

99089187261000

Heruntergeladen am 21.06.2025

<https://fimportal.de/xzufi-services/30185/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99089187261000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Money laundering; appointment of a money laundering officer and a representative
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

Modul	Sachverhalt
Fachlich freigegeben am	27.05.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium des Innern und für Integration (Bavarian State Ministry of the Interior, for Sport and Integration)
Handlungsgrundlage	http://www.gesetze-im-internet.de/gwg_2017/_2.html http://www.gesetze-im-internet.de/gwg_2017/_2.html http://www.gesetze-im-internet.de/gwg_2017/_6.html http://www.gesetze-im-internet.de/gwg_2017/_6.html http://www.gesetze-im-internet.de/gwg_2017/_7.html http://www.gesetze-im-internet.de/gwg_2017/_7.html http://www.gesetze-im-internet.de/gwg_2017/_51.htm http://www.gesetze-im-internet.de/gwg_2017/_51.htm http://www.gesetze-im-internet.de/gwg_2017/_9.html http://www.gesetze-im-internet.de/gwg_2017/_9.html
Teaser	The obligation to appoint an anti-money laundering officer depends on risk factors such as the area of activity or structure of the company, which could facilitate possible misuse for money laundering by third parties.
Volltext	<p>The German Money Laundering Act (Geldwäschegesetz - GwG) stipulates that obliged entities must take appropriate business and customer-related internal security measures to prevent money laundering and terrorist financing. These internal security measures include, in particular, the appointment of an anti-money laundering officer and their representative. The obligation to appoint an anti-money laundering officer or a representative exists either directly by law (Section 7 (1) sentence 1 GwG) or by order of the competent authority (Section 7 (3) GwG).</p> <p>This order was issued in mid-August 2021 for all Bavarian administrative districts for commercial goods traders whose main activity (more than 50% of total turnover in the previous financial year) is trading in precious metals such as gold, silver and platinum, precious stones, jewelry, watches, works of art, antiques, motor vehicles, ships, motorboats or aircraft, who employed a total of at least 15 employees in the areas of acquisition, cash register, customer</p>

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accounting, sales and distribution including management personnel (in particular management) on the last day of the previous financial year and who were obliged under Section 4 para. 5 No. 1 GwG are obliged to have an effective risk management system in place.

The appointment of an anti-money laundering officer and a deputy or their dismissal must be reported to the competent authority in advance (Section 7 (4) sentence 1 GwG). We recommend using the forms that can be downloaded under "Forms" for the notification (notification of change/representation/release).

According to Section 7 (2) GwG, an exemption from the obligation to appoint an anti-money laundering officer can be applied for from the locally competent supervisory authority.

According to Section 6 (7) sentence 1 GwG, the obligated party may conclude a contractual agreement to transfer the duties of the anti-money laundering officer to a third party. The approval of the supervisory authority is not required for this. Rather, prior notification of the transfer is sufficient.

Information on the contractual requirements can be found under "Further links".

Erforderliche Unterlagen

Voraussetzungen

The obligation to appoint an anti-money laundering officer exists for

- obliged entities pursuant to section 2 (1) nos. 1 to 3, 6, 7, 9 and 15 GwG in principle (section 7 (1) sentence 1 GwG);
- obliged entities pursuant to section 2 (1) nos. 4, 5, 8, 10 to 14 and 16 AMLA only by order of the supervisory authorities (section 7 (3) sentence 1 AMLA);
- for obliged entities pursuant to Section 2 para. 1 no. 16 GwG, this order is to be issued in mid-August 2021 for all Bavarian administrative districts for commercial goods traders whose main activity (over 50% of total turnover in the previous financial year) is trading in precious metals such as gold, silver and platinum, precious stones, jewelry, watches, works of art, antiques, motor vehicles, ships, motorboats or aircraft, ships, motorboats or aircraft, where on the last day of the previous financial year a total of at least 15

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employees were employed in the areas of acquisition, cash, customer accounting, sales and distribution, including management personnel (in particular management) and which are obliged under Section 4 para. 5 No. 1 GwG are obliged to have an effective risk management system (§ 7 para. 3 sentence 2 GwG);

- as the parent company of a group pursuant to Section 9 para. 1 sentence 2 no. 2 GwG or
- for group-affiliated obliged entities that have to implement group-wide obligations (Section 9 para. 4 GwG);

In all these cases, both the appointment and the dismissal of the anti-money laundering officer and his/her deputy must be notified in advance (Section 7 para. 4 GwG and Section 9 para. 1 sentence 4 and para. 4 GwG).

Competent supervisory authority for

- Financial companies (Section 2 para. 1 no. 6 GwG in conjunction with Section 1 para. 24 sentence 1 GwG)
- Insurance intermediaries (Section 2 (1) No. 8 GwG)
- Service providers for companies and trust assets or trustees (Section 2 (1) No. 13 GwG)
- Real estate agents (Section 2 (1) No. 14 GwG)
- Goods dealers and art brokers (Section 2 (1) No. 16 GwG)

is the Government of

Kosten
Verfahrensablauf

Please use the forms listed below to (re)appoint or dismiss (group) anti-money laundering officers or their deputies for your company headquartered in Bavaria and belonging to one of the above-mentioned groups of companies. Please notify the competent supervisory authority of simple changes, e.g. of telephone numbers, by post, fax or e-mail.

Bearbeitungsdauer
Frist

None

weiterführende Informationen

<https://www.stmi.bayern.de/a-z/anzeigen/geldwaesche/>
<https://www.stmi.bayern.de/a-z/anzeigen/geldwaesche/>

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	https://www.bundesfinanzministerium.de/Content/DE/Downloads/Broschueren_Bestellservice/2019-10-19-erste-nationale-risikoanalyse_2018-2019.html https://www.bundesfinanzministerium.de/Content/DE/Downloads/Broschueren_Bestellservice/2019-10-19-erste-nationale-risikoanalyse_2018-2019.html
Hinweise	The voluntary appointment of a money laundering officer as an "additional" internal security measure is possible without you being obliged to do so by the AMLA or a provision of the supervisory authority.
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal