



Public consultation on the draft Regulatory Technical Standards on group-wide requirements and on branches and subsidiaries in third countries with legal impediments under article 16(4) and 17(3) AMLR

Fields marked with * are mandatory.

Public consultation on the draft RTS on group-wide requirements and on branches and subsidiaries in third countries with legal impediments under articles 16(4) and 17(3) AMLR

Objective of the consultation

AML A would like to receive feedback on provisions of the draft RTS under article 16(4) and 17(3) 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 AML A should consider.

Such comments should be sent by **15 June 2026, 23:59 (CET)**.

Personal data protection:

The protection of individuals with regard to the processing of personal data by the AML A 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.

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.

Respondent profile

* This contribution is made by:

An organisation

* Name of the organisation

200 character(s) maximum

Spelbranschens Riksorganisation / Swedish Gambling Association

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

100 character(s) maximum

Eva

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

100 character(s) maximum

Sjöberg

* Email (note that your email address will not be published)

100 character(s) maximum

eva.sjoberg@sper.se

* 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).

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

Maximum 1 selection(s)

- Obligated entity in the non-financial sector
- Obligated entity in the financial sector
- Self-regulatory body in the sense of Regulation (EU) 2024/1624 Article 2(1) point (47)
- 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 1 selection(s)

- Auditors, external accountants, tax advisors, other independent professionals that provide assistance or advice on tax matters
- Notaries
- Lawyers and 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

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

SE - Sweden

Public consultation questions

Section 1 - General provisions (articles 1 - 2)

Question 1

Do you have any observations concerning the definitions laid out in article 2?

5000 character(s) maximum

We support the objective of providing definitions that are workable across both financial and non-financial sectors. However, several definitions would benefit from further clarification to improve legal certainty and avoid over-capture, especially in the non-financial sector.

First, the terms “common management” and “common compliance control” should be clarified more narrowly. In our view, these concepts should require a degree of actual decision-making power or operational control over AML/CFT matters, not merely shared branding, common service providers, or ordinary commercial cooperation. This would be consistent with Recital 27, which correctly excludes pure cooperation agreements, shared technical tools, customer referrals, exchange of best practices, shared name/branding only, or outsourcing to the same service provider. A similar limiting clarification should be reflected more explicitly in Article 2 and in the operative parts of Articles 21-22.

Second, the definitions of network, partnership, and franchise should be read together with a clearer proportionality test. The current drafting is helpful but still risks capturing structures where there is commercial alignment without genuine AML/CFT integration. We therefore suggest adding a recital or wording in Article 2 confirming that these definitions apply only where the arrangement creates a real and ongoing framework of common ownership, management or compliance control relevant for AML/CFT purposes.

In short, we recommend:

- 1) narrowing “common management” and “common compliance control” to actual AML/CFT-relevant control;
- 2) clarifying that ordinary commercial cooperation, branding, or shared vendors alone do not trigger group-equivalent treatment.

This would improve predictability while remaining aligned with the AMLR’s risk-based and proportionate approach. (AMLR Arts. 16-17; draft RTS Arts. 2, 4, 21-22.)

Section 2 - Minimum group-wide requirements (article 3)

Question 2

Do you find the minimum requirements listed in article 3 of the draft RTS related to internal policies, procedures and controls sufficient and clear?

If not, could you please indicate which other requirements, or further clarification, you think should be added and/or revised?

5000 character(s) maximum

We broadly support Article 3. It appropriately operationalises AMLR Article 16 by requiring a documented group-wide framework, group-level governance, a group-wide BWRA, regular information exchange, and periodic review of effectiveness. These are sensible minimum requirements.

That said, we think that clarification that the group-wide BWRA may build on entity-level BWRAs and need not duplicate them should be added.

Article 3(1)(d) and (f) would benefit from wording confirming that the group-wide BWRA may be built from the underlying entity-level BWRAs, with the group assessment focusing on group-specific risks, interdependencies, shared systems, outsourcing/reliance, and cross-entity exposure. This would reduce duplication without weakening the control framework.

The RTS should also confirm that group-wide compliance arrangements may be organised efficiently and proportionately, including through shared resources or combined roles where permitted by AMLR Article 11, provided that responsibilities remain clearly allocated and each obliged entity retains individual accountability.

Section 3 - Information sharing (articles 4 - 9)

Question 3

Do you foresee any operational or legal challenges including challenges related to legal privilege in implementing the provisions related to information sharing within entities of a group? If so, could you please indicate which ones?

Do you foresee any operational or legal challenges in ensuring that information sharing from third countries and to third countries within entities of a group is adequate to regulatory standards in the Union? Do you have any suggestion that would make it better suited operationally or legally?

5000 character(s) maximum

Yes. We support the objective of effective intra-group information sharing, but in practice the main challenge is calibrating the trigger for sharing and the scope of information shared. Article 4 contains a very broad list of information that “shall enable at least the sharing” of customer, beneficial ownership, risk, sanctions and STR-related information. At the same time, Article 4(3) requires sharing to be “strictly necessary,” on a “need-to-know basis,” and in line with data protection and confidentiality requirements. The RTS would benefit from clearer operational guidance on how those principles should be reconciled.

