

NEWSLETTER

MANDATORY FOR COMPANIES: THE USE OF “CÉGKAPU” SERVICE

As of January 1, 2017, section 24(1) of Act V of 2006 on Public Company Information, Company Registration and Winding-up Proceedings (the “**Companies Registration Act**”) on the mandatory contents of the Companies Register has been supplemented with paragraph n), according to which the company’s registered contact point as per Act CCXXII of 2015 on the General Rules for Trust Services and Electronic Transactions (the “**Act on E-Transactions**”) constitutes a mandatory content of the Companies Register.

Recording the registered contact point in the Companies Register will be mandatory from January 1, 2018. Before this date, companies may request the registration of such data.

REGISTERED CONTACT POINT/ CÉGKAPU:

The registered contact point is an address for registered delivery service, or another type of electronic contact provided for by the Government by way of a decree (at present, there is no Government Decree in force providing for another type of electronic contact), which serves as point of contact with the authorities and other bodies providing electronic transactions and operates via a dedicated storage space made available by a service provider appointed by the Government by way of a decree (the “**Cégkapu**”).

Cégkapu provides confirmation of the receipt of consignments addressed by the authorities to the company. On the basis of section 14(4) of the Act on E-Transactions, applications sent to the Cégkapu address will produce a similar legal effect as those delivered by mail. Namely, according to the provision of Act on E-Transactions referred to above, a mail delivered to the Cégkapu address shall be considered delivered if the Cégkapu service provider confirms the receipt, or the refusal of receipt by the addressee, or confirms that the addressee did not collect the mail after being notified twice; in this case the mails will be deemed as delivered on the 5th working day following the date of the second notice (it is a quasi return receipt).

The service provider appointed on the basis of section 4 paragraph m) of Government Decree no. 84/2012 (IV. 21.) on Appointing Organizations relating to Electronic Transactions is NISZ Zrt., which provides an electronic storage space dedicated to electronic contact keeping up to the size of 300 MB free of charge.

CÉGKAPU REGISTRATION AND NOTIFICATION OF THE CÉGKAPU ADDRESS:

The authorized signatory of the business entity may initiate Cégkapu registration in the name of the business entity at the Cégkapu service provider (presently NISZ Zrt.)

Following this, the natural person authorized by the company to operate Cégkapu (the “**Cégkapu agent**”), and additional users registered by him as persons authorized to use Cégkapu for electronic contact keeping in the name of the company (the “**persons entitled to act in the name of the company**”), will be entitled to operate Cégkapu.

On the basis of the Act on E-Transactions, the company is obliged to notify its Cégkapu address to the register of administrative dispositions (the “**register of dispositions**”) within 8 days of its registration or, if the company comes into existence by means other than registration into a register maintained in accordance with relevant legislation, from the date of establishment. Companies may fulfill this obligation also by reporting the Cégkapu address into the Companies Register.

On the basis of Government Decree no. 451/2016. (XII. 19.) on the Detailed Rules of Electronic Transactions, the Cégkapu service provider will, unless the company provides for otherwise, notify the Cégkapu address to the register of dispositions, thus the company will only have to take care of its registration into the Companies Register.

In connection with the notification, the following deadlines need to be observed:

1. In the case of companies established after January 1, 2017, the Cégbkapu address must be notified to the register of dispositions **within 8 days following registration into the Companies Register.**
2. In the case of companies already existing before January 1, 2017, the deadline for notifying the Cégbkapu address to the register of dispositions is **August 30, 2017.**
3. From **January 1, 2018**, it is compulsory to initiate the entering of the Cégbkapu address into the Companies Register.

If you would like to receive more information about the above, please do not hesitate to contact our Attorneys' Office.

Budapest, March 3, 2017

The contents of this Newsletter have been prepared for information purposes and cannot be deemed as a comprehensive analysis of the modifications. Therefore it cannot be interpreted as a legal opinion or a legal advice in a concrete matter under any circumstances.