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Consultation on the draft RTS on the methodology for assessing and classifying the inherent and residual risk profile of obliged entities in the non-financial sector, and the frequency at which such risk profiles are to be reviewed under Article 40(2) Directive (EU) 2024/1640

Fields marked with * are mandatory.

Consultation on the draft RTS on the methodology for assessing and classifying the inherent and residual risk profile of obliged entities in the non-financial sector under Art. 40(2) AMLD

Objective of the consultation

AMLA would like to receive feedback on provisions of the draft RTS under Article 40(2) of Directive (EU) 2024/1640 ('AMLD') and in particular on the specific questions set out 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 **27 September 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 with an asterisk (*) are mandatory.

Where applicable, the reference year for this questionnaire is 2025.

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

Please do not provide any sensitive or personal information in your responses, as all answers will be published.

Please note that by submitting your contribution, you acknowledge that it will be published on AMLA's website. All contributions will be published after the consultation closes, unless you request otherwise. If you wish your comments to be treated as confidential, please clearly indicate this in the consultation form. 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 what we ask from you. In particular, please refrain from 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, AMLA staff will perform a limited screening of all contributions provided for the sole purpose of filtering any inappropriate submissions. After this, the replies are made available to the public directly on 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.

A confidential response may be requested from us in accordance with Regulation 1049/2021 regarding public access to European Parliament, Council and Commission documents. We may consult you if we receive such a request. Any decision not to disclose a response is subject to review by the European Ombudsman.

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. 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.

In case you need more rows to add your feedback for question 6, please submit an additional consultation form.

Respondent profile

* This contribution is made by:

An organisation

* First name of individual (individual respondent or representative of organisation)

100 character(s) maximum

Anna

* Surname of individual (individual respondent or representative of organisation)

100 character(s) maximum

Smolinska

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

100 character(s) maximum

smolinska@ccbe.eu

* 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).

* Would you like the comments you provide in this questionnaire to be treated as confidential?

- ( ) Yes
- (●) No

* Which of the following best describes your activity or organisation?

Maximum 1 selection(s)

- [ ] Obliged entity (OE) (in the sense of Article 3 of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- [ ] Competent Authority (in the sense of Article 2 (1) (44) of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- [ ] Self-Regulatory Body (in the sense of Article 2 (1) (47) of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- [ ] Industry Association
- [x] Civil Society Organisation / NGO

☐ Other (please specify below)

* How long has your entity been active in this sector (in years)?

More than 20 years

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

BE - Belgium

General consultation questions

Section A: Overall Assessment of the Draft RTS

1. How would you rate the proposals set out in the draft RTS overall?

- ◉ Inadequate
- ○ Neutral
- ○ Adequate

* 1b. If inadequate, please provide justification.

500 character(s) maximum

The approach entails significant admin. burden for supervisors and OEs without having real impact on supervision's efficiency and the ML prevention. The theory of such approach and the real outcome world won't match. The data driven approach provides false impression of exact outcomes but is likely to insufficiently consider risks that can be identified via a more qualitative analysis. The centralised supervisory model may also create practical challenges where a decentralised model exists

* 2. Would the implementation of the draft RTS generate any additional **one-off implementation costs** beyond the adjustments required based on the legal text provided in chapter III of AMLR 2024/1624 (Regulation - EU - 2024/1624 - EN - EUR-Lex)?

This question is aimed at understanding the additional costs stemming from the implementation of these specific draft RTS, rather than the additional costs stemming from the provisions of Regulation (EU) 2024/1624 to conduct customer due diligence. We are interested in understanding the additional costs arising from the implementation of the draft RTS for your obliged entity. Please provide your responses with this context in mind.

For this survey, "costs" refer to the financial and resource implications your entity may face in implementing the draft RTS, including both initial setup efforts and ongoing operational commitments. Examples of one-off costs include amendment of policies and procedures, system upgrades, staff training, or consultancy fees, while recurrent costs may include additional reporting, monitoring, software subscriptions, or allocation of additional full-time equivalent (FTE) resources, etc. Please describe and substantiate in your answers which specific costs you would be incurring when implementing the provisions of these draft RTS.

- ○ Moderate impact
- ◉ Disruptive impact

- ( ) No significant additional costs

* 2b. Please describe and substantiate the specific one-off implementation costs you foresee when implementing the provisions of these draft RTS. Examples of one-off implementation costs include amending policies and procedures, system upgrades, staff training or consultancy fees.

1000 character(s) maximum

Implementing costs arise both on the level of supervisors and on the level of obliged entities and include in particular:

At the level of supervisors:
- Developing policies and national implementing regulations
- Education and training of staff
- Development, testing and acquisition of IT infrastructure which supports the administration of risk assessments, calculation and adjustment of risk scores etc
- Costs for the creation of databases

Consultancy fees / internal staff resources need to be reinforced to prepare for the new outset of supervision,
At the level of obliged entities
- Investment in IT-systems (acquisition or upgrades) that support the collection of required data
- Staff training
- Implementation of policies and procedures

* 3. Would the implementation of the draft RTS generate any additional **recurrent costs** beyond the adjustments required based on the legal text provided in chapter III of AMLR 2024/1624 (Regulation - EU - 2024/1624 - EN - EUR-Lex)?

- ( ) Moderate impact
- (•) Disruptive impact
- ( ) No significant additional costs

* 3b. Please describe and substantiate the specific recurrent costs you foresee when implementing the provisions of these draft RTS. Examples of recurring costs may include additional reporting, monitoring, software subscriptions, or allocation of additional full-time equivalent resources, etc.

1000 character(s) maximum

Recurrent costs arise both on the level of supervisors and on the level of obliged entities and include in particular:

At the level of supervisors:
- Evaluating and updating policies and national implementing regulations
- Ongoing training of staff
- Recurrent staff costs
- Recurrent IT costs for hardware and software
- Database licensing
- Consultancy fees
- inhouse recruiting of new employees

At the level of obliged entities
- Recurrent costs for IT-systems (updates, licensing, abonnements)

- Staff training
- Recurrent staff costs
- Evaluation and updating of policies and procedures

4. With reference to the list of data points included in Annex 1 applicable to your category(ies), kindly indicate the time **(in working hours)** needed to comply with the reporting obligations if your entity had to supply the full set of data points.

50 character(s) maximum

24 h/year (2h/month) per legal professional

* 5. Can you provide specific examples of the operational challenges faced by supervisors or entities in implementing the risk assessment methodology for small entities?

1000 character(s) maximum

The risk-scoring must be integrated into supervisory procedures and implemented in an objective manner
The methodology allows to use different sources, self-information by OEs is one amongst possible sources
Additional sources must be developed
Data points must be permanently evaluated, weighed and calibrated by the supervisor
Mathematics/scores might distract from a real risk-based approach; identification of higher risks is often based on experience which cannot be shown in a score
Scores can be guessed by OEs & criminals
Mathematical scores may imply exact measures where these can only be approximative and thus need to be adjusted based on qualitative assessment by the supervisor
OEs might appeal based on allegedly discriminating/wrong risk scores (higher than a competitor)
If an OE is known to supervisors because of recurrent problems, it can only be put in a category one level higher. Supervisors will need to find another way to handle such risks not shown in the score

6. What alternative methods could supervisors use to assess the risk profile of small obliged entities at individual entity level to reduce the reporting and supervisory burden while still allowing supervisors to identify higher-risk entities? Please describe any such alternatives that would support a harmonised approach to risk assessment and ensure consistent supervisory outcomes across Member States.

