

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,032, 4 ta' April, 2023

Taqsimha B

L.N. 72 of 2023

**INVESTMENT SERVICES ACT
(CAP. 370)**

**Investment Services Act (Provision of Investment Services and
Activities by Third-Country Firms) (Amendment) Regulations,
2023**

IN EXERCISE of the powers conferred by article 12 of the Investment Services Act, the Minister responsible for the regulation of Financial Services, acting on the advice of the Malta Financial Services Authority, has made the following regulations:

1. (1) The title of these regulations is the Investment Services Act (Provision of Investment Services and Activities by Third-Country Firms) (Amendment) Regulations, 2023, and these regulations shall be read and construed as one with the Investment Services Act (Provision of Investment Services And Activities by Third-Country Firms) Regulations, hereinafter referred to as the "principal regulations".

Citation and scope.

S.L. 370.43.

(2) The purpose of these regulations is to transpose paragraph 3 of Article 41(2) and Article 41(4) of MiFID as amended by Article 63 of Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU, and they shall be interpreted and applied accordingly.

2. Immediately after sub-regulation (2) of regulation 7 of the principal regulations, there shall be added the following new sub-regulation (3):

Amends regulation 7 of the principal regulations.

"(3) The competent authority shall notify ESMA on an annual basis of the list of branches of third-country firms active in Malta."

3. Immediately after regulation 7A of the principal regulations there shall be added the following new proviso:

Amends regulation 7A of the principal regulations.

"Provided that upon request, the competent authority shall communicate the following information to ESMA:

(a) all the authorisations for branches authorised in accordance with regulation 5(1) and any subsequent changes to such authorisations;

(b) the scale and scope of the services and activities carried out by an authorised branch in Malta;

(c) the turnover and the total assets corresponding to the services and activities referred to in point (b);

(d) the name of the third-country group to which an authorised branch belongs."
