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Final Report

Draft Regulatory Technical Standards on pecuniary sanctions, administrative measures and periodic penalty payments under Article 53(10) of Directive (EU) 2024/1640

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1 Executive Summary

Article 53(10) of Directive (EU) 2024/1640 (AMLD) requires AMLA to issue draft Regulatory Technical Standards (RTS) to specify 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.

The approach set out in these draft RTS consist of several consecutive steps:

1) As a first step, supervisors will assess the level of gravity of a breach. To ensure a consistent approach, the draft RTS set out a list of indicators that all supervisors will take into account.
2) In a second step, supervisors will classify the level of gravity of a breach in one of four categories by order of severity. The RTS set out how breaches should be classified into each of those categories.
3) In a third step, supervisors determine the level of pecuniary sanctions or administrative measures. The RTS list the criteria supervisors will apply to this effect.

Supervisors will apply supervisory judgement to determine whether and to what extent different indicators and criteria are met.

The draft RTS also contain specific provisions for natural persons who are not themselves obliged entities, including senior management and members of the management body in its supervisory function, and procedural aspects for the imposition of periodic penalty payments (PePPs), such as the right to be heard, a limitation period for the collection of PePPs, and the minimum content of the decision by which a PePP is imposed.

AMLA publicly consulted on a version of the draft RTS between 9 February 2026 and 9 March 2026. Feedback obtained was reflected in this draft RTS as appropriate.

1.1 Next steps

The draft regulatory technical standards will be submitted to the European Commission for adoption before being published in the Official Journal of the European Union.

2 Background and rationale

Article 53(10) of the AMLD requires AMLA to issue draft Regulatory Technical Standards (RTS) on enforcement. These draft RTS cover:

a) indicators to classify the level of gravity of breaches (Section 1 of the draft RTS)

b) criteria to be taken into account when setting the level of pecuniary sanctions or applying administrative measures pursuant to this Section (Section 2 of the draft RTS)

c) a methodology for the imposition of periodic penalty payments pursuant to Article 57, including their frequency (Section 3 of the draft RTS)

In March 2024, the European Commission asked the European Banking Authority (EBA) to advise it on this mandate. The EBA conducted an open public consultation on a version of the draft RTS between 6 March and 6 June 2025. It submitted its advice to the European Commission in October 2025. This advice contained the EBA's proposals for draft RTS under Article 53(3) of the AMLD. In its advice, the EBA suggested that, based on the feedback it received, its proposed draft RTS applied to the financial sector as it did to the non-financial sector.

AMLA assessed the EBA's proposals and considered that the proposed draft RTS were proportionate and conducive to effective enforcement outcomes. However, since the rate of responses by non-financial sector stakeholders to the EBA's public consultation was low, AMLA decided to consult on it again between February and March 2026, specifically to obtain feedback from the non-financial sector. Following the public consultation, amendments to Article 1, 2, 4 and recitals of the draft RTS were introduced to ensure they are applicable to both the financial and non-financial sector.

2.1 Simplification and proportionality

In developing these draft RTS, AMLA sought to establish a single, horizontal framework applicable to both financial and non-financial sector supervisors that supports a consistent approach to enforcement across Member States.

Concretely, the draft RTS provide a common understanding of the breaches that warrant the imposition of pecuniary sanctions or application of specific administrative measures. They set out a list of indicators that supervisors must take into account when assessing the level of gravity of breaches. They also classify the level of gravity of breaches into four categories of increased severity.

Together, these choices aim to ensure that the framework is effective and operationally efficient while contributing to regulatory simplification by reducing fragmentation and interpretative divergence amongst Member States.

2.2 General Considerations

One of AMLA's key objectives is to prevent the use of the Union's financial system for ML/TF purposes by ensuring high quality AML/CFT supervision and contributing to supervisory convergence across the internal market. These draft RTS play a central role in achieving this objective. Once applied, the RTS will ensure that the same breach of AML/CFT requirements is assessed in the same way by all supervisors in all Member States and that the resulting enforcement measure is proportionate, effective, and dissuasive.

General considerations underpinning the draft RTS were the following:

- The introduction of a robust, harmonised approach to enforcement was important because the Financial Action Task Force (FATFs) and Moneyval mutual evaluation reports[1] suggest that EU Member States' non-financial sector supervision framework is fragmented and largely ineffective. This undermines the integrity of the EU's financial system.
- The need to ensure convergence is further highlighted by the data collected in the EU's central database for anti-money laundering and counter-terrorism financing (EuReCA), which contains information on serious deficiencies identified in financial institutions. Information provided by supervisors as part of these reports shows that approaches to enforcement are not aligned. For example, although differences in the level of fines or other enforcement measures are expected, given the range of financial institutions and differences in the severity of individual findings, EuReCA data suggest that similar breaches by financial institutions in similar situations currently result in different supervisory responses.
- Pecuniary sanctions, administrative measures and periodic penalty payments may be imposed separately or in combination.
- Particular provisions should apply to natural persons that are not themselves obliged entities. This includes senior management and the management body in its supervisory function.
- Supervisory cooperation is important to ensure proportionate and effective enforcement outcomes. Provisions governing such cooperation are set out in the AMLD. They are outside of the scope of this mandate.

