



Accreditation and application for an electronic certificate, for legal persons.

June 6th, 2016

Review 12 November 2021

The application from 1 July 2016 of the European Electronic Signature Regulation (eIDAS), means that the FNMT-RCM issues, as of 6 June 2016, [legal person representative](#) certificates which are aligned with the Regulation. They will be valid for two years and cannot be renewed once they have expired.

These certificates will be used by supervised entities on the CNMV Virtual Office and Online Register.

Phase 1: Application for a legal person representative certificate

Legal person representatives must submit the certificate application through the [FNMT-RCM website](#). They must indicate their identification details and their email address for notification purposes. Public and private keys will be generated with their browser. FNMT-RCM will then send an email indicating the *Application Code*, which must be printed. This Application Code is valid for 100 days.

Between phase 1 and phase 3 of the certificate download process, the computer must be maintained in the same condition, avoiding the updating of operating systems and browsers. Before requesting the certificate, it is necessary to have the software available on the section [Pre-configuration – of the fnmt.gob.es](#) virtual office installed to generate the keys.

Phase 2: Authentication of identity and recognition of powers of attorney

The data and powers of the legal person representative may be authenticated as follows:

- **In-person**, by submitting the original copy of the standard form, the Companies Registry's certificate and the power of attorney at the CNMV General Registry.
 - **Electronically**, using the CIFRADO service enabled to this end at the CNMV's Virtual Office by accessing it with the valid digital certificate of a natural person, of the legal person's representative, of the sole/jointly and severally liable director, or the electronic Spanish National Identity Card (DNI-e) of the applicant. If this method is used, the application must not be submitted again in-person.
- a. In the case of commercial companies and other legal persons whose registration is mandatory in the companies register, a certificate issued by the Companies Registry containing the details of the company's incorporation and legal personality must be submitted. If you have Online access, you can print the *.pdf received and submit it together with the rest of the documentation. If you file the application in-person at the Companies Registry, you must submit the original certificate at the CNMV General Registry. Please note that you must submit the original Companies Registry certificate. Uncertified extracts from the register, photocopies and enquires made on the registrars of Spain website ([registradores.org](#)) will not be accepted.

- b. If the representative is a sole/jointly and severally liable director, a jointly and severally liable CEO, a general director of an IF or a legal representative of the legal person, the corresponding Companies Registry certificate in respect of the representative's appointment and term of office must be submitted. The date of issue of such certificate must be at least ten days before the date on which the legal person representative certificate was requested. If the representation is voluntary, a power of attorney containing a special clause to request a legal person representative certificate and its use to bind the legal person in [the procedures indicated](#) and where its use is possible, must be submitted. The power of attorney submitted must be the original or a certified copy thereof. A photocopy, uncertified copy of the power of attorney and its submission by electronic registration is not valid, unless the authorising notary public of the electronic power of attorney or of the electronic certified copy submits it via ANCERT (FERN Certificates) using the procedure *DNE-Documento Notarial Electrónico* (Electronic Notarial Document) available on the Open Area of the CNMV Virtual Office, selecting the option: *CIFRADOCCNMV service*.
- c. The *Application Code* obtained in the application phase.

This agency will officially recognise the powers of attorney and verify the certifications. If they are correct, the FNMT-RCM will be informed accordingly. The later will then generate the certificate, making it available to the applicant and will send an email to the applicant stating that the certificate can be downloaded.

If the applicant does not wish to go in-person to the CNMV's offices, by appointment, he or she can sign an [application attested by a notary public \(S1\)](#), and send it together with the powers of attorney and/or certifications and the Application Code to the CNMV's offices by registered mail or courier. The applicant will receive an email stating that the certificate is available for download.

The applicant can also sign [the application not attested by a notary public \(S2\)](#) and send it together with the rest of the documentation to the CNMV's offices by registered mail or courier. Subsequently, upon notice, the applicant must go in-person to the CNMV for accreditation of identity. The applicant will receive an email stating that the certificate is available for download.

Phase 3: Downloading the certificate

After receiving the notification by email, the applicant can initiate the certificate download procedure on the same computer as that on which the application procedure was initiated.

The applicant must use the Tax Id. Code (NIF) of the legal person represented and the Application Code obtained in phase 1 (no later than 40 days after the date on which it was issued).

The applicant must pay the applicable fee for the issue of the certificate to FNMT-RCM. Payments can only be made by credit card.

Lastly, the certificate can be downloaded on the applicant's computer, in software support.

Important:

- 1) If the natural person representative of the legal person already has an electronic representative certificate of said legal person, issued by the FNMT to carry out formalities with other public bodies, the natural person does not have to go in-person to the CNMV. In order to use this certificate in formalities carried out with the CNMV, the applicant only has to send [a request to use the legal person representative certificate in the CIFRADOCC/CNMV service \(S3\)](#), attaching the powers of attorney for the corresponding formalities, as indicated in paragraphs a) and b).
- 2) If the natural person representative of the legal person already has an electronic certificate to act as a sole, jointly and severally liable director for such legal person, issued by the FNMT, the natural person does not have to go in-person to the CNMV. In order to use this certificate in formalities carried out with the CNMV, the applicant only has to send [a request to use the certificate to act as a sole, jointly and severally liable director in the CIFRADOCC/CNMV service \(S4\)](#), attaching the certificate of the companies registry in respect of the representative's appointment and term of office, as indicated in paragraph b), without requiring the submission of any power of attorney.

Foreign Entities:

Legal persons whose tax domicile is located outside Spain and who have the obligation of submitting information via the Virtual Office (CIFRADOCC Area), must be aware of the fact that both the entity and the applicant must have a Spanish Tax Identification Code. Both codes are essential in order to request a legal person representative certificate.

In this case, to authenticate the data and the powers of the legal person representative, the applicant may submit, via the CNMV General Register, an [application attested by a notary public \(S1\)](#), together with a sworn translation of the powers of attorney issued in two columns, both documents bearing the Hague Convention Apostille. A certificate of incorporation in the home State must also be attached, together with a sworn translation and the application code of the FNMT.

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