Ref. Ares(2026)8137747 - 25/08/2026

Consultation Paper

Draft Regulatory Technical Standards on the respective duties of the home and host supervisors, and the modalities of cooperation between them under Article 46(4) of Directive (EU) 2024/1640

Contents

AMLA REGULAR USE

1 Responding to this consultation 3

1.1 Data protection 3

1.2 Who should read this paper? 3

2 Executive Summary 4

Next steps 4

3 Background and rationale 5

3.1 Scope of the RTS 5

3.2 Simplification and proportionality 6

3.3 Cooperation modalities and uses of information 6

3.4 Information exchange, inquiries and common approaches 7

4 Draft regulatory technical standards 8

5 Accompanying documents 20

5.1 Impact Assessment with cost-benefit analysis 20

5.2 Overview of questions for consultation 26

1 Responding to this consultation

The Authority for Anti-Money Laundering and Countering the Financing of Terrorism ('AMLA') will host a public hearing on 28 May 2026 to consult on this draft. AMLA invites comments on the specific questions summarised in 5.2 during the public hearing.

Comments are most helpful if they:

- respond to the questions 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.

1.1 Data protection

The protection of individuals with regard to the processing of personal data by AMLA is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the AMLA website.

1.2 Who should read this paper?

All interested stakeholders are invited to read this Consultation Paper. AMLA welcomes participation from all interested stakeholders to the public hearing and invites comments on the specific questions in section 5.2 of this consultation paper.

2 Executive Summary

AMLA REGULAR USE

Article 46(4) of Directive (EU) 2024/1640 (AMLD) mandates AMLA to develop draft regulatory technical standards (RTS) specifying the respective duties of home and host supervisors, and the modalities of cooperation between them. These draft RTS support effective, structured and harmonised supervisory cooperation in respect of groups of obliged entities operating across borders, thereby contributing to the consistent application of AML/CFT requirements across the Single Market.

The proposed draft RTS addresses supervisors of obliged entities that are members of a group operating in the financial or non-financial sectors. It complements other cooperation instruments, including the AML/CFT colleges framework.

The proposed draft RTS combines foundational cooperation principles with specific provisions on

(i) information exchange, including obligations to share information on the supervisor's own initiative and upon request, with specific content requirements;

(ii) inquiries, setting out procedures for conducting or facilitating cross-border supervisory inquiries, including roles, timelines, and post-inquiry exchanges; and

(iii) common approaches, enabling supervisors to, where necessary, agree on coordinated or joint supervisory activities.

A simplified and cooperative approach is proposed with respect to the onward disclosure of information exchanged within the EU supervisory system composed of AMLA and the supervisory authorities in the Member States. Specifically, information exchanged pursuant to Article 46 AMLD may be disclosed to other members of the supervisory system without prior consent of the originating supervisor, subject to notification requirements. This choice reflects the trust-based nature of intra-system cooperation and avoids unnecessary friction in the flow of supervisory intelligence, while preserving full confidentiality vis-à-vis third parties. Information originating from third-country counterparts remains subject to prior consent requirements.

The proposed draft RTS further specifies practical arrangements such as communication channels, providing a comprehensive operational framework for day-to-day supervisory cooperation.

Next steps

AMLA will consult on reflections on the proposed draft RTS by holding a public hearing.

3 Background and rationale

AMLA REGULAR USE

Article 46(4) of AMLD requires AMLA to develop draft regulatory technical standards (RTS) to specify the respective duties of the home and host supervisors, and the modalities of cooperation between them.

Effective, timely and sustained cooperation between supervisors is important for the integrity of the financial system. It contributes to consistent, high-quality AML/CFT supervision of all obliged entities across the internal market and fosters supervisory convergence. In the context of cross-border groups, where supervisory responsibilities for a group are shared between supervisors in several Member States, cooperation and information sharing is necessary for a consistent, risk-based and targeted approach to the AML/CFT supervision of the group. The absence of clear and operational cooperation arrangements creates vulnerabilities, ultimately undermining the effectiveness of the AML/CFT framework.

These proposed draft RTS address that risk by establishing a baseline framework for home/host supervisory cooperation applicable to supervisors of cross-border groups of obliged entities. They clarify the respective duties for home and host supervisors and set out practical arrangements enabling them to cooperate to the greatest extent possible. In doing so, they operationalise Article 46 AMLD and contribute to the broader objective of ensuring that groups operating across borders are adequately and consistently supervised throughout the Union.

3.1 Scope of the RTS

In accordance with Article 46(6)(a) AMLD, Article 46 applies to the supervision of groups of obliged entities operating in the financial and non-financial sectors. The proposed draft RTS therefore specify cooperation modalities for home and host supervisors of groups in both sectors. Where an AML/CFT supervisory college is established, provisions in this proposed draft RTS are complemented by the framework established under the AML/CFT Colleges guidelines[1] and the draft RTS pursuant to Articles 49(14) and 50(13) AMLD once adopted. This means that the proposed draft RTS applies to the extent that processes are not otherwise governed by the college-specific framework. The proposed instrument will be part of a comprehensive cooperation framework also including the cooperation guidelines under Articles 64(6) and 69 of the AMLD.

