de Nederlandse Orde van Belastingadviseurs

Response to Consultation on draft Guidelines on ongoing monitoring of a business relationship under Article 26(5) of Regulation (EU) 2024/1624

Amsterdam, 3 September 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 a few comments on the public consultation on the draft Guidelines as published on the AMLA's website on 3 June 2026 (**Consultation Paper**).

The comments in this document focus on the draft Guidelines under Regulation (EU) 2024/1624 of the European Parliament and of the Council (the **AMLR**) on ongoing monitoring of a business relationship (draft guidelines on ongoing monitoring of a business relationship under Article 26(5)).

Kind Regards,
The Dutch Association of Tax Advisers

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

Adres de Muiderpoort, Sarphatistraat 500, 1018 AV Amsterdam **Postbus** 2977, 1000 CZ Amsterdam
T (020) 514 1880 **E** nob@nob.net **www.nob.net** **IBAN** NL98 ABNA 0400 9999 00 **KvK** 40531315

Observations regarding draft Guidelines under Article 26(5) of the AMLR

Observations in the context of question 7 for consultation

The NOB wishes to confine itself, in the context of the present consultation, to a number of brief observations.

As mentioned under paragraph 3.2 of the Consultation Paper, AMLA was guided by the principles of legal certainty and proportionality while aiming for horizontal applicability, technological neutrality and a risk-based approach. The aim for horizontal applicability, including applicability to both the financial and non-financial sector, has resulted in a document that in the opinion of the NOB is not easily applicable for the financial sector or for the non-financial sector. Each sector and every obliged entity has to try and translate the guidelines into its own specific context, which exercise – constituting in itself a great administrative burden on all obliged entities – would not be necessary if specific guidelines for at least each of these sectors would be drafted. Therefore, the NOB urges AMLA to draft specific guidelines for the financial and for the non-financial sector or at least mark or otherwise indicate in the present draft guidelines for each (sub)paragraph whether it applies to the financial sector and/or the non-financial sector.

An obliged entity does not have a duty to investigate, nor does it have an investigative authority. It is not required to actively search for unusual transactions that have been carried out or are intended. However, in the course of providing its services, an obliged entity must remain continuously alert to unusual transactions and, where there is reason to do so, adjust its risk management accordingly. The NOB requests that, in order to avoid any misunderstandings, this principle will be clearly reflected in the guidelines.

At this point the NOB would like to reiterate an urgent request to AMLA that the NOB already made in an earlier consultation response. 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 (also refer to paragraph 2.1 under 7 of the present draft guidelines). Obliged 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.

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.