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Public Consultation on the draft Regulatory Technical Standards on Customer Due Diligence under Article 28(1) of Regulation (EU) 2024/1624

Fields marked with * are mandatory.

Public Consultation on the draft RTS on Customer Due Diligence under Article 28(1) AMLR

Objective of the consultation

AMLA would like to receive feedback on provisions of the draft RTS under Article 28(1) of Regulation (EU) 2024/1624 ('AMLR') 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 **8 May 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. If a question is not relevant for you, please answer with "NA".

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 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 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.

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.

Section 1 - Respondent profile

* This contribution is made by:

An organisation

* Name of the organisation

200 character(s) maximum

Holland Quaestor

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

100 character(s) maximum

Martin

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

100 character(s) maximum

Wörsdörfer

* Email (note that your email address will not be published)

100 character(s) maximum

voorzitter@hollandquaestor.nl

* Publication of your name and surname

- (x) 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).

* Which of the following best describes your activity or organisation? Obliged entities are those listed in Article 3 of Regulation (EU) 2024/1624.

Maximum 1 selection(s)

- [ ] Obliged entity in the non-financial sector
- [ ] Obliged entity in the financial sector
- [ ] Self-regulatory body in the sense of Regulation (EU) 2024/1624 Article 2(1) point (47)
- [x] Industry association representing non-financial sector obliged entities
- [ ] Industry association representing financial sector obliged entities
- [ ] Civil society organisation/non-governmental organisation
- [ ] Other

* Non-financial sector

Maximum 14 selection(s)

- [ ] Auditors, external accountants, tax advisors, other independent professionals that provide assistance or advice on tax matters
- [ ] Notaries, lawyers, other independent legal professionals
- [x] Trust or company service providers
- [ ] Estate agents, other real estate professionnals
- [ ] 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 mortage and consumer credits (other than credit and financial institutions)
- ☐ Investment migration operators
- ☐ Non-financial mixed activity holding companies
- ☐ Football agents
- ☐ Football clubs

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

NL - Netherlands

Section 2 - Substantive comments on the draft Regulatory Technical Standards

* 1. Do you agree that the proposals set out in these draft RTS can be applied across the range of products and services provided by your obliged entity?
If you do not agree, please:
(i) explain why the current proposals do not provide sufficient flexibility; and
(ii) provide concrete drafting proposals and explain why the specific measures you propose would be more appropriate.

Provisions that are clearly marked as applying only to a specific sector or service should not be taken into consideration if they do not impact your sector.

5000 character(s) maximum

NA

* 2. Do you agree that the proposals set out in these draft RTS allow for the effective application of a risk-based approach towards compliance with AML/CFT requirements?
If you do not agree, please:
(i) specify the provisions concerned; and
(ii) provide concrete drafting proposals and explain why the specific measures you propose would be more appropriate.

5000 character(s) maximum

Art. 11 (as well as 17, 22, 23 & 25): The requirement for obliged entities to be “satisfied” introduces an indeterminate standard, the practical application of which is unclear. It is not specified how this threshold should be operationalised or assessed by competent authorities.

Art 12: The introduction of a fixed threshold whereby structures exceeding three layers between the customer and the beneficial owner are deemed complex, and subject to enhanced measures, may result in a disproportionate application of requirements. Aligning the provision more closely with the risk-based approach would require enabling obliged entities to conduct a qualitative assessment of risk, in addition to any structural indicators.

The RTS would benefit from clarifying that the identification of a “complex structure” does not constitute an automatic trigger for enhanced due diligence. Absent such clarification, there is a risk of overlap with the notion of “excessively complex ownership structures,” which are treated as higher-risk factors under Annex III of the AMLR.

Art 18: Notwithstanding the improvements introduced through the “where necessary” qualifier and the “at least one of” construct, the extensive numeration of information items, e.g. setting out numerous alternatives relating to source of funds and occupation or business activity, may give rise to a de facto checklist approach in implementation.

Art 23(2): The RTS should clarify that, for customers not classified as high risk, ongoing due diligence obligations may be satisfied through automated monitoring in the absence of trigger events or risk indicators requiring further action. Obliged entities should not be required to proactively obtain updated customer information unless there are substantiated reasons to doubt its accuracy. Where no material changes are identified through a properly calibrated monitoring system, the customer file should be deemed reviewed.

Art 26(1): Sub-point (c), requiring consistency between expected transactions and declared business activity, source of funds, or source of wealth, may require clarification to ensure proportionality and sufficient flexibility.