Situations involving obliged entities that operate in another Member State exclusively through branches, agents, distributors or other forms of infrastructure are governed by Article 47 AMLD. These situations accordingly fall outside the scope of the proposed draft RTS. Where non-financial supervisors are responsible for obliged entities that are part of structures sharing

AMLA REGULAR USE

common ownership, management or compliance control, including networks or partnerships, Article 46(6) AMLD requires those supervisors to cooperate and exchange information. While such supervisors are not formally required to apply the procedures set out in these proposed draft RTS, they are encouraged to do so on a voluntary basis, given that those procedures represent a structured and operationally sound framework for supervisory cooperation.

The proposed draft RTS contain limited provisions on information covered by legal privilege, given the existence of Level 1 provisions governing this matter and the nature of the information covered by Article 46 AMLD. Information exchanged or disclosed pursuant to these proposed draft RTS relates to the exercise of supervisory tasks and is therefore supervisory in nature. As such, it does not, as a general rule, fall within the scope of legal professional privilege.

3.2 Simplification and proportionality

In developing these draft RTS, AMLA has sought to establish a single, horizontal framework applicable to both financial and non-financial sector supervisors, thereby avoiding the complexity and fragmentation that sector-specific rules would entail. The provisions are calibrated to be proportionate to the risk profile and operational characteristics of the supervised group, as well as to the capacities of the cooperating supervisors. Cooperation requests are for instance kept targeted and resource-conscious by requiring supervisors to first consult available registers and databases before submitting information requests to their counterparts. Within the EU supervisory system, a notification-based rather than consent-based approach to the onward disclosure of information has been adopted, reducing administrative friction and facilitating timely information flows. Together, these choices aim to ensure that the framework is effective and operationally efficient without imposing unnecessary burden on supervisors.

3.3 Cooperation modalities and uses of information

The proposed draft RTS specify practical arrangements (Article 3) including request procedures, acknowledgement and response obligations as well as channels of communication (Article 2). Regarding the latter, they take a forward-looking approach, accommodating the use of integrated digital solutions while maintaining a degree of flexibility for supervisors that have not yet implemented such tools. Irrespective of the means of communication, the proposed draft RTS require appropriate security and access controls in all cases.

The proposed draft RTS foster effective and efficient information exchange by removing obstacles to such exchange where possible. In that regard, a simplified approach is proposed with respect to the onward disclosure of information within the supervisory system. This principle is reflected in Article 9 of the proposed draft RTS, which explicitly provides that information exchanged pursuant to Article 46 AMLD may be disclosed to other members of the supervisory system

without prior consent of the originating supervisor, subject to notification requirements. In line with the framework established under Art 51 AMLD, information originating from third-country counterparts remains subject to prior consent. This means that information exchanged in the context of cooperation agreements with third countries will not be disclosed without the explicit consent of the supervisor that shared it.

3.4 Information exchange, inquiries and common approaches

Articles 4 to 6 of the proposed draft RTS specify the modalities of information exchange between home and host supervisors. In addition to exchanges on request, both home and host supervisors have to share information on their own initiative where that information could significantly influence the assessment of the inherent or residual risk exposure of an obliged entity in another Member State. Specific categories of information are identified for this purpose, including risk assessments, supervisory findings, relevant regulatory developments, and information relating to the imposition of sanctions or administrative measures. The latter must be shared before the concerned entity is notified of the beginning of the relevant procedure. Before submitting a request for information, supervisors are expected to assess whether the information sought is already available through existing registers or databases, including beneficial ownership registers, central bank account registers, and the central AML/CFT database under AMLAR. Such provision reflects a simplified and resource-conscious approach to cooperation: by drawing first on already available data, supervisors avoid placing unnecessary burdens on their counterparts and ensure that cooperation requests are targeted and proportionate.

Article 7 of the proposed draft RTS addresses cooperation in the context of cross-border inquiries. The term "inquiry" is used broadly and encompasses on-site inspections and other types of supervisory engagement. The framework builds on Article 44 AMLD, which lays down general principles regarding supervisory cooperation while Article 46(3) AMLD also explicitly refers to supervisors' ability to conduct inquiries on behalf of a requesting and share the related information, or to facilitate the conduct of such inquiries by the requesting supervisor. The proposed draft RTS set out procedural requirements applicable to both scenarios, covering advance notification, allocation of resources, points of contact, and exchange of findings upon completion.

Article 8 of the proposed draft RTS introduces a framework for agreed common approaches to the supervision of cross-border groups. Home and host supervisors are expected to engage in regular exchanges with a view to identifying, where appropriate, opportunities for common supervisory approaches. Where such an approach is agreed, the supervisors must document its scope, timeline, information exchange modalities, and options for coordinated follow-up, including where applicable coordinated enforcement measures. A common approach may lead to coordinated supervisory actions, including coordinated or joint inspections.

4 Draft regulatory technical standards

AMLA REGULAR USE

COMMISSION DELEGATED REGULATION (EU) …/…

of *DATE*

supplementing Directive (EU) 2024/1640 of the European Parliament and of the Council with regard to regulatory technical standards detailing the respective duties of the home and host supervisors, and the modalities of cooperation between them under Article 46 of that Directive

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive (EU) 2024/1640 of the European Parliament and of the Council of 31 May 2024 on the mechanisms to be put in place by Member States for the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Directive (EU) 2019/1937, and amending and repealing Directive (EU) 2015/849, and in particular Article 46(4) thereof,

Whereas:

(1) In accordance with Article 46(6)(a) of Directive (EU) 2024/1640, Article 46 of this Directive applies to the supervision of groups of obliged entities operating in both the financial and non-financial sectors. Therefore, this Regulation should specify the respective duties of home and host supervisors, and the modalities of their cooperation, in relation to both these sectors, without prejudice to the provisions applied in relation to the AML/CFT supervisory colleges.