The draft RTS introduce several consecutive steps. The first two steps are outlined under Section 1 and require supervisors to assess the level of gravity of a breach and subsequently classify the level of gravity of the breach. The third step is outlined under Section 2, which lists the criteria supervisors will apply to determine the level of pecuniary sanctions or administrative measures to impose. Finally, Section 3 covers procedural aspects for the imposition of periodic penalty payments.

[1] Mutual Evaluations

2.3 Indicators to classify the level of gravity of breaches (Section 1)

As a first step of the process, Article 1 of the draft RTS set out a list of common indicators that supervisors will consider when assessing the level of gravity of breaches. This includes the elements pertaining to the breach such as duration, repetition, impact, nature, structural failures, and others.

Secondly, Article 2 of the draft RTS set out specific situations in which the breach should be classified in a certain category. When classifying the level of gravity of a breach, supervisors shall use four categories by increased order of severity: starting from the lowest category one, moving on to category two, category three, and the highest category four.

The draft RTS also explain the legal effect of the classification of level of gravity of breaches, clarifying in Article 3 that a breach with a level of gravity classified as category three or four shall be deemed serious, repeated or systematic in the meaning of Article 55(1) of Directive (EU) 2024/1640.

2.4 Criteria to be considered when setting the level of pecuniary sanctions or applying administrative measures (Section 2)

As a third step, the draft RTS set out the criteria to be considered when setting the level, or amount, of pecuniary sanctions. The draft RTS therefore contain criteria that will help competent authorities decide whether they should increase or decrease the level of pecuniary sanctions. These criteria include the level of cooperation, conduct, benefit derived, and others. They are aligned with the enforcement provisions that apply to AMLA where possible.

At the same time, the draft RTS recognise that, for enforcement to be effective, supervisors must consider the context in which the breach has occurred and therefore, apply supervisory judgement. A specific Recital stresses the importance of this step. Similarly, to provide for sufficient flexibility, the draft RTS do not create a full classification of the breaches, and the specific situations set out in the draft RTS do not prevent supervisors from classifying other breaches in those categories.

Regarding the criteria for applying administrative measures, the draft RTS focus on the most serious measures listed in Article 56(2) of the AMLD, i.e. point (f) withdrawal or suspension of authorisation, point (e) restriction or limitation of business, and point (g) change in governance structure. To provide for further convergence across the EU, the draft RTS set out the criteria supervisors should consider when considering applying those measures. The policy objective is to simultaneously trigger a more consistent approach in the way supervisors consider applying those measures and to ensure that the appropriate criteria are assessed.

2.5 A methodology for the imposition of periodic penalty payments pursuant to Article 57, including their frequency (Section 3)

Periodic penalty payments (PePPs) are a new enforcement measure in the EU AML/CFT context. Until now, their use has been limited to a few Members States. The aim of PePPs is to end an ongoing breach of AML/CFT duties. As a PePP is an enforcement measure and not a sanction, the criteria used by supervisors before deciding the amount of the PePP are not the same as criteria proposed for the imposition of pecuniary sanctions.

The proposed approach to PePPs takes inspiration from delegated acts issued by the European Commission and the practice of Members States in which they are already applied. In line with these examples, the draft RTS cover procedural aspects for the imposition of periodic penalty payments, e.g., the right to be heard, a limitation period for the collection of PePPs, and the minimum content of the decision by which a PePP is imposed. It reiterates that unless stipulated differently, the process of imposition of PePPs shall be governed by national law in force in the Member State where the periodic penalty payments are imposed and collected.

The general principles of administrative law such as rule of law, legality, protection of legitimate expectations, proportionality, fairness, and right to non-self-incrimination apply to all Union acts and to any enforcement proceeding.

3 Draft regulatory technical standards

COMMISSION DELEGATED REGULATION (EU) …/...

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supplementing Directive (EU) 2024/1640 of the European Parliament and of the Council with regards to regulatory technical standards specifying indicators to classify the level of gravity of breaches, criteria to be taken into account when setting the level of pecuniary sanctions or applying administrative measures, and the methodology for the imposition of periodic penalty payments for the purposes of Article 53(10)

(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 53(10), first subparagraph points (a), (b) and (c) thereof,

Whereas:

(1) Supervisors should have a common understanding of the breaches that warrant the imposition of pecuniary sanctions or administrative measures to ensure a consistent approach to enforcement across Member States. To achieve this, this Regulation sets out a list of indicators that supervisors should take into account when assessing the level of gravity of breaches. It also classifies the level of gravity of breaches into four categories of increased severity. In doing so, this Regulation contributes to regulatory simplification by reducing fragmentation and interpretative divergence amongst Member States.