Art 26(2) The scope of additional information, including details on clients’ key clients, contracts, business partners, and associates (including those of the beneficial owner), appears broad even within an EDD context. This risks extending AML obligations to the assessment of third-party business relationships beyond the intended risk-based perimeter. Deletion or narrowing of this requirement may therefore be appropriate.

* 3. Considering the nature of your business, including its size, risks, and complexity, are there any situations where the information to be collected for the purposes of customer due diligence as proposed in these draft RTS is routinely unavailable and the proposals in these draft RTS do not provide an alternative solution? If so, please provide concrete examples of such situations and your proposals for alternative solutions.

5000 character(s) maximum

NA

* 4. Considering AMLA’s legal mandate in Article 28(1) of Regulation (EU) 2024/1624, and taking into account your obliged entities’ products offered and service provided, what other simplified due diligence measures should be included in the draft RTS, for example because of the associated lower ML/TF risks of these products and services? Please provide concrete drafting proposals and rationale for the specific measures you would propose.

5000 character(s) maximum

In paragraph 3.3 (“Rationale”), AMLA concludes that no additional simplified due diligence (SDD) measures are warranted beyond Article 33 AMLR. This appears to insufficiently reflect that certain categories of customers, products, and services present inherently low ML/TF risk. Listed companies, SWIFT RMA relationships, bodies governed by public law, and government-related entities in non-high-risk jurisdictions operate within established transparency and oversight frameworks that may justify simplified CDD. This position may be reconsidered.

Recital 127 AMLR provides that listed companies and Member State public bodies benefit from sufficient transparency regarding ownership and control such that beneficial ownership requirements are not necessary. It is therefore proposed that obliged entities be exempted from BO identification in these cases, and that SDD be explicitly permitted.

* 5. Additional observations: Do you have any additional comments relevant to the draft RTS that have not been covered above? Please ensure that comments refer to a specific article, are precise, and, where possible, supported by evidence. Where necessary, comments should also include a proposed solution.

5000 character(s) maximum

Art 6: With reference to Recital 2, harmonisation and a level playing field are key objectives. The RTS should clarify that identity verification is limited to full name and surname and date of birth. It should further specify that verification of identity does not require validation of all collected data points for natural or legal persons, nor address verification. In line with Recital 3, a declaration in good faith by the customer should suffice for data points other than name and date of birth.

The RTS should also clarify the scope of “certified” and who may provide such certification. “Certified” should be understood as confirmation that a copy corresponds to the original, with flexibility for obliged entities to determine the means and provider of certification, as well as to assess its reliability.

Art 25: The additional information obligations required through EDD (throughout articles 25-28) risk further constraining the application of a risk-based approach. This may lead to a disproportionate expansion of mandatory information collection, including in situations where it is not warranted by the customer risk profile. It is therefore suggested that AMLA reconsider these provisions to ensure a more risk-based approach by allowing risk-sensitive measure determined by the obliged entity as enhanced due diligence measures, and thereto to explicitly allow obliged entities to determine, on a case-by-case basis, which additional information is necessary and sufficient in light of the assessed risk.

Art 33: We request AMLA to confirm that the one-year period for updating the files should commence only once all relevant RTSs and guidelines have been finalised and published and, in any event, only after the AMLR becomes applicable. If agreed, from a practical point of view it would be appreciated if AMLA notifies OE’s of this moment.

Further, article 33 refers to “publication” as the starting point of the grace period, whereas Recital 23 refers to the “date of application”. This inconsistency should be resolved in favour of the date of application. AMLA should preferably also clarify that the five-year grace period under Article 33 applies to non-high-risk clients subject to standard CDD as well.

Section 3 - Additional substantive input

Use this section to provide feedback on specific articles of the draft RTS, in case these were not already covered in your responses to the previous questions.

For each reply, please describe the issue identified, indicating, where relevant, whether it relates to legal certainty, proportionality, technical implementation or other factors. You are kindly asked to provide alternative drafting proposals and to explain why your proposal would be more appropriate.

Do you have any comments on a specific article in the draft RTS? There is no need to repeat comments made in the previous sections of this survey.

- (●) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

5

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

What kind of information or documentation, other than a confirmation from the (representative of) the customer itself, can satisfy that the provided nationality information is complete (disclosing all nationalities)? What is the reasonable certainty that an obliged entity has obtained all nationalities?

Do you have any other comments on a specific article in the draft RTS?

- (●) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

6

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

It is not clear in the draft RTS that Article 6 is the standard and it should explicitly label Article 7 as a derogation, in order to arrange that Article 6 always applies first and can be used in a face-to-face or non-face-to-face context. Article 7 is conditional, not discretionary.

Suggested wording Article 6, sub 1
For the purposes of verifying the identity of the natural persons referred to in Article 22(6) point (a) and Article 22 (7) point (a) of Regulation (EU) 2024/1624, including: the customer, any natural person purporting to act on behalf of the customer, and the beneficial owner or, where applicable, the senior managing official, obliged entities shall apply the verification measures set out in this Article as the standard method for identity verification, regardless of whether the verification is performed in a face to face or non face to face context.
For the purposes of paragraph 1, a document shall be considered equivalent to an identity document or passport where it fulfils all of the following conditions:[ ]

Suggested wording Article 7, sub 1
Add “By way of derogation from Article 6,” [ ]

Do you have any other comments on a specific article in the draft RTS?

- (●) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

7

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

With reference to paragraph 3:

“Obliged entities shall ensure that the solution described in paragraph 2 uses reliable and independent information sources and includes the following safeguards regarding the quality and accuracy of the data and documents to be verified”. The last word “verified” was “collected” in the previous draft. Can AMLA confirm that there is no requirement to keep such documents on file or what is expected in light of evidence keeping?

Do you have any other comments on a specific article in the draft RTS?

- (●) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

8

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

In order to determine whether a source of information is reliable and independent, obliged entities shall take risk-sensitive measures to assess the outlined matter in (a) until (e). May we ask to provide specific criteria that can be relevant and used to make this assessment. Please also note the increasing use of AI tools capable of manipulating documents in a highly sophisticated manner.

Do you have any other comments on a specific article in the draft RTS?

- (x) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

12

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

One of the criteria for complex corporate structures is formulated as "there is a legal arrangement or a similar legal entity such as a foundation in any of the layers". We kindly ask AMLA to remove the reference to a foundation in the RTS and, if desired, to replace it with a reference to the "List of trusts and similar legal arrangements governed under the law of the Member States as notified to the Commission". (2019/C 360/05).

For your information: A Dutch foundation (NL: Stichting) has neither shareholders nor members. Pursuant to Article 285 (1) of Book 2 of the Dutch Civil Code, a foundation is a legal entity with no members. It is existing for the sole purpose of the object mentioned in the articles of a foundation. Thus, a foundation is not owned by anyone, and it can only act within the scope of its object clause. Pursuant to Article 285 (3) of Book 2 of the Dutch Civil Code the object of a foundation may not include the making of distributions to its founders (incorporators) or to those who are participating in its bodies or to others, except, as regards the latter, when these distributions are made for charitable (philanthropic) or social purposes. For the sake of completeness, the Dutch foundation is not included in European Commissions list of trusts and similar legal arrangements.

Suggested is to delete in article 12 (1) (a) the text: "such as a foundation".

Do you have any other comments on a specific article in the draft RTS?

- (x) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

13

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

SMOs serve as a fallback solution where no beneficial owner can be identified and should not, in themselves, be regarded as a source of risk. Accordingly, imposing the same identification and verification requirements as for BOs would be disproportionate under Articles 13 and 21. For identification purposes, it should be sufficient to collect the individual's name, date of birth and business address.
For non-high-risk cases, we believe that an extract from the trade registry should be sufficient for identification and verification of the SMO. Requiring additional information is neither proportionate nor risk-based. The RTS should state that OEs may rely on the most reliable information available in case of cross-jurisdictional situations with no or unreliable registries.

AMLA should confirm that the information requested for SMO's as stipulated in Article 13 applies to the various requirements of Section 2 only. Additional information required due to Article 27 is not relevant for SMO's.

Do you have any other comments on a specific article in the draft RTS?

- (•) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

23

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

Please clarify whether the term 'low degree of risk' should be deemed to have the same meaning as 'low risk.' We would prefer consistent terminology as to avoid divergent interpretations and ensure uniform application.

Do you have any other comments on a specific article in the draft RTS?

- (•) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

27

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

We ask AMLA to reaffirm that SMO's are not the same as UBOs and that art. 27 is not applicable to SMO's. Recital 9 specifically confirms that SMO's are not beneficial owners but this is in relation to the purposes of identification and verification measures. There is no rationale to submit SMO's to the requirements of article 27.

Do you have any other comments on a specific article in the draft RTS?

- (•) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

28

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

The RTS lacks the definition of transaction and clarification as what is to be deemed as an intended transaction. We assume that this is up to the obliged entity to assess. We request AMLA to affirm this assumption.

What is meant by 'use of assets representing higher ML/TF risks'? Please clarify whether this is intended to refer to specific asset classes or assets in specific sectors.

Please confirm that the reference to 'higher risks in respect of the parties involved' does not create an obligation to perform CDD on the client's counterparties. This would go beyond the scope of AML/CFT requirements.

