

Luxembourg, November 17, 2015

## **Circular RCSL 15/4**

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**Subject: Registration and deletion of registration of a temporary administrator ('administrateur provisoire') with the Luxembourg Trade and Companies Register**

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The present circular has as objective to specify the procedure to be followed regarding registration with the RCS of a temporary administrator in the file of a registered person and the deletion of this registration.

### **1) Registration of a temporary administrator**

The registration of a temporary administrator in the file of a person registered with the RCS is an automatic registration, which is made by means of transmission to the manager of the RCS, by the responsible judicial officer, of an excerpt from the decision concerning the appointment of the temporary administrator and thus in accordance with the provisions of articles 13, 11) and 14, b) of the amended law of December 19, 2002 relating to the Trade and Companies Register as well as the accounting and the annual accounts of companies (la loi modifiée du 19 décembre 2002 concernant le registre de commerce et des sociétés, ainsi que la comptabilité et les comptes annuels des entreprises).

Have to be registered with the RCS the name, first name(s) or denomination or corporate name of the temporary administrator. The identity of the temporary administrator as well as the indication of the legal procedure to which the registered person is subject will appear on excerpts issued by the manager of the RCS for this person and on the web site of the RCS.

### **2) Resignation of the temporary administrator**

In the case of resignation of the temporary administrator from his function, regardless of the reasons, his (her, its) resignation can be subject of a filing with the RCS for purposes of publication in the Memorial C. The resigning temporary administrator will not be deleted from the RCS but indication of the filing with the RCS of his resignation will appear on the excerpts issued by the manager of the RCS in order to inform third parties. The filing of the resignation of the temporary administrator will, on the other hand, have no impact on the indication of the legal procedure, which will still appear on the heading of excerpts issued by the manager of the

RCS for the person concerned by this procedure and which will still be indicated on the web site of the RCS.

### **3) Deletion of the temporary administrator**

Except the cases where an end-of-mission date was provided for in the decision carrying appointment of the temporary administrator, if the mission of the temporary administrator comes to an end and the indication of the legal procedure has no longer reason to be, the deletion of this indication in the file of the registered person implies the transmission to the manager of the RCS, by the responsible judicial officer, of the excerpt from the judicial decision stating the end of the mission of the temporary administrator. Based on this extract the temporary administrator will be deleted from the RCS and the indication of the procedure will be removed from the file of the registered person concerned.

**On behalf of the Manager of the Luxembourg Trade and Companies Register**

(s) Yves Gonner  
Directeur

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Notes presented by the Luxembourg Trade and Companies Register (hereafter « RCS »):

- are of a general nature and are not aimed at a particular situation applicable to any individual person or legal entity;
  - are of a documentary nature and for information only;
  - are solely aimed at answering a number of questions raised by the RCS users;
  - are of no legal value and do not involve the liability of the RCS;
  - are not necessarily complete, exhaustive, accurate or up-to-date;
  - are not to be used as a substitute for legal or professional advice;
  - only reflect the opinion of the "RCS" on a number of issues which remain subject to any interpretation by Courts and Tribunals
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