(2) When determining the level of gravity of breaches by classifying them into the four categories, and when setting the level of pecuniary sanctions and applying administrative measures, supervisors should take into account in their overall assessment all applicable indicators and criteria. Supervisors should use their supervisory judgement to analyse whether and to what extent these indicators and criteria are met.

(3) The list of indicators and criteria specified by this Regulation is non-exhaustive. This is to enable supervisors to take into account the specific context in which the breach has occurred. Where supervisors consider additional specific indicators or criteria, they should justify their use. Supervisors should ensure that supervisory judgement is applied in a coherent and consistent way, with comparable outcomes. They should also ensure their approach supports the convergence of practices and the consistency and comparability of enforcement outcomes across Member States.

(4) To ensure a consistent approach to assessing the level of gravity of breaches across Member States, this Regulation sets specific combinations of indicators that, if identified by the supervisor as an outcome of the assessment of a breach, should lead to its classification into a certain category of gravity. Those combinations of indicators are not exhaustive. Supervisors may classify other combinations of indicators into the same categories.

(5) An important indicator for classifying the level of gravity of breaches is the conduct of the natural person or of the legal person, including its senior management and its management body in its supervisory function. Supervisors should pay particular attention to situations where the natural person or legal person appears to have had knowledge of the breach and took no action, or where their action directly contributed to the breach.

(6) Some administrative measures are more severe than others. To ensure a consistent approach across Member States, it is necessary to set out common criteria that supervisors should take into account when considering whether to apply the administrative measures listed under Article 56(2), points (e), (f), and (g), of Directive (EU) 2024/1640, including the withdrawal or suspension of the authorisation, since these could have the highest impact on the obliged entities and the market.

(7) Periodic penalty payments are a tool that supervisors can use to compel compliance with administrative measures. Where supervisors decide to impose periodic penalty payments they should take into account all relevant factors when determining the appropriate and proportionate amount of periodic penalty payments on obliged entities and natural persons to compel them to comply with the imposed administrative measures.

(8) The decision on the imposition of periodic penalty payments should be taken on the basis of findings that allow the supervisor to conclude that an obliged entity or natural person has failed to comply with an administrative measure within a specified period.

(9) Decisions to impose periodic penalty payments should be based exclusively on grounds on which the obliged entity or natural person has been able to exercise its right to be heard.

(10) The periodic penalty payments imposed should be effective and proportionate, having regard to the circumstances of the specific case.

(11) To ensure legal certainty, if not otherwise stipulated by this Regulation, provisions of law applicable in the Member State where the periodic penalty payment is imposed and collected, should apply.

(12) Supervisors should respect, when imposing pecuniary sanctions, the principle of ne bis in idem as recognised by the Charter of Fundamental Rights of the European Union.

(13) As the requirements stipulated by Regulation (EU) 2024/1624 apply to football clubs and football agents from 10 July 2029, this Regulation provides for a deferred application date in relation to these obliged entities.

(14) 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.

(15) The Authority for Anti-Money Laundering and Countering the Financing of Terrorism 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.

HAS ADOPTED THIS REGULATION:

Section 1 Indicators for the classification of the gravity of breaches

Article 1 - Indicators to classify the level of gravity of breaches

To classify the level of gravity of a breach, supervisors shall take into account all of the following indicators, to the extent that they apply:

(a) the duration of the breach;

(b) the repetition of the breach;

(c) the conduct of the natural person or legal person that committed, permitted or did not prevent the breach;

(d) the impact of the breach on the obliged entity, by assessing:

  i. whether the breach concerns the obliged entity and whether it has an impact at group level or any cross-border impact;

  ii. the extent to which the products and services are affected by the breach;

  iii. the approximate number of customers affected by the breach;

  iv. the extent to which the effectiveness of the AML/CFT systems, controls and policies are affected by the breach;

(e) the impact of the breach on the exposure of the obliged entity, or of the group to which it belongs, to money laundering and terrorist financing risks;

(f) the nature of the breach, by assessing whether the breach is related to internal policies, procedures and controls of the obliged entity, customer due diligence, reporting obligations or records retention;

(g) whether the breach could have facilitated or otherwise led to criminal activities as defined in Article 2(1), point (3), of Regulation (EU) 2024/1624;

(h) whether there is a structural failure within the obliged entity with regards to AML/CFT systems, controls or policies or a material failure of the entity to put in place adequate AML/CFT systems, controls or policies;

(i) the actual or potential impact of the breach on the financial viability of the obliged entity or of the group of which the obliged entity is part;

(j) the actual or potential impact of the breach:

  i. on the integrity, transparency and security of the financial system of a Member State or of the Union as a whole, or on the financial stability of a Member State or of the Union as a whole;

  ii. on the orderly functioning of the internal market, including the financial market;

(k) the systematic nature of the breach;

(l) any other indicator identified by the supervisors.