3000 character(s) maximum

- Combination of questionnaires to OEs with underlying risk scores which are not made known to the public (only known to supervisors) and cross-references of information received with public sources like BO registers, registered trustes etc, and other databases, as well as information received in the context of national or international cooperation (e.g. information received from FIUs, other national supervisors),
- Assessing the development and changes of datapoints and risk scores over time between assessment periods.
- Reports of prior assessments and visits need to be integrated in order to provide a full-scale picture. Supervisors need to rely on qualitative instead of quantitative judgments.
- Random selection of small OEs for onsite visits as it is already the case.

Section B: Topical comments of the Draft RTS

Recitals

* 7. Does the approach adequately consider the characteristics of the non-financial sector in terms of size and heterogeneity of population of obliged entities, as well as AML/CFT maturity?

- ( ) Yes
- ( ) Neutral
- (•) No

* 7b. If no, please provide justification.

500 character(s) maximum

A general shortcoming is the lack of a corrective for high inherent risk scores which do not reflect real risks (mitigating factors which effectively lower risk scores). OEs will need to collect data in cases which are clearly not related to a higher ML/TF risk.
The suggested approach lacks safeguards regarding information protected by professional secrecy/legal professional privilege, a fundamental right according to ECJ and ECtHR.

Article 1 - Definitions

* 8. Do you agree with the proposed criteria for the identification of small entities ?

- ( ) Agree
- (•) Disagree

* 8b. If you disagree, which criteria should AMLA use instead?

500 character(s) maximum

Broader threshold would be more realistic with regard to the OEs capacities to deal with bureaucratic burdens. Issues: „entity“ isn’t defined (lawyers operate eg in partnerships with/without common functions); neither “turnover”; FTEs may include HR staff. Supervisors must rely on information by entities for complex definitions.

Article 2 – Assessment and classification of the inherent risk profile of obliged entities operating in the non-financial sector

* 9. Do you agree with the proposed approach to assess and classify the inherent risk of obliged entities?

- ( ) Agree
- (•) Disagree

* 9b. If you disagree, please provide justification.

500 character(s) maximum

Data points & evaluation convey the wrong impression of a reliable criterion. Huge administrative burden with limited results. The approach is likely not to be efficient.
Supervisors are incited not to consider qualitative criteria due to resources and limited margin of appreciation. Quantitative scores should support, not displace, documented qualitative supervisory judgment. Data points, values and weights seem arbitrary and no methodology is indicated to determine indicator’s weight.

Article 3 - Assessment and classification of the quality of AML/CFT controls put in place by obliged entities operating in the non-financial sector

10. Do you agree that small entities benefitting from the small firms regime should not be required to provide data points on the quality of AML/CFT controls?

- ○ Agree
- ◉ Disagree

* 10b. If you disagree, please provide justification.

500 character(s) maximum

Small firms should at least have the possibility to provide data on the quality of controls to reduce their residual risk.
They should be permitted to provide it particularly where that information may affect their residual-risk assessment. A short, proportionate core-controls return should also be considered for legal practices undertaking objectively identified higher-risk service lines. This would preserve simplified reporting while recognising effective mitigating controls.

Article 4 - Assessment and classification of the residual risk profile of obliged entities operating in the non-financial sector

11. Do you agree with the proposed approach to assess and classify the residual risk of obliged entities?

- ○ Agree
- ◉ Disagree

* 11b. If you disagree, please provide justification.

500 character(s) maximum

It seems impossible to considerably lower residual risk score in light of mitigating circumstances
This approach will lead to categorisations deviating attention from real risks
RTS lacks safeguards allowing OEs to access/challenge their classification, despite impact on supervisory intensity and compliance burden
RTS should: state the weighting, explain calibration, ensure that demonstrably effective controls receive appropriate recognition; allow a supervisor to adjust the score

Article 5 and 6 - Frequency of the assessment and classification of inherent and residual risk profiles of obliged entities operating in the non-financial sector and Entry into force and application

12. Do you agree with the proposed approach to frequency and timeline of application?

- ◉ Agree
- ○ Disagree

13. Among the data points listed in the Annex I and II 7. to this consultation paper, are there data points that you consider not significant for the purposes of assessing the ML/TF risk exposure or the quality of AML/CFT controls?

3000 character(s) maximum

I:
1:Law firms are not allowed to have complex ownership structures due to deontology restrictions
4:Law firms are not allowed to have parent undertakings in high risk 3rd countries
6:The number of customers is not indicative for risks
9.Under AMLR, complexity as such does not constitute a standalone risk factor
10: Representation by legal professionals is standard in the legal world
11:For lawyers, the relevant metric should be the number of AML-relevant mandates rather than of individual services provided within a matter. Counting separate services within the same engagement may lead to distortions/overstatement. Different services may form part of a single transaction & business relationship (e.g. for acquisition of real estate asset: review of preliminary sales agreement & review of notarial deed)
12:Total value of transactions depends on the size of the law firm & not indicative for risks. Firms frequently don't have access to information regarding transaction values/payment methods & are generally not required to collect it
13:Differentiation inbound v. outbound is not indicative for risks & unclear. Also, it shall be made clear that only transactions in AMLR's scope are taken into account
23:The largest transactions are not necessarily indicative of a higher risk; medium/low value transactions may also present higher risks. The criteria to be considered should be clarified (eg. value of the underlying transactions for which legal services were provided, as opposed to the fees paid to the lawyer for such services)
24:Clients established outside of the OE's State but within the EU should not be considered an indicator of inherently increased risk
26:Remote identification & verification should not automatically be regarded as presenting elevated risk. They are widely used and, with safeguards, can provide a comparable/higher level of assurance as face-to-face verification
28:Escrow accounts are a usual and deontologically necessary way of handling funds for clients; N/R for higher risks
II:
8:Total number of staff subject to training, as there is staff not responsible for any AML issues (eg. cleaning personnel)
13:Outsourcing may contribute to increase or decrease risks, as entities used might have a better professional approach
19:Number of customers per risk category doesn't reflect overall risk of an entity - one customer might be already high risk
23:Manual monitoring based on human judgment might be less risk than automated one or vice-versa
25&26: Total number is not significant for the risk of a law firm, as it depends on the firm's size
27:Number of STR is not necessarily a reliable risk indicator as no STR doesn't necessarily mean that an OE correctly applies the AML framework; no STR can mean there is no awareness and/or inappropriate/insufficient internal means to detect suspicions
29:This is reflected by data point 1 and will cause confusion
31:Manual procedure can be equally efficient/more diligent

Section C: Additional comments on further proportionality arrangements

The draft RTS could possibly include a time limited transitional arrangement whereby supervisors may delay applying the risk assessment methodology to small entities.

* 14. In your view, would this transitional arrangement be effective in overcoming the operational challenges associated with implementing the risk assessment methodology for small entities in time for the first data collection?

- ○ Yes
- ○ Neutral
- ◉ No

* 14b. If no, please explain your rationale.

500 character(s) maximum

The challenges are not “overcome” only by having more time. In particular for small entities, time for implementation is not decisive, but understandable, concise guidance and availability of standard solutions (e.g. availability of standard IT tools).

* 15. Are there any small entities or categories of small entities that should be excluded from any transitional arrangement where their business model, customer base or geographic exposure presents increased ML/TF risk?

