



# LINARI LAW FIRM

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## AVOCATS A LA COUR

### Digitalization of notarial deeds in Luxembourg

Further to the transposition of the Directive (EU) 2019/1151 on the use of digital tools and processes in company law and the global digitalization of the notarial profession, Luxembourg has approved on June 15, 2023, a law legalizing the use of the electronic format for certain authentic deeds.

The Luxembourg notaries may now pass deeds of incorporation of private limited liability companies (SARLs), public limited liability companies (SAs) and partnerships limited by shares (SCAs) by the execution of a digitalized deed which will have the same probity as a written deed.

The notary may draw up a deed in electronic format in the presence of the parties or when only one or none of the parties signing the deed are physically present before the notary at the time of signing. In latter case, the absent party will execute the act via an access to the electronic platform of the Notaries' Chamber.

The notary will carry out the legal verification duties under article 3 of the Notarial Law of December 9, 1976, as amended, on the basis of documents provided by the parties or by means of audiovisual telecommunication. The notary's liability to identify the parties will remain unchanged which implies that it is up to the notary to decide whether and under which conditions a deed may be passed electronically, notably in case of suspicions of identity forgery identity, non-compliance with the representation rules or in case of the payment of share capital by a contribution in kind.



It is to be noted that Luxembourg went further than the Directive and legalized the electronic format for all notarial deeds, with the exception of the wills.

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