

Q: Auditors, external accountants, tax advisors, other independent professionals that provide assistance or advice on tax matters

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.

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.

Auditors, external accountants, tax advisors, other independent professionals that provide assistance or advice on tax matters

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. Obligated 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.

Respondent profile

- * The contribution is made by:

An organisation

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

100 character(s) maximum

Iryna

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

100 character(s) maximum

de Smedt

- * Email (note that your email address will not be published)

100 character(s) maximum

iryna@accountancyeurope.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?

- ☐ Obligated 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

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

Availability of this information varies across jurisdictions.

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

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

It is not clear whether the data point refers Beneficial Owner at entity level or Ultimate Beneficial Owner. This could cause confusion and hence we recommend clarifying.

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.

There is no consistent approach to this across the EU.

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

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

500 character(s) maximum

It is unclear whether the data point refers to a beneficial owner at entity level or the ultimate beneficial owner, and whether senior managing officials (SMOs) should be included as beneficial owners. This could lead to inconsistent interpretation and reporting. We therefore recommend clarifying the scope of the data point.

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

Availability of this information varies across jurisdictions.

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

500 character(s) maximum

This information is not routinely collected or recorded. For a small obliged entity forming part of a large group with hundreds of entities, including where there is private equity ownership, obtaining the information requested may be particularly challenging and burdensome. We also question the value of requiring a small entity to collect this information in such circumstances.

Data point 6: Total number of customers

Legal references and draft definitions

Report the number of unique customers to whom the obliged entity has applied Customer Due Diligence measures under Article 19 AMLR, and who entered, maintained or ended a business relationship with, or carried out at least one occasional transaction with the reporting obliged entity, during the reported period. Customer should be understood as an individual natural person, legal entity or legal arrangement.

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

Availability of this information varies across jurisdictions.
An exact number of unique customers meeting this definition may require additional processing, particularly where customer records are held across different systems. For risk assessment purposes, requiring a precise figure may also be disproportionate where minor variations are immaterial. We suggest reporting customer numbers in appropriate ranges (e.g. <100, 100–500, 501–1,000, etc.).

Data point 7: Total number of new customers

Legal references and draft definitions

Indicate the total number of new customers during the reference year. New customers refer to those cases where the business relationship is established, or an occasional transaction is conducted for the first time, meaning that the obliged entity has no previous customer due diligence information or records on that customer.

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

Refer to our response under DP 6. AMLA should clarify the applicable counting rules for “customer”, including who qualifies as a customer in the context of auditors, external accountants and tax advisors. “New customer” should also be linked to a clearly defined reporting period. This clarification is important because “customer” is not currently defined in the AMLA published documents, which may lead to inconsistent interpretation and reporting across MS and professional services firms.

Data point 8: Total number of customers that are legal entities

Legal references and draft definitions

Indicate the total number of customers during the reference year that are legal entities, excluding those legal entities that are similar to express trusts, as defined in Art. 2(1)(29) of the AMLR.

Legal entities in the same corporate group and connected legal entities should be counted separately. Legal entities with branches shall be reported only once, according to the country of registration of the head office

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 information may be collected in certain jurisdictions. Larger firms may also distinguish between legal persons and individuals, although this will depend on their Customer Relationship Management (CRM) systems. This information has not previously been required and as with the preceding data points, reporting in appropriate bands would be more suitable than requiring an exact number.

Data point 9: Total number of customers that are legal arrangements

Legal references and draft definitions

Indicate the total number of customers during the reference year that are express trusts and other similar legal arrangements.

The definition of express trust is contained in Article 2(1)(29) of the AMLR, while definition of legal arrangement is in Article 2(1)(32) of the same Regulation.

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 information may be collected in certain jurisdictions. Larger firms may also be able to distinguish legal arrangements from other customers, depending on their CRM systems. However, this has not previously been required and, as with the preceding data points, reporting in appropriate bands would be more suitable than requiring an exact number.

Data point 10: Total number of customers which are Politically Exposed Persons

Legal references and draft definitions

Indicate the total number of customers (natural persons) 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 11: Total number of beneficial owners

Legal references and draft definitions

Total number of beneficial owners of customers of the obliged entity refers to unique beneficial owners, meaning that if a beneficial owner is featured in more than one legal entity or arrangement, it should be counted as one.

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

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

500 character(s) maximum

The relevance and purpose of this data point is unclear. Obligated entities already identify beneficial owners for CDD purposes, but it is unclear how an aggregate count of unique beneficial owners would help identify ML/TF risk. More targeted, risk-focused questions would be more useful in identifying firms presenting greater risk. It is also unclear whether the reference is to BOs or UBOs.

