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Substantive comments on the draft RTS

[Consultation on the draft RTS on Customer Due Diligence - Authority for Anti-Money Laundering and Countering the Financing of Terrorism \(europa.eu\)](#)

1. Do you agree that the proposals set out in these draft RTS can be applied across the range of products and services provided by your obliged entity?

If you do not agree, please:

- (i) explain why the current proposals do not provide sufficient flexibility; and
- (ii) provide concrete drafting proposals and explain why the specific measures you propose would be more appropriate.

Provisions that are clearly marked as applying only to a specific sector or service should not be taken into consideration if they do not impact your sector.

We support the objective of establishing harmonised Customer Due Diligence requirements across Member States to increase consistency and effectiveness in combating money laundering and terrorist financing ('AML/CFT'). Overall, we view the adjustments to the draft RTS on CDD positively. However, we face several practical implementation challenges, as described below.

Provisions not fit for non-financial sector:

We have observed that the draft RTS are primarily designed for the financial sector, managing ongoing financial transactions. The draft RTS are less suitable for the professional services sector, particularly for small and medium-sized entities. In our view, the draft RTS would benefit from incorporating sectoral differentiation and proportionality. This would result in standards that are practical, effective and aligned with the realities of entities in the non-financial sector. Examples include:

- Art. 18(c) and 18(d) require information on the source and destination of funds, which is largely transactional in nature. Accountants collect this information to understand sources of funds and wealth as part of their CDD process, but the text in the draft RTS appears more focused on specific transactions rather than the broader context of client background knowledge.
- Art. 28 requires information on the rationale for intended or executed transactions and their consistency with the business relationship as part of enhanced due diligence measures. These measures are challenging to interpret when providing services, as the focus is on transactions.

Koninklijke Nederlandse
Beroepsorganisatie
van Accountants



We propose including sector-specific flexibility by adding “*where relevant*”. This would facilitate a proportional and practical approach across all sectors.

Timing

We are concerned about the timelines. The Regulation comes into force on 10 July 2027, yet many level 2 and 3 regulations have not been published (for consultation). This delay poses a risk to proper implementation. Without these level 2 and 3 regulation, obliged entities cannot prepare properly for the implementation. However, obliged entities do need time to be able to prepare their organisations for the implementation. It is therefore essential that level 2 and 3 regulation are made available on short notice, or that a grace period is granted to allow obliged entities to adjust to the new legislation.

- We refer to the Accountancy Europe publication on the 7 principles for AML RTS development, which states: “RTS should be published well before they take effect to give obliged entities and supervisors sufficient time to prepare for compliance. A structured transitional framework defining the timeline, sequence, and duration of implementation steps should be established by AMLA and the European Commission.”

2. Do you agree that the proposals set out in these draft RTS allow for the effective application of a risk-based approach towards compliance with AML/CFT requirements?

If you do not agree, please:

- (i) specify the provisions concerned; and
- (ii) provide concrete drafting proposals and explain why the specific measures you propose would be more appropriate.

Art. 5 – Details on nationalities

Aside from directly inquiring with the customer, there does not seem to be a proportionate method for acquiring information on an individual's second nationality. Consequently, 'obtaining necessary information' in this context appears difficult to implement. We recommend clarifying that, for additional nationalities, obliged entities may rely on a customer declaration, unless specific risk indicators warrant further information, in which case reasonable measures should be applied.

Art. 6 – Identity verification document

The requirement appears disproportionate and not fully aligned with the underlying ML/TF risk. For example, the requirement for obliged entities to verify the authenticity of all identity documents (Art. 6(3)) is difficult to implement in practice, given limited access to detection tools and varying reliability of documents depending on their type and issuing authority.

Moreover, auditing standards prescribe that authenticity is an attribute related to the reliability of information that the auditor may consider. If indicators suggest a document may not be authentic, auditors must investigate further, but are not required to perform procedures specifically aimed at detecting such issues (ISA 240 Revised paragraph 22, A34 and A35). We therefore recommend amending the RTS to state:

“If obliged entities identify conditions that cause them to believe that a document may not be authentic, they shall take reasonable steps to ensure that all documents obtained for the verification of the identity of the natural person pursuant to Art. 22(6), point (a) and Art. 22(7), point (a) of Regulation (EU) 2024/1624, as referred to in paragraphs 1 and 2, are authentic and have not been forged or tampered with.”



Art. 12 - Complex structures:

We are concerned that certain requirements may still not fully align with a truly risk-based approach and could lead to excessive administrative burdens. Art. A 'complex structure' classification might apply to many standard international group structures. We propose incorporating a risk-based evaluation by obliged entities and suggest to implement a risk based assessment.

Art. 13 - Information on SMOs

Requiring the same set of information for SMOs as for UBOs seems excessive, given that there are often far more board members than UBOs. Since SMOs are not beneficial owners (BO), they generally have a different (lower) risk profile than actual BO. We advise a proportionate and risk based application of due diligence measures for SMOs. Therefore, we propose to supplement Art. 27 by clarifying that this requirement does not apply to SMOs identified as BO.

