

Statement of the European Federation of Building Societies (EFBS) on the consulted draft technical regulatory standards in connection with the EBA's response to the European Commission's request for an opinion on new AMLA mandates (EBA/CP/2025/04)

Annex 3 to question 3 of the RTS in accordance with Article 40(2) of the AMLD (assessment of the risk profile)

Category	Subcategory	Data points	Notes
Customers		Number of PEP-related business relationships (including family members and close employees) by country	Very time-consuming, manual evaluation required
		Number of legal entities with a complex structure Number	not analysable
		Quantity of customers with high-risk activities	Terminology unclear; not analysable
		Number of occasional transactions carried out by walk-in customers	The term "occasional business" is unclear; Bausparkassen have hardly any walk-in customers and should therefore not be relevant. Bauspar customers are usually known to the Bausparkasse for many years. Bauspar contracts are regularly concluded after personal discussions and are set up for many years. Deposits are only made as part of an existing business relationship.
Products, services and transactions	Account management	Relationship with the end investor Number of AML/CFT-regulated customers outside the EEA	In our understanding, the jurisdiction in which the account is held and the account holder's options for disposing of the account are of decisive relevance when measuring risk.

Category	Subcategory	Data points	Notes
			Bauspar accounts are managed as subsidiary accounts in the core banking system of a Bausparkasse. The Bauspar accounts do not participate in payment transactions. In this respect, the account holders are not in a position to make withdrawals themselves.
AML/CFT management structures	1A: Role and responsibilities of the governing body	Date(s) on which the latest version of the following policies and procedures was approved by management	It is unclear to what extent this is relevant for the risk assessment.
	1C: Outsourcing and dependence on third parties	% of outsourced AML/CFT tasks covered by a written agreement	It is unclear whether the outsourcing of customer due diligence obligations or only internal security measures are meant. In our opinion, a pure % value is not a sufficient assessment parameter, as no quality or risk statement can be derived. It is also unclear which basic value should be used.
AML/CFT principles and procedures	3A: Duty of care towards customers	Number of customers that are legal entities/trusts whose beneficial owners are not identified could	It is unclear whether the number of cases in which the fictitious beneficial owner was determined should be shown here. It would not be possible to analyse this as there is no explicit field for this in the core banking system - fictitious beneficial owners are recorded as beneficial owners. In addition, in the case of a fictitious beneficial owner, a distinction would have to be made as to whether it is objectively not possible to determine a fictitious beneficial owner because there is no significant majority or

Category	Subcategory	Data points	Notes
			whether the beneficial owner cannot be conclusively determined by the contracting parties due to the given information situation. In the business of a Bausparkasse, the beneficial owner has no practical significance as the business is focussed on natural persons.
		Number of high-risk customers, which are legal entities/trusts whose beneficial ownership, although has been established, but whose identity has not been verified	should not actually exist. There are also no analysable fields for this
		Number of customers without identification and verification documents/information	not analysable
		Number of customers with incomplete identification and verification documents/information	not analysable
		Number of high-risk customers with missing or incomplete CDD data or information	Cannot be analysed automatically, can only be determined with a great deal of manual effort
		Number of customers without an AML/TF risk profile (excluding customers with whom the obligated company has no business relationship)	Not relevant, all customers are classified
		Number of customers for whom no information on the purpose and intended nature of the business relationship was obtained. (excluding customers with whom the obligated company has no business relationship)	not previously required, arises from the purpose of Bauspar savings
		Number of customers (other than natural persons) for whom beneficial ownership identification information is stored in the institution's database	If at all, only with very high effort to determine

Category	Subcategory	Data points	Notes
		Number of customers who are natural persons for whom all details (identifying name/surname, nationality, tax number) are recorded in the institution's database	How is this assessed with regard to the portfolio? So far, the tax number is not to be recorded under the Money Laundering Act; the obligation only arises from the AML Regulation.
	3B: Ongoing monitoring of the business relationship	The transaction monitoring system is: a) Not automated; or b) At least partially automated	It is unclear how this is meant. Bausparkassen are currently exempt from the obligation to maintain a transaction monitoring system. Nevertheless, they carry out various analyses of their own to identify suspicious transactions. How should these questions therefore be answered?
Supervision of the group	4D: Group-wide AML/CFT function	% of Group companies that have submitted reports to Group AML Compliance in the past year in the following areas: a) CDD b) Ongoing monitoring c) STRs d) Information on the identity and transactions of high-risk customers e) Inadequacies	Not all subsidiaries are obligated parties, so this question is not meaningful. If non-obligated parties have not submitted corresponding reports (as this is not required), this should not lead to a lower rating.