



#### **ANNEX I**

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General remarks on filling in templates in Annex I

When publishing information on the general criteria and methodologies, competent authorities shall not disclose any supervisory measures directed at specific institutions, whether taken with respect to a single institution or to a group of institutions.

### Part 1 Transposition of Directive 2013/36/EU

	Transposition of provisions of Directive 2013/36/EU	Provisions of Directive 2013/36/EU	Links to national text <sup>(1)</sup>	Reference(s) to national provisions <sup>(2)</sup>	Available in EN (Y/N)
010	Date of the last update of information in this template			31/07/2019	
020			Investment Services Legislation	Article 2(1) of the Investment Services Act ("ISA");  Regulation 2(1) of ISA (Supervisory Review) Regulations ("SL 370.15");  Regulation 2(1) of CRD (Administrative Penalties, Measures And Investigatory	
	. Subject matter, scope and definitions	Articles 1 to 3	Investment Services Rules	Powers) Regulations ("SL 370.25");  Regulation 2(1) of Supervisory Consolidation Regulations ("SL 371.15");  Regulation 2 of L.N. 31 of 2014 Banking Act Investment Services Act Supervisory Consolidation Regulations 2014;  ISRISP Part B1: Chapter 1 Title 1 Section 3, Rule R2-1.2.3, Chapter 2 Title 2 Section 3, Chapter 3 Title 2 Section 3.	Y
030	II. Competent authorities	Articles 4 to 7	<u>Investment Services</u> <u>Legislation</u>	Article 7B, Paragraphs (f) and (g) of Article 4(1) of the First Schedule, Paragraphs (a) and (d) of Article 8(4) of the First Schedule of the MFSA Act; Article 2A (2), Article 12 (1) (I) of ISA; Regulation 3, Regulation 5 of SL 370.15;	Y
			Investment Services Rules	Regulation 5 of SL 370.25; Part B1 Rules R1-2.2.3, R4-2.4.1, R4-2.4.2, R4-2.3.1, R4-2.3.5	
	III. Requirements for access to the activity of credit institutions	Articles 8 to 27			
040	General requirements for access to the activity of credit institutions	Articles 8 to 21	N/A	N/A	N/A
	2. Qualifying holding in a credit institution	Articles 22 to 27	N/A	N/A	N/A
070	IV. Initial capital of investment firms	Articles 28 to 32	Investment Services Rules	ISRISP Part A, Section 10.3, Part B1 Chapter 2 Title 1 Section 2, Part A, Section 4, Part B1 Chapter 3 Title 5 Section 4.	Y
	V. Provisions concerning the freedom of establishment and the freedom to provide services	Articles 33 to 46			
	General principles	Articles 33 to 34	N/A	N/A	N/A
080	The right of establishment of credit institutions	Articles 35 to 38	N/A	N/A	N/A
	3. Exercise of the freedom to provide services	Article 39	N/A	N/A	N/A
	4. Powers of the competent authorities of the host Member State	Articles 40 to 46	N/A	N/A	N/A
130	VI. Relations with third countries	Articles 47 to 48	Investment Services Legislation	Regulation 13(6) of SL 371.15.	Y
140	VII. Prudential supervision	Articles 49 to 142			
150	Principles of prudential supervision	Articles 49 to 72			