Furthermore, due to the lower risk profile for SMOs identified as BO, as explained, we suggest adding reasonable measures for SMOs in Art. 10 RTS on reasonable measures for verification of the identity of the BO. This may include, where appropriate, verifying the identity of the SMO using reliable and independent sources such as extracts of trade registers, or other publicly available information submitted to competent authorities.

Art. 14 – Identification and verification of beneficiaries of trusts and similar legal entities or arrangements

Paragraph 2 imposes an unrealistic obligation by requiring obliged entities “to ensure” timely updates, which is outside their control. We propose replacing this with “make a reasonable effort to ensure”.

Art. 30 (a) (iii) Screening requirements:

The current wording in Art. 30 subparagraph (a)(iii) implies that obliged entities must have knowledge of 'any other names, aliases, (...)', which is not feasible. The requirement should instead reflect that obliged entities can only verify information obtained whilst performing (E)CDD against lists of targeted financial sanctions.

Art. 30 (c) (iii) - Screening requirements:

The current wording of Art. 30(c)(iii) treats changes in residence, nationality, or business operations as automatically “significant”, which is disproportionate and limits a risk-based approach. We propose clarifying that such changes are only significant where they may impact designation as a listed person, body, or entity.

Art. 30 (d) - Screening requirements “without undue delay”

Art. 30(d) is unclear on whether it requires timely updating of sanctions lists or immediate re-screening, and “without undue delay” may be disproportionate for low-risk customers. We suggest the RTS explicitly allows for a risk-based approach to the frequency of re-screening, taking into account the risk profile of the customer and the nature of the business relationship.

Effective date:

The RTS does not specify its application date. We recommend aligning it with Regulation (EU) 2024/1624 (10 July 2027) and explicitly including this date in Art. 33.

Inconsistencies:

Annex 1 RTS includes address details as mandatory attributes, which conflicts with Art. 3 RTS where these are required only “where available.” We propose aligning Annex 1 accordingly or removing these attributes.



3. Considering the nature of your business, including its size, risks, and complexity, are there any situations where the information to be collected for the purposes of customer due diligence as proposed in these draft RTS is routinely unavailable and the proposals in these draft RTS do not provide an alternative solution? If so, please provide concrete examples of such situations and your proposals for alternative solutions.

Art. 4 – Specification of the provision of the place of birth

Art. 4 states the information on place of birth shall consist of at least the country name. However, this information may not always be available on official identity documents, which sometimes only include the city of birth. Moreover, under eIDAS (Implementing regulation - EU - 2024/2977 - EN - EUR-Lex (europa.eu)), only one of the two data points - place or country of birth - is required to fulfil the mandatory “place of birth” data requirements. The mandatory person identification data for the natural person in relation to birth place is defined as:

“The country as an alpha-2 country code as specified in ISO 3166-1, or the state, province, district, or local area or the municipality, city, town, or village where the user to whom the person identification data relates was born.”

Therefore, we suggest amending Art. 4 of the CDD RTS as follows:

“The information on place of birth as referred to in Art. 22(1), point (a)(ii), of Regulation (EU) 2024/1624 shall consist of the country as an alpha-2 country code specified in ISO 3166-1, or the state, province, district, or local area, or the municipality, city, town, or village where the customer to whom the personal identification data relates was born. Should the identity document, passport or equivalent of the customer provide additional information on place of birth, such information shall be collected.”

4. Considering AMLA's legal mandate in Art. 28(1) of Regulation (EU) 2024/1624, and taking into account your obliged entities' products offered and service provided, what other simplified due diligence measures should be included in the draft RTS, for example because of the associated lower ML/TF risks of these products and services? Please provide concrete drafting proposals and rationale for the specific measures you would propose.

In general, we propose that the RTS incorporate a simplified due diligence provision. This would allow obliged entities, in low-risk situation, to rely primarily on at least one reliable independent source, such as a national companies registry or central UBO register, to fulfill UBO (and SMO) verification requirements. This approach would eliminate the need for additional proof of identity, directly from the UBO, unless specific risk indicators are present.

5. 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 Art., are precise, and, where possible, supported by evidence. Where necessary, comments should also include a proposed solution.

We do not have any additional comments.

Additional substantive input:

Use this section to provide feedback on specific Art.s of the draft RTS, in case these were not already covered in your responses to the previous questions.

For each reply, please describe the issue identified, indicating, where relevant, whether it relates to legal certainty, proportionality, technical implementation or other factors. You are



kindly asked to provide alternative drafting proposals and to explain why your proposal would be more appropriate.

Do you have any comments on a specific Art. in the draft RTS? There is no need to repeat comments made in the previous sections of this survey.

Yes

No

Do you have any comments on the recitals? The recitals are the statements at the start of the draft RTS and are numbered from (1) to (25).

Yes

No

Do you have any comments on the Annex in the draft RTS?

Yes

No

Overall assessment

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

Inadequate

Somewhat inadequate

Neutral

Good

Excellent

