



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

Fields marked with * are mandatory.

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

Objective of the consultation

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

Comments are most helpful if they:

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

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

Personal data protection:

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

Protection Notice.

All legal details can be found in our [Specific Privacy Statement \(SPS\)](#).

How to provide feedback

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

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

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

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

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

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

Language disclaimer

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

Your details

* This contribution is made by:

An organisation

* Name of the organisation

Accountancy Europe

* Name of representative:

Iryna

* Surname of representative

de Smedt

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

iryna@accountancyeurope.eu

* Sector of activity

Maximum 1 selection(s)

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

* Non financial sector

Maximum 1 selection(s)

- Auditors, external accountants, tax advisors, other independent professionals that provide assistance or advice on tax matters
- Notaries, lawyers, other independent legal professionals
- Trust or company service providers
- Estate agents, other real estate professionals
- Trading in precious metals and stones
- Trading in high-value goods
- Gambling services
- Crowdfunding service providers and crowdfunding intermediaries
- Trading, intermediary trading or storage in cultural goods
- Credit intermediaries for mortgage and consumer credits (other than credit and financial institutions)
- Investment migration operators
- Non-financial mixed activity holding companies
- Football agents
- Football clubs

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

BE - Belgium

* Publication of your name and surname:

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

Public Consultation Questions

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

5000 character(s) maximum

We do not consider the criteria in Article 2 of the draft RTS to be sufficiently clear or effective in identifying “business relationships,” particularly in the context of professional services such as accountancy practices. In its current form, the RTS does not fully reflect how such services operate in practice and thus is of limited applicability.

Professional services are typically provided within a formalised engagement framework, which defines the scope of work and may involve a degree of interaction over time. As a result, even where services appear to be provided on a one-off basis (for example, the preparation of a tax return), they may nonetheless involve elements that are characteristic of a business relationship.

Article 2 - Ambiguity in the ‘element of duration’ and risk of inconsistent application

The reference to an “element of duration” in the draft RTS is a key criterion, but it is not sufficiently explained. As a central concept in distinguishing a business relationship from an occasional transaction, the absence of further clarification creates uncertainty as to how it should be interpreted in practice.

In particular, it remains unclear how this concept should apply to short, one-off engagements. For example, an accountancy firm may be engaged to file a document on behalf of a client to claim withholding tax relief. This may involve collecting relevant information, completing the necessary forms, and submitting them to the tax authorities, but may be limited in scope and duration.

It is therefore uncertain whether such an engagement should be considered to involve an “element of duration,” or whether that criterion is intended to capture only more sustained or continuous relationships, as opposed to clearly one-off, self-contained transactions (such as an ad hoc currency exchange).

While isolated instances of one-off advice may, in certain circumstances, be characterised as occasional transactions, professional services are generally provided within structured engagements. In such cases, the presence of an “element of duration” and the overall nature of the engagement will often indicate the existence of a business relationship. However, in the absence of further clarification, particularly as regards the interpretation of “element of duration”, there remains a risk of inconsistent classification across obliged entities.

Recommendation: We strongly recommend that the RTS be further clarified to:

- Provide a clearer explanation of the concept of an “element of duration,” supported by practical and sector-relevant examples
- Clarify how this criterion should be applied to professional services, including short, limited-scope mandates, and
- Ensure a sufficiently clear and consistent distinction between business relationships and occasional transactions to ensure consistent and harmonised application across obliged entities.

Without these changes, the RTS will not deliver the necessary clarity and will lead to divergent interpretations.

These are fundamental issues that requires clarification at EU level and should not be left to local supervisors, as this would lead to divergent interpretations and inconsistent practices across Member States.

Recital 6 – Limited applicability for accountancy sector

Recital 6 is not clear and should be reconsidered or further clarified. In particular, it is unclear how this recital should be applied to non financial obliged entities, such as professional service providers in the accountancy and audit sector. Accountants and auditors in most cases are working with historical data, unless participating in an ongoing transaction. This uncertainty is especially acute in situations where:

- the service provided is connected to multiple underlying transactions
- the service provided is not connected to any specific underlying transaction
- the individual service fees charged by the obliged entity are low, and
- the aggregated value of the underlying transactions to which the service may be connected exceeds the applicable CDD threshold, despite the obliged entity not performing those transactions itself.

By way of example, this may arise where an accountant provides incidental or high level tax advice to a foreign group company on the functioning of the tax system in a Member State, solely to enable the client to assess whether to establish subsidiaries in that jurisdiction. In such cases, the obliged entity's involvement in any subsequent transactions is limited, indirect, or entirely absent, and the associated ML/TF risk is typically low.

