



Public consultation RTS Art 53 (10) AMLD

Fields marked with * are mandatory.

Public Consultation on the draft Regulatory Technical Standards supplementing Article 53(10) of Directive (EU) 2024/1640 on classifying the level of gravity of breaches, setting the level of pecuniary sanctions or applying administrative measures, and the methodology for the imposition of periodic penalty payments.

Objective of the consultation

This draft RTS under Art. 53(10) of Directive (EU) 2024/1640 specifies indicators to classify the level of gravity of breaches, establish criteria to be taken into account when setting the level of pecuniary sanctions or applying administrative measures, and develop a methodology for the imposition of periodic penalty payments, including their frequency. It aims to ensure that the same breach is assessed in the same way by all supervisors in all Member States and that the resulting enforcement measures are proportionate, effective and dissuasive.

AML Authority is conducting its own public consultation to ensure that the non-financial sectors' comments are fully captured, and if necessary and duly justified by objective criteria, reflected in the final draft RTS.

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 AML Authority.

Such comments should be sent by **09 March 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 (*) are mandatory. In case 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 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.

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.

Your details

* 1 This contribution is made by:

An organisation

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8 Sector of activity

- Obligated entity in the non-financial sectors
- Obligated entity in the financial sector
- Industry association representing non-financial sectors obliged entities
- Industry association representing financial sector obliged entities
- Civil society organisation/non-governmental organisation
- Other

11 Non-financial sectors

- 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
- Trading in precious metals and stones
- Trading in high-value goods
- Gambling services

- Crowdfunding service providers and crowdfunding intermediaries
- Trading, intermediary trading or storage in 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

* 12 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).

Public Consultation Questions

1 Do you agree that the proposed list of indicators to classify the level of gravity of breaches set out in Article 1 of the proposed draft RTS apply to the non-financial sector? If you do not agree, please explain your reasoning.

We broadly support the proposed indicator framework as a basis for harmonised supervisory assessment across sectors. However, certain clarifications would help ensure risk-based proportionality in digital and cross-border operational models.

Key considerations:

Scale versus risk: Indicators such as “number of customers affected” or “cross-border impact” should not automatically increase gravity unless linked to demonstrable ML/TF risk exposure. In high-volume digital environments, numerical scale alone may not reflect material risk.

The RTS should explicitly require that the assessment of gravity takes into account the risk profile, scale and business model of the obliged entity.

Material structural failure: Given its link to the highest severity categories, clarification would be beneficial to ensure that “material structural failure” refers to systemic inability to mitigate ML/TF risk rather than temporary operational incidents or legitimate calibration choices within risk-based frameworks.

Product-level risk differentiation: Within the gambling sector, ML/TF risk varies across products and payment channels. Assessment of gravity should reflect actual risk exposure rather than applying a uniform approach across heterogeneous non-financial activities.

The notion of “impact on the integrity, transparency and security of the financial system” should be interpreted in light of the specific role of non-financial operators, which do not provide credit or deposit-taking services but may process significant transaction volumes. While ML/TF risks may arise within the gambling sector, breaches are unlikely to affect financial stability in the same manner as failures in credit institutions. Systemic financial stability considerations should therefore be relevant only where an entity’s activities are objectively capable of generating material cross-sector financial contagion risk.

2 Do you agree that the proposed list of criteria to be taken into account when setting up the level of pecuniary sanctions set out in Article 4 of the proposed draft RTS apply to non-financial sector? If you do not agree, please explain your reasoning.

We support the proposed criteria, as they enhance predictability and supervisory consistency. Limited clarification could further strengthen proportionality.

Key considerations:

Materiality over numerical reach: In high-volume environments, minor operational deviations may affect large numbers of transactions or customers. Sanction calibration should focus on material AML/CTF risk impact rather than absolute numbers alone.

Benefit derived from the breach: Any aggravation based on financial benefit should require a demonstrable causal link between the breach and unjust enrichment, rather than reflecting the continuation of normal business activity.

With respect to prior breaches, the assessment should clearly distinguish between minor administrative shortcomings and serious AML/CFT failures in order to avoid disproportionate escalation.

