

**Securitisation Notice**

Notice to the MFSA in terms of Article 18 of the Securitisation Act (Cap. 484 of the Laws of Malta) – Securitisation Vehicles (‘SVs’) and Securitisation Cell Companies (‘SCCs’)

Notice must reach the MFSA, before the date of commencement of business of the SV / SCC

General Information



|  |  |
| --- | --- |
| Name of the Securitisation Vehicle (‘SV’) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  |
| Full Registered Address of the SV | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  |
| Name of the Director of the SV | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
|  |  |  |
| Email Address of the Director of the SV | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
|  |  |  |
| Registration number of the SCC or Legal Entity Identifier  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |  |
| Legal Structure of the SV | Company |  |
|  | Investment Company | ☐ |
|  | Trust | ☐ |
|  | Securitisation Cell Company (‘SCC’) | ☐ |
|  | Other (specify)  | ☐ |

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| --- |
| Parties Involved (please fill as applicable |
|  |  |
| Management Company | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| Corporate Service Provider | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| Originator(s) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |
| Other Main Parties (Specify) | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

|  |  |
| --- | --- |
| Nature of the Securitisation |  |
|  |  |  |
| Nature of the Securitisation | Asset Transfer | ☐ |
|  | Synthetic (transfer of risk) | ☐ |
|  | Secured Loan  | ☐ |

Details of the Securitisation Transactions



Describe the details of the securitisation transaction/s, including the type of securitisation transactions to be undertaken by the SV\*.

*(Example: Residential Mortgage-Backed Securities - RMBS, Commercial Mortgage-Backed Securities - CMBS, Consumer/Corporate Asset Backed Securities - ABS, Cash/Synthetic Collateralised Debt Obligations - CDO)*

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\* Transaction details should include details of:

1. Financial instruments to be issued by the SV to finance its securitisation transactions, the intended target market/s (i.e., jurisdiction/s where the financial instruments are to be offered/placed) and any intention to list the financial instruments on any regulated market or otherwise;
2. the securitisation assets/risks/secured loan to be acquired/assumed/granted by the SV from/to the originator;
3. the manner in which the securitisation assets shall be transferred from the Originator to the SV;
4. the flow of funds of the securitisation transaction/s; and
5. The estimated number of securitisation transactions the SV intends to enter into on an annual basis and estimated total value of the securitisation transactions or financial instruments intended to be issued by the SV.

In case of a Securitisation Cell Company (‘SCC’), kindly provide the details on the number of cells being proposed.

Click here to enter text.

**We declare that the above stated SV:**

1. **shall not issue financial instruments to the public on a continuous basis and therefore does not fall within the definition of a ‘public securitisation vehicle’ as defined in Article 19 of the Securitisation Act;**
2. **shall not issue financial instruments to retail clients as defined in point 11 of Article 4(1) of Directive 2014/65/EU unless the issuer of the financial instruments or an investment firm has performed a suitability test in accordance with Article 25(2) of Directive 2014/65/EU and is satisfied that the financial instruments are suitable for each retail client to which the financial instruments are issued;**
3. **has taken all the necessary steps to be aware of the relevant legal and fiscal requirements applicable to it (in any relevant jurisdiction); and**
4. **that the securitisation transaction/s to be entered into by the SV will not involve any form of repackaging (of the financial instruments issued) that is structured by the issuer, arranger, or sponsor of the securitisation transaction/s for the purpose of circumventing the selling restrictions relating to retail clients set out above.**

This Notification Form should be accompanied by the following Documents:

1. a copy of the constitutive documents / Memorandum and Articles of Association;
2. offering documents;
3. transaction structure diagram showing the flow of funds / parties to the SCC transaction (if necessary, depending on complexity of the structure); and
4. A corporate structure chart which clearly identifies all the parties, as well as third-party service providers.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designation\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Contact Us

**IMPORTANT NOTE:** SVs which qualify as financial vehicle corporations engaged in securitisation transactions under Regulation (EU) No 1075/2013 of the European Central Bank of 18 October 2013 (the ECB Regulation) concerning statistics on the assets and liabilities of financial vehicle corporations engaged in securitisation transactions must, unless exempted, comply with the reporting obligations laid down in the ECB Regulation. Each such SV shall inform the Central Bank of Malta in writing of its existence within one week from the date on which it commences business irrespective of any derogation from the reporting requirements under the Regulation. Contact details: fvcstats@centralbankmalta.org

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| --- | --- |
| Reporting Agent on behalf of SV(including the Company name)  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
|  |  |
| Contact details of Reporting Agent | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  |
|  |  |
| Email Address of the responsible persons for the reporting in the eventuality that the SV is self-managed | **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  |  |
| Name and Surname of the responsible persons for the reporting in the eventuality that the SV is self-managed | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |



This Notification Form should reach MFSA by mail and email to the following recipients:

*Market Infrastructures*

*Capital Markets Supervision*

*Malta Financial Services Authority,*

*Triq l-Imdina, Zone 1,*

*Central Business District,*

*Birkirkara, CBD 1010*

*Malta*

*Any queries in relation to the Notice should be sent directly to:* securitisation@mfsa.mt