



September 2012

Macao

## AMENDMENTS TO THE COMMERCIAL REGISTER CODE (LAW NO. 6/2012)

Entering into force on the 22nd July 2012, Law No. 6/2012, published on the 23rd April 2012, includes a relevant number of amendments that contribute to the modernization of the commercial register in the Special Administrative Region of Macau.

### MAIN AMENDMENTS:

- Stricter identification requirements to support the acts of registration:
  - When the commercial entrepreneur (individual) files the registration application, a copy of the identification document must also be submitted (Section 34)
  - When the commercial entrepreneur (corporate) files the registration application, a copy of the identification document of each director, members of the Supervisory Board and of the company secretary must be submitted (Section 35).
  - Upon the registration of a commercial enterprise, the registration of the same is automatically linked to the one of the respective commercial entrepreneur (Section 33 no. 2).
- Data protection:
  - Only the commercial entrepreneur (individual) and the commercial entrepreneur (corporate), or its representatives, can ask for the issuance of certificates or written information that include the type and number of the identification documents submitted (Section 69-A).
- Commercial Registration e-services:
  - When made by a notary or lawyer with office in Macau SAR, the registration application can be electronically filed. A “filing number” is automatically assigned. This electronic filing can be made outside Registrar Office business hours (Section 40).
- Legalization of books:
  - Only the commercial entrepreneur (individual) and the commercial entrepreneur (corporate), representatives or lawyers, have legitimacy to request the legalization of the official books of the commercial entrepreneur. Lawyers are not required to produce a supporting power-of-attorney (Section 25 n. 4).
- Reduction of intra-Administration bureaucracy:
  - It is established an ex officio interconnection between the Registrar Office and the Tax Department for the purpose of the Registrar Office promptly updating in its database the cancellation of and the re-registration of a commercial entrepreneur (corporate) on the industrial tax database (Sections 19-A and 118-A).



- New facts subject to registration:
  - Commercial entrepreneur (individual):
    - Declarations of nullity, lapse, as well as annulment and renunciation of the commercial name (Section 3 paragraph e)).
  - Commercial entrepreneur (corporate) – Section 5:
    - Power-of-attorney (paragraph o)).
    - Resume to business resolved in the course of a liquidation proceeding (paragraph u)).
    - Suspension, revocation or lapse of the public services' prior authorization to the incorporation, in the cases there is the requirement of authorization prior to incorporation (e.g. Banks, Insurers, Fast Cash Remittance and Private Security companies) (paragraph z)).

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