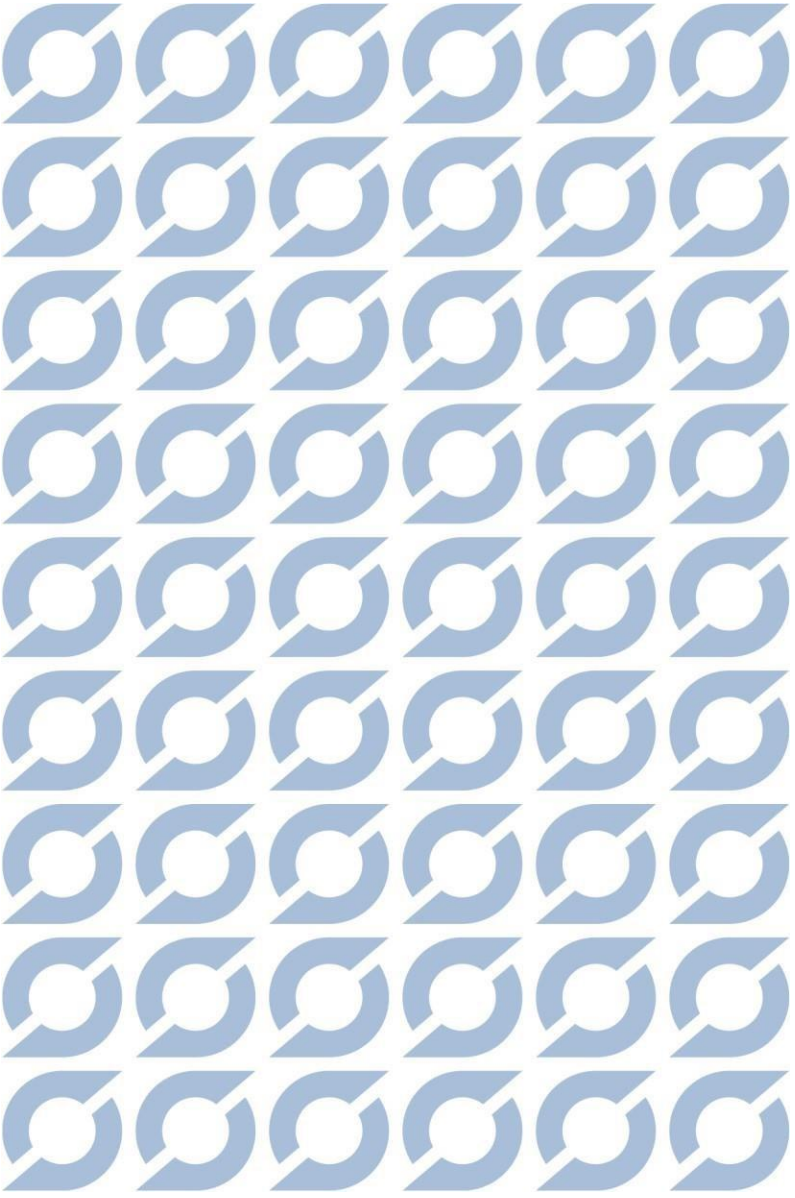
Ref. Ares(2026)8138211 - 25/08/2026

Consultation Paper

Draft Regulatory Technical Standards specifying the relevance and selection criteria when determining whether a report submitted pursuant to Article 69(1), first subparagraph, point (a), of Regulation (EU) 2024/1624 concerns another Member State under Article 31(3) of Directive (EU) 2024/1640.



AMLA
Anti-Money Laundering Authority

Contents

1 Responding to this consultation 2

1.1 Submission of responses 2

1.2 Publication of responses 2

1.3 Data protection 2

1.4 Who should read this Consultation paper? 3

2 Executive Summary 4

3 Background and rationale 6

3.1 General considerations 6

3.2 Selection Criteria 7

3.3 Simultaneous transmission of XBRs and XBDs 9

4 Draft regulatory technical standards 9

5 Accompanying documents 18

5.1 Draft impact assessment with cost-benefit analysis 18

5.2 Overview of questions for consultation 23

1. Responding to this consultation

The Authority for Anti-Money Laundering and Countering the Financing of Terrorism (AMLA) invites comments on all proposals set out in this Consultation Paper and in particular on the specific questions summarised in Section 5.2.

Comments are most helpful if they:

- respond to the question stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence to support the views expressed/rationale proposed; and
- describe any alternative regulatory choices AMLA should consider.

1.1 Submission of responses

To submit your comments, click on the 'respond' button on the consultation page by 01.10.2026. Please note that comments submitted after this deadline or submitted via other means may not be processed.

1.2 Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly indicate in the consultation form if you wish your comments to be treated as confidential. A confidential response may be requested from us in accordance with Regulation 1049/2021 regarding public access to European Parliament, Council and Commission documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by the European Ombudsman.

1.3 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.

1.4 Who should read this Consultation Paper?

All interested stakeholders are invited to respond to this Consultation Paper. In particular, AMLA encourages Financial Intelligence Units to participate.