160	1.1 Competence and duties of home and host Member States	Articles 49 to 52	Investment Services Legislation	Regulation 7 (1); Regulation 6 (1), Regulation 6 (3), Regulation 6 (4), Regulation 6 (4) (b), Regulation 6 (5), Regulation 7 (4) of SL 370.15; Regulation 18(1), Regulation 18(2), Regulation 18(3), Regulation 6 (2), Regulations 14(1) and 15(1), Regulation 14(2) and 15(1), Regulations 14(3) and 15(2), Regulations 14(4), Regulations 15(3), Regulations 16, Regulations 15(3), Regulations 15(4), Regulations 15(5), Regulations 15(6), Regulations 14(6), Regulations 17(1), Regulations 17(2), Regulations 17(3), Regulation 7 (2), Regulation 7 (3), (5) & (6) of SL 371.15.	Y
170	1.2 Exchange of information and professional secrecy	Articles 53 to 62	Investment Services Legislation	Article 26(1), Article 26(1) (h), Article 17 (7), Article 17(11), Article 17F of ISA;  Regulation 6 (6), Regulation 26, Schedule V (1) – (15), Schedule V (17) – (18) of SL 370.15.	Y
180	1.3 Duty of persons responsible for the legal control of annual and consolidated accounts	Article 63	Investment Services Legislation	Article 18 except 18(4) of ISA.	Y
190	1.4 Supervisory powers, powers to impose penalties and right of appeal	Articles 64 to 72	Investment Services Legislation  Investment Services Rules	Regulation 3, Regulation 4(1) (2) (3), Regulation 5, Schedule, Regulation 6, Regulation 7, Regulation 8, Regulation 9, Regulation 10, Regulation 11 of SL 370.25;	Y
				ISRISP Part BI Chapter 3 Title 5 Section 10.	
200	2. Review processes	Articles 73 to 110			
210	2.1 Internal capital adequacy assessment process	Article 73	Investment Services Rules	ISRISP Part B1 Chapter 3 Title 2 Section 3.	Y
			<u>Investment Services</u> <u>Ledislation</u>	Regulation 9, Regulation 10, Regulation 18 (3) (4) (5), Regulation 25 of SL 370.15.	Y
220	2.2 Arrangements, processes and mechanisms of institutions	Articles 74 to 96	Investment Services Rules	ISRISP Part B1 Rules: R2-3.5.1.2.2.5, R2-3.5.1.2.2.4,R2-3.5.1.2.2.5, R2-3.5.2.1.2, R2-3.5.1.2.2.5, R3-1.2.1 (i) & (iii), R3-1.3.1.5, R3-1.3.1.7 R3-1.3.1.15, R3-1.3.3.1 R3-1.3.3.4, R3-1.3.4.1.2 R3-1.3.4.4, R3-2.2.1 R3-2.2.7, R3-2.3.1.4, R3-5.3.3 (xv) Chapter 3 Title 5 Section 6, Part BI Rules R4-2.4.1, R4-7.2.3, R4-7.2.6, R4-7.8.3, Part BI Chapter 3 Title 2 Section 3.	Y
230	2.3 Supervisory review and evaluation process	Articles 97 to 101	Investment Services Legislation	Regulation 11, Regulation 12, Regulation 13, Regulation 14, Regulation 15, Schedule I, Schedule II of SL 370.15.	Υ
			Investment Services Legislation	Regulation 16, Regulation 17, Regulation 18,	
240	2.4 Supervisory measures and powers	Articles 102 to 107	Investment Services Rules	Regulation 19, Regulation 17, Regulation 15, Regulation 19, Schedule III (1) of SL 370.15; ISRISP Part B1 Rules: R4-7.2.1, R4-7.2.2, R4 7.8.2.	Y

