Citation and Scope.

1. (1) The title of these regulations is the Recovery and Resolution (Amendment) Regulations, 2023 and they shall be read and construed as one with the Recovery and Resolution Regulations, hereinafter referred to as the "principal regulations."


2. Immediately after sub-regulation (3) of regulation 1 of the principal regulations, there shall be added the following new sub-regulation:

"(4) These regulations shall not apply to entities that are also authorised in accordance with Article 14 of Regulation (EU) No 648/2012.".

3. In sub-regulation (1) of regulation 2 of the principal regulations, immediately after the definition "the Authority" there shall be added the following new definition:
"automatic acceleration" means a situation in which a covered bond automatically becomes immediately due and payable upon the insolvency or resolution of the issuer and in respect of which the covered bond investors have an enforceable claim for repayment at a time earlier than the original maturity date;".

4. The proviso to sub-regulation (9) of regulation 33B of the principal regulations shall be substituted by the following:

"Provided that, such powers shall be exercised in accordance with the scope, duration and conditions provided for in the relevant Maltese legislation.

Provided further that, the conditions provided for in this regulation shall be without prejudice to the conditions related to such power of suspension payment or delivery obligations.".

5. The proviso to sub-regulation (1) of regulation 44A of the principal regulations shall be substituted by the following:

"Provided that and notwithstanding the provision of any other law, the conditions set out in paragraphs (a) to (c) shall apply to sellers of Additional Tier 1 instruments and Tier 2 instruments when the said instruments are sold to a retail client as defined in point (11) of Article 4(1) of Directive 2014/65/EU;";

6. In sub-regulation (5) of regulation 45I of the principal regulations, the words "regulation 45M." shall be substituted by the words "regulation 45L.";

7. In sub-regulation (2) of regulation 48 of the principal regulations, the words "eligible liabilities", wherever they occur, shall be substituted by the words "bail-inable liabilities";".

8. In paragraph (d) of sub-regulation (2) of regulation 55 of the principal regulations, the words "provided in regulation 73, when applying write-down and conversion powers to eligible liabilities.", shall be substituted by the words "regulation 44(3) amounts to more than 10 % of that class, it shall immediately assess the impact of that particular fact on the resolvability of that institution or entity, including the impact on the resolvability resulting from the risk of breaching the creditor safeguards provided in regulation 73 when applying write-down and conversion powers to eligible liabilities.".