2. Executive Summary

Article 31(3) of Directive (EU) 2024/1640 ('AMLD') requires AMLA to develop regulatory technical standards ('RTS') specifying the relevance and selection criteria when determining whether a report submitted pursuant to Article 69(1), first subparagraph, point (a), of Regulation (EU) 2024/1624 concerns another Member State.

In this context, the third subparagraph of Article 31(1) of Directive (EU) 2024/1640 provides that, where a report of suspicion concerns another Member State, the FIU shall "*promptly forward the report, or all the relevant information obtained from it, to the FIU of that other Member State*". For the purposes of this draft RTS, these two alternatives are operationalised as distinct forms of cross-border transmission. The forwarding of the report corresponds to so-called cross-border reports (XBRs), while the forwarding of all relevant information obtained from the report corresponds to cross-border disseminations (XBDs).

This draft RTS specifies harmonised relevance and selection criteria for determining when a report of suspicion concerns another Member State and should be transmitted as an XBR or XBD to one or more other FIUs. It forms a key component of the EU framework to enhance effective, timely and proportionate cooperation among FIUs.

This consultation aims to ensure awareness of the progress made, the policy choices underpinning the draft RTS, and the next steps in the adoption process. To fulfil its mandate, AMLA established a dedicated working group, which met several times since December 2025 with broad stakeholder representation. The drafting builds on previous work conducted within the FIU Platform and has been closely coordinated with related mandates, notably the ITS under Article 31(2) AMLD on FIU-to-FIU exchanges of information and the ITS under Article 69(3) AMLR on the format to be used by the obliged entities for reporting suspicious transactions and providing transaction records to FIUs.

A key objective of the RTS is to provide legal clarity by defining the concepts of XBRs and XBDs, which are widely used in practice but not explicitly defined in the Directive. The RTS establishes a structured and harmonised framework for the identification and transmission of cross-border information, based on objective, standardised and automatable criteria relying on structured data.

At its core, the draft RTS seeks to strike an appropriate balance between preventing the oversharing of personal data and ensuring that FIUs receive information that is genuinely relevant to their mandate. This balance is reflected in the differentiated treatment of XBRs and XBDs.

For XBRs, which arise in the context of the freedom to provide services, the RTS prioritises legal certainty and operational clarity. It sets out a hierarchy of selection criteria to identify the appropriate receiving FIU, based primarily on the location of the customer and complemented by secondary criteria where such information is unavailable.

For XBDs, which capture more indirect cross-border links and therefore require an additional assessment of relevance, the draft RTS introduces a stricter and tiered approach aimed at mitigating the risk of oversharing.

On the one hand, dissemination is permitted only where specific and demonstrable connections with one or more other Member States can be established (selection criteria), based on links to primary subjects or to financial assets associated with them, or through an automated process within FIU.net, whereby the data made available by an FIU are cross-matched, on a hit/no-hit basis.

On the other hand, a relevance assessment is also required. A key policy choice underpinning the RTS concerns the allocation of responsibilities between FIUs in this context. Transmitting FIUs are tasked with applying the selection criteria and ensuring the prompt transmission of a limited set of key data, while receiving FIUs are responsible for assessing the relevance of the information received. This reflects the view that the receiving FIU is best placed to determine whether the information falls within its risk framework.

This approach is supported by a flexible, risk-based mechanism, including the use of scorecards within FIU.net, enabling prioritisation of cases in line with national risk considerations.

The RTS also clarifies operational scenarios where both XBRs and XBDs are triggered by the same report, ensuring that all relevant Member States receive appropriate information and avoiding unjustified gaps in cross-border exchanges. Furthermore, it ensures alignment with related legislative mandates: elements triggering selection criteria are designed to be embedded in reporting formats under Article 69(3) AMLR, enabling automated processing, while also serving as the justification for FIU-to-FIU exchanges under Article 31(2) AMLD.

The draft RTS also addresses a number of specific operational scenarios linked to the relevance and selection criteria, including:

- the transmission of XBRs and XBDs to more than one Member State; and
- the simultaneous transmission of both an XBR and one or more XBDs in relation to the same report of suspicion.

Overall, the draft RTS operationalises a coherent and proportionate framework for cross-border information sharing. By combining harmonised rules and a risk-based

allocation of responsibilities, it strengthens legal certainty, improves efficiency, and enhances the EU's capacity to detect and combat cross-border money laundering and terrorist financing.

3. Background and rationale

3.1 General considerations

The primary objective of this draft Regulatory Technical Standards is to establish a clear and operational framework for determining when, and to whom, cross-border reports (XBRs) and cross-border disseminations (XBDs) should be transmitted among Financial Intelligence Units (FIUs) within the Union. By specifying relevance and selection criteria, the RTS aims to ensure that cross-border exchanges of information are carried out in a consistent, timely and proportionate manner, in line with the requirements set out in Directive (EU) 2024/1640.

