

Circular to Credit, Payment and Electronic Money Institutions on Financial Institutions Rule FIR/04

Further to the [Circular](#) issued by the Authority on the 23rd of January 2015 with respect to the [Guidelines on the Security of Internet Payments](#) which were issued by the European Banking Authority on the 19th of December 2014 (hereinafter referred to as the “EBA Guidelines”), the Authority is issuing [Financial Institutions Rule FIR/04 of 2015 on the Security of Internet Payments of Credit, Payment and Electronic Money Institutions](#) (hereinafter referred to as the “Rule”).

The scope of the Rule is to adopt the provisions prescribed in the [EBA Guidelines](#) and establish a set of minimum requirements in the field of the security of internet payments, building on the provisions of the Directive 2007/64/EC (the [Payment Services Directive](#)) concerning information requirements for payment services and obligations of payment service providers in relation to the provision of payment services.

Notwithstanding the provisions of the [Financial Institutions Act](#) (Chapter 376 of the Laws of Malta) and of the [Banking Act](#) (Chapter 371 of the Laws of Malta) and any rules issued thereunder, the Rule applies to the provision of internet payment services by:

- i) Credit Institutions licensed in terms of the Banking Act;
- ii) Payment Institutions licensed in terms of the Financial Institutions Act in order to undertake Activity 4 in the first Schedule to the said Act; and
- iii) Electronic Money Institutions licensed in terms of the Financial Institutions Act in order to undertake Activity 10 in the first Schedule to the said Act.

Financial Institutions Rule FIR/04 is to be read in conjunction with the [EBA Guidelines](#) and shall enter into force on the 7th of August 2015.

Credit, payment and electronic money institutions are also being reminded that in view of the mandate which the Central Bank of Malta (the “Central Bank”) has to exercise oversight on payment systems and instruments, both the Authority and the Central Bank will be assuming a co-operative oversight role on the implementation of the Rule. In this regard, institutions shall be provided in due course with a self-assessment questionnaire in order for the Central Bank and the Authority to be able to assess the institutions’ level of compliance with the Rule and the [EBA Guidelines](#).

Any queries on the implementation of the Rule can be addressed to Mr. Karol Gabarretta, Director, Banking Supervision Unit, by email on kgabarretta@mfsa.com.mt.

Communications Unit

Malta Financial Services Authority

7th August 2015