

Money laundering prevention - Notify the removal of a (group) money laundering officer

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Money laundering prevention – Notify the removal of a (group) money laundering officer

As an obligated party under the Money Laundering Act (GwG), you may be required to appoint a money laundering officer at management level and a deputy. The competent authority must be notified in advance of the dismissal or removal of the previously appointed **Money Laundering Officer** and his deputy.

The same also applies to mother companies of groups of companies who wish to remove or discharge their previously appointed **group money laundering officers** and their deputies.

If you do not completely cease business operations, you must immediately appoint a new (group) money laundering officer/deputy for your company or group of companies upon the dismissal of the previous (group) money laundering officer/deputy (see under "More information").

Procedure:

1. As the obligated party, you must notify the competent authority in advance of the release from duty of the previous (group) money laundering officer and his or her deputy for your (parent) company. You can also complete this notification online and submit it in electronic form.
2. The competent 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 receive a final notification 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)

Natural or legal entities are legally obliged to notify a **Money Laundering Reporting Officer** if they act as

- 1. financial enterprises
- 2. bookmakers
- 3. casinos
- 4. operator of a betting agency

are active.

Only legal entities that act as a group or group mother company as a

- 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 active.

- **Power of representation**

The person making the notification must be a member of the management or an internal/external (group) money laundering officer of the company.

The legal counsel of the obliged person may also make the report upon presentation of the original power of attorney and designation of the subject matter.

- **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

- **Notification of the dismissal of a (group) money laundering officer and his deputy**

The notification is possible in text form, please use the offered online procedure as a preferred option.

- **Evidence of authorisation to notify**

- Proof of appointment as (group) money laundering officer or
- Contract on the outsourcing of internal security measures or
- Evidence that the person making the report is a member of the management level of the company (e.g. extract from the commercial register or shareholders' agreement) or
- If applicable, an original mandate of the representing legal counsel related to the individual case.

- **Document proving the discharge**

E.g. contract of termination, certificate of discharge or similar.

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

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

Registered companies please submit a current excerpt from the commercial register. Legal entities in the process of formation (GmbH, AG) please submit the company agreement or articles of association.

- **If applicable, notice of cancellation, trade deregistration confirmation**

(<https://service.berlin.de/dienstleistung/122107/en/>)

Only in the case of termination of the trade or business

Fees

none

Legal basis

- **Money Laundering Act (Geldwäschegesetz - GwG) § 7 section 1 sentence 1 & section 4 sentence 1**

(https://www.gesetze-im-internet.de/gwg_2017/_7.html)

- **Money Laundering Act (Geldwäschegesetz - GwG) § 9 section 1 sentence 2 No. 2**

(https://www.gesetze-im-internet.de/gwg_2017/_9.html)

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>)
- **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/lab0/_assets/buergerdienste/20190311-basisinformati-on-gwg-gluecksspielsektor.pdf)
- **Notes on the interpretation and application of the Money Laundering Act (AMLA)**
(https://www.berlin.de/lab0/_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)
- **Money Laundering Prevention - Display appointment of a (Group-) Money Laundering Officer**
(<https://service.berlin.de/dienstleistung/328299/>)

Average time to process request

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