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Money laundering prevention - providing information on breaches (whistleblower system)

Obligated persons under the Act on the Tracing of Profits from Serious Crimes - Money Laundering Act (GwG) - are obliged to report facts that have come to their knowledge that indicate money laundering or terrorist financing. They must also comply with the identification and record-keeping obligations under the AMLA. The money laundering supervisory authorities ensure compliance with the provisions of the Money Laundering Act.

If you suspect that recipients of the MLA are breaching their obligations under the Money Laundering Act or related provisions, you can notify the competent supervisory authority.

Caution: Such a notice is not to be confused with a money laundering suspicion report to the Financial Intelligence Unit, FIU. This report must always be made if there is a suspicion of money laundering or terrorist financing. The present case concerns violations of the obligations under the AMLA (e.g. failure to report suspicions to the FIU or failure to identify the person).

Procedure:

1. You can submit information on potential or actual breaches of the Money Laundering Act to the competent supervisory authority electronically via the whistleblower system or by other means, e.g. by e-mail, telephone or in writing. Further information can be found on the website of the supervisory authority under " More information".

- **Notes can be submitted anonymously.** You are not obliged to provide any information about yourself. If you do provide information about your identity, it will be treated confidentially. The supervisory authorities will only disclose the identity of a person who has given a tip-off if they have obtained that person's express consent beforehand or if disclosure of this information has been ordered by a decision of the public prosecutor's office or an investigating judge.
- The transmission shall be confidential. Information may only be viewed by the competent supervisory authority.

2. The supervisory authority shall examine the information.

3. If necessary, the supervisory authority will contact you in case of queries and inform you about the further procedure.

- If you use the electronic whistleblower system, the competent supervisory authority can still communicate with you via an anonymous electronic mailbox.

Prerequisites

- **Indications of breaches within the framework of money laundering supervision**

You have any information or indications of potential or actual breaches of the Money Laundering Act and would like to report them to the competent supervisory authority.

Documents required

- **Notice/suspicious activity report**

In your notice/ suspicious activity report, describe the facts about the potential or actual breach of the Money Laundering Act as precisely and comprehensively as possible.

- **If necessary, further evidence**

If available, attach other relevant evidence (e.g. documents, files, witness statements, etc.) to your suspicious activity report.

Fees

none

Legal basis

- **Money Laundering Prevention Act (Geldwäschegesetz - GwG) § 53 sec. 1**

(https://www.gesetze-im-internet.de/gwg_2017/_53.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>)
- **Basic Information Money Laundering Act for Obligated Persons in the Gambling Sector of the LABO**
(https://www.berlin.de/lab0/_assets/buergerdienste/20190311-basisinformation-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)
- **Notarial Affairs and Money Laundering Supervision of the President of the Berlin Regional Court (Landgericht Berlin)**
(<https://www.berlin.de/gerichte/landgericht/das-gericht/notariatsangelegenheiten-und-geldwaescheaufsicht/artikel.1090686.php>)
- **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.bkms-system.com/Hinweis-GwG-Berlin>