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		Autista 100 ta	Investment Services Legislation	Regulation 20 of SL 370.15;	Υ
250	2.5 Level of application	Articles 108 to 110	Investment Services Rules	-ISRISP Part B1 Rules: R3- 2.1.1.iii.(a)(c)(d)(e), Part B1 Chapter 3 Title 2 Section 3, Part B1 Chapter 3 Title 6 Section 5.	Y
260	3. Supervision on a consolidated basis	Articles 111 to 127			
270	3.1 Principles for conducting supervision on a consolidated basis	Articles 111 to 118	Investment Services Legislation	Regulation 3 - 9, Regulation 12 of SL 371.15.	Υ
280	3.2 Financial holding companies, mixed financial holding companies and mixed-activity holding	Articles 119 to	Investment Services Legislation	Regulation 4 of SL 370.25:  Regulation 4 of SL 371.05;  Regulation 10, Regulation 11, Regulation	Y
200	companies	127	Investment Services Rules	13, Regulation 19(1), Regulation 20 of SL 371.15; ISRISP Part BI Rules: R3-1.3.1.6, R3-	1
290	4. Capital buffers	Articles 128 to		1.3.3.6.	
300		142 Articles 128 to	<u>Investment Services</u> <u>Legislation</u>	Regulation 2 of SL 204.06;  ISRISP Part BI Chapter 1 Title 1 Section 3,	
	4.1 Buffers	134	Investment Services Rules	Part B1 Chapter 2 Title 5 Section 1 - Section 3, Section 5, Section 6.	Y
310	4.2 Setting and calculating countercyclical capital buffers	Articles 135 to	Investment Services Legislation	Regulation 2 of SL 204.06;  ISRISP Part BI Appendix 1C paragraph 6.1 -	Y
	Sanci S	140	Investment Services Rules	6.8.	Y
320	4.3 Capital conservation measures	Articles 141 to 142	Investment Services Rules	ISRISP Part B1 Chapter 2 Title 5 Section 7, Section 8.	Υ
330	VIII. Disclosure by competent authorities	Articles 143 to 144	<u>Investment Services</u> <u>Legislation</u>	Regulation 21, Regulation 22, Schedule IV of SL 370.15.	Υ
340	IX. Amendments of Directive 2002/87/EC	Article 150	N/A	N/A	N/A
350	X. Transitional and final provisions	Articles 151 to 165			
360	Transitional provisions on the supervision of institutions exercising the freedom of establishment and the freedom to provide services	Articles 151 to 159	Investment Services Legislation	Regulation 27, Regulation 28 of SL 370.15; Regulation 18, Regulation 21 of SL 371.15.	Y
370	2. Transitional provisions for capital buffers	Article 160	Investment Services Rules	ISRISP Part BI Chapter 2 Title 5 Section 9, Part B1 Chapter 5 Title 3; ISRISP Part B1 Chapter 1 Title 1 Section 2, Part BI Chapter 2 Title 5 Section 9, Part BI Chapter 5 Title 3.	Y
380	3. Final provisions	Articles 161 to 165	Investment Services Legislation	Article 2(3) of ISA; Regulation 1 of SL 370.15; Regulation 1 of SL 370.25; Regulation 22 of L.N. 31 of 2014 Banking Act Investment Services Act Supervisory Consolidation Regulations 2014.	Y

<sup>(1)</sup> Hyperlink(s) to the website containing the national text transposing the Union provision in question.
(2) Detailed references to the national provisions, such as relevant Title, Chapter, paragraph etc.

	Part 2					
	Model approva	ol .				
010	Date of the last update of information in this template	31/07/2019				
		Description of the approach				
	Supervisory approach for the approval of the use of Internal Ratings Based (credit risk					
020	Minimum documentation to be provided by the institutions applying for the use of IRB approach	In Malta we do not have any stand-alone institutions which have adopted an IRB model as yet, and hence we have not received any such requests for approval. Should however, any application be received by the MFSA requesting the approval to use the IRB model, the documentation and information required would be in accordance with the relevant Technical Standards and EAR Guidelines.				
030	Description of the assessment process conducted by the competent authority (use of self assessment, reliance on external auditors and on-site-inspections) and main criteria of the assessment	On the basis of the submitted documentation, the general practice would be in accordance with the Regulatory Technical Standards on assessment methodology for IRB approach. This would possibly include: self assessment, reliance on external auditors and on-siteinspections.				
040	Form of the decisions taken by the competent authority and communication of the decisions to applicants	The Authority will review and assess the proposed IRB Approach. Following such assessment, the decision would then be communicated to the applicants in writing.				
	Supervisory approach for the approval of the use of Internal Model Approach	.  (IMA) to calculate minimum capital requirements for market risk				
050	Minimum documentation to be provided by the institutions applying for the use of IMA approach	In Malta we do not have any institutions which have adopted an internal Model Agrancia (DMA) as eye, and hence we have not received any outer requests for approval. Should however, any application he received by the MFSA requesting the approval to use the IMA, the documentation and information required would be in accordance with the relevant Regulatory Technical Standards and EBA Guidelines.				
060	Description of the assessment process conducted by the competent authority (use of self assessment, reliance on external auditors and on-site-inspections) and main criteria of the assessment	On the basis of the submitted documentation, the genreal practice would be in accordance with the Regulatory Technical Standard on assessment methodolgy for the use of IMA for market risk. This would possibly include: self-assessment, reliance on external auditors and on-site inspections.				
070	Form of the decisions taken by the competent authority and communication of the decisions to applicants	The Authority will review and assess the proposed IMA Approach. Follwing such assessment, the decision would then be communicated to the applicant in writing.				
	Supervisory approach for the approval of the use of Internal Model Method (credit risk	IMM) to calculate minimum capital requirements for counterparty				
080	Minimum documentation to be provided by the institutions applying for the use of IMM approach	In Mata we do not have any institutions which have adopted an IMM Approach as yet, and hence we have not received any such requests for approval. Should however, any application be received by the MFSA requesting the approval to use the IMM approach, the documentation and information required would be in accordance with the relevant Technical Standards and EAB Guidelines.				
090	Description of the assessment process conducted by the competent authority (use of self assessment, reliance on external auditors and on-site-inspections) and main criteria of the assessment	On the basis of the submitted documentation, the general practice would be in accordance with the Regulatory Technical Standards on assessment menthodologies for the use of IMMs for counterparty credit risk. This would possibly include: self-assessment, reliance on external auditors and on-site inspections.				
100	Form of the decisions taken by the competent authority and communication of the decisions to applicants	The Authority will review and assess the proposed IMM Approach. Following such assessment, the decision would then be communicated to the applicant in writing.				
	Supervisory approach for the approval of the use of Advanced Measurement operational risk	Approach (AMA) to calculate minimum capital requirements for				
110	Minimum documentation to be provided by the institutions applying for the use of AMA approach	In Malta we do not have any institutions which have adopted an AMA model as yet, and hence we have not received any such requests for approval. Should however, any application be received by the MFSA requesting the approval to use the AMA model, the documentation and information required would be in accordance with the relevant Technical Standards and EBA Guidelines.				
120	Description of the assessment process conducted by the competent authority (use of seaf assessment, reliance on external auditors and on-site-inspections) and main criteria of the assessment	on the basis of the submitted documentation, the general practice would be in accordance with the Regulatory Technical Standards on assessment possibly include self assessment, reliance on external auditors and on- site-inspections.				
130	Form of the decisions taken by the competent authority and communication of the decisions to applicants	The Authority will review and assess the proposed AMA. Following such assessment, the decision would then be communicated to the applicants in writing.				

