Details

Company's Name: _____

Register & Register-No.: _____

Business seat: _____

Address: _____

Place, Date

Name

Annex

Ownership Structure / Control Structure

Sample Form for the description of the ownership and control structure

Shareholder's Name	Shareholder's Address	Capital Share (%)	Voting Share (%)