



GUIDELINES ON RISK FACTORS

Background regulations: Articles L. 561-4-1, L. 561-9 and L. 561-10-1 of the French Monetary and Financial Code, Articles 320-19, 321-146, 325-22 and 560-9 of the AMF General Regulation

This position incorporates the European Banking Authority (**EBA**) guidelines on risk factors (EBA/GL/2021/02)¹, as amended by Guidelines EBA/GL/2023/03² (hereinafter, the “**Guidelines on risk factors**”)³.

Presentation of the Guidelines on risk factors

These Guidelines set out factors that firms⁴ should consider when assessing the money laundering and terrorist financing (AML/CFT) risks associated with a business relationship or occasional transaction⁵. They also set out how firms can adjust the extent of their customer due diligence measures in a way that is proportionate to the identified AML/CFT risk. Furthermore, these guidelines have been supplemented with the EBA guidelines (EBA/GL/2023/03) for clients that are non-profit organisations (**NPO**).

The factors and measures set out in the Guidelines on the risk factors are not exhaustive, and institutions should take account of other factors and measures as needed.

Guidelines 1 to 7 set out general considerations and apply to all firms subject to AML/CFT obligations (hereinafter referred to as the “**Obligated Entities**”).

These general considerations provide elements of methodology:

- For identifying money laundering and terrorist financing risks, in particular by drawing up a non-exhaustive list of the risk factors that should be taken into account by Obligated Entities or which could be relevant, by, in particular, differentiating between risk factors related to clients, countries and geographical areas, products, services and transactions, and to distribution channels; and
- For assessing and categorising the AML/CFT risk associated with a business relationship or occasional transaction, based on the weighting of risk factors.

They then present the simplified and enhanced customer due diligence measures based on the level of risk identified. Finally, they provide clarifications as regarding the recording and archiving of documents relating to risk assessment and diligence measures, and the mechanisms for providing training on AML/CFT and for assessing

¹ Guidelines under Articles 17 and 18(4) of Directive (EU) 2015/849 on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions, repealing and replacing Guidelines JC/2017/37 (EBA/GL/2021/02).

² [Guidelines amending the Guidelines on risk factors \(EBA/GL/2023/03\)](#).

³ [Guidelines on risk factors \(consolidated version\)](#).

⁴ These are credit and financial institutions as defined in Article 3, paragraphs 1 and 2 of Directive (EU) 2015/849.

⁵ Pursuant to Article 8 of Directive (EU) 2015/849.

the effectiveness of the strategy used to combat money laundering and terrorist financing.

The Guidelines listed below set out sector-specific guidelines. The following concern Obligated Entities placed under the AMF's supervision:

- Guidelines 12 and 15, which apply i) to asset management companies in connection with their discretionary portfolio management activity and investment advisory services, and ii) to financial investment advisors in connection with their investment advisory services activity;
- Guideline 16, which applies to portfolio asset management companies in connection with their collective investment management activity

Finally, an annex added by the guidelines amending Guidelines EBA/2021/02 deals specifically with identifying money laundering and terrorist financing risks, as well as their assessment and categorisation, when the client is an NPO.

Scope of application of the position

The provisions of this position apply to actors subject to the jurisdiction of the Autorité des Marchés Financiers under Article L. 561-36, I, 2° of the Financial and Monetary Code⁶.

These Guidelines are available in the section "Appendices & Links" and on the EBA website at the following URLs:

- In French: [Orientations au titre des articles 17 et 18, paragraphe 4, de la directive \(UE\) 2015/849, sur les mesures de vigilance simplifiées et renforcées à l'égard de la clientèle et sur les facteurs que les établissements de crédit et les établissements financiers devraient prendre en considération lorsqu'ils évaluent les risques de blanchiment de capitaux et de financement du terrorisme associés aux relations d'affaires individuelles et aux transactions conclues à titre occasionnel abrogeant et remplaçant les orientations JC/2017/37 \(version consolidée\)](#)
- In English: [Guidelines under Articles 17 and 18\(4\) of Directive \(EU\) 2015/849 on customer due diligence and the factors credit and financial institutions should consider when assessing the money laundering and terrorist financing risk associated with individual business relationships and occasional transactions \("The ML/TF Risk Factors Guidelines"\), repealing and replacing Guidelines JC/2017/37 \(consolidated version\)](#)

