

11 April 2022

The Introduction of Appendix 2E - A New Regulatory Return for Licence Holders Offering Depositary Services Solely to Collective Investment Schemes

Background

The implementation and transposition of the Investment Firms Regulation and Directive resulted in several changes being made to the categories for Investment Services Licence Holders. As a result, and to capture the new requirements imposed by the IFRD, the MiFID Firms Quarterly Reporting Return replaced the COREP (Appendix 2C) Return.

Scope of Appendix 2E

A new return, Appendix 2E is now being introduced **for depositaries of Collective Investment Schemes that are not authorised to offer any MiFID services and licensed as a credit institution in terms of the Capital Requirements Directive**. This return will be in addition to the requirement to submit the annual report and audited financial statements. An audited Appendix 2E return is to be provided together with the respective audited financial statements pack¹ within four months from the applicable accounting reference period in electronic and in original versions. The first audited return will be applicable for the period ended 31 December 2021.

Additionally, the Licence Holder shall submit an interim financial return on a quarterly basis i.e. at dates three, six and nine months from the Accounting Reference Date. The interim financial returns shall be submitted in electronic, and the representation sheet shall be submitted in original within one month of the accounting reference date.

As a consequence, the Authority has updated SLC 2.11 and SLC 2.14 within the Reporting Requirements section of Part BIV of the Investment Services Rules for Investment Services Licence Holders which qualify as depositaries (“the Rules”) to cater for this development. The revised Rulebook enter into force on the day following the publication of this circular.

¹ The audited financial statements pack includes the annual report and financial statements together with any supplementary documentation such as the management letter, auditor’s confirmation and any other confirmations.

This new regulatory return, Appendix 2E, shall be submitted by depositaries who are neither licensed as Depositary Lite nor Credit Institutions nor as Investment Firms. The Licence Holders holding a depositary licence as well as a MiFID licence and a Credit Institution licence shall submit the necessary documentation in accordance with the MiFID Firms Quarterly Reporting [Circular](#).

In addition, kindly note that all Licence Holders licensed as depositaries shall prepare and submit to the MFSA the Appendix 2D Financial Return in accordance with SLC 2.16 of the Rules.

Kindly refer to the table below, as well as the updated [documentation table](#) for further guidance on the reporting requirements.

<u>Licence Type</u>	<u>Financial Return</u>
Depositary Lite	Appendix 2D, Appendix 2A
Depositary + Credit Institution	Appendix 2D and any regulatory reporting under the respective regulatory framework.
Depositary + MiFID Licence	Appendix 2D, MiFID Firms Quarterly Reporting according to the following Circular .
Depositary offering depositary services solely to CISs	Appendix 2D, Appendix 2E

Contacts

Licence Holders are to address specific queries relating to the above on: funds@mfsa.mt.