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# Part 3 Specialised lending exposures

	Regulation (EU) No 575/2013	Provisions	Information to be provided by the competent authority
010	Γ	Date of the last update of the information in this template	31/07/2019
020		Has the competent authority published guidance to specify how institutions should take into account the factors referred to in paragraph 5 of Article 153 when assigning risk weights to specialised lending exposures?	N/A
030	Article 153(5)	If so, please provide the reference to the national guidance	N/A
040		Is the national guidance available in English?	N/A

#### Part 4 Credit risk mitigation

	Regulation (EU) No 575/2013	Provisions	Description	Information to be p competent a	
010	Date of the last	update of the informa	tion in this template		31/07/2019
020	Article 201(2)		Competent authorities shall publish and maintain the list of financial institutions that are eligible providers of unfunded credit protection under point (f) of Article 201(1) of Regulation (EU) No 575/2013 or the guiding criteria for identifying such eligible providers	List of the financial institutions or guiding criteria for their identification	N/A
030		Description of the applicable prudential requirements	Competent authorities shall publish a description of the applicable prudential requirements together with the list of the eligible financial institutions or the guiding criteria for identifying these financial institutions	Description of the prudential requirements applied by the competent authority	N/A
040	Article 227(2)(e)	Condition for applying a 0% volatility adjustment	Under the Financial collateral Comprehensive Method institutions may apply a 0% volatility adjustment provided that the transaction is settled in a settlement system proven for that type of transaction	Detailed description on how the competent authority considers the settlement system as a proven system	N/A
050	Article 227(2)(f)	Condition for applying a 0% volatility adjustment	Under the Financial collateral Comprehensive Method institutions may apply a 0% volatility adjustment provided that the documentation covering the agreement or transaction is standard market documentation for repurchase transactions or securities lending or borrowing transactions in the securities concerned	Specification of the documentation to be considered as standard market documentation	N/A
060	Article 229(1)	Valuation principles for immovable property collateral under the IRB approach	The immovable property may be valued by an independent valuer at or at less than the mortgage lending value in the Member States that have laid down rigorous criteria for the assessment of this mortgage lending value in statutory or regulatory provisions	Criteria set out in the national legislation for the assessment of the mortgage lending value	N/A