- ○ Yes
- ○ Neutral
- ◉ No

* 15c. If no, please explain your rationale.

500 character(s) maximum

Introducing different categories of small entities would undermine the proportionality rationale behind this approach, as it would require an additional assessment.

16. What impact, if any, would a delay in data collection have on the ability of supervisors to identify emerging risks, ensure effective AML/CFT controls and allocate supervisory resources effectively?

- ○ Positive impact
- ○ No impact
- ◉ Negative impact

* 16b. If you expect negative impact, please provide justification.

500 character(s) maximum

It is obvious that delays in data collection would cause delays in the conclusion that might result from the data collected. Hence, risks and new patterns can only be detected with delays allowing criminals to abuse loopholes.

* 17. What measures should be implemented by supervisors during the transitional period to ensure that eligible entities are capable of complying with the full data collection requirements at the end of the transition period?

1000 character(s) maximum

Authorities will prepare the sector (lawyers) as usual when new rules come into place. This means, that guidelines and training measures will need to be established on a large scale.
IT solutions must be developed both for supervisors and for eligible entities on order to allow for the collection of data points. Supervisors need to cooperate with IT providers for that purpose and assist OEs to select operational solutions. In some countries, work on dedicated IT solutions has begun.

Contact

Contact Form

Contribution ID: 0fdc9119-0b8a-4d8d-8d9c-4d0246e14f18
Date: 25/09/2026 10:42:54

Q: Data points on controls

Fields marked with * are mandatory.

Data points on controls

Objective of the consultation
AMLA would like to receive feedback on provisions of the draft RTS under Article 40(2) of Directive (EU) 2024/1640 ('AMLD') and in particular on the specific questions set out below.

Comments are most helpful if they:
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Please note that by submitting your contribution, you acknowledge that it will be published on AMLA's website. All contributions will be published after the consultation closes, unless you request otherwise. If you wish your

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Respondent profile

* The contribution is made by:

An organisation

* First name of individual (individual respondent or representative of organisation)

100 character(s) maximum

Anna

* Surname of individual (individual respondent or representative of organisation)

100 character(s) maximum

Smolinska

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

100 character(s) maximum

smolinska@ccbe.eu

* 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).

* Would you like the comments you provide in this questionnaire to be treated as confidential?

- ( ) Yes
- (●) No

* Which of the following best describes your organisation?

- ( ) Obliged entity (OE) (in the sense of Article 3 of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- ( ) Competent Authority (in the sense of Article 2 (1) (44) of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- ( ) Self-Regulatory Body (in the sense of Article 2 (1) (47) of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- ( ) Industry Association
- (●) Civil Society Organisation / NGO
- ( ) Other (please specify)

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

BE - Belgium

Feedback on data points on the quality of AML/CFT controls

This survey seeks feedback on the list of data points set out in Annex II of the draft RTS, which specifies the data points to be collected for the assessment of the quality of AML/CFT controls of obliged entities.

This will help ensure that the final RTS reflect the practical availability, clarity, relevance and proportionality of the proposed reporting requirements across the different categories of obliged entities in the non-financial sector.

Category I: Governance, Culture & Compliance Function

Controls Data Point 1: Does the obliged entity have written internal policies and procedures covering the entirety of the AML/CFT framework?

Legal References and Draft Definitions:

Internal policies and procedures are defined in Article 9 AMLR.

Please provide the relevant answer as below:

-Yes, covering all applicable elements of Article 9 AMLR

-Yes, but not covering all applicable elements

-No

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> The data point asks for “written internal policies and procedures” which cover “the entirety of the AML/CFT framework”. This is not a question which can easily be answered by ticking just one box, but requires a thorough assessment. The intention of this point to show good and institutionalised workflows should be better reflected.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> The question asked by this point seems very vast and seem to imply a summary of all AML/CFT rules which is not workable and does not mitigate risks. The intention of this point to show good and institutionalised workflows which can mitigate risks should be better reflected.
> Suggestion: “Does the obliged entity have written internal procedures covering their obligations according to the AML/CFT framework when providing their services”?

Controls Data Point 2: How often does the obliged entity update its written AML/CFT procedures?

Legal References and Draft Definitions:

Please indicate the frequency of updates to obliged entity’s written AML/CTF policies and procedures:

- No updates are carried out

- Quarterly

- *Semi-annually*
- *Annually*
- *Over one year*
- *Other*

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> The difference between “Anually” and “Over one year” is not clear.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> It should be asked if the procedures are updated OR REVIEWED if still up-to-date and if this is done every year. Quarterly or semi-annual updates have no benefit to mitigate risks.

Controls Data Point 3: Date of the last update of the obliged entity’s written AML/CFT procedures

Legal References and Draft Definitions*: Please provide the date of the last update of the obliged entity’s written AML/CFT procedures*

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy

- (●) Neutral
- ( ) Difficult

Controls Data Point 4: Total number of staff (in FTEs)

Legal References and Draft Definitions: *Please provide the total number of obliged entity's FTEs with maximum two decimal places as of the end of the reference year. An FTE is equal to the number of hours a full-time employee works for an obliged entity.*

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Controls Data Point 5: Total number of staff (in FTEs) assigned with AML/CFT responsibilities

Legal References and Draft Definitions: *Indicate the number of staff of the obliged entity (in FTE) assigned with AML/CTF responsibilities as of the end of the reference year. The number of FTEs can be reported with maximum two decimal places.*
Staff assigned with AML/CTF responsibilities should include at least:
- The compliance officer appointed in accordance with Article 11 AMLR and all the staff assisting the compliance officer in the tasks defined in Article 11 AMLR.
- Staff responsible for carrying out the analysis mentioned in Article 69(2) AMLR and staff responsible for reporting suspicious transactions in accordance with Article 69 AMLR.
- Staff responsible for establishing and reviewing the internal policies and procedures mentioned in Article 9 AMLR
- All other staff performing tasks related to those listed in Article 20 AMLR

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

In law firms, every legal professional is responsible to comply with AML/CFT procedures. It should be clarified whether support staff with dedicated AML/CFT role shall be counted (e.g. KYC/compliance team, assistants compiling/updating KYC files, AML/CFT compliance officer/manager…) or every professional dealing with the matter, with the latter better reflecting the reality in smaller entities.

Controls Data Point 6: At which frequency is the obliged entity's staff subject to AML/CTF training?

Legal References and Draft Definitions:

Please indicate the frequency at which the staff is subject to AML/CTF training:
No training is carried out
Quarterly
Semi-annually
Annually
Over one year
Other, please specify (for example, upon onboarding for new staff before or shortly after commencing duties, ad hoc / event-driven training, etc.)
AML/CFT training: Structured education or instruction provided to employees to ensure they understand their legal obligations, institutional policies, and practical procedures for preventing and detecting money laundering and terrorist financing. Reference can be made to the training programmes as described in Article 12 AMLR.

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

The difference between "Annual" and "over one year" is unclear. Furthermore, "training" is not defined.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded

- [ ] Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

xxx

Controls Data Point 7: At which frequency is the senior management of the obliged entity subject to AML /CTF training?

Legal References and Draft Definitions:

Please indicate the frequency at which the senior management is subject to AML/CTF training:
No training is carried out
Quarterly
Semi-annually
Annually
Over one year
Other, please specify
Definition of senior management is provided in the Article 2 (40) of the AMLR.
AML/CFT training: Structured education or instruction provided to employees to ensure they understand their legal obligations, institutional policies, and practical procedures for preventing and detecting money laundering and terrorist financing. Reference can be made to the training programmes as described in Article 12 AMLR.

