

99089165010000, 99089165010000

Documentation of the risk analysis of money laundering and terrorist financing Exemption

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/106142199/L100010>

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Leistungsschlüssel	99089165010000, 99089165010000
Leistungsbezeichnung I	Documentation of the risk analysis of money laundering and terrorist financing Exemption
Leistungsbezeichnung II	
Typisierung	2/3a - Bund: Regelung, Land: Vollzug
Quellredaktion	Saarland
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Sicherheit und Ordnung (089)
Verrichtungskennung	Befreiung (010)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und

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	Führung eines Unternehmens
Lagen Portalverbund	Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.04.2025
Fachlich freigegeben durch	Ministry of Economic Affairs, Innovation, Digital and Energy
Handlungsgrundlage	https://www.gesetze-im-internet.de/gwg_2017/_5.html https://www.gesetze-im-internet.de/gwg_2017/_5.html
Teaser	Upon request, the supervisory authority may exempt obligated parties from the obligation to document the risk analysis under certain conditions.
Volltext	<p>As an obligated party under the German Money Laundering Act (GwG), you must identify and assess the risks of money laundering and terrorist financing for the transactions you conduct and properly document them in a risk analysis. Under the conditions that your company</p> <ol style="list-style-type: none"> 1. existing concrete risks are clearly recognizable and 2. the risks are understood, you can be exempted from the obligation to document a risk analysis upon request. <p>You must continue to identify and assess money laundering and terrorist financing risks on an ongoing basis and take suitable internal security measures to prevent them. You can only be exempted from the regular documentation obligation.</p> <p>Re 1. the existing specific risks may be clearly recognizable if, for example, your business activities</p> <ul style="list-style-type: none"> • do not involve complex business activities, • the transactions you carry out are of a manageable size, • your customer structure is homogeneous and • there are no other risk-increasing circumstances.

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Re 2: A sufficient understanding of the specific risks can be assumed if the internal security measures you have taken (e.g. regular briefings of the personnel deployed and security checks) are appropriate to the risk.

Erforderliche Unterlagen

An application for exemption from the documentation of a risk analysis

- The application must demonstrate in a comprehensible and justified manner that the risks of money laundering and terrorist financing in your business area are manageable and clearly recognizable.
- Proof of eligibility to apply Proof of appointment as (group) money laundering officer or (group) money laundering officer or contract on the outsourcing of internal security measures or Proof that the person submitting the application is a member of the company's management (e.g. extract from the commercial register or shareholders' agreement) or If applicable, an original power of attorney from the representing legal counsel relating to the individual case
- General risk analysis A comprehensible presentation of the internal security measures taken on the basis of the specific risks of money laundering and terrorist financing identified and assessed in your business area.

Registered companies should submit a current excerpt from the commercial register with their application. Legal entities in the process of being founded (GmbH, AG) should submit the articles of association.

Voraussetzungen

Obligated parties under the Money Laundering Act

Only natural or legal persons who are obliged entities under the GwG are eligible to apply:

1. Financial companies within the meaning of Section 1 (24) GwG (obliged entities pursuant to Section 2 (1) No. 6 GwG)
2. Insurance intermediaries pursuant to Section 59 of the Insurance Contract Act, insofar as they broker the

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activities, transactions, products or services covered by Section 2 (1) No. 7 GwG, with the exception of insurance intermediaries operating pursuant to Section 34d (6) or (7) No. 1 of the Trade, Commerce and Industry Regulation Act, and branches of such insurance intermediaries based abroad and located in Germany. (Obligated parties pursuant to Section 2 (1) no. 8 GwG)

3. Service providers for companies and for trust assets or trustees if they provide the services specified in Section 2 (1) no. 13 GwG for third parties (obliged entities pursuant to Section 2 (1) no. 13 GwG)

4. Real estate agents (obliged entities pursuant to Section 2 (1) no. 14 GwG)

5. Bookmakers within the meaning of Section 2 (1) RennwLottG (obliged entities pursuant to Section 2 (1) no. 15 GwG)

6. Casinos (obliged entities pursuant to Section 2 (1) no. 15 GwG)

7. Betting agencies (obliged entities pursuant to Section 2 (1) no. 15 GwG)

8. Acceptance points within the meaning of Section 3 (5) of the Interstate Gambling Treaty, insofar as they offer the Oddset sports bet (obliged entities pursuant to Section 2 (1) no. 15 GwG)

9. Online gambling events (virtual slot machines and online poker) within the meaning of Sections 22a and 22b of the Interstate Gambling Treaty 2021 (obliged entities pursuant to Section 2 (1) no. 15 GwG)

10. Goods traders (obliged entities pursuant to Section 2 (1) no. 16 GwG).

Authorized representatives

Applicant must be a member of management or an internal or external money laundering officer of the company.

Clear recognizability of the risks

z. E.g. presentation of the risks to which your company is exposed and how vulnerable it is to abuse against money laundering or terrorist financing. Sufficient understanding of the risks, e.g. presentation of the security measures taken based on the specific risks

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	identified.
Kosten	<p>A fee of €50.00 - €3,000.00 is charged for the approval of an exemption from documentation.</p> <p>In the event of rejection:</p> <p>If an application to carry out an official act is withdrawn before it is completed, up to 75 percent of the full fee must be paid depending on the expenses already incurred (Section 9 (2) SaarlGebG).</p> <p>You will receive a notification of fees.</p> <p>The administrative fees are set in accordance with the Act on the Levying of Administrative and User Fees in Saarland (SaarlGebG) in conjunction with the General Fee Schedule for Saarland (GebVerz) (here: No. 390).</p>
Verfahrensablauf	As an obligated company, you apply to the competent supervisory authority for exemption from the obligation to document a risk analysis. Your application will then be reviewed by the competent authority. After your application has been reviewed, you will receive a fee notice. Once you have paid the fee, the notification will be sent to you.
Bearbeitungsdauer	approx. 6 weeks (depending on the size of the company)
Frist	none
weiterführende Informationen	<p>Further information on money laundering prevention can be found on the Saarland's topic page</p> <p>https://www.saarland.de/mwide/DE/themen-aufgaben/weitere_aufgaben/geldwaeschepraevention/geldwaeschepraevention_node.html</p> <p>https://www.saarland.de/mwide/DE/themen-aufgaben/weitere_aufgaben/geldwaeschepraevention/geldwaeschepraevention_node.html</p>
Hinweise	
Rechtsbehelf	You can lodge an appeal against the decision with the competent authority. You will find the relevant information in the decision.

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Kurztext	Persons subject to obligations under the German Money Laundering Act (GwG) must identify and assess the risks of money laundering and terrorist financing for the transactions they conduct and properly document them in a risk analysis. Under certain conditions, it is possible to apply for exemption from the obligation to document a risk analysis.
Ansprechpunkt	
Zuständige Stelle	State Administration Office At the market 7 66386 St. Ingbert Phone: +49 681 501-00 E-mail: gwg@lava.saarland.de
Formulare	Forms: no Online procedure possible: yes Written form required: no Personal appearance required: no
Ursprungsportal	Dokumentation der Risikoanalyse der Geldwäsche und der Terrorismusfinanzierung Befreiung, Documentation of the risk analysis of money laundering and terrorist financing Exemption