



Public-Consultation-Art15-3-AMLAR

Fields marked with * are mandatory.

Public Consultation on draft Implementing Technical Standards on cooperation within the AML/CFT supervisory system for the purposes of direct supervision under Article 15(3) of Regulation (EU) 2024/1620

Objective of the consultation

AMLAR invites comments on dispositions of the draft ITS under Art. 15(3) of Regulation (EU) 2024/1620 and in particular on the specific questions detailed below.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;are supported by a clear rationale;
- provide evidence to support the views expressed/ rationale proposed; and
- provide alternative regulatory options for consideration by the EBA.

AMLAR welcomes comments on the draft ITS on cooperation within the AML/CFT supervisory system for the purposes of direct supervision under Article 15(3) of Regulation (EU) 2024/1620.

Such comments should be sent by **27 January 2026, 23:59 (CET)**.

Personal data protection:

The protection of individuals with regard to the processing of personal data by the AMLAR 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 (*) are mandatory. In case a question is not relevant for you, please answer with "NA".

Please note that, by submitting your contribution, you acknowledge that it will be published on AMLA's website. Contributions will always be published. 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 of what we ask from you. In particular, refrain 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, the AMLA staff performs a limited screening of all contributions provided for the sole purpose of blocking unauthorised submissions. After this, the replies are made available to the public directly on the 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.

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.

Your details

* This contribution is made by:

An organisation

* Name of the Organisation

The Electronic Money Association (EMA)

* Name of representative:

Judith

* Surname of representative:

Crawford

* Email (note that your email address will not be published):

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* 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).

* Country / Geographical area

BE - Belgium

Public Consultation Questions

Do you consider that the level of detail in the ITS is appropriate? If you have a different perspective, where do you think additional, or less, detail would be warranted? Please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

5000 character(s) maximum

The EMA considers that the draft ITS adopts an appropriate approach, relying largely on principle-based provisions that allow for the necessary flexibility. At the same time, the EMA notes that further clarification would be beneficial to both competent authorities and provisionally eligible obliged entities in certain areas where the practical and procedural implications are not sufficiently clear.

In the absence of such clarity, there is a risk that the selection process could be applied in an inconsistent or disproportionate manner. Further clarification, including the specification of explicit procedural consequences, would enhance understanding of the selection process for obliged entities and support predictability and proportionality. It would also contribute to a harmonised interpretation of the procedural requirements and help avoid unintended outcomes.

In particular, clarification would be helpful in relation to:

- the procedural consequences of AMLA's eligibility verification, including the status of entities that no longer meet the eligibility criteria as on 31 of the year preceding the selection year;
- the collection of eligibility information as on 31 December of the year preceding the selection year, notably whether this entails a second round of eligibility data requests from provisionally eligible obliged entities; and
- the practical application of plausibility checks, including their implications for data acceptance, requests for clarification, and risk scoring.

These and related issues are addressed in more detail in the EMA's responses to the questions below.

Do you have any comments on the proposals in Section 1 (Conditions for assistance in the context of direct supervision) of the draft ITS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

5000 character(s) maximum

N/A

Do you have any comments on the proposals in Section 2 (Process of periodic assessment for the purpose of selection for direct supervision) of the draft ITS? If you think adjustments are needed, please explain your rationale and provide evidence of the impact the proposals would have if they remained unchanged.

5000 character(s) maximum

AMLA eligibility verification Article 3(5) of the ITS

While the draft ITS sets out AMLA's role in verifying whether provisionally eligible obliged entities continue to meet the eligibility criteria as at 31 December of the year preceding the selection year, it does not clearly specify the consequences where an entity no longer fulfils those criteria.

In this context, further clarification would be welcome on the procedural and operational implications for affected obliged entities, including explicit confirmation of:

- whether such entities are removed from the population subject to risk assessment for the relevant selection cycle; and
- whether they are exempt from further data collection requirements under the ITS for that cycle.

Eligibility information collection Article 4(1) ITS

Article 4(1) provides that financial supervisors shall collect from provisionally eligible obliged entities the information referred to in Article 5(3) of the RTS on supervision and in Annex Sections A and B as at 31 December of year X-1. It further provides that at the same time financial supervisors of the home Member States shall collect the eligibility information as at 31 December of year X-1.

Further clarification is needed regarding the manner in which the eligibility information as at 31 December of year X-1 is to be collected by financial supervisors of the home Member States. In particular, the ITS should clearly specify that supervisors are expected to rely, to the extent possible, on data already available to them. This would support a data-reuse approach and help avoid unnecessary duplication of data collection and additional operational burden for obliged entities.

Plausibility checks Article 5(2) ITS

Further clarification is required regarding the practical application of plausibility checks, in particular as regards their impact on obliged entities. As currently drafted, the draft ITS does not clearly establish whether findings arising from plausibility checks are intended to trigger requests for explanation or contextual clarification from provisionally eligible obliged entities, or whether they may lead directly to the rejection or exclusion of the relevant data without prior engagement.

The ITS should therefore explicitly require that plausibility checks be applied in a proportionate and procedurally fair manner, including a mandatory opportunity for provisionally eligible obliged entities to provide explanation and contextual clarifications before any data are excluded.

In the absence of such clarification, there is a risk of disproportionate outcomes for provisionally eligible obliged entities, including the exclusion of otherwise reliable data and unintended distortions in the risk assessment.

Do you have any comments on the proposals in Section 3 (Decision on the selection of obliged entities) of the draft ITS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

5000 character(s) maximum

Duration of publication of list of obliged entities Article 8(3)

The requirement to keep information on selected obliged entities publicly accessible for a minimum period of six years appears disproportionate. Publication should be limited to reflecting an entity's current supervisory status. Once an entity is no longer subject to AMLA's direct supervision, the related information should be removed from the Authority's website without undue delay.

Do you have any comments on the proposals in Section 4 (Transfer of supervisory tasks and powers) of the draft ITS? If you think adjustments are needed, please explain your rationale and provide evidence of the impact the proposals would have if they remained unchanged.

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The EMA considers that further procedural clarification would strengthen legal certainty and supervisory continuity during transition periods. In particular, Article 9(1)-(2) relies on open-ended concepts and bilateral agreement of timelines, without establishing clear cut-off dates or binding handover deadlines for the transfer of supervisory tasks and powers. This may leave obliged entities unclear both as to when supervisory responsibility transfers and which authority acts as the lead supervisor at different stages of the transition, including for reporting and supervisory engagement. Clear cut-off points, baseline timelines and explicit designation of a lead supervisor would support timely, orderly transfers and reduce the risk of parallel supervisory actions.

Do you have any comments on the proposals in Section 5 (Composition and functioning of the Joint Supervisory Teams) of the draft ITS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

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Rotation principle in Article 12(2) provides for flexibility in the application of the rotation principle, including deviations from the standard rotation period to preserve supervisory continuity. However, the draft ITS does not define the duration of the "standard rotation period", nor does it provide further guidance on the application of these provisions.

Clarification of the standard rotation period, together with more detailed specification of how continuity considerations and safeguards are to be applied in practice, particularly for complex or high-risk entities, would be welcome.

Only supporting documents that are explicitly referenced in the answers provided in the survey may be uploaded to the survey. Any additional or unrelated documents will not be accepted.

Contact

[Contact Form](#)