Is this data point clearly formulated and understandable?

- [ ] Yes
- [x] No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

The difference between “Annual” and “over one year” is unclear. Furthermore, “training” is not defined.

Is the requested information available to you?

- [ ] Yes, readily available
- [x] Yes, but only with manual adjustments or additional processing
- [ ] No, the information is not routinely collected or recorded
- [ ] Not applicable (N/A)

If available, how easy is it to report this information?

- [ ] Easy
- [x] Neutral
- [ ] Difficult

Controls Data Point 8: Total number of staff (in FTEs) subject to AML/CFT training

Legal References and Draft Definitions:

Please indicate the total number of staff (in FTEs, maximum two decimal places) including where relevant, agents and distributors subject to AML/CFT training.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> The total number of staff subject to training is usually not recorded, only for legal professionals.

Controls Data Point 9: Total number of staff (in FTEs) subject to AML/CFT training that have successfully completed the training

Legal References and Draft Definitions:

Please indicate the total number of staff (in FTEs, maximum two decimal places) subject to AML/CFT training, including where relevant, agents and distributors, that have successfully completed the training.

Is this data point clearly formulated and understandable?

- ( ) Yes
- (●) No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> “Successful completion” can only be defined if content and type of training is defined in a first step.

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

Category II: Internal Controls & Outsourcing

Controls Data Point 10: Have the internal AML/CFT policies, procedures and controls been assessed by an internal/external audit?

Legal References and Draft Definitions:

Please indicate if the internal AML/CFT policies, procedures and controls have been assessed by an internal /external audit in line with requirements of Article 9(2)b of AMLR.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- ( ) Neutral
- (●) Difficult

* If the data point is difficult to report, please provide a justification and suggest an alternative, specifying why the alternative will be easier to report.

500 character(s) maximum

How easy is it to report this information?: Neutral
Unlike financial sector, law firms do not necessarily have in place an internal or external audit function. Article 9, 2.(b) AMLR refers to an “external expert” in the absence of an independent audit function.

Controls Data Point 11: How often are the obliged entity’s internal AML/CFT policies, procedures and controls assessed by an internal/external audit?

Legal References and Draft Definitions:

Please indicate the frequency at which the obliged entity’s internal AML/CFT policies, procedures and controls are assessed by an internal/external audit:

- Once per year

- Every 2 years

- Over 2 years

- Other (please specify)

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- ( ) Neutral
- (●) Difficult

* If the data point is difficult to report, please provide a justification and suggest an alternative, specifying why the alternative will be easier to report.

500 character(s) maximum

> How easy is it to report this information?: Neutral
> Unlike financial sector, law firms do not necessarily have in place an internal or external audit function. Article 9, 2.(b) AMLR refers to an “external expert” in the absence of an independent audit function.

Controls Data Point 12: Are there any findings of internal/external audits pending remediation?

Legal References and Draft Definitions:

Please indicate the total number of findings detected by internal or external audits that are pending remediation as of the end of the reference year, broken down by the area of AML/CFT compliance that they concern, among the following ones:

- Internal polices, procedures and controls (including group-wide requirements)
- Business-wide risk assessment
- Integrity of employees and adequacy of the compliance function (including training)
- Whistleblowing channels and procedures
- Outsourcing/reliance on third parties
- Identification and verification of the customers' identity
- Identification and verification of the identity of beneficial owners/understanding BO and control structure of the customer (including reporting of discrepancies)
- Understanding of the purpose and nature of the business relationship
- Understanding the nature of customers' business/source of funds/source of wealth
- Ongoing monitoring of the business relationship

- Record-keeping
- Transaction monitoring
- Suspicious transaction/activity identification and reporting (including non-tipping off)
- Other disclosures/reporting to FIU and communications/orders from FIU (blockages, non-execution of transactions)
- PEP identification and application of enhanced measures
- Customer risk assessment
- Application of enhanced due diligence measures (including specific ones in relation to high-risk countries /cross-border transactions, correspondent relationships, CASPs/crypto, residence by investment, etc.)
- Application of simplified due diligence measures
- Compliance with the Regulation on information accompanying transfers of funds and certain crypto-assets
- Terrorist Financing specific controls
- Proliferation Financing specific controls
- Targeted financial sanctions screening and implementation

For the purposes of this data point, findings are to be interpreted as weaknesses in the internal policies, procedures and controls subject to remediation have been detected by the internal or external audit

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

As there is no standard on how to carry out audits, the areas are not defined which should be covered by such an audit. Unlike financial sector, law firms do not necessarily have in place an internal or external audit function. Article 9, 2.(b) AMLR refers to an “external expert” in the absence of an independent audit function.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

As there is no common standard on audits, the areas cannot be counted an reported.

Controls Data Point 13: Does the obliged entity outsource any of the AML/CFT obligations?

Legal References and Draft Definitions:

Please indicate if the obliged entity outsources any of its AML/CTF obligations as defined in Article 18 AMLR. Cases of services outsourced within the same group (intragroup outsourcing and shared services centres) must be accounted for. Processes or arrangements that contribute to the performance of a requirement under AMLR, but where the performance of the requirement itself is not carried out by a service provider, such as the use or acquisition of third-party software or the access to databases or screening services by the obliged entity, are not considered to be outsourcing (cf. Recital 47 AMLR).

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Controls Data Point 14: Is there a written agreement with the party to whom the AML/CFT obligations are outsourced outlining the roles and responsibilities in place?

Legal References and Draft Definitions:

Please indicate if there is a written agreement with the party to whom the AML/CFT obligations are outsourced outlining the roles and responsibilities in place in line with the Article 18(4) of AMLR.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

This point does not reflect that the responsibility stays with the obliged entity and only reflects a bureaucratic point. The focus should be kept on the most relevant points.
Main challenges & proposed alternative: Instead of written agreements, standardised regulations could be used.

Category III: Risk Assessment

Controls Data Point 15: Does the obliged entity perform business-wide risk assessments?

Legal References and Draft Definitions:

Please provide one of the following answers: Yes/No/ Not applicable (in line with Article 10(3) of AMLR).
Business Wide Risk Assessment (BWRA) as referred to in Article 10 AMLR

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- (●) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Controls Data Point 16: Date when the obliged entity's business-wide risk assessment was last reviewed or updated.

Legal References and Draft Definitions:

Please provide date when the obliged entity's business-wide risk assessment was last reviewed or updated.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing

- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Controls Data Point 17: Based on the latest business-wide risk assessment performed, what is the risk exposure of the obliged entity?

Legal References and Draft Definitions:

Please provide the level of residual risk exposure of the obliged entity based on the latest BWRA:

Low

Medium

High

Other (please specify)

Business Wide Risk Assessment (BWRA) as referred to in Article 10 AMLR.

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

There should not be three but four categories. Moreover, an overall assessment of the entity does not reflect different risks in different service categories.

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ○ Neutral
- ◉ Difficult

* If the data point is difficult to report, please provide a justification and suggest an alternative, specifying why the alternative will be easier to report.

500 character(s) maximum

Overall risk of an entity is not significant. The results of the BWRA should be assessed according to service categories or areas.

Controls Data Point 18: Does the obliged entity have policies and procedures on Customer Risk Assessment (CRA)?