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

There is no consistent approach to collecting this information. BOs are identified as part of CDD, but there may be no existing process to produce an aggregate count of unique BOs across customers. Where the same BO is linked to multiple customers, producing this figure would require identification and deduplication across the customer base and could require significant IT changes. We question whether the value of this information justifies the resulting administrative burden.

Data point 12: Total number of beneficial owners that are PEPs

Legal references and draft definitions

Indicate the total number of 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

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

500 character(s) maximum

This data point appears to duplicate the PEP count and would create unnecessary administrative burden. It is unclear what additional value is provided by separately counting beneficial owners who are PEPs, family members or close associates of PEPs, or how this additional count would contribute to the prevention of economic crime. AMLA should also clarify whether the definition refers to BO or UBO.

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 13: 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.

Complex ownership 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.*

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

The data point is not clearly formulated as it is unclear how it would apply to a legal arrangement, e.g. a trust. The more relevant question for risk assessment purposes would be whether the firm has customers with complex ownership structures. If so, this should be sufficient. Requiring the number of such customers appears to conflate counting with assessing risk.

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

An exact number of customers with complex ownership structures may not be readily available. Rather than requiring firms to count such customers, the better approach would be to ask whether the firm deals with customers with complex ownership structures. A yes/no response should be sufficient, avoiding a focus on counting rather than risk.

Data point 14: Total number of customers for services provided

Legal references and draft definitions

Report the number of clients to whom the below services have been provided, which might differ from the total number of clients reported under DP #6 "Total number of customers". For example, a single contract may cover multiple services; in such cases, obliged entities would be expected to report the same client multiple times, corresponding to each service provided. In this regard, number of customers reflects more the number of engagements/written agreement per services provided.

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 proposed approach may generate a large volume of figures without providing a clear focus on risk. Differences in how practitioners classify services may also result in inconsistent or approximate figures, potentially confusing the analysis. A more targeted approach would be to request client numbers only for specific higher-risk service lines, clearly defined for consistent reporting. It should also be clarified how customers receiving multiple services should be counted.

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

Availability of this information varies across jurisdictions. The figures may at best be estimates, as services are not classified consistently. For example, corporation tax compliance may be treated as part of year-end accounts work or as a separate service. We suggest focusing instead on client numbers for specific, clearly defined higher-risk service lines.

Data point 15: Number of customers regarding payroll

Legal references and draft definitions

Report the number of engagements for providing payroll services. Double counting of clients is possible, if the client has other engagements than payroll, in addition.

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 information may not be recorded separately. For example, payroll for a sole director may not be classified as payroll, while other firms may include payroll under general accounting services. As an alternative to collecting payroll data separately, consideration could be given to applying the same approach to all services regarded as higher risk.

Data point 16: Number of customers regarding Bookkeeping

Legal references and draft definitions

Report the number of engagements for providing bookkeeping services. Double counting of clients is possible, if the client has other engagements than booking, in addition.

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

We question the need for this level of service-specific data. It may duplicate other data and lead to confusion and inaccurate reporting, without clear benefit for supervision or preventing economic crime. It may also create scope for penalties due to misunderstandings or unclear data. We suggest focusing on total client numbers in bands and, where higher-risk service areas are relevant, client numbers in bands with an N/A option.

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 information is not routinely collected. Total client numbers may be collected in bands, and information may be available on practitioners providing services such as bookkeeping, payroll or tax, but not on the number of clients in each service category. We suggest using client number bands and, where client numbers for areas regarded as higher risk are required, collecting these in bands with an N/A option.

Data point 17: Number of customers regarding preparation of financial statements

Legal references and draft definitions

Report the number of engagements for preparing financial statement services. Double counting of clients is possible, if a client has other engagements than preparing financial statements, in addition.

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 information is not readily available. While total client numbers may be collected in bandings, and information may be available on the services practitioners provide, the number of clients falling within each category of service is not routinely collected.

Data point 18: Number of customers regarding managing (on behalf of a client) the opening and/or management of bank accounts, saving accounts or other assets; or managing debt

Legal references and draft definitions

Report the number of engagements when managing for example on behalf of a client various assets, such as financial assets, properties, etc. as well as managing debt obligations

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 scope of this data point should be clarified, as firms may interpret it differently, resulting in inconsistent responses. Bank management services should be separated from the management of other assets. The distinction between operating a separately designated client money account and having rights to operate a client's own account should also be made 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

Some related information is already collected in certain cases, but in different forms. For example, information may be collected separately on bank management services directorship, trustee and custodial services, as well as on handling or holding client monies. The data requested may therefore not be readily available in the form proposed.

Data point 19: Number of customers regarding Managing (on behalf of a client) the creation, operation or management of companies, trusts, foundations or similar structures; including Mergers & Acquisition; as well as Liquidation of companies, including assisting liquidators in insolvency or winding up proceedings, whether appointed to do so by a court or otherwise

Legal references and draft definitions

Report the number of clients or engagements for which you have provided any of the services. If multiple different services have been provided to the same client, the client has to be counted several times, indicating the volume of services provided.