Intentionality and degree of fault: Clear differentiation between deliberate misconduct, negligence and genuine operational or human error would reinforce proportionality and legal certainty.

3 Do you agree that the applicability of financial strength of the legal or natural person held responsible (Article 4(5) and Article 4(6) of the proposed draft RTS) apply to the non-financial sector? If you do not agree, please explain your reasoning.

We agree that financial strength is a relevant factor to ensure sanctions are effective and dissuasive. Application should, however, reflect economic reality and proportionality.

Key considerations:

Group turnover versus scope of breach: Reliance solely on consolidated turnover may lead to disproportionate outcomes where infringements are geographically or operationally limited. Assessment should consider the scope and relevance of the breach.

Appropriate financial metrics: In the gambling sector, turnover does not necessarily reflect actual economic benefit. Metrics such as Gross Gaming Revenue (GGR), already used in sectoral supervision, may better represent financial capacity.

For gambling operators, financial strength should not be assessed on the basis of total customer stakes handled, but rather on relevant revenue indicators such as Gross Gaming Revenue (GGR). Total stakes significantly exceed the operator's actual revenue. Using total stakes as a benchmark would distort proportionality and risk producing excessive sanctions. Financial strength assessments should therefore be based on GGR (net revenue) rather than total amounts wagered.

Supervisors should also take into account the regulatory density and compliance complexity of highly regulated sectors when assessing culpability and sanction levels. When setting sanctions for licensed gambling operators, supervisors should assess whether disproportionate sanctions risk undermining regulated market channelization objectives by inadvertently strengthening unlicensed operators, contrary to AML policy goals.

4 Do you agree with the proposed criteria to be taken into account by a non-financial sector supervisor when applying the administrative measures listed under Article 5 of the proposed draft RTS? If you do not agree, please explain your reasoning.

We recognise administrative measures as legitimate tools in cases of serious or systemic AML/CFT failures. Clear escalation thresholds are essential to ensure proportional and consistent application.

Key considerations:

Systemic failure threshold: Restrictive measures, including licence suspension or withdrawal, should primarily target demonstrable systemic AML control deficiencies or significant ML/TF risk exposure, not operational scale alone.

Withdrawal or suspension of authorization should be applied only as a measure of last resort and subject to a strict proportionality assessment. Such measures should be imposed only where less intrusive alternatives demonstrably cannot achieve compliance.

When imposing severe measures such as suspension, supervisors should explicitly assess the potential impact on customers and broader market stability, including potential disruption of public-interest functions.

Governance-related measures should be directly linked to identified AML/CFT deficiencies and demonstrable failures in oversight.

Link to Category 3 and 4: Given the consequences attached to these categories, their application should be based on material risk impact to avoid disproportionate outcomes.

Market stability considerations: In regulated consumer-facing sectors, disproportionate licence-level measures may drive consumers toward unlicensed markets operating outside EU AML safeguards. Proportional application supports both AML objectives and market integrity.

5 Do you agree that the proposed methodology for imposing periodic penalty payments as listed under Section 3 of the proposed draft RTS applies to the non-financial sector? If you do not agree, please explain your reasoning.

We support the applicability of periodic penalty payments to the non-financial sector as a compliance-enforcement tool. Clarification is needed to ensure proportional and predictable implementation.

Key considerations:

Determination of the non-compliance period: As supervisory audits cover defined timeframes; it may be difficult to precisely determine the start and end of non-compliance. Guidance would enhance legal certainty and consistency.

Limitation period for collection: The proposed five-year limitation period may be excessively long and create prolonged legal uncertainty. Consideration could be given to a more proportionate timeframe aligned with the corrective purpose of PePPs.

Article 8(3) should require transparency in the calculation methodology for PePPs. Supervisors should provide a clear calculation methodology in their decision in order to ensure predictability and enable effective judicial review. The interaction between PePPs and pecuniary sanctions should be framed in a manner that avoids disproportionate cumulative effects.

Supervisors should ensure that the amount and frequency of PePPs remain proportionate to the objective of restoring compliance and do not assume a punitive character. PePPs should be linked to objectively measurable compliance steps and realistic implementation timelines.

Contact

[Contact Form](#)