

99089165010000, 99089165010000

Request exemption from the documentation of a risk analysis for money laundering

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/613016142/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99089165010000, 99089165010000
Leistungsbezeichnung I	Request exemption from the documentation of a risk analysis for money laundering
Leistungsbezeichnung II	Request exemption from the documentation of a risk analysis for money laundering
Typisierung	1 - Bund: Regelung und Vollzug, 3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Sicherheit und Ordnung (089)
Verrichtungskennung	Befreiung (010)

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SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und Führung eines Unternehmens
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	09.08.2024
Fachlich freigegeben durch	Ministry of Economic Affairs, Industry, Climate Protection and Energy of the State of North Rhine-Westphalia
Handlungsgrundlage	https://www.gesetze-im-internet.de/gwg_2017/_5.html
Teaser	Upon request, the competent body 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.</p> <p>Provided that specific risks in your business area are clearly identifiable and</p> <p>1. existing concrete risks are clearly recognizable and</p> <p>1. the risks are understood,</p> <p>be exempted from the obligation to document a risk analysis upon request.</p> <p>Please note that the exemption from documenting a risk analysis does not exempt you from the obligation to prepare a risk analysis. Exemption can only be granted for the documentation.</p> <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</p>

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regular documentation obligation. Re 1. the existing specific risks may be clearly recognizable if, for example, your transactions

- 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.

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

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 an anti-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 management level of the company (e.g. extract from the commercial register or shareholders' agreement, organizational chart)

Current 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.

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If applicable, a current excerpt from the commercial register

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

Voraussetzungen

- Obligated parties under the Money Laundering Act

Only natural or legal persons who are deemed to be:

1. Financial companies within the meaning of Section 1 (24) GwG (obliged entities pursuant to Section 2 (1) No. 6 GwG)

1. Insurance intermediaries pursuant to § 59 of the Insurance Contract Act, insofar as they broker the activities, transactions, products or services covered by § 2 para. 1 no. 7 GwG, with the exception of insurance intermediaries operating pursuant to § 34d para. 6 or 7 no. 1 of the Trade, Commerce and Industry Regulation Act, and branches of such insurance intermediaries located in Germany and based abroad 3.

1. Service providers for companies and for trust assets or trustees if they provide the services specified in Section 2(1)(13) GwG for third parties (obliged entities pursuant to Section 2(1)(13) GwG)

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

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

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

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

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1. 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)

1. Organizers of online games of chance (virtual slot machines and online poker) within the meaning of Sections 22a and 22b of the State Treaty on Gambling 2021 (obliged entities pursuant to Section 2 (1) no. 15 GwG)

are active.

- Authorized representative

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

- Clear recognizability of the risks

z. E.g. presentation

1. what risks your company is exposed to and

1. how vulnerable it is to abuse against money laundering or terrorist financing

- Sufficient understanding of the risks

z. E.g. presentation of the security measures taken on the basis of the specific risks identified

Kosten

Is based on the respective administrative fee schedule of the federal state or on the fee statutes of the authorities responsible under federal state law.

Verfahrensablauf

- As the obligated party, you apply to the competent authority for exemption from the obligation to document a risk analysis
- Your application will be reviewed by the competent authority
- You will receive a decision once the procedure has

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	been completed
Bearbeitungsdauer	Approx. 6 weeks
Frist	none
weiterführende Informationen	
Hinweise	There are no indications or special features.
Rechtsbehelf	<ul style="list-style-type: none"> • Appeal (depending on state law, the appeal may be excluded) • Administrative court action
Kurztext	<ul style="list-style-type: none"> • Documentation of the money laundering and terrorist financing risk analysis Exemption • Persons subject to obligations under the 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. • Competent authority: Depends on the respective state law
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Request exemption from the documentation of a risk analysis for money laundering, Befreiung von der Dokumentation einer Risikoanalyse wegen Geldwäsche beantragen