Legal References and Draft Definitions:

Please indicate whether the obliged entity has policies and procedures in place to calculate and assign risk scores to customers. .

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Category IV: Customer Due Diligence

Controls Data Point 19: Number of customers per ML/TF risk category.

Legal References and Draft Definitions:

Number of customers during the reference year per ML/TF risk category assigned as of the end of reference year:
low risk
medium risk
high-risk
other(s) (please specify)
The number of customers reported has to include ongoing business relationships, terminated business relationships and occasional transactions that took place during the reference year.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> Unclear aspect: The categories should be four, not three.
> Main challenge/proposed alternative: No alternative suggested as this point does not reflect risk. One client can be sufficient to pose a high risk.

Controls Data Point 20: Number of customers that are legal entities or legal arrangements whose beneficial owners have not been identified and/or whose identity has not been verified.

Legal References and Draft Definitions:

Indicate the number of customers that are legal entities or legal arrangements whose beneficial owners have not been identified, or the identify of whom has not been verified, as of the end of the reference year.
As per Article 2(1)(28) AMLR, 'beneficial owner' means "any natural person who ultimately owns or controls a legal entity or an express trust or similar legal arrangement".
As per recital 125 AMLR, senior managing officials (SMOs) reported instead of the beneficial owners where no natural person is identifiable who ultimately owns or exerts control over an entity (as per Article 22(2) AMLR) are not beneficial owners, and shall not be counted for the purpose of reporting this datapoint.
Beneficial owners identified through consultation of public registers or other reliable national systems that contain the necessary information shall be counted as being identified for the purpose of reporting this datapoint. In case a legal entity or legal arrangement has several BOs not all of which have been identified, it shall be reported for the purpose of this datapoint.
For the purposes of this data point, "verified" means that the reporting obliged entity has taken reasonable measures to verify the identity of the beneficial owner, using reliable documents, data or information, in accordance with Article 20(1)(b) and Article 22 AMLR. This includes consultation of the central register(s) as an additional verification step, in accordance with Article 22(7) AMLR.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing

- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> No alternative suggested as this point is not clear cut in many situations in which beneficial ownership cannot be established. This would catch too many situations.

Controls Data Point 21: Number of customers for which the obliged entity applies enhanced due diligence (EDD) measures.

Legal References and Draft Definitions:

Please indicate the total number of customers for which the obliged entity applies enhanced due diligence (EDD) measures in line with Section 4 of AMLR.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Category V: Ongoing monitoring / Transaction monitoring

Controls Data Point 22: Does the obliged entity perform activity monitoring and/or transaction monitoring?

Legal References and Draft Definitions:

Indicate whether the obliged entity monitors transactions processed on behalf of customers (transaction monitoring) and other relevant activities within a business relationship in accordance with Article 26 AMLR. In the cases where, obliged entities do not process transactions or have limited transaction visibility performed by the customer throughout the course of a business relationship, refer only to the monitoring of relevant activities.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Controls Data Point 23: Is the obliged entity's activity monitoring and/or transaction monitoring manual, semi-automated or automated?

Legal References and Draft Definitions:

Please indicate whether the transaction and/or activity monitoring performed by the obliged entity is:

- Manual

- Semi-automated

- Fully automated

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Controls Data Point 24: Is the obliged entity's ongoing monitoring and/or transaction monitoring performed periodically, or is it event driven?

Legal References and Draft Definitions:

Please indicate whether the transaction and/or activity monitoring performed by the obliged entity is:

- Done periodically

- Event driven

- Done both periodically and event driven

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Controls Data Point 25: Number of customers for whom a review and update were due.

Legal References and Draft Definitions:

Indicate the number of unique customers (both natural persons and legal entities) for whom a review of customer information was due, in accordance with the reporting obliged entity's AML/CFT policies and procedures regarding ongoing monitoring obligations, during the reference year. For the purposes of this exercise, and in accordance with Article 26(2)-(3) AMLR, this data point should capture both periodic (risk-based) reviews and event-driven reviews/updates triggered by relevant changes or newly acquired relevant information.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Controls Data Point 26: Number of customers for whom customer information was reviewed and updated.

Legal References and Draft Definitions:

Indicate the number of unique customers (both natural persons and legal entities) for whom a review of customer information was due during the reference year, in accordance with the reporting obliged entity's AML/CFT policies and procedures regarding ongoing monitoring obligations, and whose information was effectively reviewed and, where relevant, updated during the reference year.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Controls Data Point 27: Total number of STRs/SARs submitted to the FIU.

Legal References and Draft Definitions:

Indicate the total number of STRs and SARs submitted to the FIU during the reference year. The reporting of suspicions should be carried out according to Article 69(1)(a) AMLR.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded

- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (•) Neutral
- ( ) Difficult

Controls Data Point 28: Total number of terminated/not initiated business relationships/occasional transactions due to ML/TF concerns.

Legal References and Draft Definitions:

Please indicate the total number of terminated/not initiated business relationships or not performed occasional transactions, either in line with the requirements of Article 21(1) or due to any other ML/TF concerns detected by the obliged entity.

Is this data point clearly formulated and understandable?

- (•) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (•) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

xxx

Controls Data Point 29: Does the obliged entity have policies, procedures and controls in place to ensure compliance with TFS?

Legal References and Draft Definitions:

Please indicate if the obliged entity has policies, procedures and controls in place to apply targeted financial sanctions, and to mitigate and manage the risks of non-implementation and evasion of targeted financial sanctions, as required in Article 9(1)(b) AMLR.

Targeted financial sanctions (TFS) have the meaning defined in Article 2(49) of AMLR.

Is this data point clearly formulated and understandable?

- (•) Yes
- ( ) No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Controls Data Point 30: If controls are in place to ensure compliance with TFS, are these performed manually, semi-automated or automated?

Legal References and Draft Definitions:

Please indicate whether the controls put in place by the obliged entity to ensure compliance with targeted financial sanctions obligations are:

- Manual

- Semi-automated

- Fully automated

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Contact

Contact Form

Contribution ID: 8b1a7803-e5ef-4619-ba07-b28cf1433575
Date: 25/09/2026 11:10:56

Q: Notaries, lawyers and other independent legal professionals

Fields marked with * are mandatory.

Consultation on data points to assess the inherent risk of the non-financial sector

Objective of the consultation
AMLA would like to receive feedback on provisions of the draft RTS under Article 40(2) of Directive (EU) 2024/1640 ('AMLD') and in particular on the specific questions set out 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 **27 September 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 with an asterisk (*) are mandatory.

Where applicable, the reference year for this questionnaire is 2025.

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

Please do not provide any sensitive or personal information in your responses, as all answers will be published.

Please note that by submitting your contribution, you acknowledge that it will be published on AMLA's website. All contributions will be published after the consultation closes, unless you request otherwise. If you wish your comments to be treated as confidential, please clearly indicate this in the consultation form. 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 what we ask from you. In particular, please refrain from 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, AMLA staff will perform a limited screening of all contributions provided for the sole purpose of filtering any inappropriate submissions. After this, the replies are made available to the public directly on 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.

A confidential response may be requested from us in accordance with Regulation 1049/2021 regarding public access to European Parliament, Council and Commission documents. We may consult you if we receive such a request. Any decision not to disclose a response is subject to review by the European Ombudsman.

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.

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.

