Public consultation on the draft guidelines on ongoing monitoring of a business relationship under Article 26(5)

Fields marked with * are mandatory.

Draft guidelines on ongoing monitoring of a business relationship under Article 26(5) of AMLR

Objective of the consultation

AMLA would like to receive feedback on provisions of the draft guidelines under Article 26(5) 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 **3 September 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.

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.

In case you need more rows to add your feedback for questions 1, 2, 4 and 5, please submit an additional consultation form.

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? 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

- [ ] 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 professionnals

- [ ] Traders in precious metals and stones
- [ ] Traders in high-value goods
- [x] 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:

SE - Sweden

Public consultation questions

Question 1: Do you consider that Guideline 1 supports a risk-based approach and clearly sets out the core principles that obliged entities should apply to keep customer information up to date?

If you see scope for further clarification, please:
(i)specify the paragraph concerned;
(ii)explain your rationale; and
(iii)consider submitting an amendment proposal

	Guidelines paragraph (please provide the specific paragraph/s number you are referring to e.g. 3,4,5)	Rationale	Amendment proposal (optional)
Comment 1	11-33	*3000 character(s) maximum* SPER supports AMLA's overall approach to maintaining customer information up to date. In particular, SPER welcomes the emphasis on risk-based and event-driven reviews, which allows obliged entities to focus resources on situations where there is a genuine indication that customer information may no longer be accurate or complete. SPER also supports the principle that the need to update customer information should be driven by ML/TF risk considerations rather than by formalistic triggers alone. This approach promotes proportionality while supporting the objective of maintaining an up-to-date understanding of the customer.	*3000 character(s) maximum* AMLA may wish to further emphasise that the obligation to maintain customer information up to date should remain firmly risk-based and technology-neutral, particularly where obliged entities rely on trusted electronic identification and authentication solutions.
Comment 2		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 3		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 4		*3000 character(s) maximum*	*3000 character(s) maximum*

Comment 5		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 6		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 7		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 12		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 13		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 14		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 17		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 18		*3000 character(s) maximum*	*3000 character(s) maximum*

Comment 19		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 20		*3000 character(s) maximum*	*3000 character(s) maximum*

Question 2:

Do you foresee any challenges in applying Guideline 1, taking into consideration the differences in obliged entities’ nature, risks and complexity of their business, as well as their size?

If you see scope for further clarification, please:
(i)specify the paragraph concerned;
(ii)explain your rationale; and
(iii)consider submitting an amendment proposal

	Guidelines paragraph (please add the specific paragraph/s number you are referring to e.g. 3,4,5)	Rationale	Amendment proposal (optional)
Comment 1	16-18	*3000 character(s) maximum* SPER supports the risk-based approach in paragraphs 16–18. However, clarification would be valuable for business models where customer identification and verification is performed through secure electronic identification means and where the obliged entity does not rely on or retain information concerning an underlying physical identity document. It is currently unclear whether AMLA intends paragraphs 16–18 to require collection and monitoring of expiry dates relating to physical identity documents in circumstances where customer identification relies on accepted electronic identification solutions.	*3000 character(s) maximum* AMLA should clarify that paragraphs 16–18 apply where an obliged entity has relied on an identity document as part of its customer identification framework. Where identification and verification are performed through electronic identification means accepted under AMLR, obliged entities should not be expected to collect, retain or monitor information concerning an underlying physical identity document solely for the purpose of monitoring its expiry.
Comment 2		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 3		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 4		*3000 character(s) maximum*	*3000 character(s) maximum*

Comment 5		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 12		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 18		*3000 character(s) maximum*	*3000 character(s) maximum*

Comment 19		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 20		*3000 character(s) maximum*	*3000 character(s) maximum*

Question 3a: Compared to your current ongoing monitoring process, what impact would Guideline 1: *Keeping customer documents, data or information up to date* have on your compliance costs and operational processes? Please provide the estimated percentage increase or reduction in annual compliance costs:

- (x) Increase of compliance costs and operational processes
- ( ) Reduction of compliance costs and operational processes
- ( ) No effect

Sub question 3b - Increase

- (x) Below 25%
- ( ) 25-50%
- ( ) 50-75%
- ( ) more than 75%

* Please explain the basis for your assessment, including the methodology used and any supporting evidence

> If interpreted consistently with a risk-based and technology-neutral approach, Guideline 1 is expected to have only a limited impact on compliance costs.
> The main impact relates to documentation, mapping of existing controls and review of current processes rather than implementation of new customer due diligence measures.

Question 3b: Please rate the expected impact (very positive; positive; neutral; negative; very negative) on the following operational processes:

	Very positive	Positive	Neutral	Negative	Very negative
periodic customer information review including document re-collection	( )	( )	(x)	( )	( )
event-driven reviews;	( )	(x)	( )	( )	( )
implications for staff;	( )	( )	(x)	( )	( )
other (please specify)	( )	( )	(x)	( )	( )

Other (please specify below)

> The Guidelines support risk-based and event-driven reviews and are generally consistent with SPER's existing approach. Some additional documentation and process review may be required.