(2) Supervisors should apply the procedures set out in this Regulation in supervisory cooperation contexts. This may be the case in particular for the cooperation and information exchange between non-financial supervisors responsible for obliged entities in the non-financial sector that are part of structures which share common ownership, management or compliance control, including networks or partnerships.

(3) In the cases covered by Article 2(1), point (42)(b) of Regulation (EU) 2024/1624, the parent undertaking and, consequently, the supervisor of the home Member State should be identified according to the criteria specified in the [Delegated Regulation transposing the draft RTS under Article 16(4) of Regulation (EU) 2024/1624].

(4) To ensure effective supervisory cooperation across all entities within the scope of this Regulation, and in line with the principles of the European Commission's simplification agenda, home and host supervisors should apply this Regulation in a proportionate manner and taking into account, in its application, the risk profile of the supervised obliged entities and groups thereof.

(5) The home and host supervisors should cooperate with each other, regardless of their respective nature or status. This cooperation extends throughout the supervisory life cycle and covers the exchange of relevant information that supervisors hold.

(6) Supervisors should agree on communication modalities and keep record of their exchanges. Such modalities should be subject to appropriate security, access controls and access logs. During a transitional period and where integrated solutions or IT specfication are not in place , the supervisors may employ temporary means of receiving and transmitting cooperation requests, such as functional mailboxes.

(7) The information that the supervisors exchange or disclose pursuant to this Regulation relates to the exercise of their supervisory tasks and does not, as a general rule, fall within the scope of legal professional privilege. If supervisors come into possession of information covered by legal privilege, they should not be required to share or disclose it in the context of group supervision. .

(8) Cooperation between supervisors may involve conducting inquiries on behalf of a requesting supervisor, or facilitating the conduct of such inquiries. Inquiries include a single request or several requests. Inquiries may include but are not limited to (a) requests by home supervisors to establish how a subsidiary applies group-wide policies, procedures and controls, and requests by supervisors to supervise the compliance of the establishments located in their Member State with Regulations (EU) 2024/1624 and (EU) 2023/1113, and (b) requests by supervisors in relation with requests from other comptetent bodies in their Member State, under the conditions of Article 68(3) of Directive (EU) 2024/1640. Supervisors should cooperate when conducting or facilitating the conduct of inquiries as well as regarding the subsequent exchange of the information obtained through such inquiries.

(9) Home and host supervisors may agree on following a common approach to the AML/CFT supervision of entities that are part of the same group, by setting out the process to be followed to ensure an effective and consistent supervision of the group. Such common approach may lead to a coordinated supervisory action, which may include coordinated or joint inspections conducted by the home and the host supervisors.

(10) Information provided in accordance with this Regulation should be bound by professional secrecy and confidentiality requirements for all parties involved in the exchange of that information. Hence, specific provisions should be set out in this Regulation as to how this information can be further disclosed.

(11) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the Authority for Anti-Money Laundering and Countering the Financing of Terrorism (the 'Authority').

(12) The Authority has conducted an open public consultation on the draft regulatory technical standards on which this Regulation is based and analysed the potential related costs and benefits,

AMLA REGULAR USE

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This RTS establishes the framework for cooperation between supervisors of obliged entities in the financial and non-financial sectors that form part of a group and operate across borders, including:

(a) information exchange, without prejudice to provisions applying in cases where AML/CFT supervisory colleges are set up;

(b) conducting inquiries on behalf of or facilitating the inquiries of a requesting supervisor or in relation with requests from other competent bodies;

(c) carrying out activities in accordance with agreed common approaches, that may lead to coordinated or joint supervisory activities.

Article 2

Communication channels

1. Supervisors shall communicate with one another and with the Authority when acting as a supervisor using channels that ensure an appropriate level of confidentiality, security, access controls and access logs. Supervisors shall, where available, use collaborative and integrated solutions designed to support structured workflows, secure data exchanges and record keeping.

2. Home and host supervisors may contact each other using information on contact points or persons communicated to the Authority pursuant to Article 62(2) of Directive (EU) 2024/1640.

Article 3

Practical arrangements for supervisory cooperation

1. To initiate a request for cooperation, the requesting supervisor shall submit a request to the supervisor from whom cooperation is sought. Written requests shall be made using the template specified in Annex I where possible. The following minimum information shall be provided:

(a) identification of the requesting and requested supervisors;

AMLA REGULAR USE

(b) the obliged entity or entities concerned, to the extent possible specifying the type of the concerned obliged entities with reference to Article 3 of Regulation (EU) 2024/1624 ;

(c) the type of request, a description of the information requested or of the planned inquiry, its intended use;

(d) relevant precisions on data confidentiality and foreseen channels of communication;

(e) the preferred timeframe for a response.

2. The request shall be transmitted using channels of communication described in Article 2.

3. In duly justified circumstances, the requesting supervisor may make the request by means other than those referred to in Article 2, including orally.

4. The requests for cooperation and the subsequent exchanges between supervisors in accordance with this Regulation shall be submitted in any Union language agreed by the home and host supervisors.

5. The requested supervisor shall acknowledge the receipt of the request without undue delay and shall ask the requesting supervisor for any clarification that it deems necessary. The form specified in the Annex II may be used.

