

# MFSA

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## MALTA FINANCIAL SERVICES AUTHORITY

### **Circular addressed to the investment services industry regarding amendments to the Investment Services Rules for Investment Services Providers, including UCITS Management Companies**

The MFSA has effected some amendments to the following regulations: [i] Part BI – Standard Licence Conditions applicable to Investment Services Licence Holders (excluding UCITS Management Companies) and [ii] Part BII – Standard Licence Conditions applicable to UCITS Management Companies; (“the Rules”) - issued in terms of Article 6 of the Investment Services Act, 1994.

Licence Holders should note that these amendments follow an earlier consultation which was launched by the MFSA in January 2012 in respect of ESMA Guidelines on certain aspects of the MiFID suitability requirements and on certain aspects of the MiFID compliance function requirements.

*ESMA Guidelines on certain aspects of the MiFID compliance function requirements*

**SLC 1.22** of the Rules (as referred to in [i] above) and **SLC 2.19** of the Rules (as referred to in [ii] above) have been amended so as to reflect the new ESMA guidance on the MiFID compliance function requirements. The purpose of these guidelines is to enhance clarity and foster convergence in the implementation of the MiFID organisational requirements relating to certain aspects of the compliance function.

Licence Holders are expected to take into account these guidelines. These Guidelines may be downloaded from ESMA’s [website](#). It should be noted that these Guidelines are also available in [Maltese version](#).

ESMA Guidelines on certain aspects of the MiFID suitability requirements

**SLC 2.20** of the Rules (as referred to in [i] above) and **SLC 3.01** of the Rules (as referred to in [ii] above) have been amended so as to reflect the new ESMA guidance on the MiFID suitability requirements. The purpose of these guidelines is to enhance clarity and foster convergence in the area of suitability. Amongst other issues, these guidelines focus mainly on the need for firms to have in place appropriate policies and procedures in order to know their clients when recommending suitable investment choices.

Licence Holders are expected to take into account these guidelines. These Guidelines may be downloaded from ESMA's [website](#). It should be noted that these Guidelines are also available in [Maltese version](#).

### **Contacts**

Should you have any queries regarding the above, please do not hesitate to contact: Dr Michelle Mizzi Buontempo, Tel: 25485112; [mmizzibuontempo@mfsa.com.mt](mailto:mmizzibuontempo@mfsa.com.mt) ; or Mr. Christopher P. Buttigieg, Tel: 25485229; [cbuttigieg@mfsa.com.mt](mailto:cbuttigieg@mfsa.com.mt); or Ms Sara Antonia Borg, Tel: 25485451; [saborg@mfsa.com.mt](mailto:saborg@mfsa.com.mt) .

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