

## Information Note

**INVESTMENT SERVICES ACT - (Financial Capital Adequacy)(Consolidation) (Amendment) Regulations, 2012 - L.N. 172 of 2012.**

**INVESTMENT SERVICES ACT - European Passport Rights for Investment Firms (Amendment) Regulations, 2012 - L.N. 174 of 2012.**

**FINANCIAL MARKETS ACT - European Rights for Regulated Markets (Amendment) Regulations, 2012 - L.N. 175 of 2012.**

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The above captioned Legal Notices have been published in the Government Gazette of the 26<sup>th</sup> May, 2012 and are consequently in force.

In the case of the **INVESTMENT SERVICES ACT - European Passport Rights for Investment Firms (Amendment) Regulations, 2012 - L.N. 174 of 2012** and the **FINANCIAL MARKETS ACT - European Rights for Regulated Markets (Amendment) Regulations, 2012 - L.N. 175 of 2012**, the amendments were necessary to transpose the requirements of the Directive 2010/78/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 98/26/EC, 2002/87/EC, 2003/6/EC, 2003/41/EC, 2003/71/EC, 2004/39/EC, 2004/109/EC, 2005/60/EC, 2006/48/EC, 2006/49/EC and 2009/65/EC in respect of the powers of the European Supervisory Authority (European Banking Authority), the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) – also referred to as the “Omnibus Directive”. These amendments mainly relate to the powers of the MFSA, to refer to ESMA any regulatory disputes which may arise in the context of passporting activities in terms of the MIFID Directive and to advise ESMA of any measures taken against European Investment Firms or Regulated Markets in this context.

In the case of the **INVESTMENT SERVICES ACT - (Financial Capital Adequacy)(Consolidation) (Amendment) Regulations, 2012 - L.N. 172 of 2012**, the amendments contemplated in this Legal Notice were necessary in order to transpose certain requirements emanating from Directive 2010/76/EU of the European Parliament and of the Council of 24 November 2010 amending Directives 2006/48/EC and 2006/49/EC as regards capital requirements for the trading book and for re-securitisations, and the supervisory review of remuneration policies – also referred to as the CRD III. These amendments relate to the measures available to the competent authorities in the case where investment firms do not meet the requirements of the CRD.

*This information note is for general information purposes only and does not have any legal force whatsoever. Any person wishing to look into the exact position at law should consult the relevant legislation. Should you have any queries with respect to the above, please do not hesitate to contact Dr. Sarah Pulis on telephone 25485232 or by email: [spulis@mfsa.com.mt](mailto:spulis@mfsa.com.mt).*