Article 2 - Classification of the level of gravity of breaches

1. When classifying the level of gravity of a breach, supervisors shall use four categories as follows, by increased order of severity: category one, category two, category three, category four.

2. To classify the breaches into one of the four categories listed in paragraph 1, supervisors shall assess whether and to what extent all the applicable indicators of Article 1 of this Regulation are met.

3. Supervisors may classify under those categories breaches other than those described in paragraphs 4 to 7.

4. Supervisors shall classify the breach under category one breaches where there is no direct impact or the impact is minor on the obliged entity when assessing the indicators specified in Article 1, points (d) and (e), and, at the same time:

   - the indicator specified in Article 1, point (a), the breach has lasted for a short period of time, and
   - the indicator specified in Article 1, point (b), the breach has been committed on a non-repetitive basis.

   Supervisors shall not classify a breach as category one if indicators specified in Article 1, points (g) to (k) are met.

5. Supervisors shall classify the breach as category two where, for the indicators specified in Article 1, points (d) or (e), the impact is moderate and none of the indicators (g) to (k) of Article 1 are met.

6. Supervisors shall classify the breach as at least category three where:

   (a) one of the indicators specified in Article 1 points (b) or (k), is met, or

   (b) the indicators specified in Article 1, point (d) or point (e), the impact is significant, and at the same time:

      i the indicator specified in Article 1, point (a), the breach has persisted over a significant period of time.

7. Supervisors shall classify the breach as category four where:

   (a) the indicators specified in Article 1, point (d) or point (e), the impact is very significant, or

   (b) when indicator specified in Article 1, point (h), is met, or

   (c) the indicator specified in Article 1, point (g), the breach has facilitated or otherwise led to significant criminal activities as defined in Article 2(1), point (3), of Regulation (EU) 2024/1624, or

   (d) the indicators specified in Article 1, point (i) or (j), the breach has a significant impact.

8. Breaches that would not be classified as category three or category four when assessed in isolation could amount to a breach of category three or four when assessed in combination.

Article 3 - Legal effect of the classification of level of gravity of breaches

A breach with a level of gravity classified as category three or four in accordance with Article 2 shall be deemed serious, repeated or systematic in the meaning of Article 55(1) of Directive (EU) 2024/1640.

Section 2 Criteria to be taken into account when setting the level of pecuniary sanctions and applying the administrative measures listed under this Regulation

Article 4 - Criteria to be taken into account when setting the level of pecuniary sanctions

1. To set the level of pecuniary sanctions, supervisors shall, after performing the assessment of the indicators specified in Articles 1 and 2, take into account:
   (a) the circumstances referred to in Article 53(6) of Directive (EU) 2024/1640, and
   (b) the criteria specified in paragraphs 2 to 6.
2. The level of pecuniary sanctions shall decrease taking into account each of the following criteria, to the extent that they apply:
   (a) the level of cooperation of the natural person or the legal person held responsible with the supervisor. Supervisors shall consider, in particular, whether the natural person or the legal person has quickly and effectively brought the complete breach to the supervisor's attention and whether it has actively and effectively contributed to the investigation of the breach conducted by the supervisor;
   (b) the conduct of the natural person or the legal person held responsible since the breach has been identified either by the natural person or legal person itself or by the supervisor. Supervisors shall consider, in particular, whether the natural person or legal person held responsible has taken effective and timely remedial actions to end the breach or has taken voluntary adequate measures to effectively prevent similar breaches in the future;
   (c) any other criteria identified by the supervisor.
3. The level of pecuniary sanctions shall increase taking into account each of the following criteria, to the extent that they apply:
   (a) the level of cooperation of the natural person or the legal person held responsible with the supervisor. Supervisors shall consider, in particular, whether the natural or legal person has failed to cooperate with the supervisor, did not disclose to the supervisor anything the supervisor would have reasonably expected, or took actions aimed at partially or fully concealing the breach to the supervisor or at misleading the supervisor;
   (b) the conduct of the natural person or the legal person held responsible since the breach was identified either by the entity itself or by the supervisor and the absence of remedial actions or measures taken to prevent breaches in the future;
   (c) the degree of responsibility of the natural person or legal persons held responsible and whether the breach was committed intentionally;
   (d) the benefit derived from the breach insofar as it can be determined and whether the natural person or legal person held responsible has benefited or could benefit either financially or competitively from the breach or avoid any loss;

(e) the losses to third parties caused by the breach, insofar as they can be determined, and the loss or risk of loss caused to customers or other market users;

(f) previous breaches by the natural person or the legal person held responsible and whether the supervisor has imposed any previous sanction concerning an AML/CFT breach or has previously requested remedial action be taken concerning an AML/CFT breach, and whether such action has not been taken in the time requested;

(g) any other criteria identified by the supervisor.

