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AMLA

MesseTurm
Friedrich-Ebert-Anlage 49
60308 Frankfurt am Main
Germany

(response submitted online)

8 May 2026

Dear Madam/Sir,

Re: EMA response to [Consultation Paper](#) on the Draft Regulatory Technical Standards under Article 19(9) of Regulation (EU) 2024/1624

The EMA is the EU trade body representing electronic money issuers and alternative payment service providers. Our members include leading payments and e-commerce businesses worldwide, providing online payments, card-based products, electronic vouchers, cryptoasset services and mobile payment instruments. Most members operate across the EU, most frequently on a cross-border basis. A list of current EMA members can be accessed [here](#).

I would be grateful for your consideration of our comments and proposals.

Yours faithfully,

A handwritten signature in black ink that reads 'Thaer Sabri'. The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Dr Thaer Sabri
Chief Executive Officer
Electronic Money Association

EMA responses

Draft RTS under Article 19(9) of the Regulation (EU) 2024/1624

Question 1: Do you find the criteria listed in Article 2 of the draft RTS effective to identify business relationships properly? If not, could you please indicate why, where possible substantiated by relevant data?

The EMA finds that the definition of a "business relationship" is overly broad and risks capturing occasional transactions below applicable thresholds merely because the customer registers online.

Our specific concerns and proposed clarifications are:

We believe strongly that, consistent with the overarching principle of AMLA's RTS, it is imperative that the implementation of Regulation (EU) 2024/1624 (the "AMLR") preserves flexibility for obliged entities and facilitates the application of a risk-based approach to CDD in the specific context of each obliged entity's business. With this in mind, it is imperative that the criteria for identifying a "business relationship" outlined in the RTS is flexible, technology-neutral and as future-proof as possible.

RTS Article 2(1) is caveated by the qualifier that obliged entities are only required to "at least take into account" whether a customer is engaged in "the use of online services through a registration providing ongoing access" as a possible criterion for determining the presence or otherwise of a business relationship. However, the EMA is concerned that this criterion is inconsistent with the corresponding AMLR requirement, per the definition of a business relationship set forth in AMLR Article 2(19), that a "business relationship" is expected to have at the time when a contract is established, or subsequently acquire, an "element of repetition or duration". We believe that an online registration alone ordinarily will not be demonstrative of a sufficient "element of repetition or duration" to determine a business relationship to have been established.

For many obliged entities that are not traditional financial institutions, a customer may begin to create – or even complete – an online registration for a service to use it once but never subsequently engage in further activity on that account or demonstrate any intent to make any repeated use of the service, such that no element of repetition or duration is established. In contrast, RTS Recital 7 – which refers specifically to payment services providers – acknowledges that "the use of online services after having gone through any form of registration implies that a certain degree of duration of the provision of services may reasonably be expected." This differs from the language in Article 2(1) since the actual and repeated use of an online service following completion of a registration is distinct from the act of engaging in the registration process itself.

The clarification that the creation of an online account such as the mere act of downloading and registering e.g. for a digital remittance application without repeated use does not in itself give rise to a business relationship would also clarify how obliged entities engaged in the activity of money remittance and comparable services offered by crypto-asset service providers that offer online registration are intended to address the contradiction between Recital 7 and Article 2(19) addressed above and Recital 9 and Article 2(3) which provide that 'three transactions within a rolling period of 12 months that should at least be taken into account when considering the element of repetition in the definition of a business relationship.'

In addition, the current broad definition of business relationships creates practical friction when read in conjunction with Article 3. To effectively identify and monitor for linked transactions, institutions often rely on user registration as a tracking mechanism. If utilising an online registration profile is

automatically considered an indicator of "duration" under Article 2 and therefore of a business relationship, it creates a circular problem: the tool used to screen for linked transactions prematurely triggers a business relationship classification.