### Part 5 Specific disclosure requirements applied to institutions

	Directive 2013/36/EU	Regulation (EU) No 575/2013	Provision	Information to be provided by the competent authority	
010	Date of the last	update of inform	nation in this template		31/07/2019
020	Article publish information referred to Regulation (EU) No 575/2013		Competent authorities may require institutions to publish information referred to in Part Eight of Regulation (EU) No 575/2013 more than once per year, and to set deadlines for publication	Frequency and deadlines for publication applicable to institutions	Investment Firms have to publicly disclose the information referred to in Part Eight of Regulation (EU) N° 575/2013 on a yearly basis. Refer to Chapter 4 Title 7 of Part B I of the Investment Services Rules for Investment Services Providers.
030	Article 106(1)(b)		Competent authorities may require institutions to use specific media and locations for publications other than the financial statements	Types of specific media to be used by institutions	The MFSA provides the option to investment firms to publicly disclose information other than the financial statements. No particular specific media is however identified. However,the disclosures are not included in the financial statements, the Investment Firm shall unambiguously indicate where they can be found. Refer to Rule R4-7.2.2 of Part B I of the Investment Services Rules for Investment Services Providers.
040			Significant subsidiaries and those which are of material significance for their local market shall disclose information specified in Part Eight of Regulation (EU) No 575/2013 on an individual or sub-consolidated basis.	Criteria applied by the competent authority to assess the significance of a subsidiary	In accordance with Chapter 3 Title 5, Section 11 of Part B I of the Investment Services Rules for Investment Services Providers (paragraph 1.55), Investment Firms are considered to be significant in terms of size, internal organisation and the nature, the scope and the complexity of its Investment Services and activities, if it meets all of the following conditions:  [a] its total balance sheet assets exceed EUR 43 million; [b] the annual turnover relating to its investment services activities exceeds EUR 50 million; [c] the clients' money that it holds or controls exceeds EUR 100 million; and [d] the assets belonging to its clients that it holds or controls in the course of, or connected with its investment services activities exceeds EUR 3 billion.  It should be noted that the number of Investment Firms that are subject to consolidation in Malta is very limited.

### Part 6 Waivers for the application of prudential requirements

	Regulation (EU) No 575/2013	Provisions	Description	Information to be provided by the competent authority	
010	Date of the last upd	ate of the informatio	n in this template		31/07/2019
020	Article 7(1) and (2) (Individual waivers for subsidiaries)	Exemption from the application on an individual basis of prudential requirements set out in Parts Two to Five and Eight of Regulation (EU) No 575/2013	The waiver may be granted to any subsidiary provided that there is no current or foreseen material practical or legal impediment to the prompt transfer of own funds or repayment of liabilities by its parent undertaking pursuant to point (a) of Article 7(1).	transfer of own funds or	As at to date, there are no institutions benefitting from this exemption.
030	Article 7(3) (Individual waivers for parent institutions)	Exemption from the application on an individual basis of prudential requirements set out in Parts Two to Five and Eight of Regulation (EU) No 575/2013	The waiver may be granted to a parent institution provided that there is no current or foreseen material practical or legal impediment to the prompt transfer of own funds or repayment of liabilities to the parent institution pursuant to point (a) of Article 7(3).	Criteria applied by the competent authority to assess that there is no obstacle to the prompt transfer of own funds or repayment of liabilities	As at to date, there are no institutions benefitting from this exemption.
040	Article 8 (Liquidity waivers for subsidiaries)	Exemption from the application on an individual basis of liquidity requirements set out in Part Six of Regulation (EU) No 575/2013	The waiver may be granted to institutions within a sub-group provided that these institutions have entered into contracts that, to the satisfaction of the competent authorities, provide for the free movement of funds between them to enable them to meet their individual and joint obligations as they become due pursuant to point (c) of Article 8(1).	Criteria applied by the competent authority to assess whether the contracts provide for free movement of funds between the institutions in a liquidity sub-group	As at to date, there are no institutions benefitting from this exemption.
050	Article 9(1) (Individual consolidation method)	Permission granted to parent institutions to incorporate subsidiaries in the calculation of their prudential requirements set out in Parts Two to Five and Eight of Regulation (EU) N° 575/2013	The permission is granted only where the parent institution demonstrates fully to the competent authorities that there is no current or foreseen material practical or legal impediment to the prompt transfer of own funds, or repayment of liabilities when due by the subsidiary incorporated in the calculation of requirements to its parent institution pursuant to Article 9(2).		As at to date, there are no institutions benefitting from this exemption.
060	Article 10 (Credit institutions permanently affiliated to a central body)	Exemption from the application on an individual basis of prudential requirements set out in Parts Two to Eight of Regulation (EU) No 575/2013	Member States may maintain and make use of existing national legislation regarding the application of the waiver as long as it does not conflict with the Regulation (EU) No 575/2013 or Directive 2013/36/EU	Applicable national law / regulation regarding the application of the waiver	N/A