In the current framework, the transmission of XBRs and XBDs is not based on binding and uniform criteria but rather on non-binding practices and operational discretion developed over time. While these practices have led to a certain degree of convergence, they continue to result in heterogeneous approaches across Member States. This lack of harmonisation creates inefficiencies and legal uncertainty, as it may lead either to the oversharing of information, including personal data that is not strictly necessary, or to the undersharing of information that could be relevant for another FIU's analysis and operational needs.

Against this background, the RTS introduces a structured and standardised approach based on objective and automatable criteria relying on structured data, thereby supporting consistent implementation across Member States and enabling integration within FIU.net systems. This harmonised framework is expected to significantly enhance the promptness and efficiency of cross-border exchanges, as required by the Directive, including through increased automation and reduced reliance on discretionary assessments.

A key rationale of the RTS is to strike an appropriate balance between two competing objectives: on the one hand, ensuring that FIUs receive information that is genuinely relevant to their mandate, and on the other hand, preventing the unnecessary dissemination of personal data. This balance is particularly important in the context of cross-border disseminations (XBDs), where the link with other Member States may be less direct and requires a more nuanced approach. In this respect, the RTS builds on a clear allocation of responsibilities between transmitting and receiving FIUs, whereby the identification of potentially concerned Member States is separated from the assessment of the actual relevance of the information.

More specifically, the RTS provides that transmitting FIUs apply a common set of selection criteria to identify the FIU(s) of the Member State(s) potentially concerned and to ensure the prompt transmission of a limited set of key information. The receiving FIUs are then responsible for assessing the relevance of the information received, taking also into account their national risk framework and operational priorities, including through risk-based tools such as scorecards implemented in FIU.net. This approach reflects the principle that the receiving FIU is best placed to evaluate whether the information is of interest in light of its domestic context and National Risk Assessment.

By moving away from a system where the transmitting FIU determines both the destination and the relevance of the information, the RTS aims to enable a more targeted and efficient use of cross-border intelligence. Where the received information is assessed as relevant, the receiving FIU retains the possibility to request the full set of information contained in the original report, thereby ensuring access to comprehensive data only where justified.

Overall, the proposed framework seeks to ensure a coherent, proportionate and technology-enabled system for cross-border information sharing among FIUs. By combining harmonised rules, automation and a risk-based allocation of responsibilities, the RTS is designed to enhance legal certainty, improve administrative efficiency and strengthen the EU's capacity to detect and combat cross-border money laundering and terrorist financing, while safeguarding the appropriate use and protection of information.

3.2 Selection Criteria

The selection criteria are set out in Articles 4 and 5 of the RTS which establish a detailed and operational framework for identifying the Member State(s) concerned by a report of suspicion and for determining the corresponding transmission of cross-border reports (XBRs) and cross-border disseminations (XBDs).

For **XBRs**, **Article 4** provides for a clear and hierarchical set of criteria aimed at identifying a single primary Member State of destination. The determination is based primarily on the location of the customer of the reporting obliged entity operating under the freedom of services, understood as the usual place of residence for natural persons and the place where the business takes place for legal persons. Where such information is not available, the criteria require the application of secondary indicators in a predefined order of priority, including, for natural persons, nationality and country of birth, and, for legal persons, the country where the address or the official office of the legal entity is registered and the country of creation. The framework further clarifies how to proceed in cases where multiple Member States are identified, including the

possibility of transmitting the XBR to more than one FIU where justified by the presence of multiple relevant subjects.

For **XBDs**, **Article 5** introduces a more granular and comprehensive set of criteria reflecting the potentially indirect nature of cross-border links. The criteria are centered on the existence of connections between another Member State and either primary subjects of the report or financial assets associated with them. For natural persons, such links are identified primarily on the basis of data points such as the usual place of residence or the country where the person is subject to a criminal investigation. Where necessary, these primary criteria are complemented by a second tier of indicators, including nationality, country of birth and the issuing country of identification documents. For legal persons, the relevant links include the place where the business takes place, the country where the address or the official office of the legal entity is registered, as well as the jurisdictions where the entity is subject to criminal or administrative proceedings, complemented by a second tier based on the country of creation. In both cases, the second tier of criteria is applied only where the information relating to the first tier is unavailable or where the application of the first-tier criteria would point to the same Member State that received the original report.

In order to ensure a sufficient level of reliability and proportionality, the criteria for XBDs require that such links be supported by the availability of minimum identifying information relating to the primary subject, thereby preventing the dissemination of information based on incomplete or weakly substantiated data.

Furthermore, the criteria explicitly extend to situations where financial assets linked to a primary subject are located in another Member State, as well as to cases where a full positive hit is generated through automated matching functionalities within FIU.net, which independently triggers the obligation to disseminate the relevant information. The framework also envisages the transmission to all Member States concerned where multiple relevant connections are identified.

Across both Articles, the selection criteria are designed to rely exclusively on structured data elements and to be fully automatable, thereby ensuring consistency of application, reducing discretionary interpretations and enabling the prompt transmission of information in line with the Directive. At the same time, the differentiated design of the criteria for XBRs and XBDs ensures that the level of scrutiny and granularity is proportionate to the nature of the cross-border link, contributing to an appropriate balance between effective information sharing and the protection of personal data.