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 wording could cause confusion and combines very different activities. In particular, company formation and company liquidation have substantially different risk profiles and should not be grouped together. A clearer approach would be to identify firms providing trust and company services, or ask whether services such as trust or company formation are provided on a standalone basis.

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

Most of the requested information is readily available, but information on liquidations is less readily available. In many jurisdictions, insolvency practitioners do not form part of the accountancy profession and may therefore not be identified and included in the relevant supervised population. Treatment is therefore not consistent across jurisdictions.

Data point 20: Number of customers regarding external audit services

Legal references and draft definitions

Report the number of clients to whom you have provided external audit 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

* 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

Relevant information is collected for audit services in many jurisdictions, although the precise information available and its format may vary. We nevertheless question why information is required for each service irrespective of the associated risk, and how double counting clients across services affects the validity of the risk assessment.

Data point 21: Number of customers regarding assurance services

Legal references and draft definitions

Report the number of clients to whom you have provided other assurance services than 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

A clear definition of “assurance services” is needed to ensure firms understand which services should be included. It is also unclear why this level of information on individual areas of client activity is required, what risk it is intended to identify and how it will be used. Without greater clarity, there is a risk that the information collected may undermine the reliability of the resulting risk assessment.

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 information is not readily available and firms may not currently have it available in the form requested. A clear definition of “assurance services” would also be necessary to determine which activities should be included and enable firms to provide consistent information.

Data point 22: Number of customers regarding tax litigation

Legal references and draft definitions

Report the number of clients to whom you have provided tax litigation services, whereby tax litigation refers to resolving disputes concerning tax obligations therefore it covers handling of disputes, appeals, court proceedings (if permissible by law).

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

It is unclear when normal tax activity becomes “tax litigation”. For example, does appealing an assessment or writing to the tax authorities to disagree with an assessment or their application of the law constitute litigation, or does litigation arise only once the matter reaches court? The point at which an activity becomes tax litigation should be clarified.

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 information is not readily available, and firms may not collect it in the manner requested. It can be difficult to identify distinct tax services, as service lines may be blurred. This issue also applies to the other tax-related data points.

Data point 23: Number of customers regarding tax compliance

Legal references and draft definitions

Report the number of clients to whom you have provided tax compliance services, whereby tax compliance refers to fulfilling tax obligations according to tax laws; therefore it includes the preparation, filing and fulfilling tax related 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 not readily available, please explain the main challenges and, where possible, propose an alternative.

500 character(s) maximum

This information is not readily available. Information may be available on the number of members providing tax compliance services, but not on the number of customers receiving those services.

Data point 24: Number of customers regarding tax planning (e.g. corporate structure and transactions, succession and estate planning and repatriation of assets, etc.)

Legal references and draft definitions

Report the number of clients to whom you have provided tax planning services, whereby tax planning refers to services aimed at structuring a person's or legal entity's financial, commercial and/or organisational affairs in a tax efficient manner; therefore it includes advise on corporate structures, cross-border arrangements, financing, real estate, personal wealth, succession planning, etc.

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 scope of tax planning is unclear, and it is extremely difficult to subdivide tax work in this way. The purpose and intended use of this level of data should also be explained, including what risk it is intended to address. As currently formulated, the request appears more akin to a business census than a data-led risk assessment.

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 information is not readily available. Information on tax services is not necessarily collected at this level of detail, and it is extremely difficult to subdivide tax work in the manner proposed. If this information is required, equivalent value could be provided through bandings.

Data point 25: Number of customers whose underlying transactions was paid fully or partially in crypto-assets to the obliged entity

Legal references and draft definitions

Report the number of customers who settled their obligations with the obliged entity in full or in part in crypto assets. 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.

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

Information on whether clients pay for services in crypto-assets should be available to the obliged entity after the processes are set-up to trace the origin of payment, which is currently often not done. A more appropriate approach would be first to ask whether the obliged entity has clients paying for its services in crypto-assets and, where this is the case, use bandings rather than requiring an exact figure.

Data point 26: Number of customers whose underlying transactions was paid fully or partially in cash to the obliged entity

Legal references and draft definitions

Report the number of customers who settled their obligations with the obliged entity in full or in part in 'cash'. Under EU law, cash includes currency, negotiable bearer instruments, certain commodities used as highly liquid stores of value, and prepaid cards. (Ref Art. 2 (1)(a) of Regulation (EU)2018/1672)

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

An aggregated number of customers paying fully or partly in cash is not currently collected and would not be readily available. While cash payments may be relevant to assessing ML/TF risk, it is unclear what additional supervisory value would be provided by requiring an exact customer count.

