

Response to Consultation on draft Guidelines on Business-wide risk assessment under Article 10(4) of Regulation (EU) 2024/1624

Amsterdam, 15 July 2026

Dear Madam / Sir,

The Dutch Association of Tax Advisers (de Nederlandse Orde van Belastingadviseurs, also referred to as 'NOB' – more information about the NOB is included at the end of this document) is pleased to herewith provide comments on the public consultation on the draft Guidelines as published on the Anti-Money Laundering Authority's (**AMLA**) website on 16 April 2026 (**Consultation Paper**).

The comments in this document will focus on the draft Guidelines under Regulation (EU) 2024/1624 of the European Parliament and of the Council (the **AMLR**) on the Business-wide risk assessment (i.e. draft Guidelines on Business-wide risk assessment under Article 10(4)).

Kind Regards,
The Dutch Association of Tax Advisers



Margriet Lukkien
Chair of Commissie Beroepszaken of the Dutch Association of Tax Advisers



Observations regarding draft Guidelines under Article 10(4) of the AMLR

General observations

According to the Consultation Paper the draft guidelines under Article 10(4) of the AMLR establish minimum requirements for the content of the Business-wide risk assessment (**BWRA**) to be drawn up by all obliged entities pursuant to Article 10(1) of the AMLR, while respecting the principle of proportionality and ensuring effective application of the risk-based approach.

The NOB endorses AMLA's intention to focus on proportionality and the risk-based approach. However, with regard to the underlying draft guidelines the NOB is of the opinion that even more focus on proportionality is needed.

The draft guidelines focus on specifying the minimum requirements to be met. The NOB would like to bring to AMLA's attention that the obliged entities in the non-financial sector vary from a one-man business to private entities with 2000+ employees. For a one-man business it is impossible to fulfil any of the minimum requirements, even when it may opt for a more qualitative and descriptive assessment. In the end, the minimum requirements apply to all obliged entities, except for the obliged entities operating in sectors where the supervisor has developed a sectoral BWRA or when supervisors have decided that individually documented business-wide risk assessments are not required where the specific risks inherent in the sector are clear and understood. The NOB asks AMLA to consider drafting more scalable minimum requirements for small sized, medium sized and large obliged entities in the non-financial sector respectively.

General guidelines – key principles (articles 3-5)

In addition to the outline above, the NOB would like to make an urgent request to AMLA. In Article 5(d) is stated that the obliged entity should take steps, including ongoing training, to ensure that their employees or persons in comparable positions whose function so requires, including agents and distributors, are aware of and understand the BWRA, in line with Article 12 of the AMLR. According to Article 12 of the AMLR the obliged entity should take measures, including ongoing training, to ensure that, among others, employees are aware of the requirements arising from the AMLR and to help them recognise operations which may be related to money laundering or terrorist financing and to instruct them as to how to proceed in such cases. Obligated entities are faced with a great challenge in this respect and therefore the NOB urges AMLA to fulfil a role itself and at least provide for basic trainings on a regular basis to somewhat reduce the burden that is put on obliged entities.



General guidelines – implementation (articles 10-11)

Article 11 obliges obliged entities that act as the parent undertaking of a group to ‘ensure that all branches and subsidiaries of the group conduct their own BWRAs using a coordinated approach and a common methodology (...)’. It is unclear to the NOB if the term ‘parent undertaking’ implies the same (wide) definition as provided in the Regulatory Technical Standard on group-wide requirements under Article 16(4) of Regulation (EU) 2024/1624 and on additional measures on branches and subsidiaries in third countries under Article 17(3) of Regulation (EU) 2024/1624 as published on 16 April 2026.

If it is aimed to use the same definition, the NOB kindly refers to the NOB’s response to the above mentioned Regulatory Technical Standard as submitted on June 15, 2026 in which response the NOB advocates a narrower interpretation of said definition. For your convenience the NOB’s response to the above mentioned Regulatory Technical Standard as submitted on June 15, 2026 has been copied below (in *italic*)

“Observations regarding draft RTS on group-wide requirements under Article 16(4) of the AMLR and on additional measures on branches and subsidiaries in third countries under Article 17(3) of the AMLR

General observations

According to the Consultation Paper the draft RTS contain a strong focus on the principle of proportionality. The RTS include some measures to address this proportionality such as recognising risk-based approaches in some instances and reducing the level of regulatory obligations across the different types of obliged entities.

