

NR 724/2024

A RESOLUTION  
OF THE KDPW MANAGEMENT BOARD  
OF 23 JULY 2024

ON AMENDMENTS TO THE  
RULES OF REGISTRATION AND MAINTENANCE  
OF LEGAL ENTITY IDENTIFIERS BY KDPW

Acting in accordance with § 23 subpara. 2 of the KDPW Articles of Association, the KDPW Management Board has resolved the following:

**§ 1**

To make the following amendments to the Rules of Registration and Maintenance of Legal Entity Identifiers by KDPW, forming an annex to Resolution No. 311/2016 of the KDPW Management Board of 16 May 2016 (as amended):

**1/** In § 3:

**a/** point 5 shall be amended as follows:

“5. User – a legal entity or an agent;”;

**b/** point 5<sup>1</sup> shall be added after point 5 as follows:

“5<sup>1</sup>. An authorised entity – a natural person acting in the capacity of a user on their own behalf, or – in instances where a user is a legal entity – a natural person indicated in the relevant register as a representative of the user, or another person acting as the legal representative of the user, where confirmation of the existence of the authorisation held by such a person is confirmed by their payment of the fee for services provided to the user;”;

**2/** In § 4, subpara. 1 shall be deleted;

**3/** In § 5, subparas. 3 and 4 shall be amended as follows:

“3. KDPW may require an authorised entity to present documents necessary to verify their authorisation or to verify user data.

4. KDPW may require an authorised entity to present original counterparts of documents which have been sent as a copy. A document or a scan of a document signed with a qualified electronic signature by the Users’ duly authorised representative shall also be considered an original counterpart.”;

**4/** In § 7, subpara. 1 shall be amended as follows:

“1. KDPW shall provide the user with a document confirming that a Legal Entity Identifier has been registered. “;

**5/** In § 10, subpara. 1 shall be amended as follows:

“1. KDPW may provide the Service to a User following the opening an Online Account by an authorised entity.”;

**6/** In § 11:**a/** subparas. 1-3 shall be amended as follows:

“1. An Online Account is opened by obtaining an activation link and following completion by the authorised entity of a form in the Online Application with the necessary data.

2. Activating links shall be generated by the system supporting the Service and sent to the e-mail address indicated by the authorised entity in the form.

3. In connection with the opening of an Online Account, an authorised entity shall make a declaration to the effect that:

- 1) they accept the terms and conditions of the Rules on behalf of the user;
- 2) they confirm their authorisation to act on behalf of the user;
- 3) they confirm that they have read and understood the personal data processing clause.”.

**b/** subpara. 4 shall be deleted;

**7/** In § 12:**a/** subparas. 1 and 2 shall be amended as follows:

“1. An Electronic Application may be submitted by a legal entity on their own behalf or by an agent acting on behalf of a legal entity.

2. An Electronic Application shall be filed by an authorised entity using the internet application to enter the necessary data of the Legal Entity for which an Identifier is to be registered. Relationship Data or an indication that the Legal Entity has no Direct and/or Ultimate Parent shall be entered in the form in addition to the data of the Legal Entity. Furthermore, the form should specify one of the fees referred to in § 29 sub-para. 1 points 1 – 1d which the User shall be required to pay.”;

**b/** subpara. 6 shall be amended as follows:

“6. In the absence of any Consolidated Financial Statements or any documents referred to in subpara. 5, a declaration by the Legal Entity confirming the Relationship Data, issued by an authorised entity, shall be submitted with the form. Relationship Data may be determined on the basis of various documents from among the documents referred to in sub-para. 4 to 6 if no single document identifies both the Direct and the Ultimate Parent and the Legal Entity has both a Direct and an Ultimate Parent.”;

**c/** subpara. 8 shall be deleted;

**8/** In § 13, subpara. 1 shall be amended as follows:

“1. As part of the Electronic Application, Users that are residents of member states of the European Union other than the Republic of Poland shall be obliged to make declarations concerning their place of establishment or fixed establishment, which is the place of supply of the Service within the meaning of Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (Official Journal L 77 of 23 March 2011) that confirms that they hold an active EU VAT number registered in the VAT Information Exchange System (VIES). “;