Do you have any other comments on a specific article in the draft RTS?

- (•) Yes
- ( ) No

* Please state the article number in simple figures, without referring to the subparagraphs or points (e.g. '3' or '21')

Only values between 1 and 33 are allowed

29

* Please share your comments below, specifying the subparagraph and point, if applicable (e.g. paragraph 1 point (a)).

5000 character(s) maximum

AMLA is requested to confirm that SMO's do not fall within the scope of sanctions screening requirements. The rationale would be that the SMO does not qualify as a beneficial owner.

Do you have any other comments on a specific article in the draft RTS?

- Yes
- No (selected)

Do you have any comments on the recitals? The recitals are the statements at the start of the draft RTS and are numbered from (1) to (25).

- Yes (selected)
- No

Please specify which recital you refer to, and share your comments below.

Recital 5:
The recital reads as non-exhaustive list of independent and reliable sources, which includes the following line "(...) or a recent official copy of these documents issued by the applicable public registers and lists or an unofficial copy thereof certified by an independent professional or a public authority".

In this context, may we kindly ask to clarify the following:

- Is the term "official copy" understood to mean an original document issued by the applicable authority, bearing the original signature of the issuing authority? If yes, the term "original document" seems more appropriate than the term 'official copy'.
- Is the term "unofficial copy" understood to mean a true copy of a seen original document certified by an independent professional (e.g. notary) or public authority? If yes, the term "certified copy" seems more appropriate than the current term "unofficial copy". It should be noted that a certified copy is equivalent to an original document.
- Next to "independent professional or public authority", can a document also be certified by a qualified employee of the obliged entity? Obliged entities have currently the flexibility to establish their internal criteria and processes in this respect, e.g. when they have met the client's representative in person and made a copy of the original ID document.

Recital 6:
The recital stipulates that obliged entities must assess the reliability and independence of the data sources used across multiple clients. This assessment is among others key to substantiate by which means the criteria of 'authentic and accurate' as referenced in e.g. various EDD measures have been fulfilled. Next to a validity timeframe, may we ask to indicate other criteria than can be relevant to make this assessment. For example, document categorization (original, certified, copy/scan), a combination of sources, and/ or level of direct access to the source, etc. Please also note the increasing use of AI tools capable of manipulating documents in a highly sophisticated manner.

Recital 25:
This recital provides that an obliged entity must periodically update customer information, with an interval ranging from one to five years depending on the customer's risk classification. For existing customers, this period starts from the moment the Commission Delegated Regulation enters into force.

In this context, it is noted that the Netherlands appears to be considering designating the entire trust or company service provider sector as subject to enhanced customer due diligence (EDD), pursuant to Article 34 (6) of the Regulation. This raises a question as to the interaction between such a designation and the updating

intervals set out in Recital 25.
In particular, it is unclear whether—if such a designation is made—all customers of obliged entities within the trust sector should automatically be treated as high-risk for the purpose of updating obligations, thereby requiring the update of customer information within one year of the entry into force of the Commission Delegated Regulation.

Alternatively, it could be interpreted that obliged entities should retain discretion to determine the frequency of updates based on their own risk assessment of individual customers, even within a sector that is generally considered higher risk.

This ambiguity creates legal uncertainty and may lead to divergent supervisory expectations and inconsistent application across Member States.

It is therefore recommended that AMLA clarify whether a sector-wide designation under Article 34(6) automatically triggers the highest update frequency for all customers of obliged entities within that sector; or whether the risk-based approach allows obliged entities to differentiate update intervals at the level of individual customers, notwithstanding such designation.
Providing clarity on this point would support a consistent application of the risk-based approach and ensure proportionality in the implementation of customer due diligence requirements.

Do you have any comments on the Annex in the draft RTS?

- ○ Yes
- ● No

Section 4 - Overall assessment

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

- ☐ Inadequate
- ☐ Somewhat inadequate
- ☐ Neutral
- ☑ Good
- ☐ Excellent

Would the implementation of the draft RTS generate any of the following additional costs beyond the adjustments that would be required to implement the rules set out in Chapter III of Regulation (EU) 2024/1624 (customer due diligence)?

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. 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 amending policies and procedures, system upgrades, staff training or consultancy fees. Examples of recurring costs may include additional reporting, monitoring, software subscriptions, or allocation of additional full-time equivalent resources, etc.

Please describe and substantiate the specific costs you foresee when implementing the provisions of these draft RTS.

	Manageable impact	Disruptive impact	No significant additional costs	Not applicable/no information available
One-off implementation costs	◉	○	○	○
Recurrent costs	◉	○	○	○

Thank you very much for your feedback.

Contact

[Contact Form]