

Guidelines on the compilation and submission of the List of Financial Instruments



Contents

INTRODUCTION	3
SECTION 1: GENERAL INFORMATION.....	3
SECTION 2: LIST OF FINANCIAL INSTRUMENTS	8
SECTION 3: CONCLUDING REMARKS.....	9

INTRODUCTION

The purpose of this document is to provide clarifications on certain recurrent issues which were being noticed by the Authority and/or which were being raised by the industry on a regular basis regarding the information to be included in the List of Financial Instruments document.

Investment Services Licence Holders ('Company' or 'Entity') carrying out MiFID related activities are required to report to the MFSA information regarding the list of all financial instruments ('FI List') in respect of which they provided an investment service to their clients during the previous six months.

The document is structured in the following manner:

- Section 1: General Information;
- Section 2: List of financial instruments;
- Section 3: Concluding remarks.

SECTION 1: GENERAL INFORMATION

1.1 APPLICABILITY

Investment Services Licence Holders providing MiFID services to retail clients, professional clients and/or eligible counterparties are required to submit to the Authority the FI List on a biannual basis. The following entities licensed under the Investment Services Act, 1994 are exempt from such submission:

- Entities licensed as Local Firms¹;
- Custodians (Category 4 Investment Services Licence Holder).

1.2 REPORTING FREQUENCY

The information will be collected on a biannual basis, within six weeks after the end of the reporting period. Submission of the FI List to the Authority shall be in line with the reporting dates indicated in the "Timetable for Submission" document available on the [MFSA website](#).

1.3 SUBMISSION

The FI List is compiled via an MS Excel File. The file has been optimised to work on Microsoft Excel 2010 and later versions. The FI List must be saved in the following format: Microsoft Excel Macro-Enable Worksheet (.xlsm) and it should be uploaded via the LH Portal, which can be accessed through the [following link](#). To note that Category 2 and Category 3 Investment

¹ https://www.mfsa.com.mt/wp-content/uploads/2019/02/20190214_LocalFirmsFramework-Circular_FINAL1.pdf

Services Licence Holders are required to upload the document as a COREP project via the LH Portal.

1.4 USER ACCESS TO LH PORTAL

The appointed user of each respective investment services licence holder will receive the below e-mail, being granted access to the respective project on the Licence Holder Portal.

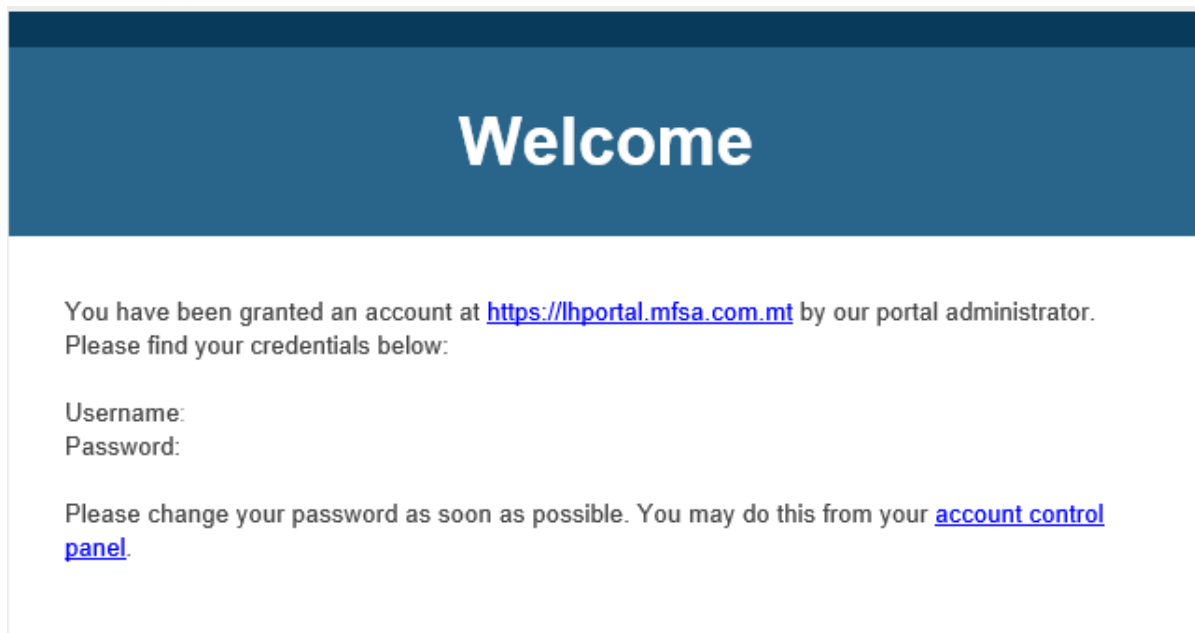


Figure 1 – New user confirmation email

Through the LH Portal website, the user will be prompted to enter the username and password provided or as amended by the user.