Proposed amendments

The current wording of Article 2(1) is potentially unclear and confusing in that regard and we do not believe it is reasonable that online registration alone should be considered in any way sufficient to constitute, or to be indicative of, the establishment of a business relationship from which CDD obligations would flow. As such, we recommend that RTS Article 2(1) should be amended as follows to clarify that the use of an online service after the completion of a registration process is what demonstrates the "element of repetition or duration" referred to AMLR Article 2(19):

*1. Obligated entities shall, for the purpose of distinguishing a business relationship from an occasional transaction, at least take into account the **repeated** use of **relevant** online services through a registration providing ongoing access as a criterion when considering the element of duration included in the definition of a business relationship.*

RTS Recital 7 should also accordingly be amended for consistency as follows:

*(7) An element of the definition of a business relationship is the expectation, or subsequent acquisition of an element of duration. The use of online services through a registration providing ongoing access should at least be taken into account when considering this element. This includes, for instance, the use of online services for online gambling, as well as the online services offered by payment service providers or crypto-asset service providers. Normally and by its nature, the use of online services after having gone through any form of registration implies that a certain degree of duration of the provision of services may reasonably be expected. **However, registration on its own without actual repeated use should not be regarded as indicative of a business relationship.***

Without such amendments, the criterion might be interpreted to require full CDD processes to be run on large volumes of activity that consists solely of an online registration and presents no actual financial crime risk, generating compliance costs and operational burdens with no corresponding benefit for the management of financial crime risk, undermining the effective application of a risk-based approach.

Beyond the specific amendments requested above, we consider that the operative standard is the level of assurance achieved, not the prescription of additional indicators. The right step here is to correct the threshold at which CDD obligations are triggered, not to add further prescriptive indicators. Additional criteria would constrain the professional judgment that a risk-based framework depends on. Our preference is that obliged entities retain the freedom to interpret and apply the remaining provisions in light of their specific business model and risk profile.

Question 2: Do you find the criteria listed in Article 3 of the draft RTS effective to identify linked transactions properly? If not, could you please indicate why, where possible substantiated by relevant data?

For occasional transactions, in the absence of a registration, it is unclear how firms would identify most of the criteria for linked transactions as set out in Article 3(1)(b). It is not feasible to establish whether an occasional transaction is undertaken by e.g. family members, business partners or 'in

concert' because a) the data is not available and b) the terms are not defined. The operational value of these criteria is therefore questionable.

At the same time, if a firm implements an online registration step and gathers customer data e.g. for monitoring purposes, they are likely to enter into a business relationship and CDD obligations would apply at the outset.

The inclusion of family members could mean when two or more family members, clients of the same financial institution who transact independently, would be monitored for linked transactions. We do not believe that this is the intention of the RTSs and do not believe that this is a situation that merits the assignment of resources. Also, a clear list of who falls under the definition of family members should be provided.

AMLA should also provide a definition of what constitutes business partners since it is entirely unclear what firms would be monitoring for in this instance making this criterion unusable in practice.

The implementation of these criteria distorts the risk- based approach as resources would be allocated to identify linked transactions based on overreaching, undefined criteria and not where the risk is highest.

Question 3: Do you consider it necessary to add additional criteria that should at least be taken into account when considering the different elements of the definition of a business relationship to ensure the proper identification of business relationships? If so, could you please indicate which criteria and for which sector(s)?

No.

Question 4: Do you consider it necessary to add additional criteria that should at least be taken into account when considering the different elements of the definition of linked transactions to ensure the proper identification of linked transactions? If so, could you please indicate which criteria and for which sector(s)?

No.

Question 5: Do you consider the criteria for identifying business relationships and linked transactions listed in Article 2(3) and Article 3(2) of this draft RTS proportionate? If not, could you please indicate why, where possible substantiated by relevant data, and which alternative criterion you would find more proportionate?

No comment

Question 6: Do you foresee any operational challenges in implementing this draft RTS? If so, could you please indicate which, where possible substantiated by relevant data? Do you have any suggestions that would make the criteria better suited operationally?

See response to Question 2

In the absence of a clear rationale for the selection of the criteria and clear definitions, the operational value of seeking to monitor the criteria for linked transactions such as family members or business partners as set out in Article 3(1)(b) is unclear. It is unlikely to be feasible in the absence of registration data and there is no definition to assist obliged entities when trying to integrate the criteria into their monitoring tools.

We propose that AMLA define the scope of family, business partners and provide clarity on what 'customers operating in concert' means.

Question 7: Do you see a need for the introduction of an additional lower threshold for a specific obliged entity, sector or transaction? If so, could you please indicate why, where possible substantiated by data, and at which value the threshold should be set?

We support the assessment that there is currently no evidence for introducing lower thresholds beyond those already established in Regulation (EU) 2024/1624. This is consistent with the underlying principle that AML and CTF measures should be proportionate to the level of risk identified.