6. The requested supervisor shall make every effort to respond to the request within the timeframe specified. Where the requested supervisor is unable to comply with the request or to meet the indicated preferred timeframe, it shall inform without undue delay the requesting supervisor of the reasons for such inability and, where appropriate, propose an estimated date of response.

7. The home and host supervisors shall maintain a record of all cooperation actions, including requests, decisions taken and information exchanged.

Article 4

Information exchange arrangements

1. Prior to submitting a request for information, supervisors shall verify whether the requested information is already available and accessible. It includes, where relevant, assessing whether such information is included in the data contained in the central beneficial ownership registers established under Article 10 of Directive (EU) 2024/1640, in the central bank account registers or electronic data retrieval systems referred to in Article 16 of Directive (EU) 2024/1640 and in any other registers held by the European Supervisory Authorities or the European Central Bank. Supervisors may also consider requesting access

to data contained in the central AML/CFT database established under Article 11 of Regulation (EU) 2024/1620.

AMLA REGULAR USE

2. Before concluding that it is not in a position to provide the requested information, the requested supervisor shall assess whether the information could be easily obtained through its own means, including by requesting it directly from the obliged entity concerned or by contacting the relevant authority.

3. Information covered by legal privilege within the meaning of Article 70(2) of Regulation (EU) 2024/1624 shall not be exchanged for the purposes of this Regulation. In case of doubt, supervisors shall undertake to jointly identify the scope of the requested information that is covered by legal privilege and exclude it from the exchange.

4. Where, as referred to in Article 3(6), the requested supervisor is not able to provide all the information required within the timeframe set out in the request, it shall provide the information it has available within the estimated date of response provided in accordance with Article 3(6).

5. Upon request, information exchanged shall be updated at intervals agreed between the relevant supervisors.

Article 5

Information to be provided by the home supervisor

1. The home supervisor shall provide on its own initiative to a host supervisor information that could significantly influence the assessment of the inherent or residual risk exposure of an obliged entity in a host Member State, including:

(a) information referred to in points (b), (e) and (f) of Article 46(3) of Directive (EU) 2024/1640. Information referred to in point (f) shall be provided without undue delay and, in any case, before the obliged entity concerned has been notified of the initiation of a procedure to impose pecuniary sanctions or apply administrative measures.

(b) updated parent company risk assessments, with risk assessments performed by obliged entities pursuant to Article 10 of Regulation (EU) 2024/1624 to the extent obtained and assessments performed by supervisors pursuant to Article 40 of Directive (EU) 2024/1640;

(c) relevant regulatory developments;

(d) relevant internal and external audit findings and supervisory findings.

2. Other information not listed above may be provided by the home supervisors on request or on their own initiative. These include relevant planned or recent supervisory activities and relevant risk reports.

Article 6

Information to be provided by the host supervisor

AMLA REGULAR USE

1. Host supervisors shall provide on their own initiative to a home supervisor or to another host supervisor information that could significantly influence the assessment of the inherent or residual risk exposure of an obliged entity in the Member State of such supervisor, including:

(a) information referred to in points (b), (e) and (f) of Article 46(3) of Directive (EU) 2024/1640. Information referred to in point (f) shall be provided without undue delay and, in any case, before the obliged entity concerned has been notified of the initiation of a procedure to impose pecuniary sanctions or apply administrative measures.

(b) updated local risk assessments, with risk assessments performed by obliged entities pursuant to Article 10 of Regulation (EU) 2024/1624 to the extent obtained and assessments performed by supervisors pursuant to Article 40 of Directive (EU) 2024/1640;

(c) relevant regulatory developments;

(d) relevant internal and external audit findings and supervisory findings.

2. Other information not listed above may be provided by the host supervisors on request or on their own initiative. These include relevant planned or recent supervisory activities and relevant risk reports.

Article 7

Inquiries

1. Home and host supervisors shall cooperate to the greatest extent possible in the conduct of inquiries involving cross-border establishments. They shall agree on specific arrangements in accordance with their applicable laws. Such arrangements shall cover, at a minimum, means of contact between the home and the host supervisor and modalities for the timely exchange of information obtained in relation to the inquiry.

2. The requesting supervisor shall notify the requested supervisor sufficiently in advance of any planned inquiry concerning a cross-border establishment, including any intention to seek the assistance of the requested supervisor to carry out the inquiry on its behalf. The notification shall include the information referred to in Article 3(1). Where notifications are made in writing, they shall to the extent possible follow the template specified in Annex I.

AMLA REGULAR USE

3. The requested supervisor shall without undue delay inform the requesting supervisor of how it intends to either conduct, within its own powers, the inquiry on behalf of the requesting supervisor or to facilitate the conduct of the inquiry by the requesting supervisor.

4. Where the requested supervisor undertakes the inquiry on behalf of the requesting supervisor, it shall, without undue delay, communicate the resources assigned to the task, identify the relevant points of contact, and indicate the expected timeframe for completion of the inquiry.

5. Where the requested supervisor is unable to conduct the inquiry itself or where the requesting supervisor is to carry out the inquiry directly with the prior consent of the requested supervisor, the requested supervisor shall, where feasible:

(a) take reasonable steps to facilitate access by the requesting supervisor to the relevant obliged entities and information sources within its jurisdiction;

(b) assist or support the requesting supervisor in obtaining authorisations or permissions required under national law;

(c) provide support to the requesting supervisor in overcoming language, procedural, or operational barriers encountered in course of the inquiry.