⁶ The collective investment management companies referred to in Article L. 543-1, the branches of the European UCITS and AIF investment management companies referred to in Articles L. 532-20-1 and L. 532-21-3, the collective investments referred to in Article L. 214- 1, I, the persons referred to in Article L. 440-2(7) who are subject to the jurisdiction of the Autorité des Marchés Financiers, the central depositories referred to in Article L. 441-1 I, 1° and 2°, and the managers of financial instrument settlement systems and persons authorised under Article L. 621-18-5, financial investment advisers, crowdfunding service providers in respect of their activities referred to in Article L. 547-4, the token issuers referred to in Article L. 561-2, 7° ter and the service providers referred to in Article L. 561- 2, 7° quater.



GUIDELINES ON THE PROVISION OF ACCESS TO FINANCIAL SERVICES

Reference texts: Articles L. 561-4-1, L. 561-9 and L. 561-10-1 of the Monetary and Financial Code, and Articles 320-19, 321-146, 325-22 and 560-9 of the AMF General Regulation

This position incorporates the European Banking Authority (**EBA**) guidelines on policies and controls for the effective management of money laundering and terrorist financing (ML/TF) risks when providing access to financial services¹ (the "**Guidelines on the provision of access to financial services**").

Presentation of the Guidelines on the provision of access to financial services

These guidelines supplement the EBA's guidelines on risk factors, to which the AMF adheres², and specify the policies, procedures and controls that institutions³ should put in place to effectively mitigate and manage money laundering and terrorist financing risks.

In particular, they clarify the framework applicable in this area, under which institutions should, for example:

- differentiate between the risks associated with a particular category of clients and the risks associated with individual clients that belong to this category; and
- ensure that the implementation of these policies, procedures and controls does not result in the blanket refusal or termination of business relationships with entire categories of clients that they have assessed as presenting higher ML/TF risk.

Scope of application

The provisions of this position apply to market participants subject to the jurisdiction of the Autorité des Marchés Financiers under the terms of Article L. 561-36, 1, 2° of the Monetary and Financial Code⁴.

¹ EBA, [Guidelines on policies and controls for the effective management of money laundering and terrorist financing \(ML/TF\) risks when providing access to financial services \(the "Guidelines 2023/04"\)](#).

² AMF Position 2019-14 (Guidelines on risk factors).

³ Credit institutions and financial institutions, as defined in Article 3(1) and (2) of Directive (EU) 2015/849.

⁴ The collective investment management companies referred to in Article L. 543-1, the branches of the European UCITS and AIF investment management companies referred to in Articles L. 532-20-1 and L. 532-21-3, the collective investments referred to in Article L. 214- 1, 1, the persons referred to in Article L. 440-2(7) who are subject to the jurisdiction of the Autorité des Marchés Financiers, the central depositories referred to in Article L. 441-1 I, 1° and 2°, and the managers of financial instrument settlement systems and persons authorised under Article L. 621-18-5, financial investment advisers, crowdfunding service providers in respect of their activities referred to in Article L. 547-4, the token issuers referred to in Article L. 561-2, 7° ter and the service providers referred to in Article L. 561- 2, 7° quater.

These Guidelines are available under the Annexes & Links menu, and from the EBA website at the following addresses:

- **In French:** Orientations sur les politiques et contrôles visant à la gestion efficace des risques de blanchiment de capitaux et de financement du terrorisme (BC/FT) lors de la fourniture d'un accès à des services financiers

https://www.eba.europa.eu/sites/default/documents/files/document_library/Publications/Guidelines/2023/EBA-GL-2023-04/Translations/1061451/GLs%20on%20MLTF%20risk%20management%20%28EBA%20GL%202023%2004%29_FR_COR.pdf

- **In English:** Guidelines on policies and controls for the effective management of money laundering and terrorist financing (ML/TF) risks when providing access to financial services

https://www.eba.europa.eu/sites/default/documents/files/document_library/Publications/Guidelines/2023/1054144/Guidelines%20on%20MLTF%20risk%20management%20and%20access%20to%20financial%20services.pdf