Contribution ID: 440ddeb4-29bc-4643-9283-e21c6966490a
Date: 08/05/2026 14:48:03

Public-Consultation-Private sector - Art 19(9) AMLR

Fields marked with * are mandatory.

Public Consultation on draft Regulatory Technical Standards on criteria for business relationships, occasional transactions and linked transactions as well as lower thresholds under Article 19 (9) of Regulation (EU) 2024/1624

Objective of the consultation

AMLA invites comments on provisions of the draft RTS under Art. 19(9) of Regulation (EU) 2024/1624 and in particular on the specific questions detailed below.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence to support the views expressed/ rationale proposed; and
- describe any alternative regulatory choices AMLA should consider.

Such comments should be sent by **8 May 2026,** 23:59 (CET).

Personal data protection:

The protection of individuals with regard to the processing of personal data by the AMLA is based on Regulation (EU) 2018/1725. Further information on the processing of the personal data is available in the Data

Protection Notice.

All legal details can be found in our Specific Privacy Statement (SPS).

How to provide feedback

All the fields marked (*) are mandatory. In case a question is not relevant for you, please answer with "NA".

We are using a survey format to help us analyse feedback effectively and efficiently. For this reason, document uploads are not enabled, and we kindly invite you to share your comments directly within the survey.

Please note that, by submitting your contribution, you acknowledge that it will be published on AMLA's website. Contributions will always be published. The name of organisations submitting their contribution will also always be published. The name of the natural person providing a contribution will be published unless they object to said publication. Please refrain from inserting further personal information beyond of what we ask from you. In particular, refrain providing confidential information or special categories of personal data (that is "personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation). Your email address will never be published.

Before publication, the AMLA staff performs a limited screening of all contributions provided for the sole purpose of blocking unauthorised submissions. After this, the replies are made available to the public directly on the AMLA's public consultations' page.

Please note that your contribution may be subject to a request for access to documents under Regulation 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Should you encounter issues with submitting your responses, please contact us by email at public.consultations@amla.europa.eu no later than 48 hours before the deadline of the consultation period.

Language disclaimer

AMLA welcomes submissions in all official EU languages. You can change the displayed language of this public consultation using the language selector in the top right corner of the EU Survey platform. Please note that all language versions other than English have been produced using machine translation and may contain inaccuracies. When in doubt, please refer to the English version.

Your details

* This contribution is made by:

An organisation

* Name of the organisation

Verband Internationaler Banken in Deutschland e. V.

* Name of representative:

Andreas

* Surname of representative

Kastl

* Email (note that your email address will not be published):

andreas.kastl@vib.network

* Sector of activity

Maximum 1 selection(s)

- [ ] Obliged entity in the non-financial sector
- [ ] Obliged entity in the financial sector
- [ ] Self-regulatory body in the sense of Regulation (EU) 2024/1624 Article 2(1) point (47)
- [ ] Industry association representing non-financial sector obliged entities
- [x] Industry association representing financial sector obliged entities
- [ ] Civil society organisation/non-governmental organisation
- [ ] Other

* Financial sector

Maximum 1 selection(s)

- [ ] Credit institution
- [ ] Consumer credit, factoring, payment services, guarantees, money market instrument, foreign exchange, electronic money
- [ ] Insurance
- [ ] Insurance intermediaries
- [ ] Investment firms
- [ ] Collective investment
- [ ] Central securities depositories
- [ ] Creditors
- [ ] Credit intermediaries
- [ ] Crypto assets service providers
- [x] Cross-border branches of financial institutions

* Please select the country from which you or your organisation carry out your main activities:

DE - Germany

* Publication of your name and surname:

- (●) I agree to the publication of my name and surname (note that your email address will never be published).
- ( ) Contribution to be published without my name and surname (note that your email address will never be published).

Public Consultation Questions

Question 1: Do you find the criteria listed in Article 2 of the draft RTS effective to identify **business relationships** properly? If not, could you please indicate why, where possible substantiated by relevant data?

5000 character(s) maximum

The clear distinction made in the draft between business relationships and one-off transactions, whereby the two are mutually exclusive, is generally to be welcomed. The negative definition of occasional transactions in Article 1, which states that these are transactions or services not provided within the framework of a business relationship, also contributes to greater clarity.