### Part 7 Qualifying holdings in a credit institution

	Directive 2013/36/EU	Assessment criteria and information that is necessary for assessing the suitability of the proposed acquirer seeking to acquire a credit institution and the financial soundness of the proposed acquisition	Information to be provided by the competent authority	
010	Date of the last	update of information in this to	emplate	31/07/2019
020			Description on how the competent authority assesses the integrity of the proposed acquirer	N/A
030	Article 23(1)(a)	Reputation of the proposed acquirer	Description on how the competent authority assesses the professional competence of the proposed acquirer	N/A
040			Practical details on the cooperation process between competent authorities pursuant to Article 24 of Directive 2013/36/EU	N/A
050	Article 23(1)(b)	Reputation, knowledge, skills and experience of any member of the management body or senior management who will direct the business of the credit institution	Description on how the competent authority assesses the reputation, knowledge, skills and experience of members of management body and senior managers	N/A
060	Article	Financial soundness of the	Description on how the competent authority assesses the financial soundness of the proposed acquirer	N/A
070	23(1)(c)		Practical details on the cooperation process between competent authorities pursuant to Article 24 of Directive 2013/36/EU	N/A
080	Article 23(1)(d)	Compliance of the credit institution with the prudential requirements	Description on how the competent authority assesses whether or not the credit institution will be able to comply with the prudential requirements	N/A
090	Article	Suspicion of money laundering or	Description on how the competent authority assesses whether or not there are reasonable grounds to suspect money laundering or terrorist financing	N/A
100	23(1)(e)	terrorist financing	Practical details on the cooperation process between competent authorities pursuant to Article 24 of Directive 2013/36/EU	N/A
110	Article 23(4)	List specifying the information to be provided to the competent authorities at the time of notification	List of information that must be provided by the proposed acquirer at the time of notification in order for the competent authority to carry out the assessment of the proposed acquirer and the proposed acquisition	N/A

## Part 8 Regulatory and financial reporting

010	Date of the last update of information in this template	31/07/2019
020	Implementation of the reporting on financial information in accordance with Implementing Regulation 680/2014	the Commission
030	Is the application of the requirement set out in Article 99(2) of Regulation (EU) No 575/2013 extended to institutions which do not apply international accounting standards as applicable under Regulation (EC) No 1606/2002?	Currently Article 99(2) of the CRR does not apply
040	If so, what accounting frameworks apply to these institutions?	N/A
050	If so, which is the level of application of the reporting? (solo/consolidated/sub-consolidated basis)	N/A
060	Is the application of requirements set out in Article 99(2) of Regulation (EU) No 575/2013 extended to financial entities other than credit institutions or investment firms?	N/A
070	If so, what types of financial entities (e.g. financial firms) are subject to these reporting requirements?	N/A
080	If so, what is the size of these financial entities in terms of total balance sheet (on a solo basis)?	N/A
090	Are XBRL standards used for submitting the reporting to the competent authority?	N/A
100	Implementation of the reporting on own funds and own funds requirements the Commission Implementing Regulation 680/2014	in accordance with
110	Is the application of requirements set out in Article 99(1) of Regulation (EU) No 575/2013 extended to financial entities other than credit institutions or investment firms?	No
120	If so, what accounting frameworks apply to these financial entities?	
130	If so, what types of financial entities (e.g. financial firms) are subject to these reporting requirements?	N/A
140	If so, what is the size of these financial entities in terms of total balance sheet (on a solo basis)?	N/A
150	Are XBRL standards used for submitting the reporting to the competent authority?	N/A