Data point 27: Value (EUR) of the largest transaction

Legal references and draft definitions

Provide the value in EUR of the single largest transaction that the obliged entity has carried out during the reference year on behalf of its customers.

In situations where the obliged entity is providing services related to transactions rather than processing transactions directly, refer to the value of the transaction to which the provided services are connected, excluding any fees, as per recital 6 of the draft regulatory technical standards specifying the criteria for identifying business relationships, occasional transactions and linked transactions under Article 19(9) 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

This data point is unclear for auditors, accountants and tax advisors who do not generally process customer transactions or payment flows. AMLA should clarify whether the data point refers to fees paid to the obliged entity, or to customer transactions. If it refers to customer transactions, the information may not be meaningful or available for professional services firms. The relevance and usefulness of this information for professional services firms should also be clarified.

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 information is not readily available and is not generally collected. Auditors, accountants and tax advisors do not generally process customer transactions or payment flows. If the data point refers to customer transactions rather than fees paid to the obliged entity, the information may not be available or meaningful for professional services firms.

Data point 28: Total number of customers that are non-resident or incorporated/created/governed under the law 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

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

500 character(s) maximum

The data point is unclear as to whom the requested information relates. In particular, it is unclear whether it concerns the legal entity itself, its directors, shareholders or beneficial owners. This should be clarified.

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 information is not readily available. It may also be difficult to keep track of the information requested, particularly given the lack of clarity as to whether it concerns the legal entity, directors, shareholders or beneficial owners.

Data point 29: Total number of customers that are resident or 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 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

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

500 character(s) maximum

The data point is too open and should specify what information is required, for example whether it concerns the country of origin of the beneficial owner or the country of establishment of a legal entity. Given the other data points requested, the purpose of collecting this additional information and how it would contribute to reducing economic crime risk should also be clarified.

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 30: Number of customers where the major operations are in high-risk third countries

Legal references and draft definitions

Indicate the total number of clients, where the major operations, i.e. principle or substantive business activities of the obliged entity are in high-risk third countries, and the OE applied enhanced CDD measures according to Art. 34 of AMLR and in reference to cases referred to in Art. 29, 30,31.

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

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

500 character(s) maximum

"Major operations" is not sufficiently clear and should be objectively defined, including a threshold for when operations in a high-risk third country are considered "major", for example based on a defined percentage of revenue or other measurable business activity. It should also be clarified how this data point differs from, or does not duplicate, the earlier data points on branches or subsidiaries in high-risk third countries.

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 information is not readily available. Without a clear threshold for "major operations", obliged entities would need to make subjective assessments of whether a customer's activities are principal or substantive, and the information required to make this determination may not be readily available.

Data point 31: Total number of beneficial owners of the obliged entity's customers resident in a country other than the obliged entity's Member State

Legal references and draft definitions

Indicate the total number of beneficial owners of the customers of the obliged entity during the reference year that are resident in a country other than the Member State where the reporting obliged entity is located.

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

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

500 character(s) maximum

We question both the relevance and reliability of this data point. It is unclear how the number of beneficial owners resident outside the obliged entity's Member State provides a sufficiently meaningful indicator of the firm's inherent ML/TF risk, particularly without further differentiation by the risk associated with the relevant jurisdictions. Nationality or exposure to higher-risk jurisdictions may, for example, be more relevant than residence alone.

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 information is unlikely to be readily available in an accurate and up-to-date form. Firms do not necessarily maintain BO residency as a continuously updated data field, and residence is fluid and may involve more than one jurisdiction. Producing an aggregate figure may require additional processing and significant system changes, while the data may remain incomplete or outdated. AMLA should reconsider this data point or use a more risk-focused and reliably measurable indicator.

Data point 32: Total number of beneficial owners of the obliged entity's customers resident in high-risk third countries

Legal references and draft definitions

Indicate the total number of beneficial owners of the customers of the obliged entity during the reference year that are resident in high-risk third countries.

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

This information may not be routinely collected or maintained in an aggregated format. The location of customers and group entities is assessed at customer level as part of CDD.

Data point 33: 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, or other remote solutions, to comply with its customer identity verification obligations.

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

It should be clarified what constitutes “face-to-face” verification and how this interacts with the increased use of virtual ID checks. Non-face-to-face verification should not in itself be considered higher risk where appropriate documentary, electronic or risk-based verification methods are applied. Remote verification is an increasingly standard onboarding practice, including for multinational professional services engagements.

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

Availability varies. In some cases, this information is collected. In others, information may be available on the number of practitioners with this risk, but not on the number of customers whose identity was verified on a non-face-to-face basis.

Data point 34: Total 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.

Regarding intra-group structures, CDD performed by another group-entity shall not be considered as reliance on another obliged entities

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

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