Enter your credentials below

E-mail	<input type="text"/>
Password	<input type="password"/>
	<input type="button" value="Log in"/> <input type="button" value="Register"/>

Figure 2 – Log in page

1.5 UPLOADING OF FILES ON LH PORTAL

Step 1: The user is to click on the “File Uploads” icon, as indicated below in order to proceed to the next webpage.

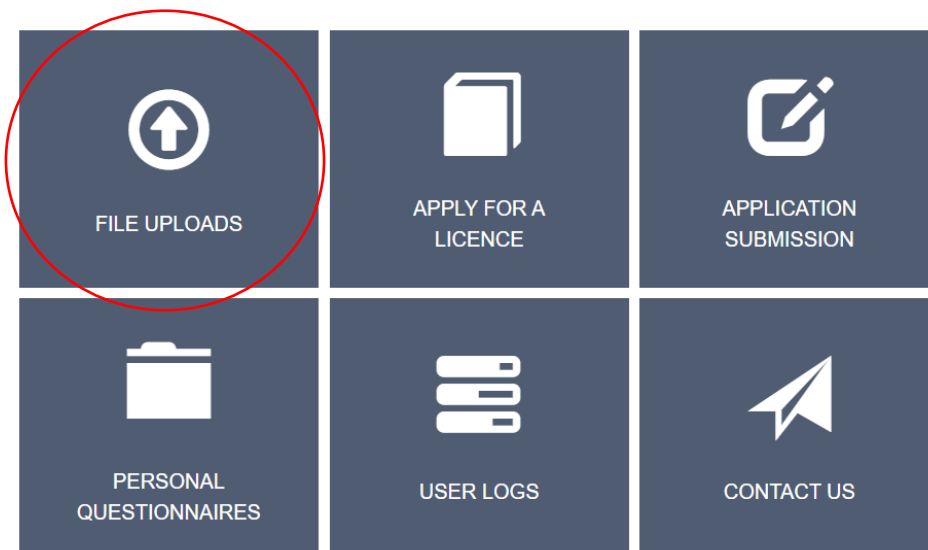


Figure 3 – LH Portal

Step 2: On the left-hand side the user is to choose the applicable investment services licence holder and the project type. For the submission of the FI List, the user shall select the project “Conduct Related Data Investments”. Category 2 and Category 3 Investment Services Licence Holders are required to upload the document using the “COREP” project.

File Uploads

Use the feature below to upload files to the MFSA server. It is important that all file names are in the appropriate convention.

Licence Holder

Project

Files: No file chosen

Figure 4 – LH Portal, File Uploads

Step 3: On the right-hand side of the webpage, the user will be able to view the guidelines on the file naming convention and. For full details on the naming convention specifics, please refer to Section 1.6 below.

Step 4: The user should then click the “add” button to add a maximum of 3 ZIPPED (.ZIP) files simultaneously amounting to a total of 15Mb and then click the “upload file(s)” button to upload the files.

Subsequently the registered user will get a “File/s successfully uploaded” system notification at the bottom of the webpage as well as an e-mail confirming that the respective ZIP files have been uploaded successfully.

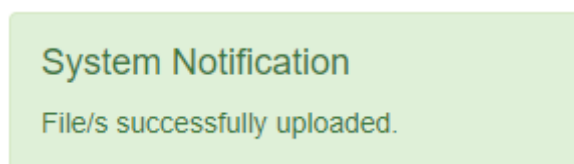


Figure 5 – LH Portal, confirmation

The user will also receive a notification via email, confirming the receipt of the file/s submitted.

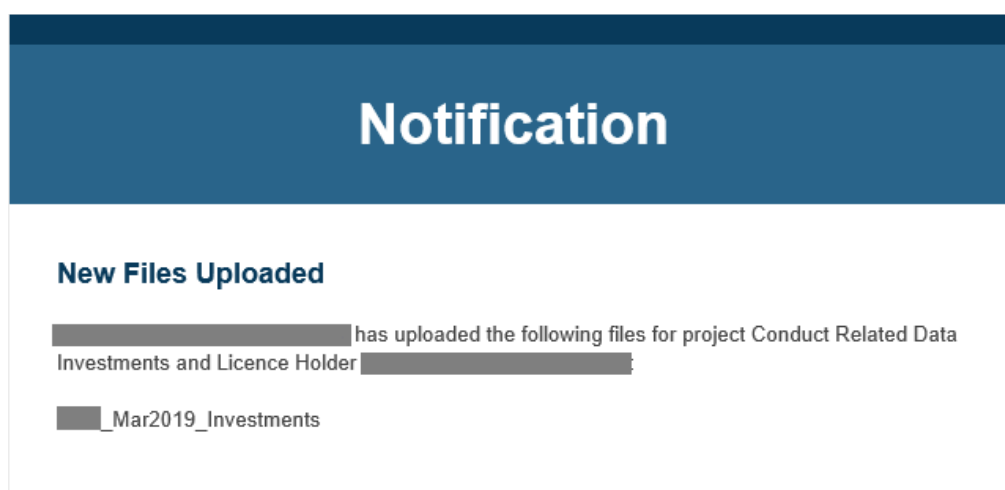


Figure 6 – Email confirmation

1.6 FILE NAMING CONVENTION

The following file naming convention should be used for the submission of the Return: LICENCEHOLDERCODE_MMMYYYY_FIList where:

- LICENCEHOLDERCODE: letter identification-code assigned to the Investment Services Licence Holder. This refers to the field ‘Identification’ in terms of data held on the Authority’s website under the section [‘Financial Services Register’](#);
- MMM: the first 3 digits of the respective referenced month. For example, for June, the MMM is JUN;
- YYYY is the full 4-digits number of the respective referenced year.

COVER SHEET

The first page contains the general information regarding the Investment Services Licence Holder ('Company' or 'Entity').

The entity is required to include all of the following information:

1. Full legal name of the Investment Services Licence Holder;
2. Investment Services Licence Holder Code, meaning the identification code provided by the Authority (which can be found on the Entity page in the [Financial Services Register](#));
3. Investment Services Licence Category;
4. Reporting Period
5. Confirmation of the accuracy of the information submitted;
6. Name and Surname of the Person confirming the accuracy of the information and his/her role in the Company. The Authority would require such person to be either the Compliance Officer and/or Director;
7. Date when the FI list is submitted to the Authority.

IMPORTANT: Prior to compiling the FI List make sure that you compile the latest version, a copy of which can be downloaded through the [following link](#). Version edition can be checked at the end of the Cover Sheet.

I confirm that the information submitted in this survey is correct and accurate to the best of my knowledge.



Person confirming accuracy of information	
Designation of Person confirming accuracy of information	
Submission Date	

Version: March 2021

Figure 7 – Cover Sheet

SECTION 2: LIST OF FINANCIAL INSTRUMENTS

The Entity is required to insert all the information regarding the financial Instruments offered to clients during the observed period.

The information required is:

- Financial Instrument name;
- Financial instrument type;
- ISIN;
- Basis on which the investment service was provided to clients (Advisory, Reception and transmission of orders, Execution of orders, Portfolio Management);
- Complex or Non-complex Instrument.

IMPORTANT: *Kindly note that each financial instrument needs to be reported only once, even if the investment services being offered to clients in respect of that financial instruments differs. In such case, all the investment services need to be indicated as explained in Section 2.4 below.*

2.1 Financial Instrument name

The Entity is required to include the full name of the financial instrument.

2.2 Financial Instrument type

Please note that the financial instrument needs to fall under one of the categories indicated in the drop-down list (for example transferable securities, money market instruments etc).

Financial instrument type	
Transferable securities	<input checked="" type="checkbox"/> <input type="checkbox"/>

The validation check on the right turns “green” if the financial instrument type is correctly inserted. Otherwise, the Company is required to amend accordingly.

Figure 8 – FI List

2.3 ISIN

Kindly indicate the ISIN, where applicable, and kindly indicate the full and correct code for the reported financial instrument. Any symbols are to be removed (for example * before the ISIN code).

The ISIN is a unique and identifying code, which is always structured in a *12-character alphanumeric code*.

In case where the ISIN is not applicable for the relevant financial instrument then such cell needs to be marked as N/A.

If the ISIN is correctly indicated, the validation check on the right will turn "green".

2.4 Basis on which the investment service was provided to clients (Advisory, Reception and transmission of orders, Execution of orders, Portfolio Management)

In this field, the Entity is required to indicate the investment service provided to the clients in relation to that financial instrument. Kindly note that the only acceptable answers are "Advisory", "Reception and transmission of orders", "Execution of orders" and "Portfolio Management".

IMPORTANT: In case where the different investment services were provided in relation to the same financial instrument, you would need to indicate all the applicable ones. The selection in the dropdown allows multiple choices.

2.5 Complex or Non-Complex Instrument

Company should indicate the classification of the indicated financial instrument. Kindly note that the only acceptable answers are either "*Complex*" or "*Non-Complex*".

For further guidance on the complexity analysis, one may refer to the ESMA Guidelines on Complex debt instruments and structured deposit, available [on this link](#) as well as to the applicable sections of the Conduct of Business Rulebook.

If the classification is correctly indicated, the validation check on the right will turn "green".

SECTION 3: CONCLUDING REMARKS

This Guidance Document provides Investment Services Licence Holders with additional guidance on the information to be included in the FI List. It is very important that the person confirming accuracy ensures that the information submitted to the Authority is correct and complete.

In case of any queries, do not hesitate to contact us via financialpromotion@mfsa.mt.