Nevertheless, questions remain regarding practical application: it remains unclear whether, and under what circumstances, a customer may also carry out occasional transactions in parallel with an existing business relationship – for example, a securities client who additionally completes a one-off payment slip. Should such a parallel existence not be intended, an explicit clarification in the RTS would be desirable to ensure legal certainty in practice and to promote uniform application across Member States. Such clarification would also help to avoid unnecessary scope for interpretation and strengthen the effectiveness of AML measures.

Article 2 of the present draft RTS sets out criteria to be applied by obliged entities when assessing whether a business relationship within the meaning of the AMLR exists. Particular attention should be paid to the criterion set out in the first paragraph, according to which the use of online services via registration that enables permanent access is to be taken into account as an indicator of the duration of a business relationship. This criterion is conceptually sound and takes account of the increasing digitalisation of business models.

However, the current formulation of the criterion entails considerable practical and systematic risks:
In many cases, registration for an online service is a technical prerequisite – for example, to use a platform or portal – and not necessarily an expression of an intended ongoing business relationship. It is often the case that users register but subsequently do not engage in any further activity or carry out only one-off transactions. In digital environments with low barriers to entry – such as simple online forms or trial versions – mere registration also says nothing about an actual economic relationship.

This risks leading to systematic over-classification: transactions or services that should in fact be classified as occasional transactions would be incorrectly classified as business relationships. This would result in:

- the scope of business relationships would be artificially expanded,
- disproportionate CDD obligations would be triggered that correspond neither to the risk profile nor to the actual nature of the relationship, and
- the risk-based approach of AML regulation would be undermined, as resources would be unnecessarily tied up in the examination of cases that do not pose an increased money laundering risk.

To avoid these risks, the criterion of registration as an indicator of a business relationship should be defined more precisely. One possibility would be to introduce additional qualitative characteristics – such as the actual use of the service over a defined period or the existence of an economic interaction between the parties.

Question 2: Do you find the criteria listed in Article 3 of the draft RTS effective to identify **linked transactions** properly? If not, could you please indicate why, where possible substantiated by relevant data?

5000 character(s) maximum

The criteria set out in Article 3, which are to be taken into account solely on the basis of information already available to the obligated party, are, in principle, to be welcomed. This approach takes account of the principle of practicability, as obligated parties need only consider what is actually available to them or should be accessible to them. Such a framework prevents unnecessary administrative hurdles and ensures that the requirements imposed on obligated parties remain realistic and feasible. In this respect, the principle of proportionality is upheld, as no disproportionate obligations to actively procure additional information are imposed.

Nevertheless, the provision in its current form requires clarification in order to provide legal certainty for the parties concerned. In particular, the distinction between ‘existing information’ and the question of when an obligated party is deemed to be ‘aware’ or ‘unaware’ raises unresolved legal issues. It remains unclear, for instance, whether and to what extent an obligated party is to be regarded as ‘aware’ if, although certain information is not actively available to them, they could have obtained it through reasonable measures. Furthermore, the concept of ‘positive knowledge’ requires a clear definition to avoid arbitrariness in its application and to ensure consistent practice across Member States. Without such clarifications, there is a risk of legal uncertainty and inconsistent implementation, which would run counter to the objective of harmonised regulation.

Question 3: Do you consider it necessary to add additional criteria that should at least be taken into account when considering the different elements of the definition of a **business relationship** to ensure the proper identification of business relationships? If so, could you please indicate which criteria and for which sector(s)?

5000 character(s) maximum

Building on our response to Question 1, we consider that further clarification is necessary to ensure the correct, consistent and proportionate application of the terms ‘business relationship’, ‘occasional transaction’ and ‘related transactions’ within the context of the draft RTS. In particular, it should be clarified that even if an obliged entity maintains a business relationship with a customer on the basis of regulated services that justifies its classification as an obliged entity under the AMLR, this does not automatically lead to an extension of AML /CFT obligations to all other services provided to that customer.

Rather, the decisive factor must remain whether a specific activity constitutes an AMLR-relevant activity at all and thus falls within the material scope of the AML/CFT framework. This distinction is essential not only for determining the existence of a business relationship, but also for the correct treatment of occasional transactions and for assessing whether transactions are to be regarded as ‘linked transactions’ within the meaning of the AMLR and the draft RTS.

This clarification is particularly relevant in cases where an obliged entity offers both regulated and non-regulated services to the same customer. In such scenarios, the existence of a business relationship arising from regulated activities must not automatically trigger AML/CFT obligations for occasional or linked transactions that relate exclusively to non-regulated services.

