Swedish FinTech Association.

**2026-06-15**

## UTKAST Remissvar AMLA:s Öppna konsultation uppdaterade RTS artikel 16 och 17

**Bakgrund:**

*Den nya penningtvättsförordningen (Europaparlamentet och rådets förordning (EU) 2024/1624) ska tillämpas av verksamhetsutövare i den finansiella sektorn från och med den 10 juli 2027. Förordningen kommer att kompletteras av tekniska standarder och riktlinjer från Amla som närmare kommer specificera vissa av kraven.*

*Amlas förslag till tekniska standarder med anledning av artikel 16 och 17 i den nya penningtvättsförordningen avser minimistandarder för koncernomfattande riktlinjer, rutiner och kontroller samt åtgärder för filialer och dotterföretag i tredjeland. Konsultationen är öppen till den 15 JUNI 2026.*

**LÄNK till filerna:** https://www.amla.europa.eu/policy/public-consultations_en

The RTS lays down the rules concerning the group-wide requirements such as a requirement for a parent company to make a business-wide risk assessment at a group level, to establish group-wide policies, procedures and controls that are consistently applied across all entities within the group. The RTS also extends the scope of group-wide requirements beyond traditional group structures by applying not only to parent-subsidiary groups but also to arrangements such as networks, partnerships or franchises, provided certain criteria are met. We agree that to ensure harmonization of compliance with the AMLR requires that certain measures are undertaken at the group level. However, in practice, a significant number of obliged entities are a part of groups (with clear parent-subsidiary structure) but are owned by venture capital funds, private equity companies and other types of investors, often with complex multi-layered structures. In many such cases, such investor companies would formally qualify as parent undertakings while the portfolio companies as subsidiaries within the meaning of the Directive 2013/34/EU, which in principle triggers the application of group-wide requirements, including the obligation to establish group-wide policies, procedures and controls etc. At the same time, we note that the AMLR explicitly brings in non-financial mixed activity holding companies and financial mixed activity holding companies in scope as obliged entities. As a result, parent companies in for example venture capital and private equity structures are to become obliged entities. However, these entities typically do not carry out operational activities comparable to those of traditional obliged entities and their role is generally limited to ownership and strategic oversight rather than a unified business. The portfolio companies are often managed and operated completely independently without centralized AML/CTF functions, shared systems or integrated compliance frameworks. This rases a fundamental question as to whether the group-wide requirements under article 16 AMLR and the draft RTS are intended to apply in circumstances where the group exists in a legal sense, but lacks operational integration or a common business model. While such structures may formally qualify as groups, they may not have the functional characteristics that the aforementioned provisions must have aimed to cover (e.g. centralized governance, coordinated risk management etc.).

Following the above, we ask the AMLA to kindly clarify whether, and to what extent, these types of entities are expected to design and enforce group-wide AML/CTF across portfolio companies that operate autonomously. If it is AMLA's intention to that the group-wide measures are to be established in such situations we strongly encourage AMLA to clarify how these are expected to function in practice including

- how the governance and compliance responsibilities are to be allocated,
- how the compliance function is expected to be set up in such case,
- whether and how information sharing requirements are expected to operate across legally and operationally independent portfolio companies and the parent companies.

Further, we suggest that AMLA provides a more granular guidance on the identification of the parent company in complex ownership structures, in particular when it comes to obliged entities owned by venture capital, private equity and other similar structures, who by virtue of its ownership of an obliged entities themselves become an obliged entity.

Finally, we suggest that AMLA clarifies the regulatory expectations applicable to holding entities that qualify as non-financial and financial mixed activity holding companies solely by virtue of ownership, but which themselves do not carry out AML-regulated activities.

We find that there is a risk that due to absence of such clarifications there is a risk of significant practical challenges for obliged entities to find a practical way to comply with the provisions of article 16 AMLR and the provisions of the draft RTS on group-wide requirements.