3.3 Simultaneous transmission of XBRs and XBDs

The RTS also addresses operational scenarios in which, in relation to the same report

of suspicion, the conditions and selection criteria for both cross-border reports (XBRs) and cross-border disseminations (XBDs) are met, requiring their simultaneous transmission.

The current framework does not provide for a coordinated approach to such cases. In particular, where a report is submitted by an obliged entity operating under the freedom to provide services, the transmission of an XBR to the Member State of the customer may not fully capture all relevant cross-border elements, thereby justifying in parallel the transmission of one or more XBDs to other concerned Member States.

Where both an XBR and one or more XBDs are transmitted, all receiving FIUs are informed of the broader dissemination of the information and of the identity of the FIU that received the XBR. Furthermore, the RTS clarifies the allocation of responsibilities among FIUs in such cases: where additional information is requested following the assessment of relevance criteria for XBDs, such requests must be addressed exclusively to the FIU that received the XBR, thereby ensuring a single point of coordination and avoiding duplication or fragmentation of exchanges.

Overall, these provisions establish a coherent framework for managing complex situations involving multiple criteria arising from a single suspicious activity report, ensuring that no relevant information is lost while preserving efficiency, proportionality, and clear lines of communication between the authorities involved.

4. Draft regulatory technical standards

COMMISSION DELEGATED REGULATION (EU) …/…

of XXX

supplementing Directive (EU) No 2024/1640 of the European Parliament and of the Council with regard to regulatory technical standards specifying the relevance and selection criteria when determining whether a report submitted pursuant to Article 69(1), first subparagraph, point (a), of Regulation (EU) 2024/1624 concerns another Member State

(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 31(3), first subparagraph thereof,

Whereas:

(1) Pursuant to Article 31(3) of Directive (EU) 2024/1640, the Anti-Money Laundering Authority (hereinafter referred to as the "AMLA") is required to specify the relevance and selection criteria for determining whether a report of suspicions concerns another Member State, as referred to in Article 31(1) of Directive (EU) 2024/1640.

(2) For the purposes of ensuring consistent and effective cross-border cooperation and facilitating effective information exchange between FIUs, it is necessary to lay down harmonised rules governing the structure and application of the relevance and selection criteria for the transmission of cross-border reports (XBRs) and cross-border disseminations (XBDs), so as to support timely and uniform exchanges among FIUs across the Union.

(3) Clear and objective selection criteria are essential to guarantee that XBRs and XBDs are transmitted promptly and accurately to the competent FIU of the other Member State. These criteria should provide a common framework for identifying links between reports of suspicions and other Member States, thereby reducing delays and improving the efficiency of cross-border information exchange.

(4) The selection criteria should cover different types of connections, including links to natural persons, legal persons and financial assets associated with another Member State. These criteria should be applied in an automatable manner and should not involve any discretionary assessment, in order to ensure consistency, accelerate the identification of such connections and enable the prompt transmission of the report to the FIU of the concerned Member State.

(5) To ensure that the transmission of XBDs is proportionate and limited to cases demonstrating a sufficiently substantiated cross-border link, the application of the selection criteria should follow a tiered structure. Such a system enables FIUs to distinguish between primary and ancillary selection criteria and to identify, with legal certainty, the Member States to which an XBD must be transmitted. In this context, a full positive hit generated through the Ma³tch functionality should also be considered a relevant selection criterion. This approach mitigates the risk of oversharing and ensures that exchanges of information remain necessary and appropriate for the fulfilment of FIU functions.

(6) In order to ensure effective harmonisation in the application of the selection criteria for the transmission of XBDs, it is appropriate to require that the Ma³tch functionality be used by each FIU, following its implementation within their respective systems.

(7) To ensure that XBDs are likely to be of real interest to the receiving FIU, relevance criteria should complement the application of selection criteria. However, as the assessment of the actual relevance of an XBD can be carried out more effectively and is more appropriately performed by the receiving FIU, responsibility for applying relevance criteria should rest with the receiving FIU, while the transmitting FIU should apply only the selection criteria.

(8) To ensure a clear allocation of responsibilities in cross border exchanges, the FIU that sends an XBR should remain the sole point of contact with the reporting entity, while the FIU receiving the XBR should retain responsibility for managing the report and providing the relevant information associated with any corresponding XBD. This distinction ensures coherent communication flows and preserves the operational integrity of both reporting and analysis functions.

(9) In order to facilitate a consistent baseline approach to the assessment of the relevance of XBDs, a scorecard mechanism should be made available within FIU.net. At the same time, this should not prevent FIUs from developing and applying their own scoring tools, where such tools are better suited to national specificities and operational needs.

(10) 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.

(11) The Authority for Anti-Money Laundering and Countering the Financing of Terrorism has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based and analysed the potential related costs and benefits.

HAS ADOPTED THIS REGULATION:

Article 1

Subject Matter

1. This Regulation specifies the relevance and selection criteria when determining whether a report of suspicions, submitted pursuant to Article 69 of Regulation (EU) 2024/1624, concerns another Member State. It defines the nature, function and the rules of application of these criteria, which shall ensure the prompt transmission of such reports to the FIU of that other Member State, in accordance with Article 31(1), third subparagraph, of Directive (EU) 2024/1640.