6. Upon completion of the inquiry, the requested and requesting supervisors shall hold an exchange of views to discuss the findings and observations linked to the inquiry.

7. Any refusal or limitation to conduct or facilitate an inquiry shall be duly justified, documented and communicated to the requesting supervisor.

Article 8

Common approaches

1. The home and host supervisors shall exchange views upon the start of supervision of groups operating across borders and, afterwards, continue doing so on a regular basis, with a view to identifying, where appropriate, common approaches regarding the supervision of obliged entities that are part of a group.

2. Where a common approach is agreed upon, the home and host supervisors shall keep record of the following:

(a) the activities to be performed under the common approach;

(b) the timeline for the execution of these activities;

AMLA REGULAR USE

(c) the modalities of information exchange related to the common approach, including the information to be shared during and as a result of the implementation of the activities carried out under the common approach;

(d) the options for coordinated follow-up, if any, including, where applicable, coordinated enforcement measures.

3. When deciding to carry out a coordinated supervisory action, home and host supervisors shall assess the following:

(a) the nature and level of the ML/TF risk that the joint action is designed to assess or mitigate;

(b) the specific risks or legal or regulatory provisions that form the subject matter of coordinated action, and any differences in the applicable legal and regulatory framework;

(c) the supervisory resources available and the planned allocation of supervisory resources.

4. Where home and host supervisors have agreed on following a common approach but one fails to act in accordance with the approach, the other may refer this failure to the Authority.

Article 9

Permissible uses of information

1. Information exchanged pursuant to Article 46 of Directive (EU) 2024/1640 shall be disclosed to supervisors, including the Authority when acting as a supervisor or public authorities as referred to in Article 52 of Directive (EU) 2024/1640 without prior consent of the supervisor from which the information originated, except in those cases where the information originates from a third-country counterparty.

The supervisor that originated the information shall be notified of the following to the extent possible before or at the latest at the time of disclosure:

(a) the information shared;

(b) the recipient of the information;

(c) the rationale of the disclosure.

2. Information exchanged pursuant to Article 46 of Directive (EU) 2024/1640 may be disclosed without prior consent of the supervisor from which the information originated in other cases, where such disclosure is authorised or required under Union law, including in cases where the exchange of information is carried out with Financial Intelligence Units, competent authorities referred to in Article 2(1)(44), points (c) and (d) of Regulation (EU)

2024/1624 or with authorities in charge of implementing targeted financial sanctions mentioned in Article 66 of Directive (EU) 2024/1640. The same applies when the information received by the supervisor is used for the purposes set out in Article 67(3) points (b) and (c) of the Directive (EU) 2024/1640. The supervisor that originated the information shall be notified of the following to the extent possible before or at the latest at the time of disclosure:

(a) the information shared;

(b) the recipient of the information;

(c) the legal basis of the obligation to disclose;

(d) the rationale of the disclosure.

Article 10

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

ANNEX I

Request for cooperation

AMLA REGULAR USE

Reference number (where applicable): **Date:**

FROM: **TO:**

Member State:	Member State:
Competent authority:	Competent authority:
Address:	Address:
Name:	Name:
Telephone number:	Telephone number:
Email:	Email:

Dear [*name*],

Under Article 46(4) of Directive (EU) 2024/1640, we are seeking your input on the matter(s) detailed below.

I would be grateful to receive a response to this request by [*insert indicative date for the reply*] or, if that is not possible, for an indication of your estimated date of response.

Type of request

Please tick the appropriate box(es):

Information exchange	☐
Inquiry	☐
Other – please provide details below	☐

Please provide the main reasons for the request and entity or entities concerned. Please also precise the type of the concerned obliged entities with reference to Article 3 of Regulation (EU) 2024/1624, where applicable):

. . . . . .
. . . . . .

If the request is urgent, please explain the urgency:

. . . . . .
. . . . . .

For information requests: Please provide a detailed description of the information sought:

. . . . . .
. . . . . .

Please explain how you expect to use the information provided, adding any further comments on data confidentiality:

. . . . . .
. . . . . .

Please add any further comments you may deem necessary related to the information requested, e.g., foreseen frequency of the exchange:

. . . . . .
. . . . . .

For inquiry requests: Please provide information on the nature of inquiry, its scope and plan, including the planned dates of the inquiry:

. . . . . .
. . . . . .

Yours sincerely,

[*signature*]

ANNEX II

Reply to a request for cooperation

AMLA REGULAR USE

Reference number (where applicable): **Date:**

FROM: **TO:**

Member State:	Member State:
Competent authority:	Competent authority:
Address:	Address:
Name:	Name:
Telephone number:	Telephone number:
Email:	Email:

Dear [*name*]

Below is the response to your request [*Reference number*]

Please provide all the information needed to meet the request and help the cooperation process:

. . . . . .

If you were unable to either partially or entirely satisfy the request or meet the deadline for the reply, please explain the reasons and where applicable give an estimate of the date(s) by which the response can be provided:

. . . . . .

Please add any further comments on data confidentiality:

. . . . . .

Yours sincerely,

[*signature*]

5 Accompanying documents

AMLA REGULAR USE

5.1 Impact Assessment with cost-benefit analysis

Introduction

As per Article 49(1) of Regulation (EU) 2024/1620, before submitting draft RTS to the Commission, AMLA shall conduct open public consultations and analyse the potential related costs and benefits.

