

# 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

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### 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](mailto: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

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\* This 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 activity or organisation?

Maximum 1 selection(s)

- ☐ 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 below)

#### Financial Sector

- ☐ Credit institutions
- ☐ Cross-border branches of credit institutions when located in EU
- ☐ Undertakings other than a credit institution or an investment firm
- ☐ Insurance undertakings
- ☐ Insurance intermediaries
- ☐ Investment firms
- ☐ Collective investment undertakings
- ☐ Central securities depositories
- ☐ Creditors
- ☐ Credit intermediaries
- ☐ Crypto-asset service providers
- ☐ Cross-border branches of financial institutions when located in EU

#### Non-financial sector

- ☒ 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
- ☐ Traders in precious metals and stones
- ☐ Traders in high-value goods
- ☐ Gambling service providers
- ☐ Crowdfunding service providers and crowdfunding intermediaries
- ☐ Traders or intermediaries in the trade or storage of 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

\* 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

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## 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*

While we recognise the need for supervisory data, the proposed dataset is very extensive and disproportionate, and the value of many data points for understanding ML/TF risk is unclear. The RTS should focus on data that genuinely supports understanding of risks across the supervised population, make greater use of bandings and ensure proportionality. The approach would also create significant implementation burdens, requiring sufficient lead time and investment in IT systems.

\* 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*

One-off costs would mainly arise from collecting the required data and implementing the systems or tools needed for ongoing reporting under the RTS.

\* 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 would arise from the ongoing collection, validation and reporting of data that may not currently be maintained in an aggregated format. In addition, the proposed annual reassessment cycle appears disproportionate and would create significant recurring costs.

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*

Depends on automation and data harmonisation.

\* 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 proposed approach could create additional operational complexity for both supervisors and obliged entities. Practice size may vary year on year, potentially requiring a two-tier annual return system to collect different information depending on practice size. This could make trend analysis more difficult where different levels of data are retained across the supervised population. A two-tier calculation method could also significantly increase supervisors' workload; it may be easier to collect the same information and apply the same risk-assessment calculations to all practices. This also calls into question the value of a separate small-entity assessment.

The simplified regime should not be based primarily on FTEs and turnover, as AML/CFT risk is driven mainly by customer and service risk. Many data points would require new reporting processes, potentially creating a disproportionate burden for low-risk firms. The simplified regime should therefore be based on risk assessment.

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*

A harmonised approach could be based on a consistent set of data points collected annually from obliged entities and a standardised risk assessment calculation applied across the supervised population. Professional

body supervisors already use risk assessment models based primarily on information submitted annually by supervised practices to support risk-based AML/CFT supervision.

A consistent requirement for data points could support the further development of such models and their alignment with the methodology set out in the RTS. Applying the same standardised calculation to all entities could be more efficient in terms of supervisory cost and time than operating separate methodologies for small and other obliged entities, while still enabling supervisors to identify higher-risk entities.

Consideration could also be given to aligning the definition of small obliged entities with that of micro-entities under the EU accounting rules.

## **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*

The approach does not sufficiently reflect the heterogeneity of the non-financial sector. Some data requirements are exceptionally detailed and risk adding regulatory burden particularly for very small businesses without improving supervisors' understanding of risk profile. Some data may not be maintained separately due to overlapping services, such as accounting and payroll, while certain data points are not relevant to all obliged entities, for example data point 18 for audit firms.

### **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*

While the possibility to apply proportionality to smaller obliged entities is welcome, the criteria should not be based primarily on size. AML/CFT risk is not necessarily determined by the size of an obliged entity, and the application of a simplified approach should therefore be driven by the entity's risk profile.

### **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

### **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 size does not necessarily mean low AML/CFT risk. Small obliged entities may have higher-risk business relationships and should apply mitigating controls appropriate to the risks they face. The simplified regime should instead focus on low-risk entities rather than the proposed thresholds. Where an entity is low risk, it should be permitted to report a reduced set of data points.

### **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*

If Article 4(2)(b) is intended to mean that effective AML/CFT controls cannot reduce the residual risk below the inherent risk, this appears inconsistent with the purpose of such controls, which are designed to mitigate risk. AMLA should clarify the intended operation of this provision and reconsider the approach if this interpretation is correct.

### **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?

For external accountants, several data points in Annex I do not appear significant for the purpose of assessing ML/TF risk exposure or the quality of AML/CFT controls.

In particular, the relevance of data point 11 (total number of beneficial owners) for assessing risk exposure or the quality of controls is unclear. Data point 14 also appears to duplicate data point 6.

The relevance of the following data points should also be reconsidered: data point 27 (value of the largest transaction); data points 15–17 (number of customers per individual service category); data point 18 (number of customers in relation to managing bank accounts); and data point 19 (number of customers in relation to the creation, operation or management of companies).

In many jurisdictions accountants will provide TCSP services in addition to their core accountancy services. Consideration could be given to combining the data points for both these activities to avoid the potential duplication of information gathered.

### **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

- \* 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

The transitional arrangement is intended to address implementation challenges for small entities. Higher ML/TF risk should be addressed through appropriate risk-based supervision rather than by excluding entities from a time-limited implementation period.

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

- \* 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*

- Set up a dedicated function to respond to implementation questions that national supervisors are unable to resolve
- Circulate any additional guidance or insight provided by AMLA or which has been generated by the supervisors
- Maybe collect on a trial basis this information from a sample of OEs to identify possible problems with the process, specifically focusing on the additional administrative burden when compared to the generated insights.
- Organise training sessions in advance or make available audiovisual presentations

## Contact

[Contact Form](#)