Article 2

Definitions

1. For the purpose of this Regulation, in addition to the definitions set out in Article 2 of Regulation (EU) 2024/1624, Article 2 of Directive (EU) 2024/1640 and Article 2 of Commission Delegated Regulation (EU) [yyyy/No][1], the following definitions shall apply:

   (a) ‘transmitting FIU’ means the FIU that forwards an XBD or an XBR to the FIU of another Member State.

[1] Implementing technical standards adopted pursuant to Article 31(2) of Directive (EU) 2024/1640.

(b) 'receiving FIU' means the FIU that receives an XBD or an XBR from an FIU of another Member State.

(c) 'primary subject' means any subject mentioned in the report of suspicions who meets at least one of the following characteristics:

1. is explicitly identified, in the report, as covering the role of 'victim' or 'alleged perpetrator' by the reporting entity; or
2. on the basis of the information contained in the report, holds an account at the reporting entity; or
3. has a financial ranking, where applicable, equal to or greater than 3 pursuant to annex I.

Article 3

Application of Selection Criteria

1. The transmitting FIU shall identify the selection criteria set out in Articles 4 and 5 for the purpose of assessing whether a report of suspicions concerns another Member State.
2. The selection criteria shall be based on different types of links between a report of suspicions and any Member State other than the Member State to which the report has been transmitted by the obliged entity.

Article 4

Selection Criteria for the transmission of XBRs

1. A report of suspicions shall be transmitted as an XBR from the FIU which received it by the reporting entity to the FIU of another Member State by using the template specified in Annex V of the Commission Implementing Regulation (EU) 202../xxx[2].
2. For the purposes of this Article, the Member State receiving the XBR shall be identified on the basis of the location of the customer of the reporting entity. The location of the customer shall correspond to the usual place of residence or other information as stipulated in Article 22(1), points(a)(iv), of Regulation (EU) 2024/1624 in the case of natural persons, and to the place where the business takes place in the case of legal persons.
3. Where information on the residence of the customer or of the attempted customer cannot be established, the transmitting FIU shall identify the Member State receiving the XBR by applying, in relation to the customer, one of the following criteria in order of priority:

   (a) nationality/ies;

   (b) country of birth.

4. Where, in relation to legal entities, the information on the place where the business takes place cannot be established, the transmitting FIU shall identify the Member State

[2] Implementing technical standards adopted pursuant to Article 31(2) of Directive (EU) 2024/1640.

receiving the XBR by applying, in relation to the customer or the attempted customer, one of the following criteria in order of priority:

(a) country where the address or the official office of the legal entity is registered or other information as stipulated in Article 22(1), points(b)(ii), of Regulation (EU) 2024/1624;

(b) country of creation.

5. Where the applicable selection criterion corresponds to more than one Member State, the XBR shall be transmitted to the FIU of the Member State that is also identified on the basis of the application of the other relevant selection criteria. Where no single Member State can be determined on that basis, the XBR shall be transmitted to the FIUs of all Member States corresponding to the applicable selection criterion.

6. An XBR may be transmitted to more than one Member State where the report of suspicions concerns at least two subjects, all of whom are customers or attempted customers of the reporting entity, which operates in different Member States.

7. When transmitting an XBR, the transmitting FIU shall, where the selection criteria laid down in Article 5 are also fulfilled, transmit the corresponding key information as an XBD to the FIUs of the other concerned Member States. All receiving FIUs shall be informed that the information has also been shared with other FIUs and shall be provided with an indication of the FIU that received the XBR.

Article 5

Selection Criteria for the transmission of XBDs

1. A report of suspicions shall be deemed to meet the applicable selection criteria, and the information therein shall be transmitted as XBD to another Member State, where any primary subject or any assets related to a primary subject are linked to that Member State.

2. Where the primary subject is a natural person, the selection criteria shall be deemed to be fulfilled where the link with the other Member State is indicated in at least one of the following data points:

    a. country of usual place of residence or other information as stipulated in Article 22(1), points(a)(iv), of Regulation (EU) 2024/1624;

    b. country where the natural person is subject to criminal investigation;

3. Where the criteria set out in paragraph 2 cannot be established, the following criteria will apply:

    a. nationality/ies

    b. country of birth;

    c. country where the identity document, passport or equivalent was issued.