Recommendation: Further guidance would therefore be welcome to support a consistent and proportionate application of the CDD framework for non financial obliged entities. In particular, we recommend clarifying how to apply the EUR 10,000 threshold where no specific transaction is connected to the service, or where a non financial obliged entity provides services relating to multiple underlying transactions.

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

5000 character(s) maximum

We do not consider the criteria in Article 3 to be fully effective in properly identifying linked transactions. Many of the criteria appear to be designed primarily with the banking sector in mind and are not readily applicable to all obliged entities, including audit and accountancy practices. As a result, the framework does not sufficiently reflect the diversity of business models across sectors.

The current criteria are overly prescriptive and risk encouraging a checklist-driven approach, rather than a meaningful, risk-based assessment. In addition, not all criteria are relevant to every obliged entity. Applying all criteria indiscriminately creates a risk of excessive and unnecessary administrative burden. For example, paragraph (c), which refers to transactions pertaining to the same purchase, is not applicable in the context of audit and accountancy services.

More broadly, the criteria are overly extensive. In practice, identifying linked transactions based on these criteria would require obliged entities to collect and assess information similar to that gathered as part of customer due diligence (CDD). At the same time, the RTS repeatedly refers to “information available to the obliged entity,” without clarifying what information is expected to be available. This creates several practical challenges:

- There is no clarity on the scope of information that should be available to the obliged entity, which risks divergent interpretations across entities and Member States, as well as uncertainty in supervisory expectations.
- Obligated entities may be required to collect and retain additional categories of information solely to assess whether transactions could become linked in the future, creating disproportionate operational burden.
- Certain criteria are not realistically knowable in advance. For example, whether customers use the same digital infrastructure (paragraph 3.1(b)(v)), the same intermediaries (3.1(b)(vi)), or the same service providers (3.1(b)(vi)) is often not information available to the obliged entity. Moreover, such factors do not necessarily indicate a link between transactions (e.g. the use of the same bank or payment service provider is common and not indicative of a link).

In light of the above, the current drafting does not provide a workable or proportionate framework.

Recommendation

The RTS should therefore be revised to allow for more flexibility and discretion. In particular, Article 3(1) should be amended to explicitly allow for a risk-based and client-specific assessment, and to clarify that the listed criteria should only be applied “where relevant” to the type of business. For example:

“Obligated entities shall, for the purpose of identifying linked transactions, make a risk-based and client-specific assessment. The following criteria may be taken into account, where relevant for the type of business.”

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

5000 character(s) maximum

Recommendation - Additional guidance and practical examples for professional services

As indicated in our responses to the previous questions, the current draft RTS does not provide sufficient clarity to ensure a consistent application of the criteria in practice. In particular, clearer guidance is required on how the distinction between business relationships and occasional transactions should be applied in the context of professional services such as audit or accountancy services.

The RTS would materially benefit from the inclusion of sector-specific illustrative scenarios clarifying in which circumstances audit or accountancy services should be treated as occasional transactions. The absence of such sector-specific guidance creates a risk of divergent interpretation and inconsistent supervisory outcomes across Member States.

In line with the approach adopted for other sectors, such as gambling and football, the RTS should introduce explicit sector-specific clarification for professional service providers, confirming that:

- activities should generally be assessed as the provision of professional services rather than as transactions, unless the professional is acting on behalf of the client in executing a transaction; and
- the provision of professional services should not be presumed to constitute a transactional business relationship solely because the service is connected to a transaction.

Furthermore, where one-off services are provided, the RTS should expressly recognise a sector-specific rolling assessment over a 12-month period (for example, where three or more similar or different services are provided to the same client) to determine whether the elements of repetition or duration are met, and consequently whether CDD obligations should apply, and to what extent.

Introducing such sector-specific clarification is necessary to enhance legal certainty and to ensure a proportionate and risk-based application of the framework for the accountancy and audit sector.

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

5000 character(s) maximum

We do not consider it necessary to add additional criteria for identifying linked transactions. The existing list is already extensive. Adding more would create an unmanageable burden and is not practical for obliged entities, particularly outside the banking sector.

Recommendation

The RTS should provide greater flexibility for a risk-based, sector-specific and client-specific assessment. Obligated entities should only be expected to apply criteria that are relevant and realistically available for their type of business. This is particularly important for non-financial entities, where criteria designed for the financial sector may be inaccessible or of limited relevance.

The focus should be on criteria that are relevant and reasonably available, rather than expanding the list further. Rather than adding further criteria, we recommend revising and refining the existing criteria in Article 3 to ensure they are operationally feasible across sectors. In particular, clearer differentiation should be made between:

- criteria primarily relevant to financial institutions, and
- criteria that can realistically be applied by non-financial obliged entities, such as accountancy and audit firms.