Notaries, lawyers and other independent legal professionals

This survey seeks feedback on the list of data points set out in Annex I of the draft RTS, which specifies the data points to be collected for the assessment of the inherent ML/TF risk exposure of obliged entities. Obliged entities should complete all questionnaires that are relevant to the activities and services they carry out or offer. Where an obliged entity performs activities or provides services falling under more than one category of obliged entities, it should provide responses for each relevant category and corresponding set of data points in the relevant survey. This will help ensure that the final RTS reflect the practical availability, clarity, relevance and proportionality of the proposed reporting requirements across the different categories of obliged entities in the non-financial sector.

Please note, that as a general rule, where currency conversion to EURO is required for reported data, the applicable exchange rate depend on the nature of the service provided. Please use the exchange rate official exchange rate on the day of the transaction for occasional transactions, while for business relationship please use the official conversion rate at the end of the year. (e.g. the ECB exchange rate). If no official exchange rate is available on 31 December, reporting obliged entities should use the official rate published on 30 December, or the most recent preceding date for which an official rate is available.
The reference year refers to the period covering at least one full calendar year (1 January - 31 December) prior to the date of the assessment.

Respondent profile

* The contribution is made by:

An organisation

* First name of individual (individual respondent or representative of organisation)

100 character(s) maximum

Anna

* Surname of individual (individual respondent or representative of organisation)

100 character(s) maximum

Smolinska

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

100 character(s) maximum

smolinska@ccbe.eu

* 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).

* Would you like the comments you provide in this questionnaire to be treated as confidential?

- ○ Yes
- ◉ No

* Which of the following best describes your organisation?

- ○ Obliged entity (OE) (in the sense of Article 3 of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- ○ Competent Authority (in the sense of Article 2 (1) (44) of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- ○ Self-Regulatory Body (in the sense of Article 2 (1) (47) of Regulation (EU) 2024/1624 Regulation - EU - 2024/1624 - EN - EUR-Lex)
- ○ Industry Association
- ◉ Civil Society Organisation / NGO
- ○ Other (please specify)

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

BE - Belgium

Feedback on data points

Data point 1: Does the obliged entity have a complex structure?

Legal references and draft definitions

This data point is only applicable to obliged entities that are legal entities.

Complex structure refers to ownership structures where there are three or more layers between the obliged entity and the beneficial owner and, in addition, more than one of the following conditions is met:

(a) there is a legal arrangement or a similar legal entity such as a foundation in any of the layers;

(b) the obliged entity and any legal entities present at any of these layers are registered in jurisdictions outside the EU;

(c) there are nominees involved in the structure;

A nominee is to be interpreted as a natural person or a legal entity instructed by a nominator (a different legal entity or natural person) to act as a shareholder or director in a legal entity on its behalf.

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

Law firms are not allowed to have complex ownership structures due to deontological restrictions.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ◉ Not applicable (N/A)

Data point 2: Does the entity have beneficial owners resident in high-risk third countries?

Legal references and draft definitions

This data point is only applicable to obliged entities that are legal entities.

Report if the obliged entity's Beneficial Owners (BOs) include at least one individual that is resident in a high-risk third country, as of the end of the reference year. "High-risk third country" includes non-EU /EEA jurisdictions with strategic deficiencies, or with compliance weaknesses in their national AML/CFT regimes, or posing a specific and serious threat to the Union's financial system, according to Articles 29, 30 and 31 of the AMLR and/or are featured in the FATF list of jurisdictions for which a call for action is issued and the FATF list of jurisdictions under increased monitoring, as of the end of the reference year. The definition of the beneficial owner is contained in Article 2(1)(28) of the AMLR and, more in particular, Articles 51 to 55 of the same Regulation and, in the case of express trusts and other similar legal entities or legal arrangements, also Articles 57 to 60.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 3: Does the obliged entity have Politically Exposed Persons (PEPs) as beneficial owners?

Legal references and draft definitions

Report if the obliged entity's Beneficial Owners (BOs) include at least one politically exposed person (PEP), a family member of a PEP, or a person known to be a close associate of a PEP, as of end of the reference year.

The definition of politically exposed person (PEP), a family member of a PEP, or a person known to be a close associate of a PEP is provided in Article 2(34), 2(35) and 2(36) of AMLR.

The definition of the beneficial owner is contained in Article 2(1)(28) of the AMLR and, more in particular, Articles 51 to 55 of the same Regulation and, in the case of express trusts and other similar legal entities or legal arrangements, also Articles 57 to 60.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Data point 4: Is the parent undertaking located in high-risk third country?

Legal references and draft definitions

Report if the obliged entity has a parent undertaking that is physically located and/or incorporated in a high-risk third country, as of the end of the reference year.
"Parent undertaking" is to be interpreted according to the definition provided in Article 2(1)(42) of the AMLR.
"High-risk third country" includes non-EU/EEA jurisdictions with strategic deficiencies, or with compliance weaknesses in their national AML/CFT regimes, or posing a specific and serious threat to the Union's financial system, according to Articles 29, 30 and 31 of the AMLR and/or are featured in the FATF list of jurisdictions for which a call for action is issued and the FATF list of jurisdictions under increased monitoring, as of the end of the reference year.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

Due to deontological restrictions, law firms have to be owned be natural persons who are lawyers themselves. Only in exceptional circumstances, some law firms might also have other owners (such as family members of lawyers) or other entities, provided that they are controlled by lawyers.

Data point 5: Number of branches and subsidiaries in high risk third countries

Legal references and draft definitions

If the obliged entity has branches and/or subsidiaries, indicate the number of such that are located in high-risk third countries, as of the end of the reference year.

For the purposes of this data point, branches are establishments of the reporting obliged entity that are not separate legal entities and that perform directly all or some activities of the reporting obliged entity. Subsidiaries are to be interpreted as undertakings that are obliged entities, controlled by the reporting obliged entity and that are not branches. "High-risk third country" includes non-EU/EEA jurisdictions with strategic deficiencies, or with compliance weaknesses in their national AML/CFT regimes, or posing a specific and serious threat to the Union's financial system, according to Articles 29, 30 and 31 of the AMLR and/or are featured in the FATF list of jurisdictions for which a call for action is issued and the FATF list of jurisdictions under increased monitoring, as of the end of the reference year.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Data point 6: Total number of customers

Legal references and draft definitions

Indicate the total number of unique customers to whom services have been provided during the reference year, including natural and legal persons (this means not counting the same customer more than once when involved in transactions during the year).

The number of customers reported has to include ongoing business relationships, terminated business relationships and occasional transactions (for example, a company incorporation not followed up by any other service) that took place during the reference year.

For this category of obliged entities, the term "customer" includes both parties to the AML-relevant transaction intermediated through the obliged entity and to the extent that they are the only notary or lawyer or other independent legal professional intermediating that transaction as per Article 19(6)(b) of the AMLR.

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> The number of customers is not indicative for risks. Often, having less (but larger) customers might increase risks. Moreover, larger entities have more customers, smaller entities less.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> The total number of customers is not collected as it is not relevant. One customer can come with a high risk, a high number of customers cannot pose a higher risk.

Data point 7: Total number of customers that are legal entities entities or legal arrangements

Legal references and draft definitions

Indicate the total number of customers during the reference year that were not natural persons.
The definition of legal arrangement is in Article 2(1)(32) of the AMLR.

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> The total number of legal entities is not relevant for risks and not even for the business size and model. Legal entities are different in size and nature. They might have different types of business models which must be considered.

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (•) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> The total number of legal entities is not collected as it is not relevant. One legal entity can come with a high risk, a high number of entities cannot pose a higher risk.