4. Where the criteria set out in paragraphs 2 or 3 are met, the XBD shall be transmitted to the receiving FIU only where at least one of the following data concerning the primary subject is available in the report of suspicions:
    a. account number;
    b. date of birth;
    c. number of the identity document, passport or equivalent;
    d. usual place of residence or other information as stipulated in Article 22(1), points(a)(iv), of Regulation (EU) 2024/1624.
5. Where the primary subject is a legal person, the selection criteria shall be deemed to be fulfilled where the link with the other Member State is indicated in at least one of the following data points:
    a. country where the business of the legal person takes place;
    b. country where the address or the official office of the legal entity is registered or other information as stipulated in Article 22(1), points(b)(ii), of Regulation (EU) 2024/1624;
    c. country where the legal person is subject to a criminal or administrative investigation.
6. Where the selection criteria set out in paragraph 5 cannot be established, the criteria based on the country of creation will apply.
7. Where the criteria set out in paragraphs 5 or 6 are met, the XBD shall be transmitted to the receiving FIU only where at least one of the following data concerning the primary subject is available in the report of suspicions:
    a. account number;
    b. chamber of Commerce number / registration number;
    c. VAT/Tax identification number;
    d. address of the registered or official office.
8. The selection criteria shall be also deemed to be fulfilled where one or more financial assets related to a primary subject are linked to another Member State, different from the Member State identified under paragraphs 2, 3, 5 and 6, on the basis of the country where accounts or other assets are held.
9. Notwithstanding the previous paragraphs, the selection criteria shall be deemed to be fulfilled where a full positive hit is identified through an automated process within FIU.net, whereby the data made available by an FIU are cross-matched, on a hit/no-hit basis, with the data made available on that system by other FIUs as stipulated in Article 30(4) Directive (EU) 2024/1640. Member States shall ensure that their FIUs implement and make use of the Ma³tch functionality for the purposes of this process by no later than 10 July 2028.
10. Where, following the application of the selection criteria, a connection exists to more than one Member State, the XBD shall be transmitted to all those Member States.

Article 6

Relevance Criteria

1. In order to identify the XBDs of interest, the receiving FIU shall apply relevance criteria deemed necessary, including those related to the domestic risk-based approach based on National Risk Assessment and, as appropriate, the elements set out in the non-exhaustive list referred to in Article 7(3) of this Regulation, which shall contribute to the establishment of the risk scorecard.
2. Where, after applying the criteria pursuant to paragraph 1, the receiving FIU determines that an XBD is of relevance to its functions, it shall submit a request for information to the transmitting FIU in order to obtain all the relevant information, including any data relating to every subject mentioned in the report.
3. Where, in relation to the same report of suspicions, the transmitting FIU has also transmitted the information as an XBR to another Member State, pursuant to Article 4(6) of this Regulation, the FIU that received the XBD shall address the request to obtain all the relevant information exclusively to the FIU of the Member State that received the XBR.
4. Any such request and the corresponding response, containing the complete set of relevant data relating to the XBD, shall be sent through FIU.net and using the templates for requests and responses provided in the Implementing Technical Standards adopted by the Commission Implementing Regulation (EU) 202../xxx[3].

Article 7

Risk scorecard

1. For the assessment of the relevance criteria applicable to XBDs, the receiving FIU shall assign a risk value to each XBD and may, for that purpose, use a scorecard mechanism based on national information.
2. The scoring mechanism shall be implemented within FIU.net and may, where appropriate, be used, adapted and developed by each receiving FIU outside FIU.net on the basis of the structured key data contained in the received XBDs.
3. The scorecard shall also take into account one or more of the following elements, including but not limited to:
    a. match hits with other FIUs;
    b. number of subjects involved;
    c. predicate offence type;
    d. threshold on transaction amount;

[3] Implementing technical standards adopted pursuant to Article 31(2) of Directive (EU) 2024/1640.

e. presence of indicators or tags;

f. negative open-source intelligence;

g. destination country of money flow;

h. linkage with ongoing investigations or sanctioned individuals.

Article 8

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from 10 July 2027.
3. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President

[For the Commission
On behalf of the President

[Position]

ANNEX I

This financial ranking is calculated for each structured subject in the report using two indicators:

- the percentage of the number of transactions associated with each subject.
- the percentage of total transaction amount linked to each subject

The algorithm then takes the maximum vale from these two indicators and maps it onto a scale ranging from 1 to 5, as outlined in the table below:

%	Financial Ranking
0 - 10%	1
10% - 25%	2
25% - 50%	3
50% - 75%	4
> 75%	5

5. Accompanying documents

5.1 Draft impact assessment with cost-benefit analysis

Introduction

As per Article 49(1) of Regulation (EU) 2024/1620, before submitting draft regulatory technical standards (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 31(3) of Directive (EU) 2024/1640.

This IA/CBA is qualitative in nature, and the policy choices have been taken primarily in accordance with qualitative considerations, taking into account the experience and professional judgment of FIUs and AMLA. Quantitative figures in relation to this mandate are currently not readily available and performing a targeted data collection would impose a disproportionate burden on FIUs to achieve the objective.

A. Problem identification

Article 31(1) of Directive (EU) 2024/1640 specifies that Member States shall ensure that FIUs exchange, spontaneously or upon request, any information that may be relevant for the processing or analysis of information related to money laundering, its predicate offences, or terrorist financing, and the natural or legal person involved. It also provides that, when an FIU receives a report pursuant to Article 69(1) of Regulation (EU) 2024/1624 which concerns another Member State, it shall promptly forward the report, or all the relevant information obtained from it to the FIU of that other Member State.