4. In addition to the criteria set out in paragraphs 1 to 3, when setting the level of pecuniary sanctions for natural persons who are not themselves obliged entities, supervisors shall take into account, where applicable, their role and effective responsibilities in the obliged entity, the scope of their functions and the extent of involvement in the breach.

5. When setting the level of pecuniary sanctions, supervisors shall take into account the financial strength of the legal person held responsible, including, where applicable, and in the light of its total annual turnover, any available relevant information from the financial statements in order to assess financial capacity, information from prudential authorities on the level of regulatory capital and liquidity requirements or any available reliable and relevant information.

6. When setting the level of pecuniary sanctions, supervisors shall take into account the financial strength of the natural persons held responsible by assessing all the information made available. Such assessment shall cover the annual income, whether consisting of fixed or variable remuneration, received from the obliged entity or group of which the obliged entity is part and where relevant, other income of the natural person held responsible.

Article 5 - Criteria to be taken into account when applying the administrative measures listed under this Regulation

1. To set the type of administrative measure, supervisors shall, after assessing the indicators specified in Article 1 and 2, take into account:

(a) the circumstances referred in Article 53(6) of Directive (EU) 2024/1640, and

(b) the criteria specified in paragraphs 2 to 4.

2. When considering whether to restrict or limit the business, operations or network of institutions comprising the obliged entity, or requiring the divestment of activities as referred to in Article 56(2), point (e), of Directive (EU) 2024/1640, supervisors shall take into account each of the following criteria, to the extent that they apply:

(a) the level of gravity is classified pursuant to Article 2 as category three or four;

(b) whether such a measure is capable of mitigating the actual impact or preventing a potential impact by assessing the indicators specified in Article 1, points (e), (g), (i) or (j);

(c) the extent to which the business, operations or network of institutions comprising the obliged entity are affected by the breach or the potential breach;

(d) the extent to which the measure could have a negative impact on customers or stakeholders;

(e) any other criteria identified by the supervisor.

3. When considering whether to withdraw or suspend an authorisation as referred to in Article 56(2), point (f), of Directive (EU) 2024/1640, supervisors shall take into account each of the following criteria, to the extent that they apply:

   (a) the level of gravity is classified pursuant to Article 2 as category three or four;

   (b) whether such a measure is capable of mitigating the actual impact or preventing a potential impact by assessing the indicators specified in Article 1, points (e), (g), (i) or (j);

   (c) the conduct of the natural person or legal person held responsible;

   (d) whether there is a structural failure within the obliged entity, with regards to AML/CFT systems and controls and policies or a material failure of the entity to put in place adequate AML/CFT systems and controls;

   (e) any other criteria identified by the supervisor.

4. When considering the need for a change in the governance structure as referred to in Article 56(2), point (g), of Directive (EU) 2024/1640, supervisors shall take into account each of the following criteria to the extent that they apply:

   (a) the level of gravity is classified pursuant to Article 2 as category three or four;

   (b) the conduct of the natural person or legal person held responsible;

   (c) the natural person or legal person held responsible has not cooperated with the supervisor or took actions aimed at partially or fully concealing the breach to the supervisor or at misleading the supervisor, or the absence of remedial actions since the breach was identified, either by the natural person of legal person held responsible or by the supervisor;

   (d) the internal policies, procedures and controls put in place by the obliged entity are ineffective;

   (e) any other additional information, where appropriate, including information from a financial intelligence unit, from a prudential supervisor or any other authority or from a judicial authority;

   (f) any other criteria identified by the supervisor.

Section 3 Methodology for the imposition of periodic penalty payments pursuant to Article 57 of Directive (EU) 2024/1640

Article 6 - General provision

1. Unless otherwise stipulated by this Regulation and Directive (EU) 2024/1640, the administrative process of the imposition and collection of periodic penalty payments as set out in Article 57 of the Directive (EU) 2024/1640 shall be governed by provisions stipulated by national law in force in the Member State where the periodic penalty payments are imposed and collected.
2. References made to Directive (EU) 2024/1640 shall be construed as references to laws, regulations and administrative provisions into which Member States shall transpose this Directive pursuant to Article 78 thereof.