Transactions relating exclusively to unregulated, purely technical services must not be aggregated, treated as linked or otherwise included in AML/CFT monitoring measures simply because a business relationship based on other regulated services exists in parallel. Whilst customer identification and updating obligations may apply at the customer level due to the business relationship, transaction monitoring must be differentiated and activity-based. Only transactions relating to AMLR-relevant services and activities may be subject to ongoing monitoring, including the assessment of occasional or linked transactions.

Without such clarification, there is a risk that AML/CFT obligations will be extended to activities that are expressly exempted under financial supervisory law. This would be contrary to the activity-based scope of the AMLR and to the principle of proportionality. Furthermore, this would lead to unnecessary operational complexity without creating corresponding added value for the fight against money laundering or terrorist financing.

We therefore recommend that the AMLA explicitly clarify, either in the final RTS or in accompanying guidelines, that AML/CFT obligations must be assessed separately for business relationships, occasional transactions and linked transactions. The existence of a business relationship based on regulated services must not result in AML /CFT obligations being extended to transactions or services that fall outside the scope of AMLR-relevant activities. Such clarification would enhance legal certainty, promote consistent supervisory practice across Member States and ensure that the AML/CFT framework continues to be applied in a risk-based and proportionate manner.

Question 4: Do you consider it necessary to add additional criteria that should at least be taken into account when considering the different elements of the definition of **linked transactions** to ensure the proper identification of linked transactions? If so, could you please indicate which criteria and for which sector(s)?

5000 character(s) maximum

The decision not to include additional lower thresholds for customer due diligence (CDD) in the current draft of the RTS for occasional transactions is to be welcomed. It underscores the fact that regulation should not be pursued for its own sake, but must always be evidence-based and proportionate. The AMLR already provides for targeted lower thresholds for sectors and transactions with an increased risk of money laundering and terrorist financing. The deliberate restraint in introducing further thresholds signals a considered approach that avoids unnecessary administrative burdens for obliged entities and customers. It is to be welcomed that the AMLA has struck a clear balance here between regulatory objectives and practicality.

Question 5: Do you consider the criteria for identifying **business relationships** and **linked transactions** listed in Article 2(3) and Article 3(2) of this draft RTS proportionate? If not, could you please indicate why, where possible substantiated by relevant data, and which alternative criterion you would find more proportionate?

5000 character(s) maximum

No comments.

Question 6: Do you foresee any **operational challenges** in implementing this draft RTS? If so, could you please indicate which, where possible substantiated by relevant data? Do you have any suggestions that would make the criteria better suited operationally?

5000 character(s) maximum

No comments.

Question 7: Do you see a need for the introduction of an **additional lower threshold** for a specific obliged entity, sector or transaction? If so, could you please indicate why, where possible substantiated by data, and at which value the threshold should be set?

5000 character(s) maximum

No comments.

Additional observations: Do you have any additional comments relevant to the draft RTS that have not been covered above? Please ensure that comments refer to a specific article, are precise, and, where possible, supported by evidence. Where necessary, comments should also include a proposed solution.

5000 character(s) maximum

In the anti-money laundering (AML) administrative practices of Member States, certain scenarios have emerged which illustrate that, in specific contractual relationships between obliged entities and third parties, there is neither a business relationship nor an occasional transaction that can serve as a basis for carrying out due diligence obligations. This is due to the absence of the necessary link to the regulated activity. Examples for contracts not triggering CDD are, inter alia:

- Contractual relationships not based on a direct customer relationship, such as tenancy agreements with tenants of a property from a property fund or contracting parties in property transactions.
- Service contracts relating to the management of investment funds, where funds in legal form or external asset managers undertake portfolio management without these being regarded as customers within the meaning of AML regulations.
- Payees who are not customers, as defined by BaFin.
- General legal relationships not typical of the business that serve to maintain operations, such as contracts with energy suppliers, other procurement contracts, IT maintenance/service contracts with IT service providers, or service contracts with building cleaning companies.
- Shareholdings under company law that do not qualify as business relationships within the meaning of AML regulations.

It should also be noted that, in correspondent banking relationships, customer due diligence (CDD) obligations must be carried out only by the account manager, and not by the account holder.

These points should be clarified in the draft RTS to create legal certainty and ensure the uniform application of AML regulations across Member States. A precise definition of the relevant contractual relationships is essential to avoid unnecessary administrative burdens and enhance the effectiveness of AML measures.

Contact

Contact Form