Money laundering prevention

Senatsverwaltung für Wirtschaft, Energie und Betriebe

Address

Martin-Luther-Straße 105
10825 Berlin

Contact

Telephone: (030) 9013-0
Fax: (030) 9028-5305
Internet:
https://www.berlin.de/sen/wirtschaft/wirtschaft/wirtschaftsrecht/geldwaesche/
E-mail: geldwaesche@senweb.berlin.de

Barrier-free access

Explanation of symbols (https://service.berlin.de/hinweise/artikel.2699.php)

Opening hours

Monday:	by appointment only
Tuesday:	by appointment only
Wednesday:	by appointment only
Thursday:	by appointment only
Friday:	by appointment only

Verkehrsanbindungen

S-Bahn

0.6km S Schöneberg
S45, S46, S41, S42, S1

0.6km S+U Innsbrucker Platz
S45, S46, S41, S42

U-Bahn

0.2km U Rathaus Schöneberg
U4

0.5km S+U Innsbrucker Platz
U4

0.6km U Bayerischer Platz
U7, U4

Bus

0.2km Rathaus Schöneberg

M46, N7X, 143, M43

0.3km [Berlin, Dominicusstr./Hauptstr.]

187, M48, M85, M43, 248, M46, N7X

0.3km [Heylstr.]

143

Payment options

Payment is not provided

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 an obliged party, you apply for exemption from the obligation to appoint a money laundering officer to the relevant competent authority.
2. Your application will be examined by the competent authority.
3. You will first receive a fee notice and must pay the administrative fee.
4. After payment, you will receive the final decision from the competent authority.

Prerequisites

- **Obliged 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.

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=bsbeprod.psml&max=true)

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/labo/_assets/buergerdienste/20190311-basisinformation-gwg-gluecksspielsektor.pdf)
- **Notes on the interpretation and application of the Money Laundering Act (AMLA)** (https://www.berlin.de/labo/_assets/buergerdienste/20190204_aua-gwg-gluecksspiel-stand-1-2-2019.pdf)
- **First National Risk Analysis** (https://www.bundesfinanzministerium.de/Content/DE/Downloads/Broschueren_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