Article 7 - Statement of findings and right to be heard

1. Before making a decision to impose a periodic penalty payment pursuant to Article 57 of Directive (EU) 2024/1640, supervisors shall submit a statement of findings to the natural person or legal person concerned, setting out the reasons for justifying the imposition of the proposed periodic penalty payment and the amount to be used for its calculation.
2. The statement of findings shall set a time limit of up to four weeks within which the natural person or legal person concerned may make written submissions.
3. The supervisor shall not be obliged to take into account written submissions received after the expiry of that time limit for deciding on the periodic penalty payment.
4. The right to be heard of the natural person or legal persons concerned shall be fully respected in compliance with the administrative process specified in Article 6(1).

Article 8 - Decision on periodic penalty payments

1. The decision on the imposition of periodic penalty payments shall be based only on facts on which the natural person or legal person concerned has had an opportunity to exercise its right to be heard.
2. A decision on the imposition of a periodic penalty payment pursuant to Article 57 of Directive (EU) 2024/1640 shall at least indicate the legal basis, the reasons for the decision and the amount that will be used for the calculation of the final accrued amount of the periodic penalty payment.
3. When deciding on the amount that will be used for the calculation of the final accrued amount of the periodic penalty payment, the supervisor shall take into account all of the following factors:
   (a) the type and the object of the applicable administrative measure that has not been complied with;
   (b) reasons for the non-compliance with the applicable administrative measure;
   (c) the losses to third parties caused by the non-compliance with the applicable administrative measure, provided they were determined when the applicable administrative measure was imposed;

(d) the benefit derived from the non-compliance with the applicable administrative measure, provided they were determined when the applicable administrative measure was imposed;

(e) the financial strength of the natural person or legal person concerned, provided this was determined when the applicable administrative measure was imposed.

Article 9 - Calculation of periodic penalty payments

1. The amount of the periodic penalty payment can be set on a daily, weekly or monthly basis.

2. A periodic penalty payment shall be enforced and collected only for the period of noncompliance with the relevant administrative measure referred to in Article 56(2), points (b), (d), (e) and (g), of Directive (EU) 2024/1640. The period of non-compliance with the relevant administrative measure referred to in Article 56(2), points (b), (d), (e) and (g), of Directive (EU) 2024/1640 shall be determined by the supervisor.

Article 10 - Limitation period for the collection of periodic penalty payments

1. The collection of the periodic penalty payment shall be subject to a limitation period of five years. The five years period referred to in paragraph 1 shall start to run on the day following that on which the decision setting the final accrued amount of periodic penalty payment to be paid is notified to the natural person or legal person concerned.

2. The limitation period for the collection of periodic penalty payments can be interrupted or suspended in compliance with provisions stipulated by national law in force in the Member State where the periodic penalty payments are collected.

Article 11 - Entry into force and application date

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

It shall apply from [10 July 2027], except in relation to obliged entities referred to in Article 3, points (3)(n) and (o), of Regulation (EU) 2024/1624, to which it shall apply from 10 July 2029.

It shall not apply to proceedings related to pecuniary sanctions, administrative measures and periodic penalty payments initiated before 10 July 2027.

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

Done at Brussels,

For the Commission

The President

[...]

On behalf of the President

[...]

[Position]

4 Accompanying documents

4.1 Impact assessment with cost-benefit analysis

On 12 March 2024, the European Banking Authority received a Call for Advice (CfA) from the European Commission (EC) on certain draft regulatory technical standards (RTS) under the new EU AML/CFT framework. This CfA included the mandate under Article 53(10) AMLD on the way supervisors will classify breaches of the new regime by severity, and the criteria they will apply when setting the level of pecuniary sanctions or taking administrative measures, or when imposing periodic penalty payments. The European Commission emphasised that the drafting work requested from the EBA would "be instrumental for ensuring that the regulatory technical standards can be submitted by AMLA to the Commission for adoption in due time".

The EBA publicly consulted on a version of this RTS between 6 March and 6 June 2025. It also assessed the costs and benefits its proposals would have if they were adopted.

The EBA submitted its response to the European Commission on 30 October 2025. AMLA assessed the EBA proposals, and the extent to which these proposals align with AMLA's own objectives and approach. AMLA also considered legal certainty, alignment with other mandates and timeliness. AMLA was satisfied that the EBA's proposals are proportionate and conducive to effective outcomes and adopted them as their own.

AMLA was mindful that some non-financial stakeholders may have been unaware of the EBA's public consultation, given the EBA's remit on the financial sector. Therefore, AMLA carefully considered whether additional public consultation was needed, focusing more specifically on the need to collect additional feedback from non-financial sector stakeholders. More specifically, the following options were considered.

A. Retaining the draft RTS proposed by the EBA as a baseline, while opening its own public consultation to collect additional feedback from non-financial sector stakeholders.
B. Retaining the draft RTS proposed by the EBA without any amendments and without opening its own public consultation.