Question 4: Do you foresee any challenges in applying Guideline 2? In your view, does the guideline provide sufficient clarity, remain proportionate, and ensure applicability across your products and services to support effective, risk-based monitoring of unusual or suspicious transactions and activities?
If you see scope for further clarification, please:

(i)specify the paragraph concerned;

(ii)explain your rationale; and

(iii)consider submitting an amendment proposal

	Guidelines paragraph (please add the specific paragraph/s number you are referring to e.g. 3,4,5)	Rationale	Amendment proposal (optional)
Comment 1	48-50, 81-86	*3000 character(s) maximum* SPER supports AMLA's focus on testing, calibration, effectiveness reviews, governance and ongoing monitoring of monitoring frameworks. These elements are particularly important in higher-risk sectors, where effective monitoring controls play a central role in identifying and escalating ML/TF risks. Recent supervisory developments across Europe indicate an increasing focus on demonstrating that monitoring controls operate effectively in practice and that identified risks lead to appropriate and documented actions. However, the draft Guidelines do not clearly indicate AMLA's intended level of ambition regarding validation, effectiveness assessments and governance of monitoring controls. While the Guidelines require testing, calibration, review and documentation, it remains unclear how these expectations should be applied in practice and how proportionality should operate across different types of controls and business models. In particular, it is unclear whether AMLA expects a relatively principles-based assessment of control effectiveness or a more formal validation framework with extensive documentation, testing and review requirements. This uncertainty may have significant implementation implications, particularly for higher-risk sectors where monitoring frameworks often consist of multiple automated, semi-automated and manual controls.	*3000 character(s) maximum* AMLA may wish to provide further clarification regarding the intended supervisory expectations associated with testing, effectiveness assessments, validation and governance of monitoring controls, including how proportionality should be applied across different types of controls and business sectors.
Comment 2		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 3		*3000 character(s) maximum*	*3000 character(s) maximum*
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ent 4		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 5		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 7		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 12		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comment 16		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 17		*3000 character(s) maximum*	*3000 character(s) maximum*
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Comm			

ent 19		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 20		*3000 character(s) maximum*	*3000 character(s) maximum*

Question 5: Do you consider that the provisions on the use of automated or advanced analytical tools are sufficiently flexible and do not favour specific technologies?

If you see scope for further clarification, please:
(i)specify the paragraph concerned;
(ii)explain your rationale; and
(iii)consider submitting an amendment proposal

	Guidelines paragraph (please add the specific paragraph/s number you are referring to e.g. 3,4,5)	Rationale	Amendment proposal (optional)
Comment 1	87-95	*3000 character(s) maximum* SPER supports the technology-neutral approach adopted by AMLA. The draft Guidelines appropriately focus on the effective identification and escalation of ML/TF risks rather than prescribing specific technologies, methodologies or monitoring solutions. This flexibility is important given the diversity of business models, risk exposures and available data across sectors.	*3000 character(s) maximum* No amendment proposed
Comment 2		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 3		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 4		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 5		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 6		*3000 character(s) maximum*	*3000 character(s) maximum*

Comment 7		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 8		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 9		*3000 character(s) maximum*	*3000 character(s) maximum*
Comment 10		*3000 character(s) maximum*	*3000 character(s) maximum*

Question 6a: What impact would the design and implementation of the transaction and activity monitoring framework described in Guideline 2 have on your compliance costs?

- (x) Increase of compliance costs and operational processes
- ( ) Reduction of compliance costs and operational processes
- ( ) No effect

Sub question 6b - Increase

- (x) Below 25%
- ( ) 25-50%
- ( ) 50-75%
- ( ) more than 75%

* Please explain the basis for your assessment, including the methodology used and any supporting evidence

SPER expects the proposed Guideline 2 requirements to result in a limited increase in compliance costs.
The primary impact is expected to arise from documentation, governance, testing and review of existing monitoring controls and monitoring frameworks rather than from the implementation of entirely new monitoring solutions.
Limited impact expected (<25%), but the final impact will depend on AMLA's intended supervisory expectations regarding testing, effectiveness assessments, validation and governance of monitoring controls.

Question 6b: Please rate the expected impact (very positive; positive; neutral; negative; very negative) on the following operational processes:

	Very positive	Positive	Neutral	Negative	Very negative
processes and controls;	( )	(x)	( )	( )	( )
implications for staff;	( )	( )	(x)	( )	( )
other (please specify)	( )	(x)	( )	( )	( )

Other (please specify below)

SPER expects Guideline 2 to have a positive impact on monitoring processes and controls by providing a more consistent and harmonised framework across sectors and jurisdictions.
The impact on staff is currently assessed as neutral, as the final implications will depend on AMLA's intended supervisory expectations regarding testing, effectiveness assessments, validation and governance of monitoring controls.

Question 7: Do you identify any further opportunities for simplification or measures that could further support proportionality across the guidelines?

(i) If so, please provide concrete drafting proposals and explain why the specific measures you propose would be more appropriate.

5000 character(s) maximum

Guidelines paragraphs: 48–50, 81–95
Rationale
SPER supports the overall risk-based and proportionate approach reflected in the draft Guidelines. Proportionality is essential to maintaining channelization in the Swedish gambling market. Further clarification would be valuable regarding how proportionality should be applied to testing, effectiveness reviews, validation and governance activities associated with monitoring controls. This may be particularly relevant for activity-monitoring controls, where the nature of indicators, methodologies and assurance activities may differ significantly from traditional transaction-monitoring controls.
Drafting proposal
AMLA may wish to clarify that testing, effectiveness reviews, validation, documentation and governance requirements should be applied proportionately, taking into account the nature, complexity, materiality and risk relevance of the monitoring control concerned.
Why?
This would promote more consistent implementation across sectors and business models while maintaining AMLA's risk-based approach.

Thank you very much for your feedback.

Contact

Contact Form