In relation to that, Article 31(3) of Directive (EU) 2024/1640 requires AMLA to develop draft RTS specifying the relevance and selection criteria when determining whether a report submitted pursuant to Article 69(1) concerns another Member State.

Divergent national systems and approaches to exchanging XBRs and XBDs have led to inconsistent exchange of content and information. FIUs interpretate the scope of the relevant data in multiple ways; from collecting, maintaining and exchanging all possible information, to reducing the exchange of information to strictly relevant and applicable information to the respective country.

In the absence of binding requirements for selection and relevance criteria determining when to send reports of suspicions to applicable Member States, information sharing would continue to be based on heterogeneous national requirements and best practices developed by FIUs over time.

This might create dissymmetry in cross-border transmissions, which in turn could lead to ineffective analysis and investigations ultimately impairing the effectiveness of

cooperation, leading to loopholes criminals could exploit to launder illicit funds.

The harmonization of the criteria governing the transmission of cross-border reports and disseminations is necessary to enhance the effectiveness of cooperation. Currently, there are no binding legal provisions which ensure a harmonised approach regarding selection and relevance criteria for sharing reports with another Member State.

B. Policy objectives

Overall, this mandate aims to harmonise the transmissions of reports of suspicions which concern other Member States through the specification of selection and relevance criteria, with the goal of enhancing cooperation in combating money laundering, its predicate offences, and terrorist financing.

By setting relevance and selection criteria for the transmission of the reports of suspicions which concern other Member States this draft RTS aims to focus the exchange of information on relevant cases, reducing negligible information and increasing efficiency in subsequent analyses and enabling timely and efficient follow-up.

Lastly, by setting common criteria for selection and relevance criteria when determining if to share a report with another Member State, this draft RTS aims to enhance effectiveness in cooperation, while ensuring compliance with AML/CFT and data protection requirements.

All such transmissions would be conducted via FIU.NET. To standardise the process, dedicated templates will be developed for each stage of the exchange by the ITS under art. 31(2) of the Directive.

C. Baseline scenario

Under the baseline scenario, FIUs would develop the relevance and selection criteria when to forward reports of suspicions to another Member State, in accordance with national provisions implementing the requirement under Article 31(3) of Directive (EU) 2024/1640.

The lack of clarity would perpetuate divergent approaches related to whether to send suspicions to another Member State or not, creating gaps in the EU's AML/CFT defences. It would also maintain uncertainty on the FIUs on their decision-making process.

Moreover, the absence of agreed details could augment divergence and contribute to an uneven landscape, easily led to loss of information and intelligence gaps but also to possible oversharing and therefore a not-harmonised use of the available resources.

D. Options considered, impact assessment, and preferred option

This section describes the main policy options considered and the decisions taken as part of the development of the draft RTS under 31(3) of Directive (EU) 2024/1640.

It starts by outlining the overarching principle guiding the policy decisions. Then, it presents the main policy options considered for each policy issue addressed by the draft RTS, followed by a qualitative analysis of the potential costs and benefits of each option, and concludes by identifying the preferred option resulting from the analysis.

Overarching principles

Overall, in line with the objectives of the AML/CFT framework, this draft RTS contains standardised provisions aimed at enhancing harmonisation and improving the clarity and consistency in the transmission of reports of suspicions which concern other Member States in relation to money laundering, its predicate offences, or terrorist financing. This strengthens cooperation and ensures administrative efficiency, by facilitating FIUs' analyses and subsequent follow-ups.

Policy issue 1: Determine which FIU assess the relevance criteria of XBDs.

Article 31(3) of Directive (EU) 2024/1640 requires AMLA to develop draft RTS specifying the relevance and selection criteria when determining whether a report submitted pursuant to Article 69(1) concerns another Member State.

The first policy choice in developing this draft RTS focused on determining whether the transmitting or the receiving FIU should have the responsibility to determine when information is sufficiently relevant for another country to justify the exchange and what would be the minimum content of the shared information in order to avoid transmitting data that, although potentially relevant, is too limited to be of practical use.

- Option A: the relevance criteria are assessed by the transmitting FIU.
- Option B: the receiving FIU determines the relevance, while the transmitting FIU forwards only a limited set of key data relating to a report which meets the selection criteria.

Under Option A, the transmitting FIU, which is detecting that the suspicion contains link(s) to another Member State, would determine whether to send an XBD to the FIUs of another Member State. This would imply that an FIU may transmit an XBD if the primary subject – whether a natural person, legal entity – or a financial asset has connections to another Member State. The transmitting FIU might decide not to send information that is linked to another country based on its risk assessment which might lead to information loss or critical intelligence gaps. Conversely, it may disclose excessive or irrelevant details, burdening the receiving FIU with unnecessary data.

The benefit of this option is that the receiving FIU would not have to spend time on assessing information. The receiving FIU would obtain only pre-assessed and filtered information, meaning that it would only receive relevant information that could be directly applied for further analyses and investigation. This approach would also reduce 'noise' in the communication channels by eliminating irrelevant or low-value information, preventing it from impairing high-value data. Consequently, receiving FIUs could optimise their resources and administrative capacity when assessing and evaluating XBDs for subsequent analysis and investigations.