This analysis presents the Impact Assessment with Cost-Benefit Analysis (IA/CBA) of the main policy options included in the Consultation Paper (CP) on the draft RTS under Article 46(4) of Directive (EU) 2024/1640 on the respective duties of the home and host supervisors, and the modalities of cooperation between them within the anti-money laundering and countering the financing of terrorism (AML/CFT) supervisory system for the purposes of group supervision.

This IA/CBA is qualitative in nature and the policy choices have been taken in accordance with qualitative considerations, based on input obtained from the financial supervisors and the non-financial supervisors to which the draft RTS is addressed.

A. Problem identification

The previous AML/CFT framework relied on the transposition, by Member States, of high-level AML/CFT standards set out in Directive (EU) 2015/849. This proved insufficient to tackle the inherently cross-border nature of financial crime, which can be effectively addressed only through an integrated and harmonised approach at Union level, along with strong cooperation between supervisors across jurisdictions. Directive (EU) 2015/849 included a general requirement for supervisors of home and host Member States to cooperate, which was subsequently strengthened. Moreover, although the European Supervisory Authorities issued guidelines on AML/CFT colleges in 2019[2], these guidelines do not cover all types of home-host relationships in the context of group AML/CFT supervision.

In practice, significant divergences in supervisory practices exist across Member States, alongside the absence of sufficiently robust arrangements for cross-border cooperation and information exchange between supervisors, creating persistent challenges for group-level supervision, especially in those situations where an AML/CFT college is not established. In such cases, cooperation has often been relying on bilateral and ad hoc agreements, resulting in significant operational burden for supervisors and creating frictions to information flows. Cooperation challenges may also be present in the non-financial sector, due to the marked

[2] Joint Guidelines on cooperation and information exchange for the purpose of Directive (EU) 2015/849 between competent authorities supervising credit and financial institutions.

heterogeneity of its sub-sectors and the divergent approaches to supervisory set-ups in parts of it.

AMLA REG Cooperation between supervisors is essential to ensure a common supervisory approach across the Union and represents a prerequisite for the effective functioning of the AML/CFT supervisory system. It is therefore necessary to establish a robust and harmonised framework governing cooperation between supervisors, including provisions to ensure timely and secure information exchange. This will notably enhance the effectiveness of supervision of obliged entities that form part of cross-border groups.

Under Directive (EU) 2024/1640, supervisors of the home Member State and those of the host Member State should cooperate to the greatest extent possible and regardless of their respective nature or status. Furthermore, the Directive mandates the establishment of AML/CFT supervisory colleges in the financial sector with respect to obliged entities that operate in several Member States through establishments and with respect to obliged entities which are part of a cross-border group, and encourages such colleges in the non-financial sector. However, it remains necessary to clarify the precise responsibilities of home and host supervisors and provide a harmonised cooperation framework, especially in group-supervision scenarios where no AML/CFT college is set up.

To this end, Article 46(4) of Directive 2024/1640 requires AMLA, in light of its coordinating role, to develop a draft RTS detailing the respective duties of home and host supervisors of groups and the modalities of cooperation between them, in the absence of detailed provisions in the Directive and other regulatory instruments.

B. Policy objectives

This draft RTS aims to support the effective functioning of the AML/CFT supervisory system, by establishing a framework for cooperation and information exchange between supervisors of the home Member State and supervisors of the host Member State in contexts of group supervision, in the financial and non-financial sectors. The draft RTS applies to the supervision of groups, without prejudice to more specific or different provisions to be applied where AML/CFT colleges are established in accordance with Articles 49 and 50 of Directive (EU) 2024/1640.

More specifically, the draft RTS establishes the framework to ensure effective cooperation in group-level supervision scenarios between home and host supervisors. It defines their respective duties and responsibilities along with cooperation modalities. It details practical arrangements with regards to the conduct of inquiries, carrying out activities in accordance with agreed common approaches and exchanging information, where such information is not covered by legal privilege. The draft RTS fosters timely and relevant cooperation between home and host supervisors, while safeguarding confidentiality and data protection obligations.

C. Baseline scenario

The baseline scenario would foresee the application of a number of provisions on the cooperation between home and host supervisors for the purposes of AML/CFT supervision of groups, as specified in Article 46 of Directive (EU) 2024/1640. In particular, Article 46(1) requires Member States to ensure that supervisors of the home Member State and those of the host Member State cooperate with each other to the greatest extent possible, and cooperate with AMLA when acting as a supervisor. Furthermore, under Article 46(2), Member States must ensure that home supervisors supervise the effective implementation of the group-wide policies, procedures and controls, while host Member State supervisors supervise the compliance of the establishments located in their territory. Moreover, Article 46(3) requires Member States to ensure that supervisors provide one another with any information necessary for the exercise of their supervisory tasks – whether on request or on their own initiative – and especially any information necessary for the assessment of the inherent or residual risk exposure of an obliged entity in another Member State. Lastly, Member States shall ensure that the same provisions apply to the groups of obliged entities in the financial and non-financial sectors, according to Article 46(6).

