de Nederlandse Orde van Belastingadviseurs

Response to Consultation on draft Regulatory Technical Standards on the methodology for assessing and classifying the inherent and residual risk profile of obliged entities in the non-financial sector under Article 40(2) of Directive (EU) 2024/1640

Amsterdam, 25 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 comments on the public consultation on the draft Regulatory Technical Standards (**RTS**) as published on the Anti-Money Laundering Authority's (**AMLA**) website on 13 July 2026 (**Consultation Paper**).

The comments in this document will focus on the draft RTS on supplementing Directive (EU) 2024/1640 of the European Parliament and of the Council (the **AMLD**) with regard to regulatory technical standards on the methodology for assessing and classifying the inherent and residual risk profile of obliged entities in the non-financial sector under Article 40(2) of the AMLD.

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 RTS on the methodology for assessing and classifying the inherent and residual risk profile of obliged entities in the non-financial sector under Article 40(2) of the AMLD

General observations

According to the Consultation Paper, in line with the European Commission's simplification agenda, AMLA is committed to limiting the reporting burden on obliged entities where possible. In line with this, the draft RTS introduce a common methodology with datapoints that all non-financial sector supervisors in the EU will use to assess entity-level money laundering and terrorist financing (ML/TF) risk, making risk assessments more predictable and simplifying compliance for obliged entities that operate across borders. A simplified regime for small entities is introduced taking into account their reporting capacity. The NOB is pleased that AMLA considers the reporting capacity of small entities, but the NOB is of the opinion that the threshold for 'small' entities is too low, and more entities should be regarded as small entities. By setting the threshold for small entities too low, the simplified regime will have little practical effect, thus making the rules unduly burdensome for too many obliged entities.

Article 1 - Definitions

A small obliged entity is defined in the draft RTS as an obliged entity with

- a total number of full-time equivalent employees employed by the obliged entity of less than five, and
- a total annual turnover of less than EUR 600,000.

The NOB urges AMLA to reconsider said thresholds and makes the following suggestions.

a) Replace the proposed threshold for small entities by the EU threshold for Micro Enterprises (Commission Delegated Directive (EU) 2023/2775 of 17 October 2023 amending Directive 2013/34/EU of the European Parliament and of the Council as regards the adjustments of the size criteria for micro, small, medium-sized and large undertakings or groups), and/or
b) Apply all three EU thresholds for Micro, Small and Medium Enterprises, which would require the introduction of an additional category of (medium) entities and an additional somewhat less simplified regime, and/or
c) The total number of full-time equivalent employees is interpreted as the total number of full-time equivalent professionals employed by the entity.

Annex I - Auditors, external accountants and tax advisors

Reduced set (12 datapoints)

- Datapoints 7 and 12: Not feasible, because the datapoint is not recorded and besides not regarded significant for the purposes of ML/TF risk purposes.
- Datapoints 8, 9, and 10: Unclear because of the use of the word ‘transaction’ whilst the business of the obliged entities is not transaction driven.

Full set (34 datapoints)

- Datapoints 11, 13, 31, 33 and 34: Not feasible, because the datapoint is not recorded and besides not regarded significant for the purposes of ML/TF risk purposes.
- Datapoints 25, 26 and 27: Unclear because of the use of the word ‘transaction’ whilst the business of the obliged entities is not transaction driven.
- Datapoint 14 seems the same as datapoint 6 and must be deleted or is otherwise unclear.

Annex II

Datapoint 19 is already included in the reduced/full set of datapoints covered by Annex I.

In conclusion

The NOB urges AMLA to reassess the current thresholds for qualifying as small obliged entity and to reconsider some of the suggested datapoints. 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 6,300 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.