Under Option A, AMLA would take over the text proposed by the EBA, considering the horizontal, proportionate and risk-based provisions that the proposed draft RTS contain. However, since responses from non-financial sector stakeholders to the EBA's public consultation were limited, AMLA would still consult in a targeted way and for a short period of time to collect additional feedback from non-financial sector stakeholders. This approach would entail several benefits. It would preserve consensus reached by EU AML/CFT supervisors throughout the EBA's drafting process. In addition, it would enable AMLA to address any potential outstanding issues through targeted amendments based on the additional input collected, where relevant and duly justified. This approach would not entail any significant costs, except for the limited drafting and governance costs associated with AMLA's public consultation. Overall, this approach represents a robust and low-risk baseline, capitalising on the maturity of the EBA's proposed text, while still enabling AMLA to collect feedback from the non-financial sector and possibly include limited, targeted amendments, only where relevant and duly justified, to ensure proportionality of the final text.

Under **Option B**, AMLA would retain the draft RTS proposed by the EBA without any amendments and without opening its own public consultation, considering that the EBA had already conducted a public consultation on the proposed text. This approach would retain the benefits of the horizontal text proposed by the EBA and would allow AMLA to submit the draft RTS early and without incurring the governance costs associated with a new public consultation. However, this approach would prevent AMLA from collecting feedback from AML/CFT supervisors and obliged entities in the non-financial sector, which might not have been sufficiently represented in the EBA's drafting process and might not have been sufficiently made aware of the EBA's previous consultation. Overall, although this approach would ensure early legal certainty and a smooth transition to the new framework, it might not ensure the proportionality of the final text with respect to the non-financial sector.

Based on the considerations above, **Option A was the preferred option**. Following the public consultation undertaken by AMLA, to address concerns expressed by some private sector stakeholders, amendments to Article 1, 2, 4 and recitals of the draft RTS were introduced to ensure it is applicable to financial and non-financial sectors.

4.2 Feedback on the public consultation

The EBA publicly consulted[2] on a version of these RTS between 6 March and 6 June 2025. It also assessed the impact its proposals would have if they were adopted. The EBA submitted its response to the European Commission on 30 October 2025[3]. This response reflected the public consultation feedback the EBA had received.

AMLA also publicly consulted on the draft RTS contained in this paper. AMLA particularly sought the feedback of stakeholders from the non-financial sector since the rate of responses to the EBA's consultation by non-financial sector stakeholders was low. This ensured that the non-financial sector's views were fully captured and if necessary and duly justified by objective criteria, reflected in the final draft RTS.

AMLA's consultation period lasted for one month and ended on 9th March 2026. 91 responses were received, of which 88 were valid and published on AMLA's website. Respondents were geographically represented across more than 20 Member States. 70% of respondents represented the non-financial sector.

This section presents a summary of the key points arising from AMLA's consultation, the analysis and discussion triggered by these comments and the actions taken to address them if deemed necessary. Changes to the draft RTS have been incorporated as a result of the responses received during the public consultation.

[2] The EBA consults on new rules related to the anti- money laundering and countering the financing of terrorism package | European Banking Authority

[3] The EBA advises the European Commission on the foundations of the new anti-money laundering/countering the financing of terrorism regime | European Banking Authority

4.2.1 SUMMARY OF KEY ISSUES AND AMLA'S RESPONSE

Respondents supported the objective of a harmonised EU enforcement regime, welcoming greater transparency and proportionality. They also supported the set of indicators and criteria as a means to improve consistency across Member States and the structured approach to setting fines. There was general acceptance that periodic penalty payments can be an effective tool to compel compliance and respondents broadly confirmed the application of these draft RTS to the non-financial sector.

Where respondents raised concerns, these primarily related to four areas: ensuring proportionality towards the non-financial sector; the scope of the mandate under Article 53(10) of AMLD, the need to tailor specific indicators and criteria to ensure their applicability to the non-financial sector, and particular characteristics of the application of periodic penalty payments.

1) Proportionality towards the non-financial sector

Most non-financial respondents (lawyers, notaries, auditors, SMEs, sole practitioners) highlighted that the draft RTS transpose financial-sector concepts onto non-financial actors, which they said were very different. They considered that, as drafted, it was insufficiently tailored to the size, business model, and actual ML/TF risk of the non-financial sector.

AMLA's response:

AMLA acknowledges the importance of ensuring that the draft RTS are applied in a proportionate manner across the financial and non-financial sectors. At its core, the AMLD provides that Member States shall "impose effective, dissuasive and proportionate pecuniary sanctions. More specifically, Article 53(2) AMLD states that 'any sanction imposed or measure applied pursuant to this Section shall be effective, proportionate and dissuasive". The application of the draft RTS are therefore intended to fully reflect and operate in accordance with these general requirements.