Clear examples or a non-exhaustive annex would help entities determine when information sharing is mandatory and when it is merely permissible.

Section 4 - Additional measures for branches or subsidiaries in third countries of obliged entities and parent undertakings in the Union (articles 10 - 16)

Question 4

Do you foresee any operational or legal challenges in implementing the minimum actions and additional measures required under section 4 of the draft RTS where third-country law restricts the application of group-wide AML/CFT policies, procedures and controls?

If so, please describe the challenges and provide practical examples.

5000 character(s) maximum

The mandated minimum actions (Articles 10–15) – such as customer consent collection, alternative controls (e.g. duplicative due diligence, audits), and ultimately “terminate relationships or close operations” – present practical challenges. In online gambling, persuading all customers to provide explicit consent for data sharing with EU group entities can prove unfeasible or culturally problematic, particularly in jurisdictions with strict data privacy norms (e.g. some Latin American countries). Even where customers consent, local laws (e.g. banking secrecy or data localization requirements) might not recognise such consent as a valid waiver, leaving group entities in legal limbo. Moreover, the escalation to restricting services or shutting down operations in a country is a drastic measure. This could penalize compliant operators and disrupt regulated markets without necessarily eliminating illicit finance risk (as customers may shift to unregulated providers). We urge AMLA to adopt a more nuanced, risk-sensitive approach: for example, clarifying that additional measures should be applied commensurately to risk (as indeed acknowledged in Recital 14) and encouraging regulatory dialogue with the third-country authorities as an interim step. A less prescriptive, more cooperative framework – allowing a combination of localised controls and gradual escalation (only resorting to closures after all other avenues are exhausted) – will better balance AML objectives with business continuity in diverse markets.

Question 5

Do you foresee any challenges in applying the provisions relating to information sharing within the group where third-country law restricts the ability to access, process or exchange information for AML/CFT purposes (article 12 and 13 of the draft RTS)? If so, please explain.

5000 character(s) maximum

We recognise the need for group oversight of suspicious activity and supervisor access but foresee significant challenges when third-country laws restrict information flows. In practice, many jurisdictions prohibit or limit sharing of STRs or customer data with foreign entities or regulators – for instance, some Latin American countries’ data protection and financial secrecy laws prevent exporting personal or STR-related data abroad. This creates a compliance conflict: our EU parent needs insight into local AML issues, yet local law bars detailed disclosures. The RTS rightly suggest mitigants (e.g. sharing aggregated statistics on suspicious reports, performing enhanced audits and reviews), but even these can run afoul of confidentiality rules in certain countries. Moreover, instructing a local branch to divulge internal AML data to an EU supervisor (Article 13) may contravene local regulations. To make these provisions workable, we propose explicit allowances for alternative solutions: for example, permitting anonymized or summary risk indicators instead of raw client data, and longer timelines or conditionality when awaiting law reform or bilateral agreements. We also recommend emphasising that if local law precludes granular sharing, European supervisors should coordinate with local authorities rather than placing the entire onus on the group. These adjustments would still enhance transparency while acknowledging real-world legal limits on data exports and privileged information in non-EU jurisdictions.

Question 6

Do you consider the proposed framework for additional supervisory actions (article 16 of the draft RTS) appropriate and workable in practice, including the addressee of supervisory decisions and the feasibility of applying restrictions or closure measures in cross-border structures? If not, please explain.

5000 character(s) maximum

The framework for further supervisory actions – including risk mitigation plans, business restrictions, or closures of operations in extreme cases – is well-intentioned but raises concerns around practicality in cross-border contexts. We agree that supervisors need powers to act if group measures fail but strongly emphasise such interventions must remain proportionate and a last resort. Closure or exit measures in a third-country market are particularly onerous and sensitive, likely requiring complex negotiations with local regulators and authorities. Enforcement must also be carefully targeted: decisions should be addressed to the EU parent undertaking (or designated parent in the Union) for implementation, since local branches/subsidiaries in third countries may not directly recognise the EU supervisor’s authority. We recommend clarifying that group restructuring or exit orders should be coordinated with other relevant regulators to avoid conflicts. Additionally, in the diverse online gambling sector (often operating under multiple national licenses), blanket restrictions or closures could inadvertently encourage illicit market activity, so any such measure should be risk-based and temporary, focusing on the specific high-risk relationships or gaps rather than entire businesses. In sum, Article 16’s regime is appropriate if exercised judiciously, but its cross-border feasibility would be improved by clearly defining execution pathways (ensuring parent undertakings drive compliance) and by confirming that less intrusive measures (e.g. targeted risk-mitigation plans) will always be tried first.

Section 5 - Criteria for identifying the parent undertaking in the Union in cases of two or more obliged entities whose head office is located outside of the Union (articles 17 - 20)

Question 7

Do you find the criteria provided in section 5 effective to identify the parent undertaking in the Union in cases where two or more obliged entities not in a parent-subsidary relationship whose head office is located outside of the Union?

Do you find the criterion of annual turnover applicable in your specific sector?

5000 character(s) maximum

No comments.

