



Information for clients No. 2

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Compulsory electronic mailboxes from 1 January 2017

From 1 January 2017, authorities will be able to send official documents to all businesses via electronic mailboxes. Documents delivered to electronic mailboxes will have the same legal effect as documents delivered in writing.

The introduction of electronic mailboxes should allow for more efficient and faster communication with public administration, higher transparency, and simpler administrative processes in communication with public bodies.

Here is an overview of the most important information pertaining to this topic.

What is an electronic mailbox?

The electronic mailbox is an electronic storage where official electronic messages and notifications are stored. The electronic mailbox allows citizens and businesses to communicate with public administration (e.g. individual ministries, municipal authorities, social insurance company, notaries, etc.) in electronic form. Despite electronic mailboxes, electronic communication with tax and customs authorities will continue to be conducted through the www.financnasprava.sk portal.

Electronic mailboxes were enacted by Act Number 305/2013 on the electronic performance of tasks by public authorities and the amendment of certain acts, as amended (hereinafter as the "Act on e-Government" or the "Act").

Who will be provided an electronic mailbox?

In accordance with the Act on e-Government, the electronic mailbox can be either created automatically or upon request.

It will be automatically created for:

- all individuals who reach 18 years of age;
- all natural persons - entrepreneurs in connection with a business license being issued or the entity being registered in the respective register (e.g. the Trade License Register of the Slovak Republic);
- all legal entities in connection with the entity being registered in the respective register (e.g. the Business Register of the Slovak Republic);
- all organizational units in connection with the entity being registered in the respective register (e.g. the Business Register of the Slovak Republic).

The electronic mailbox can also be created upon request, e.g. in the following cases:

- for an individual without permanent residence in the territory of the Slovak Republic;
- for a legal entity without a registered office in the territory of the Slovak Republic.

The electronic mailbox will be created free of charge at the Central Public Administration Portal at www.slovensko.sk. The electronic mailboxes will be under the administration of the Government Office of the Slovak Republic.

Each individual can only be assigned one electronic mailbox for each legal status. For example, an individual,



who is also an entrepreneur, will have two separate electronic mailboxes - one as a citizen of the Slovak Republic and the other as an entrepreneur.

Activation of electronic mailboxes

In order to use the electronic mailbox, it needs to be activated.

▪ Citizens and natural persons - entrepreneurs

Citizens and natural persons - entrepreneurs (e.g. individuals who are self-employed in accordance with the Trade Law) can request activation at any time. **This is a voluntary activation.**

▪ Legal entities and organizational units

The electronic mailboxes of all legal entities with a registered office in the territory of the Slovak Republic and their registered organizational units will be automatically activated by default by 1 January 2017 at the latest. When an authorized individual logs in to the electronic mailbox before that date, the mailbox will be activated on the day of the first login.

Who is authorized to access and use the electronic mailbox?

The electronic mailbox can only be accessed and used by



the owner of the electronic mailbox, i.e.

- an individual or natural person - entrepreneur for whom the electronic mailbox was created;
- a statutory body or member of the statutory body of a legal entity for which the electronic mailbox was created;
- a manager of an organizational unit, statutory body

of the founder or member of the statutory body of the founder.

The owner of the electronic mailbox will have **the right to authorize a third party** to access and use his/her electronic mailbox (full or partial access).



Access to the electronic mailbox

The authorized individual will be granted access to the electronic mailbox following identification and authentication.

Authentication (verification of the identity of the person logging in) is enabled using an **ID card with an active electronic chip** and a defined personal security code or a **residence card with an active electronic chip** and a defined personal security code.

The law also allows for authentication using an alternative identifier. Such identifier can be issued by the Ministry of Interior of the Slovak Republic. As the Ministry of Interior of the Slovak Republic has not issued any additional information in this regard, it is not yet possible to log in to the electronic mailbox using an alternative identifier.

Foreign statutory

Only individuals who are **citizens of the Slovak Republic** can be issued ID cards with a chip. When a statutory representative of a legal entity has neither Slovak citizenship nor a residence permit in Slovakia, he/she can authorize another natural person - a citizen of the Slovak Republic - to have



full access to the electronic mailbox of the legal entity.

Delivery of documents to the electronic mailbox

Following the activation (1 January 2017 at the latest), official resolutions can be delivered in electronic form to the electronic mailboxes of legal entities. Electronic resolutions delivered to the electronic mailbox have the same legal effect as documents delivered in written form.

An electronic message will be deemed delivered on the day following the day as of which it was sent to the electronic mailbox. As for messages delivered "to the hands" of the recipient, such message will be kept in the mailbox for 15 days from the

date of receipt. Following the expiry of this time period, the message is deemed delivered. This shall also apply when the addressee was not aware that such message had been sent to his/her electronic mailbox. The so-called **fiction of service** applies.

Conclusion

Electronic documents delivered to the electronic mailbox can be deemed delivered even without the owner of the electronic mailbox reading such documents. So-called fiction of service applies. The owner of the electronic mailbox can authorize a third party to have access to his/her electronic mailbox. We will gladly assist you in activating and managing your electronic mailbox. ■



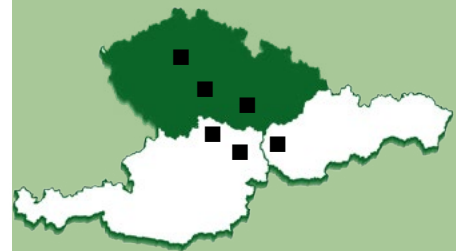
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