In response to the feedback received, AMLA brought changes to the draft RTS to clarify its application to the non-financial sector.

2) The scope of the mandate under Article 53(10) of AMLD

A small number of respondents expressed their view that Articles 2 and 3 of the draft RTS exceeded AMLA's mandate under Article 53(10) AMLD because they went beyond defining indicators and instead introduced a structured classification of breaches. They considered that this constrained supervisory discretion and pre-determined sanctioning outcomes.

AMLA's response:

Recital 102 of the AMLD outlines that there is "no common understanding among supervisors as to what should constitute a 'serious' violation and thus they cannot readily discern when a pecuniary sanction should be imposed." To address this, the mandate under Article 53(10) AMLD requires AMLA to establish common criteria for determining the most appropriate supervisory response to AML/CFT breaches. AMLA believes that the content of the draft RTS is within the scope of the mandate under Article 53(10) AMLD.

Article 1 of the draft RTS establishes the relevant indicators, while Article 2 complements this by structuring their assessment through four categories of increasing severity. These provisions are therefore intended to operate together to harmonise how the gravity of breaches is determined, with

Article 2 providing a practical framework for applying the indicators set out in Article 1. Moreover, the categorisation introduced in Article 2 supports the broader mandate under point (b), as it is used to inform the level of pecuniary sanctions and the applicability of administrative measures. Article 3 further clarifies that breaches falling under categories three and four meet the definition of 'serious, repeated or systematic' under Article 55(1) AMLD. In this way, Articles 2 and 3 are designed to operationalise and give effect to the mandate in Article 53(10) by specifying how breaches are to be classified and treated within the AMLD framework.

AMLA amended Article 2(6) of the draft RTS to further clarify that breaches classified as categories three and four meet the definition of serious, repeated or systematic breaches under Article 55 (1) AMLD.

3) Ensuring indicators and criteria are applicable to the non-financial sector

Some respondents noted that certain indicators were not defined (e.g. Article 1, points (b), (h) and (k)). They were concerned that this might lead to different interpretations across supervisors. They also highlighted that, in their view, the relevance of some indicators to the non-financial sector was limited as they were designed for financial institutions.

Respondents also raised concerns that 'cooperation' as an aggravating factor risked clashing with professional secrecy and went against the privilege of self-incrimination and that financial-sector concepts such as regulatory capital or liquidity were largely irrelevant for the non-financial sector.

AMLA's response:

Supervisors are required to apply the draft RTS in accordance with the fundamental principles of proportionality under the AMLD. This means that they will need to be able to apply supervisory judgement, as outlined in recital (2) of the draft RTS, to analyse, for each individual case whether and to what extent these indicators and criteria are met. Furthermore, AMLA will support and monitor the application of these RTS in line with its legal mandate to ensure consistent and effective AML/CFT supervision across the AML/CFT supervisory system. Regarding the applicability of certain indicators to the non-financial sector, AMLA amended the language of the draft RTS where necessary to clarify this.

Regarding the relationship between cooperation and professional secrecy, Article 4(3), point (a) of the draft RTS provide for an increase of the level of sanctions on the basis of 'insufficient' level of cooperation with the supervisors, consistently with Article 53(6), point (g) of AMLD. This provision should be applied by supervisors in compliance with the right to defence (including the right to silence) as general principles of EU law and which is also enshrined in Articles 47 and 48 of the Charter of Fundamental Rights of the EU[4]. In addition, AMLA has broadened Article 4(5) of the draft RTS to allow consideration of any available, reliable and relevant information, to ensure applicability to the non-financial sector.

[4] https://www.europarl.europa.eu/charter/pdf/text_en.pdf

4) Characteristics of the application of periodic penalty payments

Respondents expressed concerns that the current approach to periodic penalty payments lacked clarity on the calculation, accrual, and caps which risks inconsistent application as well as the possibility that penalties accumulate excessively and, especially for SMEs and sole practitioners, threatens financial viability. Respondents also highlighted insufficient flexibility in deadlines and stressed that periodic penalty payments should be applied only in cases of serious and persistent non-compliance and in a proportionate manner.

AMLA's response:

Periodic penalty payments are designed as a targeted and proportionate tool to ensure compliance, rather than a punitive mechanism. Their application is subject to the overarching AMLD principles that all measures must be effective, proportionate and dissuasive, and supervisors are expected to take into account the specific circumstances of each case.

The cases for which administrative measures are imposed can be very specific and thus there is a need for a periodic penalty payments methodology to be flexible so that, as long the provisions of the RTS do not stipulate otherwise, the provisions of national administrative law apply. The AML/CFT framework allows supervisors to take the necessary steps for non-compliance with the imposed administrative measure, these steps include, but are not limited to, periodic penalty payments.