



# DELTA legal

## Legal News

### Mandatory activation of electronic mailboxes

*Did you know that as of 1 January 2017 your electronic mailbox will be automatically activated?*

**Mandatory activation of electronic mailboxes initiated on 1 August 2016**

In accordance with Act No. 305/2013 Coll., on the electronic performance of tasks by public authorities (the Act on e-Government), electronic mailboxes designated for electronic communication between Slovak legal entities and public authorities were created continuously since 31 January 2014. **The process of mandatorily activating electronic mailboxes for legal entities and their registered branches was initiated on 1 August 2016.** If a legal entity logs in to its electronic mailbox after 1 August 2016, this login will be considered as the activation of the mailbox. Then, **as of 1 January 2017, all electronic mailboxes of legal entities and their registered branches will be automatically activated** (i.e. even if the legal entity did not log in to its mailbox during the transitional period beginning 1 August 2016). The mandatory activation of electronic mailboxes means that public authorities will be entitled to deliver official decisions and notifications to the electronic mailbox with the same legal effect as delivering them in paper form.

**Electronic mailboxes need to be regularly checked**

Messages delivered through electronic mailboxes will be deemed delivered:

- a) on the day following the day the message reached the electronic mailbox – **when not delivering a message designated for personal delivery** (so called delivery into the own hands of the recipient); or
- b) **when delivering a message designated for personal delivery** – on the day and time stated on the electronic notice of delivery, or on the following day after the expiry of 15 days as of the day when the message reached the electronic mailbox (even if the recipient did not know about it – presumption of delivery).

Electronic mailboxes must be regularly checked so that legal entities and their registered branches can respond promptly to messages received from public authorities.



## Access to the mailbox

**The legal entity's statutory representative has automatic access to its electronic mailbox.** The statutory representative can authorise another person to have full access to the mailbox.

In order to access the electronic mailbox, it is necessary to use (for identity authentication purposes) only a Slovak identity card with an electronic chip (eID card) together with a personal security code ("BOK") or, in the case of foreigners, a residence permit card with an electronic chip together with a personal security code.

**A statutory representative or branch manager who is a foreign natural person and who has not been granted a residence permit** (i.e. does not have a Slovak identity card or a residence card with an electronic chip) **has to authorize a natural person – a Slovak citizen with a Slovak identity card with an electronic chip**, to fully access the electronic mailbox on behalf of a Slovak legal entity. An application for authorization to access the electronic mailbox should be sent in paper form with the certified signature of the foreign natural person to the following address of the Government Office of the Slovak Republic: Úrad vlády SR, P.O. BOX 11, Námestie slobody 1, 810 05 Bratislava 15. If the signature is verified outside of Slovakia, an apostille (or superlegalization, if applicable) must be affixed to the application in paper form.

It is questionable whether the specific requirements for access of the foreign statutory representatives to the electronic mailboxes are in accordance with the rules for freedom to provide services and right of establishment stipulated by the European Union law. However, unless those requirements will be changed, it is necessary to count with them. In case that the requirements for access of the foreign statutory representatives to the electronic mailboxes will be changed, we will inform you without undue delay.



For more information, please contact Henrieta Hovanová or Lýdia Cadete at [henrieta.hovanova@deltalegal.cz](mailto:henrieta.hovanova@deltalegal.cz) or [lydia.cadete@deltalegal.cz](mailto:lydia.cadete@deltalegal.cz) or your usual contact person in our office.

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