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Money Laundering Prevention - Apply for Exemption from the Duty to appoint a Money Laundering Officer

As an obligated party under the Money Laundering Act (GwG), you may be obliged to appoint a money laundering officer at management level and a deputy.

Under certain conditions, you can be exempted from the obligation to appoint a money laundering officer upon application. It must be ensured that even without a money laundering officer, all obligations specified in the Money Laundering Act are complied with.

In the "Fact sheet: Risk-based organisational measures" (under "More information") you will find further detailed advice and practical examples on risk management.

Procedure:

1. As the obligated party, you apply to the relevant authority for exemption from the obligation to appoint a money laundering officer. You can also complete this application online and submit it in electronic form.
2. The relevant authority will check your details and request any missing evidence. You will receive information on the further procedure and will be informed about the processing status in the electronic mailbox in your BundID account.
3. You will first receive a fee notice and must pay the administrative fee.
4. After payment has been made, you will receive the final decision from the competent authority. The decision can be communicated via your electronic mailbox in your BundID account.

Prerequisites

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

(https://www.gesetze-im-internet.de/gwg_2017/_2.html)

Only natural or legal persons who are active as:

1. financial enterprises
2. insurance intermediaries domiciled abroad, insofar as they maintain branches in Germany
3. service providers for companies and for trust assets or trustees, if they provide the services specified in § 2 section 1 no. 13 GwG to third parties
4. real estate agents
5. bookmakers
6. casinos
7. operator of a betting agency
8. commodity dealers, art brokers and art warehouse keepers, insofar as the warehousing takes place in duty-free zones

are authorised to apply.

- **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 precautions must be taken in accordance with the risk analysis to prevent business relationships and transactions that may be related to money laundering or terrorist financing.

- **For online applications: registration/login via BundID**

(<https://service.berlin.de/nutzerkonten/bundid/>)

To submit your application online, log in with your BundID account. If you do not yet have a BundID account, please register with BundID. The basic registration with a user name and password is sufficient for this.

Documents required

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

Online possible; or you submit an application in text form by post.

- For the online application: Please have all required documents and evidence ready to upload in PDF, JPG, JPEG or PNG format.

- **Evidence of eligibility to submit an application**

Applicants for exemption are:

- Members of the management level: With proof of the extract from the commercial register or shareholders' agreement **or**.
- Current money laundering officers, if applicable: With proof of their appointment **or**.
- Externally commissioned third parties: With submission of the contract on the outsourcing of internal safeguards **or**.
- Legal advisors: With presentation of an original power of attorney of the representative relating to the individual case.

- **Risk analysis**

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)

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)

- **Schedule of Administrative Fees (Verwaltungsgebührenordnung (VGebO))**

(<https://gesetze.berlin.de/jportal/?quelle=jlink&query=VwGebO+BE&psml=b>)

Average time to process request

approx. 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/artikel.1112998.en.php>)
- **Fact sheet: Risk-based organisational measures**
(https://www.berlin.de/sen/wirtschaft/wirtschaftsrecht/geldwaesche/2021_06_28_broschuere_risikomanagement_barrierefrei_final.pdf)
- **Casinos: Gambling Supervision at the Senate Department of the Interior**
(<https://www.berlin.de/sen/inneres/buerger-und-staat/weitere-themen/gluecksspielaufsicht/artikel.103276.php>)
- **Basic Information Money Laundering Act for Obligated Persons in the Gambling Sector of the LABO**
(https://www.berlin.de/lab/_assets/buergerdienste/20190311-basisinformation-gwg-gluecksspielsektor.pdf)
- **Notes on the interpretation and application of the Money Laundering Act (AMLA)**
(https://www.berlin.de/lab/_assets/buergerdienste/20190204_aua-gwg-gluecksspiel-stand-1-2-2019.pdf)
- **First National Risk Analysis**
(https://www.bundesfinanzministerium.de/Content/DE/Downloads/Broschuere_n_Bestellservice/2019-10-19-erste-nationale-risikoanalyse_2018-2019.html)
- **Central Office for Financial Transaction Investigations (FIU)**
(https://www.zoll.de/DE/FIU/fiu_node.html)

Average time to process request

https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Geldwaeschepraevention_Befreiung/index