Article 46 of the Directive (EU) 2024/1640 does not provide any further details about the respective responsibilities of home and host supervisors or the modalities of cooperation between them. This gap might create legal and operational uncertainties that could weaken the efficiency and effectiveness of cooperation between supervisors of the home Member State supervisors and the supervisors of the host Member State in context of group supervision. In particular, the absence of clear and harmonised provisions on cooperation modalities would increase operational burden on supervisors, who would need to rely on bilateral and ad hoc cooperation agreements. Another risk is that information may simply fail to reach the requesting supervisor where the requested one does not respond, creating de facto gaps in supervisory coverage that no existing provision addresses. This would also undermine cooperation and in particular information sharing, which could, in turn, erode the robustness and efficacy of supervision of groups with cross-border operations.

D. Options considered, cost-benefit analysis, and preferred option

This section describes the main policy options considered and the decisions taken by AMLA as part of the development of the draft RTS on cooperation between home and host supervisors for the purposes of cross-border group supervision.

This section starts by outlining the overarching approach guiding the policy decisions. Then, it presents the main policy options considered for each policy issue addressed by the draft RTS, followed by an analysis of the potential costs and benefits of each option from a qualitative perspective, concluding with the preferred options resulting from the analysis.

Overarching principles

As overall approach when drafting the policy mandate, AMLA has sought to strike an appropriate balance between granular and flexible provisions. More specifically, the draft RTS sets out

provisions applying to the supervision of groups of obliged entities in the financial and non-financial sector operating across borders, including practical arrangements for supervisory cooperation, particularly in the context of information exchange, inquiries and common approaches. These provisions aim to ensure legal and operational clarity, reducing the need for supervisors to negotiate bilateral agreements for cooperation and information exchange, while supporting a more harmonised Union-wide approach. At the same time, the draft RTS allows for an appropriate degree of flexibility, thereby limiting unnecessary regulatory burden for supervisors and enhancing administrative efficiency.

The draft RTS also aims to ensure **continuity and coherence with existing EU regulatory instruments** regarding supervisory cooperation and information exchange where this is warranted, such as the EBA's Guidelines on AML/CFT Colleges[3] and Commission Delegated Regulation (EU) 2021/1722[4].

Policy issue 1: Horizontal or sectoral approach

The provisions related to cooperation in the context of group supervision set out in Article 46 of Directive (EU) 2024/1640 apply to the financial and non-financial sectors. Accordingly, the draft RTS under Article 46(4) is intended to apply across both sectors as well. AMLA therefore assessed whether the draft RTS should be fully horizontal or complemented with sector-specific provisions. Two options were considered:

A. Adopting a **horizontal approach**;
B. Adopting a **horizontal approach, with sector-specific provisions** where needed.

Under **Option A**, the draft RTS would contain a single set of provisions applying equally to financial and non-financial supervisors.

This option would entail several benefits. It would ensure the maximum harmonisation of cooperation modalities between supervisors in the financial and non-financial sector, reducing fragmentation and fostering convergence and consistency in supervisory practices. This would provide benefits in terms of effectiveness of cooperation, and ensure adherence to the harmonisation objective pursued by the new EU AML/CFT framework. This approach would also promote a simplification of the legal framework, by providing a single set of risk-based, proportionate and principle-based provisions, thereby facilitating implementation and reducing interpretative divergence.

[3] Joint guidelines on cooperation and information exchange for the purpose of Directive (EU) 2015/849 between competent authorities supervising credit and financial institutions (The AML/CFT Colleges).

[4] Commission Delegated Regulation (EU) 2021/1722 of 18 June 2021 supplementing Directive (EU) 2015/2366 of the European Parliament and of the Council with regard to regulatory technical standards specifying the framework for cooperation and the exchange of information between competent authorities of the home and the host Member States in the context of supervision of payment institutions and electronic money institutions exercising cross-border provision of payment services.

The only limitation linked to this approach is that it would imply keeping the provisions high-level enough to encompass a wide range of cross-border situations.

AMLA REG Under **Option B**, the draft RTS would retain a common core of harmonised provisions applicable to both the financial and non-financial sector, while introducing targeted sector-specific provisions to address identified differences in supervisory structures or arrangements.

In terms of benefits, this approach would ensure harmonisation to the maximum extent possible, while addressing sectoral specificities through targeted provisions, where deemed necessary and duly justified. This could improve operational fit in selected contexts where supervisory structures or arrangements materially differ.

However, this approach would introduce additional layers of complexity and could create inconsistencies across sectors. In addition, the introduction of separate provisions for different sectors could complicate cooperation between supervisors in the contexts cross-sectoral group structures and reduce the benefits of a single, coherent cooperation framework.

Given the considerations explained above, **Option A** was chosen. The draft RTS adopts a fully horizontal approach, establishing a single coherent framework to support timely and effective cooperation between supervisors in the context of cross-border groups of obliged entities in the financial and non-financial sector. This approach supports supervisory convergence through harmonised supervisory practices, in line with the objectives of the AML/CFT framework, while also promoting simplification of the legal framework. To ensure proportionality across the full range of supervisory contexts, the draft RTS specifies that the provisions should be applied having regard to the size, risk profile and operational characteristics of the supervised group, as well as to the capacities of the cooperating supervisors.

Policy issue 2: Scope of cooperation

Article 46(4) of Directive (EU) 2024/1640 requires the draft RTS to specify the respective duties of the home and host supervisors, and the modalities of cooperation between them. When defining the scope of cooperation, AMLA considered the following options:

A. **General cooperation framework**, including only general, principle-based provisions;
B. **General cooperation framework**, with **specific provisions on the main types of cooperation**.