* If the data point is difficult to report, please provide a justification and suggest an alternative, specifying why the alternative will be easier to report.

500 character(s) maximum

> The total number of legal entities is not collected as it is not relevant. One legal entity can come with a high risk, a high number of entities cannot pose a higher risk.

Data point 8: Total number of customers that are, or have a beneficial owner that is, a politically exposed person (PEP)

Legal references and draft definitions

Indicate the total number of customers and beneficial owners of customers during the reference year that are politically exposed persons (PEPs) or that are family members or close associates of PEPs.

Definition of politically exposed person (PEP), a family member of a PEP, or a person known to be a close associate of a PEP is provided in Article 2(34), 2(35) and 2(36) of AMLR.

Is this data point clearly formulated and understandable?

- (•) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (•) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (•) Neutral
- ( ) Difficult

Data point 9: Total number of customers that are legal entities/arrangements that are part of a complex structure

Legal references and draft definitions

Indicate the total number of customers during the reference year that are legal entities or legal arrangements that are part of a complex ownership structure.

A complex structure refers to ownership structures where there are three or more layers between the customer and the beneficial owner and, in addition, more than one of the following conditions is met:
- there is a legal arrangement or similar legal entity (such as a foundation) in any of the layers;
- the customer and any legal entities present at any of these layers are registered in jurisdictions outside the EU;
- there are nominee shareholders or nominee directors involved in the structure;
- the structure obfuscates or diminishes transparency of ownership with no legitimate economic rationale or justification.
A nominee is to be interpreted as a natural person or a legal entity instructed by a nominator (a different legal entity or natural person) to act as a shareholder or director in a legal entity on its behalf.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> Currently, if the qualitative assessment is performed, it cannot easily be compiled into one single (quantitative) data point.
> Currently, the criteria is only the result of a very thorough assessment. Hence it requires prior analysis which is then condensed in one data point per entity.

Data point 10: Total number of customers that were represented by third parties

Legal references and draft definitions

Indicate the total number of customers during the reference year, whether natural persons or legal entities, for whom the obliged entity has interacted with a third party representing the customer rather than with the customer itself, excluding cases of legal representatives of legal entities.

Is this data point clearly formulated and understandable?

- ( ) Yes
- (•) No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> In the context of interactions with lawyers, it is often the case that entities are represented by other lawyers, in particular in cross-border situations. Therefore, not only legal representatives, but also representation by legal professionals must be excluded.

Is the requested information available to you?

- ( ) Yes, readily available
- (•) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (•) Neutral
- ( ) Difficult

Data point 11: Total number of relevant services

Legal references and draft definitions

Indicate the total number of "relevant services" in the reference year. "Relevant services" should mean all services falling within Article 3(3)(b)(i)-(v) AMLR for which the obliged entity acted during the reference year. This includes acting on behalf of and for the client in financial or real estate transactions, or assisting in the planning or carrying out of the listed transactions. Services that fall outside Article 3(3)(b) such as litigation or privileged legal advice are not covered by this definition.

Is this data point clearly formulated and understandable?

- ( ) Yes
- (•) No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> The definition covers categories of services, not the services themselves (e.g.: is "real estate transaction" one service or are there several different services in a real estate transaction).The pure number of services does not imply any risk. As the definition covers categories of services, the data point will cause legal uncertainty. The definition will include additional workload to decide on how to count "services" or cause extreme over-reporting in order to avoid any liabilities.

Is the requested information available to you?

- ( )

Yes, readily available

- ( ) Yes, but only with manual adjustments or additional processing
- (•) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

The counting of “services” linked to the broad categories is not possible. If the question should remain, it should refer to the categories of services and be limited to the question, if services of such a category are provided at all. In addition, the Draft RTS does not provide a proportionate regime for lawyers who only occasionally perform AMLR-scope services, which may result in disproportionate compliance burdens despite very limited AML/CFT exposure.

Data point 12 Total value (EUR) of transactions

Legal references and draft definitions

Indicate the aggregate value in EUR of all transactions linked to the relevant services in the reference year. For the purposes of reporting, a transaction means any engagement during the reference year in which a notary, lawyer or other independent legal professional participates, either by:
acting on behalf of and for a client in a financial or real estate transaction; or assisting in the planning or carrying out of a transaction for a client,
where the transaction concerns one or more of the following activities:
the buying and selling of real property or business entities; the managing of client money, securities, other assets or crypto-assets; the opening or management of bank, savings, securities or crypto-asset accounts; the organisation of contributions necessary for the creation, operation or management of companies; or the creation, setting up, operation or management of trusts, companies, foundations or similar legal arrangements or structures, in line with Article 3(3)(b) of Regulation (EU) 2024/1624.
Activities falling outside the scope of Article 3(3)(b) of Regulation (EU) 2024/1624, including litigation, representation in judicial proceedings, legal advice benefiting from legal professional privilege, or other legal services not connected with the activities listed above, shall not be considered transactions for the purposes of this definition.

Is this data point clearly formulated and understandable?

- ( ) Yes
- (•) No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

The aggregate total value does not imply risk. Low-value transactions can be later on used by a client to funnel high amounts of money. Moreover, high risk may be connected to rather singular one-off transactions, so that the aggregate amount remains low. Moreover, it is not clear whether transactions covering more than one business year must be counted once or for each year.

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ○ Neutral
- ◉ Difficult

* If the data point is difficult to report, please provide a justification and suggest an alternative, specifying why the alternative will be easier to report.

500 character(s) maximum

> The value of transactions must be summarised in order to calculate the aggregate amount. However, it is unclear in which year a transactions must be counted if the transaction covers more than one calendar year (e. g. contract for a real estate transaction is signed in December, land transfer is registered in January). Moreover, some services are not linked to transactions, but are linked to a business relationship. It is unclear of such services must be taken into consideration.

Data point 13 Total value (EUR) of inbound and outbound transactions

Legal references and draft definitions

Indicate the aggregate value in EUR of all inbound and outbound transfers of funds or crypto-assets handled, arranged, supervised or otherwise processed by the obliged entity for clients in the context of relevant services during the reference year.

Is this data point clearly formulated and understandable?

- ○ Yes
- ◉ No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

> The definition doesn't specify if transactions “processed” directly between clients are to be taken into account (e.g. lawyer gives advice in the context of a share purchase contract, the transaction is processed between the banks of the clients).
> The value doesn't imply any risk.
> If small sums transferred in the context of transactions (e.g.stamp fees) must all be counted together and linked to transactions, a high admin. burden may follow.

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing

- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> The main challenges lie in the unclear definition and the burden to summarise different (often small) amounts that relate to different categories of payments. In addition, they must be differentiated as regards the services they are linked to, as not all transactions might fall under the scope of covered services (e.g. payments relating to court orders must not be counted, payments on escrow accounts relating to real transactions are).

Data point 14: Total number of relevant services where the obliged entity acted on behalf of and for clients in financial transactions in the reference year

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Data point 15: Total number of relevant services, where the obliged entity acted on behalf of and for clients in real estate transactions

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 16: Total number of relevant services, where the obliged entity acted on behalf of and for clients in real estate transactions related to a residence by investment program.

Such services refer to representation and/or intermediation services to third-country nationals seeking to obtain residence rights in a Member State in exchange for any kind of investment, including capital transfers, purchase or renting of property, investment in government bonds, investment in corporate entities, donation or endowment of an activity to the public good and contributions to the state budget as stated in Article 3(3) l, Regulation (EU) 2024/1624.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

Data on residence by investment programs should be made available by the Member States offering such programs.