Section 6 - Conditions for the application of group-wide requirements to structures sharing common ownership, management or compliance control (articles 21 - 24)

Question 8

Do you find the conditions listed in article 21 sufficiently clear and effective to identify the structures that shall apply requirements similar to groups?

If not, please explain.

5000 character(s) maximum

We support the objective of Article 21, namely to ensure that structures which are genuinely equivalent to groups from an AML/CFT governance perspective are subject to appropriate group-equivalent requirements. However, Article 21 should be further clarified to avoid capturing ordinary commercial cooperation agreements or product-specific partnerships between independent obliged entities.

This is particularly important in the gambling sector, where obliged entities may enter into limited cooperation arrangements for specific products, for example joint lottery products, pooled games or similar multi-operator

arrangements. Such arrangements may involve a common product, common game rules, settlement mechanisms, cost or revenue sharing, technical interfaces or common marketing elements. However, they do not necessarily involve common ownership, common management or common compliance control.

In our view, Article 21 should make clear that a product-specific partnership does not fall within the scope of group-equivalent requirements solely because the parties cooperate in relation to a specific product or share product-related rules, branding, technical infrastructure, revenue or cost arrangements. The decisive criterion should be whether one entity has actual AML/CFT-relevant control or decision-making power over the other entities, or whether the entities are subject to common AML/CFT policies, procedures or controls managed by a common compliance or control function.

We therefore recommend that Article 21 or its recitals include an explicit exclusion for limited commercial cooperation agreements and product-specific partnerships where each obliged entity retains independent responsibility for its own AML/CFT framework, including customer due diligence, ongoing monitoring, suspicious transaction reporting, business-wide risk assessment, internal controls and interaction with its supervisor.

Suggested clarification:

“For the avoidance of doubt, product-specific cooperation agreements, joint product arrangements, co-branded products, technical integrations, settlement arrangements or ordinary commercial partnerships between independent obliged entities shall not, in themselves, constitute a structure sharing common ownership, common management or common compliance control, provided that each obliged entity retains independent AML/CFT governance, policies, procedures, controls and regulatory responsibility.”

Question 9

Do you foresee any legal or operational challenges in implementing the provisions listed in this RTS and in particular by article 21 for the above-mentioned structures?

If so, please describe the challenges and provide practical examples.

5000 character(s) maximum

Yes. We foresee significant legal and operational challenges if Article 21 were interpreted as applying to limited product-specific partnerships between independent obliged entities.

In the gambling sector, obliged entities may cooperate with other licensed operators in relation to a limited number of products, for example joint lottery products or multi-operator lottery arrangements. These arrangements may involve common product rules, a shared product concept, technical interfaces, settlement mechanisms or revenue/cost allocation. However, they do not normally create a group-like AML/CFT structure. Each operator remains independently licensed, independently supervised and independently responsible for its own AML/CFT obligations.

If such arrangements were brought within the scope of group-equivalent requirements, the parties would need to identify a parent undertaking or equivalent lead entity, establish group-wide or group-equivalent policies, conduct group-wide risk assessments and potentially create compliance reporting lines across otherwise independent undertakings. In many cases, no party has the legal right or practical ability to direct the AML/CFT strategy, customer due diligence, transaction monitoring, suspicious transaction reporting or internal controls of the other parties. This would create legal uncertainty and potentially conflict with each entity's own regulatory responsibility.

There would also be significant data protection and confidentiality challenges. A limited product partnership does not necessarily justify broad sharing of customer data, risk assessments, suspicious activity information or

internal compliance material between independent obliged entities. Information sharing should instead remain limited to what is necessary and proportionate for the specific product and for each entity's own AML/CFT obligations.

We therefore recommend that AMLA distinguish clearly between:

- (i) structures that are genuinely group-equivalent because they involve common AML/CFT governance or compliance control; and
- (ii) ordinary commercial or product-specific cooperation arrangements between independent obliged entities.

For the latter, the appropriate approach should be product-specific contractual allocation of AML/CFT responsibilities, limited and purpose-bound information sharing where legally permitted, clear escalation points, and preservation of each entity's individual AML/CFT accountability — not full group-wide or group-equivalent requirements.

Question 10

Do you find the criteria listed in article 22 effective to identify the parent undertaking in the Union in cases where two or more obliged entities are part of the above-mentioned structures?

If not, please explain and provide practical examples

5000 character(s) maximum

Article 22 appears directionally sensible, but for structures other than groups we believe the primary criterion should be the entity that has the clearest AML/CFT governance role in substance, rather than the entity with the highest turnover or the strongest purely commercial role. This is especially important in non-financial sectors, where commercial centrality and AML/CFT centrality may not sit in the same entity.

We therefore suggest that AMLA make explicit that, where the criteria point in different directions, priority should be given to the entity that:

- sets or approves the AML/CFT framework;
- has authority over compliance resources, controls or escalation; or
- is best placed to ensure implementation across the structure.

Turnover may remain a useful supplementary criterion but should not override actual control over AML/CFT implementation. That would better reflect the purpose of identifying a "parent undertaking in the Union," namely to designate the entity best placed to ensure effective compliance.

Thank you very much for your feedback.

Contact

[Contact Form](#)