Under **Option A**, the draft RTS would establish a broad cooperation framework consisting of principle-based provisions, without distinguishing between different types of cooperation.

In terms of benefits, this approach would provide a high level of flexibility for supervisors, which would retain discretion to select and calibrate cooperation modalities, and adopt targeted practical arrangements, on a case-by-case basis, facilitating context-specific solutions.

However, this approach would not provide sufficient legal certainty and operational clarity for supervisors regarding the modalities of cooperation between them. In the absence of clear expectations, supervisors may adopt divergent approaches, which could potentially hinder timely and effective cross-border cooperation. Moreover, where the framework is too high-level, supervisors may still need to negotiate bilateral arrangements to agree practical cooperation modalities. This would reduce administrative efficiency and create operational and administrative costs for supervisors.

Under Option B, the draft RTS would contain general provisions applicable to all situations in the context of group supervision, complemented by targeted provisions for the most relevant and recurrent types of cooperation.

This option would entail significant benefits. A common framework would ensure effective cooperation through the entire supervisory cycle, enhance harmonisation, and promote convergence and consistency of cooperation practices. At the same time, specific provisions would provide additional guidance regarding the most recurrent and relevant forms of cooperation, thus enhancing legal clarity and increasing operational efficiency.

However, this option implies a modest increase in complexity. This cost is considered negligible, since the reduced flexibility for supervisors would be offset by the greater legal clarity and operational efficiency provided by this approach.

Given the assessment outlined above, Option B was adopted. The draft RTS provides common provisions applicable to all situations in the context of group supervision, complemented by targeted provisions on the most relevant and recurrent cooperation modalities, namely information exchange, common approaches, and inquiries. The draft RTS also specifies that information covered by legal privilege falls outside the scope of this cooperation framework, as it does not relate to the exercise of supervisory activities. Overall, this approach provides a streamlined, proportionate, and harmonised framework ensuring effective cooperation in the context of group supervision, while ensuring legal clarity and operational efficiency.

Policy issue 3: Consent and permissible use of information

Effective AML/CFT supervision of groups of obliged entities requires timely information exchange among supervisors, while ensuring compliance with professional secrecy and confidentiality requirements when information is disclosed. When addressing consent and permissible use of information, AMLA considered the following policy options:

A. Restricting information disclosure, requiring prior consent for all situations in which information is disclosed;
B. Facilitating information disclosure, requiring notification rather than prior consent for information disclosure within the EU supervisory system, except in those cases where the information originates from a third-country counterpart.

AMLA REGULAR USE

Under Option A, the draft RTS would require prior consent from the supervisor which originated the information in all cases in which information is disclosed.

The main benefit of this approach is that it does not imply any changes with respect to the current regulatory framework, thus avoiding any adaptation costs.

However, requiring consent for all types of disclosure of information would impose excessive burden on supervisors, resulting in disproportionate administrative costs and potentially impairing timely information flows. The administrative friction might reduce the scope and speed of information disclosure, ultimately undermining the effectiveness of cooperation in the context of group supervision.

Under Option B, the draft RTS would not require prior consent to disclose information to other EU supervisors, AMLA acting as supervisor, and public authorities overseeing SRBs, except in those cases where the information originated from a third-country counterpart. However, a notification requirement would be introduced. The same would apply to cases where onward disclosure is authorised or required under Union law.

In terms of benefits, this option would reduce administrative costs associated with information-sharing and facilitate timely information exchanges in the context of group supervision, thereby enhancing the effectiveness of cooperation. At the same time, limiting the scope of application of this provision to the EU supervisory context, along with introducing a notification requirement, would preserve trust among supervisors.

Although this option would reduce the level of ex ante control by the originating authority for intra-EU onward disclosures, this would be counterbalanced by the need to facilitate information flows and enhance cooperation within the EU.

Given the considerations outlined above, Option B was chosen. This option facilitates information disclosure in the context of group supervision, thus increasing the effectiveness of cooperation, while still preserving trust among supervisors and ensuring data protection and compliance with professional secrecy and confidentiality requirements.

5.2 Overview of questions for consultation

Question 1: Do you have any comments on the proposals in recitals and Article 1 (Scope) of the draft RTS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

Question 2: Do you have any comments on the proposals in Articles 2 and 3 (Channels of communication and Practical arrangements) of the draft RTS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

Question 3: Do you have any comments on the proposals in Articles 4, 5 and 6 (Information exchange) of the draft RTS? If you think adjustments are needed, please explain your rationale and provide evidence of the impact the proposals would have if they remained unchanged.

AMLA REGULAR USE

Question 4: Do you have any comments on the possibility of operational or legal challenges, in implementing the provisions of the draft RTS related to information exchange? If you think adjustments are needed, please explain your rationale and provide evidence of the impact the proposals would have if they remained unchanged.

Question 5: Do you have any comments on the proposals in Article 7 (Inquiries) of the draft RTS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.

Question 6: Do you have any comments on the proposals in Article 8 (Common approaches) of the draft RTS? If you think adjustments are needed, please explain your rationale and provide evidence of the impact the proposals would have if they remained unchanged.

Question 7: Do you have any comments on the proposals in Article 9 (Permissible uses of information) of the draft RTS? If you think adjustments are needed, please explain your rationale and provide information of the impact the proposals would have if they remained unchanged.