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# Anti-money laundering officers – application for exemption from the duty to appoint an anti-money laundering officer for finance companies and bookmakers

As a finance company in the sense of the Money Laundering Act and as a bookmaker in the sense of the Race Betting and Lottery Act, you are obliged to appoint a management level anti-money laundering officer and deputy as provided for in the Money Laundering Act.

Under certain circumstances, you can apply to be exempted from the duty to appoint an anti-money laundering officer. It must be ensured that all duties listed in the Money Laundering Act are complied with even without an anti-money laundering officer.

The "Fact sheet: Risk-based organisational measures" (see "More Information" below) includes further comprehensive information and practical examples regarding risk management.

## Procedure:

1. As an obliged party, you can apply with the Senate Department in charge of business matters to be exempted from the duty to appoint an anti-money laundering officer.
2. Your application is reviewed by the competent authority.
3. You will receive notification after the review procedure is completed.

## Prerequisites

- **Obligated parties according to the Money Laundering Act**

([https://www.gesetze-im-internet.de/gwg\\_2017/\\_2.html](https://www.gesetze-im-internet.de/gwg_2017/_2.html))

Only natural and legal entities who are active as a

1. financial company in the sense of § 1 section 24 Money Laundering Act (GwG) (obliged parties pursuant to § 2 section 1 item 6 GwG) or as a
2. bookmaker in the sense of § 2 section 1 Race Betting and Lottery Act (RennwLottG) (obliged parties pursuant to § 2 section 1 item 15 b GwG) are eligible to submit an application.

- **Clear internal communication**

The flow of information regarding the issue of money laundering prevention must be ensured within the company, especially with a structure based on the division of labour. The staff must be adequately informed and instructed.

- **Other safety measures**

Other arrangements according to the risk analysis must be in place to prevent business relations and transactions that may be related to money laundering or terrorism funding.

## Documents required

- **Application for exemption from the duty to appoint an anti-money laundering officer**

You can submit the notification in text form either by mail or electronically.

- **Evidence of eligibility to submit an application**
  - evidence of appointment as anti-money laundering officer, or
  - outsourcing contract for internal safety measures, or
  - evidence that the person submitting the application is a member of the company management (e.g. excerpt from the Trade Register or partnership agreement).

- **Risk analysis**

(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geldwaesche/risikomanagement/>)

assessment of the individual company and product-related risk; internal safety measures derived that make the appointment of an anti-money laundering officer dispensable.

- **Up to date excerpt from the Trade Register, if applicable**

([https://www.handelsregister.de/rp\\_web/welcome.do;jsessionid=2A22D37A1C112D6FB89E72AAA6F66A80-n1.tc032n01](https://www.handelsregister.de/rp_web/welcome.do;jsessionid=2A22D37A1C112D6FB89E72AAA6F66A80-n1.tc032n01))

Registered companies are required to submit an up to date excerpt from the Trade Register when applying. Legal entities that are in the process of being established (GmbH, AG) are required to submit their partnership agreement or statutes.

## Fees

EUR 158.00 to EUR 1,580.00, depending on the administrative effort

## Legal basis

- **Money Laundering Act (Geldwäschegesetz or GwG) § 7 section 2**  
([https://www.gesetze-im-internet.de/gwg\\_2017/\\_7.html](https://www.gesetze-im-internet.de/gwg_2017/_7.html))
- **Schedule of Administrative Fees (Verwaltungsgebührenordnung or VGebO)**  
(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=VwGebO+BE&psml=bsbeprod.psml&max=true>)
- **Money Laundering Act (Geldwäschegesetz or GwG) - financial companies § 1 section 24**  
([https://www.gesetze-im-internet.de/gwg\\_2017/\\_1.html](https://www.gesetze-im-internet.de/gwg_2017/_1.html))
- **Race Betting and Lottery Act (Rennwett- und Lotteriegesetz or RennwLottG) - bookmaker § 2 section 1**  
([https://www.gesetze-im-internet.de/rennwloottg\\_2021/\\_2.html](https://www.gesetze-im-internet.de/rennwloottg_2021/_2.html))

## Average time to process request

up to 6 weeks

## More information

- **Information about prevention of money laundering by the Senate Department for Economics**

(<https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geldwaesche/>)

- **Fact sheet: Risk-based organisational measures**

([https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geldwaesche/2021\\_06\\_28\\_broschuere\\_risikomanagement\\_barrierefrei\\_final.pdf](https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geldwaesche/2021_06_28_broschuere_risikomanagement_barrierefrei_final.pdf))

- **Casinos: information from the Senate Department in charge of internal matters**

(<https://www.berlin.de/sen/inneres/buerger-und-staat/weitere-themen/gluecksspielaufsicht/artikel.103276.php>)

- **Other betting agents: information from the federal authority for citizen and public order matters**

(<https://service.berlin.de/dienstleistung/328800/>)

## **Responsible authorities**

- For financial companies and bookmakers with company based in Berlin.
- Other obliged parties from the non-financial sector, such as casinos or other betting agents, should contact the supervisory authorities indicated under "More Information" directly.