Data point 17: Total number of relevant services, where the obliged entity assisted in the planning or carrying out of transactions for clients concerning managing of client money, securities or other assets, including crypto-assets

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available

- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Data point 18:Total number of relevant services, where the obliged entity assisted in the planning or carrying out of transactions for clients concerning opening or management of bank, savings, securities or crypto-assets accounts

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (●) Neutral
- ( ) Difficult

Data point 19: Total number of relevant services, where the obliged entity assisted in the planning or carrying out of transactions for clients concerning creation, setting up, operation or management of trusts, companies, foundations, or similar structures

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (●) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 20: Total value (EUR) of transactions paid fully or partially in cash

Legal references and draft definitions

Indicate the total value in EURO of transactions participated by the obliged entity during the reference year made, fully or partially (irrespective of the proportion) in cash.

Cash is defined under Article 2, point (43) AMLR: 'cash' refers to the definition of Article 2(1), point (a), of Regulation (EU) 2018/1672 of the European Parliament and of the Council:

'cash' means: (i) currency; (ii) bearer-negotiable instruments; (iii) commodities used as highly-liquid stores of value; (iv) prepaid cards.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ◉ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

> The total amount of cash is not indicative for risks. Moreover, partial payment in cash is not recorded as such, data does not show the total amount of transactions with "partial payments" in cash.
> As cash transfers still are one area of high risks, most Member States have issued deontological rules which do prohibit cash transfers (or at least cash transfers above a certain threshold). Therefore the amount will most probably be zero, the number is not indicative for any risk.

Data point 21: Total value (EUR) of transactions paid fully or partially crypto-assets

Legal references and draft definitions

Indicate the total value in EURO of transactions participated by the obliged entity during the reference year made, fully or partially (irrespective of the proportion) in crypto assets. Crypto assets are defined as under Article 2, point (7) AMLR: 'crypto-asset' means a crypto-asset as defined in Article 3(1), point (5), of Regulation (EU) 2023/1114 except when falling under the categories listed in Article 2(4) of that Regulation. The conversion of crypto-assets value to EUR should be done in the date that the transaction took place.

Is this data point clearly formulated and understandable?

- (●) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

Suggestion to limit this reporting to clearly defined non-traceable crypto assets in line with the MiCA regulation. Moreover, partial payment in crypto assets is not recorded as such, data does not show the total amount of transactions with “partial payments” in crypto assets.

Data point 22: Total value (EUR) of transactions paid with funds sent from high-risk third countries

Legal references and draft definitions

Indicate the total value in EURO of transactions participated by the obliged entity during the reference year.

For the purposes of this data point, the origin of the funds needs to be considered, rather than their source (understanding the source as the activities that generated the funds in the first place).

High-risk third country includesnon-EU/EEAjurisdictionswith strategic deficiencies, or with compliance weaknesses in their national AML/CFT regimes, or posing aspecific and serious threat to the Union’s financial system, according to Articles 29, 30 and 31 of the AMLRand/or are featured inthe FATF list ofjurisdictionsfor which a call for action is issued andthe FATF listofjurisdictionsunder increased monitoring, as of the end of the reference year.

Is this data point clearly formulated and understandable?

- ( ) Yes
- (●) No

* If no, please explain which aspects are unclear and suggest possible improvements.

500 character(s) maximum

According to the definition, the origin of funds must be considered, not their source. However, if funds are transferred through EU/EEA banking accounts, it is impossible to know their origin. Moreover, funds be mixed from different origins.

Is the requested information available to you?

- ( ) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- (●) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

* If not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

The “origin” of funds is only obvious if the transfer is made directly from a high-risk third country. Otherwise, the “origin” cannot be concluded from the data. Hence, the data point must be limited to funds coming directly from a source in a high-risk third country.

Data point 23: Value (EUR) of the largest transaction

Legal references and draft definitions

Provide the value in Euros of the single largest transaction that the obliged entity has carried out during the reference year relating to relevant services.

Is this data point clearly formulated and understandable?

- (•) Yes
- ( ) No

Is the requested information available to you?

- ( ) Yes, readily available
- (•) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ( ) Easy
- (•) Neutral
- ( ) Difficult

Data point 24: Total number of customers that are resident/incorporated/created/governed under the law of a of a country other than the obliged entity’s Member State

Legal references and draft definitions

Indicate the total number of customers during the reference year that are non-resident or incorporated, created or governed under the law of a country other than the Member State where the reporting obliged entity is located.

Is this data point clearly formulated and understandable?

- (•) Yes
- ( ) No

Is the requested information available to you?

- (•) Yes, readily available
- ( ) Yes, but only with manual adjustments or additional processing
- ( ) No, the information is not routinely collected or recorded
- ( ) Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 25: Total number of customers that are resident/incorporated/created/governed under the law of a high-risk third country

Legal references and draft definitions

Indicate the total number of customers during the reference year that are resident, incorporated, created or governed under the law of a high-risk third country.

High-risk third country includesnon-EU/EEAjurisdictionswith strategic deficiencies, or with compliance weaknesses in their national AML/CFT regimes, or posing aspecific and serious threat to the Union's financial system, according to Articles 29, 30 and 31 of the AMLRand/or are featured inthe FATF list ofjurisdictionsfor which a call for action is issued andthe FATF listofjurisdictionsunder increased monitoring, as of the end of the reference year.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ◉ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 26: Total number of customers whose identity was verified on a non-face-to-face basis

Legal references and draft definitions

Indicate the total number of customers for which, during the reference year, their identification and verification of their identity took place in a non-face-to-face manner and, therefore, the obliged entity has used the electronic identification means established in Article 22(6)(b) of the AMLR to comply with its customer identity verification obligations.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 27: Number of customers for which the obliged entity relied on customer due diligence performed by other obliged entities

Legal references and draft definitions

Indicate the total number of customers for which, during the reference year, a third party (an obliged entity other than the reporting obliged entity) has performed, in full or in part, the customer due diligence (CDD) obligations, following the conditions established in Article 48 of the AMLR.

Is this data point clearly formulated and understandable?

- ◉ Yes
- ○ No

Is the requested information available to you?

- ○ Yes, readily available
- ◉ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ◉ Neutral
- ○ Difficult

Data point 28: Does the obliged entity provide escrow accounts?

Legal references and draft definitions

Provide a Yes/No answer. Report "Yes" if, during the reference year, the obliged entity opened, maintained, administered or controlled a client account, escrow account, third-party account, notarial account, or comparable arrangement used to hold money or other assets on behalf of clients pending completion of a transaction or fulfilment of agreed conditions.

Is this data point clearly formulated and understandable?

- ◉ Yes

- ○ No

Is the requested information available to you?

- ◉ Yes, readily available
- ○ Yes, but only with manual adjustments or additional processing
- ○ No, the information is not routinely collected or recorded
- ○ Not applicable (N/A)

If available, how easy is it to report this information?

- ○ Easy
- ○ Neutral
- ◉ Difficult

* If the data point is difficult to report, please provide a justification and suggest an alternative, specifying why the alternative will be easier to report.

500 character(s) maximum

How easy is it to report this information?: Neutral
Escrow accounts are a usual – and deontologically necessary – way of handling funds for clients. This is not a relevant criterion for higher risks for lawyers.

Contact

Contact Form