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

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 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

* This contribution is made by:

An organisation

* First name of individual (individual respondent or representative of organisation)

100 character(s) maximum

Michael

* Surname of individual (individual respondent or representative of organisation)

100 character(s) maximum

Schick

* Email (note that your email address will not be published)

100 character(s) maximum

Michael.Schick@etaf.tax

* 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)

- [ ] Obliged 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)
- [x] 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

- [x] 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)?

10

* Please select the country from which you or your organisation carry out your main activities:

BE - Belgium

General consultation questions

Section A: Overall Assessment of the Draft RTS

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

- (x) Inadequate
- ( ) Neutral
- ( ) Adequate

* 1b. If inadequate, please provide justification.

500 character(s) maximum

ETAF strongly supports the fight against money laundering and terrorist financing across the EU. However, the draft RTS risk creating significant administrative and reporting burdens without sufficiently reflecting the actual ML/TF risk of the profession. ETAF therefore calls for greater flexibility in the scope and frequency of assessments, and focusing on actual ML/TF risk, so that supervisory resources can focus on genuinely higher-risk cases.

* 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
- (x) 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

Implementation would require tax advisory practices and supervisors to build or adapt IT tools and internal workflows to collect the specific data at firm level. For many small practices, including sole practitioners, this information is not currently held in a structured, reportable form. Firms would therefore need to map the required data, create new collection and reporting routines, assign responsibilities and train staff. Supervisors would face an even larger one-off task: developing or substantially upgrading IT systems to receive, validate and assess data from tens of thousands of tax advisory practices. For supervisors with very large populations of obliged entities, this would require entirely new IT and data-handling capacity before the first assessment cycle can even begin.

* 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

The main recurring costs would be the repeated collecting and reporting of RTS points for each frequently reaccurent assessment cycle. Practices must keep data current, maintain IT tools and reporting processes, and allocate staff to prepare submissions and respond to supervisor requests. For supervisors, the burden is greater, as they must regularly reassess large populations of tax advisory practices, requiring permanent IT capacity and additional staff. Short reassessment cycles may keep supervisors focused on data collection and review, rather than on higher-risk entities and supervisory inspections.

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

Not quantifiable,varies by firm and Member State

* 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

Small tax advisory firms often do not hold the data requested under the RTS in a structured and readily reportable format and may lack dedicated AML/compliance staff or advanced IT systems. Manual collection and new internal procedures may therefore be necessary. The proposed thresholds may also exclude genuinely small firms, particularly if administrative or IT staff count towards the FTE threshold. For supervisors, the challenge is scale: repeatedly assessing very large populations of firms risks turning supervision into a continuous data-collection exercise and diverting resources from higher-risk cases and inspections. Where information is already available in professional registers or supervisory systems, it should not be requested again.

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

As a first step, supervisors should carry out a simplified baseline assessment based primarily on information already available to them, including supervisory and register data, together with a limited number of sector-relevant risk indicators. For tax advisers, these could include links to high-risk third countries, PEP relationships, complex structures with risk-relevant cross-border elements, relevant fiduciary activities and concrete findings from previous supervisory measures.

Only where this initial assessment identifies concrete ML/TF risk signals should supervisors request more detailed information from the obliged entity and carry out a more extensive assessment. Risk-based sampling could potentially complement this approach.

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
- [x] No

* 7b. If no, please provide justification.

500 character(s) maximum

ETAF considers that the approach does not sufficiently reflect the specific characteristics of regulated tax advisers. The proposed small-entity threshold is too low for the profession, while a uniform methodology risks applying inappropriate criteria to practices with different structures, client relationships, supervisory frameworks and ML/TF risk profiles. The data points should therefore be reduced and adapted through sector-specific criteria and exemptions.

Article 1 - Definitions

* 8. Do you agree with the proposed criteria for the identification of small entities ?

- [ ] Agree
- [x] Disagree

* 8b. If you disagree, which criteria should AMLA use instead?

500 character(s) maximum

ETAF recommends to increase the thresholds. AMLA should use fewer than 10 professional or AML-relevant staff and annual turnover below €1.5–2 million, applied alternatively rather than as a strict cumulative test.

Headcount should exclude secretarial, administrative and IT staff, as they do not perform AML-relevant work. For comparison, the EU definition of a micro-enterprise covers undertakings with fewer than 10 employees and annual turnover or balance-sheet total of up to €1.5 - 2 million.

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

* 9b. If you disagree, please provide justification.

500 character(s) maximum

ETAF considers the proposed data points excessive and not sufficiently adapted to the tax advisory profession. Many add reporting requirements with limited AML impact. Indicators such as transaction value or number of services mainly measure size and volume, not inherent ML/TF risk. The methodology should instead focus on who the clients are and where risk arises in the client base and activities.

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

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

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

* 12b. If you disagree, please provide justification.

500 character(s) maximum

ETAF considers the proposed assessment frequency disproportionate for supervisors responsible for large populations of professional practices. ETAF recommends allowing five to seven years to complete the first risk-based assessment cycle, starting with higher-risk entities. For small and stable low-risk entities, a full reassessment at intervals of at least five years should be sufficient, with earlier reassessment where major changes or concrete risk indicators arise.

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?

3000 character(s) maximum

ETAF considers that several proposed data points have limited relevance for assessing the ML/TF risk of tax advisers. In particular, transaction values and volumes, the mere number of clients or legal-person clients, and the volume of routine tax advisory activities do not in themselves indicate higher ML/TF risk. A mere foreign connection should likewise not be treated as a risk indicator without a specific risk-relevant geographic factor. Likewise, a higher number of enhanced due diligence cases or suspicious transaction reports should not automatically be interpreted as indicating higher risk or weaker controls, as this may instead demonstrate effective risk identification and compliance.

The assessment should instead focus on concrete risk characteristics, such as links to high-risk third countries, PEP relationships, complex structures with risk-relevant cross-border elements, relevant fiduciary activities and concrete findings from previous supervisory measures. More detailed data collection should only be required where such indicators reveal concrete ML/TF risks.

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?

- (x) 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
- (x) No

* 15c. If no, please explain your rationale.

500 character(s) maximum

No. Such entities would still be reviewed under the applicable rules, so no regulatory gap would arise. For small entities, the reduced core dataset should apply and be supplemented where necessary according to demonstrated risk, rather than excluding entire categories from the transitional arrangement.

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

During the transitional period, supervisors should develop clear sector-specific guidance and practical reporting tools, test the methodology through pilots and establish systems for using existing supervisory and register data. Preparation should focus on the data genuinely necessary under the final risk-based methodology, rather than requiring small tax advisory practices to build systems for the full data set irrespective of risk. This would allow supervisors and obliged entities to adapt prospectively while avoiding unnecessary retrospective data reconstruction.

Contact

[Contact Form]