



# 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.

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## 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

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\* 1 This contribution is made by:

An organisation

\* 2 Email (note that your email address will not be published):

gustaf.hoffstedt@bos.nu

\* 3 Country / Geographical area

SE - Sweden

\* 5 First name

Gustaf

\* 6 Surname

Hoffstedt

\* 7 Organisation name

BOS - The Swedish Trade Association for Online Gambling

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

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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.

Indicators pertaining to the integrity, transparency, and security of the financial system, as well as financial stability and the orderly functioning of markets, necessitate nuanced application regarding gambling operators. Given that the gambling sector maintains only marginal and indirect exposure to the financial system — distinct from the role of financial institutions — the application of criteria designed for direct financial market participants may result in disproportionate regulatory outcomes.

Consequently, further clarification is required on the interpretation of “impact on the financial markets or financial system” for non-financial sectors. To mitigate the risk of speculative assessments regarding “potential impact,” the gravity of a breach should primarily be evaluated based on its actual impact and materiality during the period of manifestation.

Furthermore, regarding Article 2(4), it is recommended that ambiguous phrasing such as “short period of time” be replaced with more prescriptive definitions. Precise terminology is essential to ensure consistent application across Member States and to eliminate the risk of divergent national interpretations.

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.

Regarding the requirement for supervisors to assess the financial strength of legal persons based on total annual turnover, it is submitted that this metric may inaccurately represent the financial position of gambling operators. In the gambling industry, "turnover" often encompasses the total aggregate of all wagers placed by customers, including funds that do not constitute revenue, profit, or available capital. Consequently, total turnover is frequently substantially higher than an operator's Gross Gambling Revenue (GGR) or its actual financial standing.

The use of turnover as a primary metric risks overstating an entity's financial capacity, potentially leading to disproportionate sanctions. For instance, in the context of slot machines, turnover accounts for 100% of bets placed, whereas GGR reflects the actual income remaining after winnings are returned to players. With a Return-to-Player (RTP) rate of 92%, the operator retains only 8% as GGR. Thus, while turnover measures betting volume, GGR more accurately reflects earnings prior to operating expenses.

To ensure a proportionate and sector-specific application, it is recommended that supervisors be permitted or required to utilize alternative metrics, such as GGR, which more faithfully reflect an operator's true financial position. Alternatively, clear guidance should be provided on the interpretation of "turnover" for sectors where standard accounting definitions diverge from industry-specific indicators. Such measures would prevent disproportionate outcomes and facilitate consistent application across Member States.

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.

The gambling sector recognizes that the financial strength of the responsible party is a well-established criterion within the AML/CFT legislative framework, essential for ensuring that sanctions remain proportionate, effective, and dissuasive. When applied consistently and in accordance with the principle of proportionality, this criterion enables supervisory authorities to calibrate sanctions effectively while accounting for the specific characteristics of non-financial obliged entities.

However, it is imperative to clearly define group parameters to ensure a proportionate approach when an entity belongs to a corporate group. The assessment of the actual impact of a breach, as well as the resulting pecuniary penalties, should focus on the risk manifested within that specific legal entity rather than being evaluated against the financial context of the entire group.

Furthermore, Paragraph 5 stipulates that supervisors, when determining sanctions, shall consider the financial strength of legal persons, including total annual turnover. As previously noted, the use of total annual turnover as an indicator of financial strength causes significant distortion for gambling operators. Relying on this metric may lead to the imposition of pecuniary sanctions that are fundamentally disproportionate to the entity's actual financial capacity.

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.

The gambling sector acknowledges that the proposed criteria for administrative measures are broadly aligned with the principles of proportionality and effectiveness. The following observations are submitted to address specific practical concerns regarding their application.

Regarding Article 7(2), the proposed four-week timeframe for responding may prove insufficient for large-scale groups or entities operating within complex governance structures. For such operators, this restrictive duration may impede the ability to provide comprehensive and accurate submissions. Consequently, the framework should include provisions for reasonable extensions when justified by the scale or cross-border nature of the group. Furthermore, the phrasing "up to four weeks" introduces regulatory ambiguity; a standardized minimum timeframe should be clearly established to ensure consistent application and interpretation across Member States.

Furthermore, given the potentially existential consequences of license suspension or withdrawal, such measures must be applied with strict adherence to the principle of proportionality and, where appropriate, in a sequential manner. The withdrawal or suspension of a license should not be triggered solely by a Category 3 or 4 classification. Instead, these measures should be predicated on demonstrable evidence of structural or material failure and the entity's inability to mitigate risks through less severe interventions.

The sector recommends that AMLA encourages formal coordination between AML supervisors and sectoral gambling regulators prior to the imposition of measures that materially impact market viability or licensing status. This ensures that such significant sanctions are reserved for demonstrable systemic deficiencies in AML controls or substantial ML/TF risk exposure.

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.

The gambling sector recognizes the importance of a clear, consistent, and predictable methodology for the imposition of periodic penalty payments (PePPs), as such a framework enhances legal certainty and ensures effective enforcement. The sector notes that the proposed framework is broadly sufficiently articulated to allow for a proportionate application to non-financial obliged entities, provided their specific money laundering and terrorist financing (ML/TF) risk profiles are adequately considered.

However, a critical consideration arises regarding the duration of PePPs. To remain commensurate and proportionate, the timeframe for these penalties must account for the technical realities of implementing corrective solutions. In instances where remediation requires complex technological development that may necessitate several months to complete, the imposition of a daily penalty would be unreasonable. Consequently, supervisors should establish realistic remediation milestones. PePPs should be aligned with clearly measurable periods of non-compliance rather than unavoidable delays inherent in technical implementation or system integration.

Finally, AMLA must remain mindful of market viability and stability, particularly within regulated consumer-facing sectors. Disproportionate measures — specifically those affecting licensing status — risk driving consumers toward the unregulated market, which operates outside the scope of EU AML safeguards. A proportionate application of the framework is therefore essential to uphold both AML objectives and broader market integrity.

## Contact

[Contact Form](#)