

MFSA

MALTA FINANCIAL SERVICES AUTHORITY

18th Circular addressed to Investment Services Licence Holders - the MiFID list of minimum records

27th August, 2007

MiFID Article 13 (6) requires investment services licence holders to arrange for records to be kept of all services and transactions undertaken by it. These records must be sufficient to enable the Authority to monitor compliance with the requirements under the Directive, and in particular to ascertain that the Licence Holders are complying with all obligations with respect to clients or potential clients.

Furthermore, Article 51 (3) of the MiFID Implementing Directive requires Competent Authorities, including the MFSA, to draw up and maintain a list of minimum records that Licence Holders are required to keep under the MiFID and its implementing measures.

As part of its Level III working programme, in February 2007, the Committee of European Securities Regulators published recommendations to its members on the list of minimum records which Licence Holders should be required to maintain in terms of MiFID (CESR 06-5520c) available on CESR's web-site www.cesr-eu.org.

On the 31st January 2007, the MFSA published the draft Investment Services Rules which have the purpose of transposing parts of the MiFID Framework Directive and the MiFID Implementing Directive. The MFSA is currently finalising these Rules which, *inter alia*, are being amended to include reference to the list of minimum records in SLC 2.83 [Record Keeping] and to include such list as a new Appendix to the Rules. The said revised SLC 2.83 and the new Appendix 8, which will form part of the new Investment Services Rules applicable as from 1st November 2007, are being attached to this circular for your information and comments, if any. It is to be noted that the attached list of minimum records is in line with the above-mentioned CESR recommendations.

Contacts

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