The NOB endorses AMLA’s intention to focus on proportionality and the risk-based approach. However, with regard to the underlying draft RTS the NOB is of the opinion that even more focus on proportionality is needed. The approach towards obliged entities that are part of structures which share common ownership, management or compliance control, including networks or partnerships, is not feasible. The same goes for the additional measures to be taken by obliged entities where the law of a third country prevents compliance with the AMLR. The NOB urges AMLA to reconsider both approaches.

General provisions (articles 1-2)

In Article 2 definitions are given of structure, network, partnership and franchise. As far as the subparagraphs (a) - and (c) when applicable - is concerned the definitions seem quite straight forward, but are broadly described. Given the consequences, namely the application of the group-wide requirements and



the significant administrative burden this places on the (obliged) entities concerned, the NOB is of the opinion that the definitions should not be broad, but very specific. Networks or franchises may have a kind of common management or - on a voluntary basis - some common compliance control. Networks or franchises with common ownership seem rare. As a result of the definitions in Article 2 these networks or franchises easily fall within the scope of the underlying RTS and thus will have to apply requirements equivalent to the group-wide requirements at hand involving a great administrative burden. A natural reaction to this threat may be that especially networks or franchises without sufficient common ownership or common management will move away from their common compliance control. The NOB urges AMLA to reconsider the definitions in Article 2 and make these less broad, and in addition by replacing in Article 21 alternative conditions by cumulative conditions. Under the proposed draft RTS a franchise using a common brand (Article 2) together with having a common mechanism in place to share profits (Article 21) leads to applicability of group-wide requirements for all (obliged) entities involved, even entities outside the EU (please refer to hereafter). In the opinion of the NOB the two characteristics, mentioned by way of example, are insufficient to justify similar AML/CFT requirements for the franchise in the example as for groups.

Minimum group-wide requirements (article 3)

In Article 3 a quite robust set of requirements has been set out, in addition to the requirements set out in Article 16(1), 16(2) and 16(3) of the AMLR. The NOB feels that the RTS should refrain as much as possible from setting extra additional requirements and merely specify minimum standards for information sharing within the group, such as ‘sharing of information on a periodic basis appropriate to the level of risk’. Although the requirements can be implemented in a risk based manner, in any case the design and implementation will entail high costs. Qualifying structures, such as networks and franchises, will face a task that borders the impossible. As these structures are not groups – as defined in Article 2 of the draft RTS - and thus do not have a controlling parent, designing and implementing group-wide requirements will give rise to lengthy discussions between the entities that are part of the structure. After having implemented the group-wide requirements, discussions with one or more supervisors may follow. In the opinion of the NOB the group-wide requirements should only apply as an exception, to very specific structures and should be reshaped on a less burdensome basis.

Information sharing (articles 4-9)

The list of information at least to be shared within a group or qualifying structure is lengthy. The information sharing comes on top of the requirements on an entity level. The RTS states that information sharing does not exempt obliged entities within the group from the need to conduct adequate own customer due diligence or risk assessments. Each obliged entity shall remain fully responsible for its own risk assessments and decisions, even when such decisions are based on information shared at group level. The NOB understands this approach, but believes that the group-wide requirements should be far less detailed.



The group-wide requirements described in the draft RTS contain information sharing to and from group entities in third countries, based on Article 17 AMLR. The group-wide requirements in the draft RTS seem to apply in full to qualifying structures as well, such as networks and franchises. The NOB is of the opinion that Article 17, nor any other Article of the AMLR provide in a sound basis for information sharing to and from ‘group’ entities in third countries as far as other qualifying structures are concerned. Merely Article 16 AMLR applies to qualifying structures, not Article 17 AMLR. The NOB urges AMLA to clarify this point in the RTS to avoid any misunderstandings.