**9/** In § 14:

**a/** in subpara. 3, the second sentence shall be deleted,

**b/** subpara. 5 shall be deleted;

**10/** In § 15:

**a/** subpara. 1 shall be amended as follows:

“1. Following verification of an Electronic Application for the issuance of an Identifier, KDPW shall send the User a message confirming positive verification or rejection of the Application. Together with the message confirming positive verification of the Application, a pro-forma invoice shall be made available in the User’s Account or User’s email address, which specifies the amount of the fee due to KDPW in respect of the issuance of an Identifier, the form of payment and the due date. A pro-forma invoice is not a VAT invoice. In the case of agents granted special authorisations, referred to in § 5 subpara. 5, following verification of an Electronic Application, KDPW shall send the User a message confirming issuance of an Identifier or rejection of the Application. A VAT invoice which specifies the amount of the fee due to KDPW in respect of the issuance of Identifiers in the billing period shall be made available to the agent granted special authorisations in the User’s Account or User’s email address immediately after the end of the billing period but not later than 7 days after the end of the billing period.”;

**b/** in subpara. 5, point 4 shall be deleted;

**11/** In § 16, the second sentence subpara. 2 shall be deleted;

**12/** In § 19:

**a/** subparas. 1 and 2 shall be amended as follows:

“1. Within the term of validity of an Identifier, KDPW may verify the Reference Data of a legal entity whose Identifier has been registered by KDPW to the extent referred to in § 15 subpara. 5 point 5, either at its own instigation, or based on the declaration of a third party, including a legal entity.

2. Where a discrepancy has been noted between the reference data of a legal entity and the data of that entity entered in the relevant register, KDPW may:

1) inform the User of this fact and oblige them to declare amendments to the reference data of a legal entity;

2) itself amend the reference data of the legal entity.

KDPW shall inform the user of any amendments made.”;

**b/** subpara. 4 shall be deleted;

**13/** § 20 shall be amended as follows:

“§ 20

For Identifiers registered in an Online Account of an Agent, the Agent shall be obliged to co-operate with the legal entity, whose Identifier they manage and in particular, shall be obliged to inform the legal entity of any activities performed on its behalf.”

**14/** In § 21, subpara. 3 shall be amended as follows:

“3. Data referred to in subpara. 1 shall be updated by the User in whose Online Account the Identifier is registered, by completing and sending by the authorised entity of the relevant form through the Online Application.”;

**15/** In § 22:

**a/** subpara. 2 shall be amended as follows:

“2. If the renewal of an Identifier using an automatic renewal order fails, then in order to renew the Identifier, the authorised entity shall send a renewal order in the Online Application.”;

**b/** in subpara. 4, the second sentence shall be amended as follows:

“4. Together with the message confirming positive verification of a renewal order, a pro-forma invoice shall be made available in the User’s Account or to the User’s email address which specifies the amount of the fee due to KDPW, the form of payment and the due date. A pro-forma invoice is not a VAT invoice.”;

**c/** in subpara. 9a, point 4 shall be amended as follows:

“4) a VAT invoice which specifies the amount of the fee due to KDPW in respect of the renewal of Identifiers in the billing period shall be made available in the agent’s account or sent to the agent’s email address immediately after the end of the billing period but not later than 7 days after the end of the billing period;”;

**16/** In § 24, the first sentence of subpara. 1 shall be amended as follows:

“An Electronic Application for Identifier Registration referred to in § 23 point 1 shall be filed by the authorised entity completing a form with required data and sending the form through the Online Application.”

**17/** In § 25, subpara. 2 shall be amended as follows:

“2. A User’s Identifier transfer request shall be filed by completing and sending the relevant form in the Online Application by the authorised entity.”;

**18/** In § 26, the first sentence of subpara. 2 shall be amended as follows:

“A User change request shall be filed by the User in whose Account the Identifier is to be registered by completing and sending the relevant form in the Online Application by the authorised entity.”;

**19/** In § 28, the first sentence of subpara. 5 shall be amended as follows:

“1. By entering Relationship Data containing the Identifiers of the Direct and/or Ultimate Parent in the form referred to in § 12 sub-para. 2, the authorised entity declares on behalf of the user that all entities concerned by such information have given their consent for:”;

**20/** In § 30, subpara. 2 shall be amended as follows:

“2. An invoice for a payment made shall be available to a User via their internet account or shall be sent to the user’s email address.”;

**21/** In § 34, subparas. 2, 3 and 6 shall be deleted.

**§ 2**

This Resolution shall enter into force on 1 August 2024.

Maciej Trybuchowski  
President & CEO

Mariusz Sadłocha  
Member of the KDPW Supervisory Board delegated to act as  
Member of the Management Board