

Preparing to register UBOs

For a new stichting

Are you going to register a new *stichting* (foundation)? You also need to register the UBOs of your organisation by filling in [Form 31](#).

UBOs (Ultimate Beneficial Owners) are the ultimate stakeholders of an organisation. In other words, the people who make decisions for a business. An example is an individual who is the beneficiary of more than 25% of the capital in the *stichting*. An organisation has 1 or more UBOs.

Determine who your organisation's UBOs are

The interests listed below may apply to a *stichting*. You determine the UBO or UBOs based on these interests. KVK cannot advise you when determining who your organisation's UBOs are.

When registering UBOs at a KVK office, you must provide documents to show the interests of the UBOs. Examples of these documents for each interest are listed below.

1. Beneficiaries of the capital

Are there individuals who are entitled to more than 25% of the capital in the organisation? Then these persons are UBOs. Make a note of which percentage of the capital each UBO is a beneficiary:

- over 25% and less than or equal to 50%
- over 50% and less than or equal to 75%
- over 75% and less than or equal to 100%

Example:

Foundation Help Y has raised money for Ms Y, who needs to undergo surgery. This has been registered as the aim of the foundation in the target description. Ms Y is the only person for whom funds are being raised. Therefore, Ms Y is the beneficiary of the capital, and the UBO of this foundation.

Examples of required documents for this interest:

Purpose statement or liquidation provision in the articles of association.

2. Voting rights

Are there individuals with more than 25% of the voting rights in the organisation? Then these persons are UBOs. This is about the voting rights for an amendment to the articles of association, if the articles of association allow that. Make a note of the percentage of each UBO's voting rights:

- over 25%, and less than or equal to 50%
- over 50%, and less than or equal to 75%
- over 75%, and less than or equal to 100%

Examples of required documents for this interest:

Notarial deed of amendment to articles of association.

3. Persons who have effective control by other means

Are there persons who have effective control, based on other circumstances than the ones mentioned above? Then these persons are UBOs.

Example:

Donor Z of interest group G finances the organisation. Z has no formal role in the organisation but fulfils a role as an external stakeholder. This makes Z a UBO in this example.

Examples of required documents for this interest:

Management report, articles of association, or part of another notarial deed relating to the UBO.

Do none of these interests apply?

In that case, you register all senior officials as the organisation's UBOs. You can only do so if these officials are registered in the Business Register as statutory directors. You do not register them based on having a stake in the organisation, but because they have the function of director. This is often the case for foundations with ANBI status (Public Benefit Organisation). You do not need to add any documents to the report to demonstrate the stake or interest.

What other information do you need when registering UBOs?

Form 31 (UBO registration for a new *stichting*) states what information you need from the UBOs.