Additional measures for branches or subsidiaries in third countries of obliged entities and parent undertakings in the Union (articles 10-16)

According to Article 17 AMLR “Where the law of a third country does not permit compliance with this Regulation, the parent undertaking shall take additional measures to ensure that branches and subsidiaries in that third country effectively handle the risk of money laundering or terrorist financing, and shall inform the supervisors of its home Member State of those additional measures.”. In Article 10 of the draft RTS one of the proposed additional measures is that branches or subsidiaries established in the third country require their customers and, where applicable, their customers’ beneficial owners, to give consent to overcome restrictions to the extent that this is compatible with the law of the third country. In cases where said consent is not feasible two or more of the specific measures set out in Article 15 have to be applied. Asking customers and the customers’ beneficial owners for their consent as described is, in the opinion of the NOB, an additional measure that is unreasonably onerous. The NOB urges to reconsider this additional measure and/or move the additional measure to Article 15 of the RTS, in such a way that it becomes one of the additional measures the obliged entity can choose from.

As mentioned above (under articles 4-9) the NOB is of the opinion that Article 17 AMLR, nor any other Article of the AMLR provide in a sound basis for information sharing to and from ‘group’ entities in third countries as far as other qualifying structures are concerned. Merely Article 16 AMLR applies to qualifying structures, not Article 17 AMLR. The same goes for Article 5 of the draft RTS. The NOB urges AMLA to clarify this point in the RTS to avoid any misunderstandings.

Criteria for identifying the parent undertaking in the Union in cases of two or more obliged entities whose head office is located outside of the Union (articles 17-20)

Article 17 contains the criteria to determine which entity shall be considered as being the one with sufficient prominence in the group and thus the parent undertaking in the Union in case of two or more obliged entities whose head office is located outside of the Union. Furthermore, Article 20 takes care of the notification as parent undertaking by the obliged entity to the supervisor. In Article 20(6) the obligation to



notify the home supervisor in the event of a change should be done at least one month before implementing that change. The NOB foresees the risk that within dynamic business structures the qualified entity with sufficient prominence (i.e. the parent undertaking) might change relatively quick. In that case it may simply not be feasible to notify the supervisor of the change one month before implementing the change. The NOB therefore requests AMLA to reconsider this approach and suggests postponing the notification deadline until one month after implementing the change.

Conditions for the application of group-wide requirements to structures sharing common ownership, management or compliance control (articles 21-24)

According to paragraph 3.7 of the consultation paper the objective is to effectively target structures where the application of group-wide AML/CFT measures is both necessary and proportionate. The NOB does not believe that the application of group-wide AML/CFT measures is necessary for structures that, for instance, merely share a common brand and have a common mechanism in place to share profits. For said structures implementing a group-wide system covering all entities involved -in practice entities often established in 100+ countries - implies a massive and costly administrative burden. The NOB requests AMLA to take into account that the separate obliged entities in itself already fall within the scope of the AMLR and therefore have to apply AML/CFT measures. The structures for which group-wide AML/CFT measures are deemed necessary, should be reshaped as narrow as possible - for instance by replacing alternative conditions by cumulative conditions - in order to avoid unworkable and/or undesirable situations."

In conclusion

The NOB is available to further elaborate on this response to the evaluation. A copy of this response will be published on our website.

The Dutch Association of Tax Advisers

The Dutch Association of Tax Advisers, established in 1954, is the professional association of the university educated tax advisers in the Netherlands. It has over 6,000 members (including 800 corporate tax advisers), who must meet high standards in terms of expertise, professional skills and ethics. These standards form a guarantee for the quality of service and are important because the occupation of tax adviser is not legally protected in the Netherlands. As years of practice have shown, we are in a most excellent position to monitor the quality, integrity and recognizability of the profession of tax adviser for the general public, without legal regulation. We do this through our entry requirements, our professional education and our independent disciplinary boards.



The NOB has a long tradition in the area of legal commentaries. Since 1981, we have had a special Legislative Proposal Committee, which, over the years, has submitted extensive commentaries on proposed Dutch and EU tax legislations and made them available to parliament.