In this context:

- criteria relying on information that is not reasonably accessible to obliged entities (e.g. unverifiable personal, commercial or informal relationships) should be limited to situations where such information is available in the normal course of business
- concepts such as “same digital infrastructure” or “common service providers” should be more precisely defined and their application clarified, as such information is typically not available to non-financial obliged entities and may therefore not constitute a workable criterion in those sectors.

Without such clarification, expanding or maintaining a broad and undifferentiated list of criteria risks increasing uncertainty and reducing the effectiveness of identifying genuinely linked transactions.

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

5000 character(s) maximum

N/A

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

5000 character(s) maximum

Yes, we foresee significant operational challenges in implementing this draft RTS.

The provisions in this RTS are primarily designed for financial institutions whose core activity is executing transactions and are not adequately adapted to our sector. As such, they are of limited suitability for other obliged entities, such as the accountancy and audit profession, whose business model is based on providing services rather than conducting transactions.

It does not reflect its specific characteristics and appears to treat non-financial entities in the same way as financial institutions. While we understand the objective of consistency across obliged entities, this should not result in applying a framework designed for transaction-based businesses to service-based professions. This should not result in applying a framework designed for transaction-based businesses to service-based professions. The framework must be capable of being applied effectively in our sector.

The extensive and prescriptive nature of the criteria creates a risk that implementation will become a compliance exercise, rather than an effective tool for preventing money laundering and terrorist financing. This approach risks encouraging a focus on formalistic compliance, rather than on identifying and mitigating real risks.

A key operational challenge is the lack of flexibility. The RTS does not sufficiently accommodate the specificities of non-financial sectors and does not reflect how these sectors operate in practice. As a result, obliged entities may be required to apply criteria that are not relevant or not realistically applicable to their activities.

Furthermore, it is essential that AMLA provides sufficient clarity within the RTS itself. Deferring interpretation to national supervisors would undermine the objective of the Regulation to achieve harmonised application across the EU and lead to divergent practices. This is a real risk to be avoided.

Recommendation: To address these challenges, we recommend that:

- The RTS introduces greater flexibility, including by explicitly stating that criteria should be applied “where relevant”
- The drafting better reflects the distinction between transaction-based and service-based business models
- AMLA provides sector-specific guideline to support effective and proportionate implementation, and
- The framework avoids an overly prescriptive approach that drives a compliance-focused mindset at the expense of effective risk mitigation.

Without these changes, there is a significant risk that the RTS will not achieve its intended objective and will instead impose disproportionate operational burdens without improving outcomes in the fight against financial crime.

Implementation timelines and need for adequate transition periods

We also have concerns regarding the implementation timelines. The Regulation is scheduled to enter into force on 10 July 2027; however, a significant part of the Level 2 and Level 3 measures has not yet been published for consultation. This creates a risk that the necessary framework for implementation will not be available in sufficient time to allow for proper preparation by obliged entities.

In the absence of finalised Level 2 and Level 3 measures, there is a risk that entities may not be able to adequately adapt their systems, processes, and internal organisation to ensure timely compliance. Sufficient lead time is therefore essential to enable effective implementation.

Recommendation

We therefore consider it important that the relevant Level 2 and Level 3 measures are made available as early as possible and that appropriate transitional arrangements are put in place to allow obliged entities to adjust to the new requirements in a structured manner.

In this context, we refer to the Accountancy Europe publication “7 Principles for AML RTS Development,” which states that RTS should be published well in advance of their application date to ensure that obliged entities and supervisors have sufficient time to prepare for compliance. It further recommends that a structured transitional framework be established, clearly defining the timeline, sequencing, and duration of implementation steps.

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

5000 character(s) maximum

N/A

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

5000 character(s) maximum

We encourage AMLA to ensure that the RTS fully reflects the operational realities and risk profiles of non-financial professions, including the accountancy sector.

Greater consideration of sector-specific practices would support a more proportionate and effective application of the risk-based approach across all obliged entities.

Business relationships – interaction with existing professional frameworks

In the context of business relationships, it is important to recognise that professional accountants operate within established ethical frameworks, such as the International Code of Ethics for Professional Accountants issued by the International Ethics Standards Board for Accountants (IESBA). These frameworks include provisions on business relationships, conflicts of interest and professional judgement, which already shape how client relationships are assessed and managed in practice.

While these frameworks do not replace AML/CFT obligations, greater consideration of how they interact with the RTS requirements could support a more coherent, proportionate and effective application in the accountancy sector.

Contact

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