However, when the responsibility for assessing relevance is shifted to the transmitting FIU,

evaluations are inherently constrained by a partial understanding of the receiving FIU's priorities. Under this approach, the transmitting FIU would bear the administration and operational cost of evaluation relevance for the receiving FIU.

Under Option B, the transmitting FIU would send the receiving FIU limited information related to the primary subject with some aggregated data (for example the number of transactions) and await a response whether to share all the relevant information relating to the original report for suspicions. In this scenario, the receiving FIU would assess the relevance and might decide not to request the full information.

The key advantage of this option is that it would grant the receiving FIU full autonomy in deciding whether to accept and XBD for further analysis. This would ensure operational independence, shielding from operational or procedural constraints the transmitting FIU might face. This approach would also help avoiding the loss of relevant information due to potential misinterpretation of relevance criteria by the transmitting FIU. Additionally, it would enhance efficient information sharing, by limiting information exchange to data clearly identified as relevant.

However, under this option the number of exchanges between FIUs would increase. Further, this increased exchange of messages could introduce investigation delays. It is plausible to assume that each exchange might take several days to be responded to. The resulting delays may pose a tangible risk to the timeline of time-sensitive investigations.

Preferred Option:

Based on the above details, Option B is the preferred option. The privilege to make the decision whether an information is relevant or not should be in the hand of the receiving FIU that need to work on data. This option would avoid the oversharing or the loss of information even with some more administrative costs meaning the fact of the assessed initial information and the higher number of exchanged messages between the FIUs.

Policy issue 2: When is information sufficiently relevant to send XBDs

It is important to establish when the information is of sufficient importance for another country in order to avoid oversharing of information.

To harmonise the condition under which an XBD can effectively be shared, the following two policy options were considered:

- Option A: Setting a minimum threshold before the assessment of the selection criteria triggering the sharing of information.
- Option B: Not introducing any thresholds – any link to the other country, corresponding to a selection criterion, triggers the sending of XBDs.

Under Option A, the draft RTS would establish a minimum threshold triggering the sharing of information. It would introduce stringent selection criteria, including a quantitative pre-filter based on factors such as the total transaction value and/or number of transactions.

This approach would contribute to enhancing processing efficiency, particularly for FIUs that deploy IT solutions for information processing. The use of common thresholds as a pre-filter for information exchange would limit the transmission of data that, although meeting the selection criteria, does not involve a sufficient number of transactions or a total value that justifies such exchange.

Nevertheless, this approach would lead to the risk of prematurely excluding information that may prove relevant – particularly cases involving low-value transactions. Such transactions, though individually insignificant, could gain importance when examined cumulatively or from a qualitative standpoint (e.g., behavioural patterns, contextual red flags).

In Option B, the FIU that detects any single piece of information that is related to another Member State, should send and XBD to the involved Member State every time the selection criteria are met.

The benefit of this option is that there won't be any loss of information as in case of any link to another Member State corresponding to a selection criterion, the XBD would be sent. Information that may not appear relevant at the time of receipt may subsequently become relevant once links with other cases are established. Filtering such information at the level of the transmitting FIU could therefore result in intelligence gaps.

The cost of this option is that it can result in oversharing.

Preferred option:

Based on the considerations set out above, Option B has been preferred, with the inclusion of a corrective element consisting of the introduction of the minimum threshold – referred to as a financial ranking – as one of the criteria contributing to the identification of a primary subject that has to be linked to the other Member State.

The introduction of a strict pre-filter threshold (option A) could lead to under-sharing practices, whereby information relating to a limited number of transactions or low transaction volumes would not be exchanged, despite potentially being of relevance to the receiving FIU when assessed in conjunction with other information already held or subsequently acquired.

By contrast, incorporating the threshold as one of the criteria for defining the primary subject preserves the importance of the financial ranking without unduly restricting the exchange of information. Rather than limiting sharing *a priori*, this approach uses the financial ranking as a factor in identifying those primary subjects whose links to another Member State merit consideration.

As a counterbalance to this approach, XBDs are shared only where the transmitting FIU holds a minimum set of information sufficient to ensure operational value. This aims to prevent the exchange of information that is too limited to be useful for analytical purposes, while nonetheless involving the disclosure of sensitive data.

5.2 Overview of questions for consultation

Question 1: To what extent has an appropriate balance been achieved between mitigating the risk of overburdening the receiving FIU with a high volume of information of limited or uncertain relevance, and ensuring the prompt and effective transmission of reports concerning another Member State? If this balance is not considered adequate, which corrective measures would you suggest to better align these objectives within the framework of relevance and selection criteria?

Question 2: Do you consider the shift in responsibility for assessing the relevance criteria from the transmitting FIU to the receiving FIU to be effective? If not, please explain why and indicate how the assessment of relevance criteria could be organised to better reflect the specificities of each jurisdiction.

Question 3: Do you consider the criteria identified for defining the primary subject to be sufficiently comprehensive? If not, do you consider that additional criteria should be included to address situations not currently covered?