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L.N. 364 of 2024

BANKING ACT
(CAP. 371)

Credit Institutions (Fees) (Amendment) Regulations, 2024

IN EXERCISE of the powers conferred by article 3 of the Banking Act, the Minister responsible for the regulation of financial services, on the advice of the Malta Financial Services Authority, has made the following regulations:-

Citation, commencement and applicability. S.L. 371.10.

1. (1) The title of these regulations is the Credit Institutions (Fees) (Amendment) Regulations, 2024 and these regulations shall be read and construed as one with the Credit Institutions (Fees) Regulations, hereinafter referred to as the "principal regulations".

(2) These regulations shall come into force on the 1st January 2025.

(3) These regulations shall apply to fees falling due on, or after the coming into force of these regulations.

Amends regulation 2 of the principal regulations.

2. Sub-regulation (1) of regulation 2 of the principal regulations shall be amended as follows:

(a) the definition "deposit liabilities" shall be deleted;

(b) immediately after the definition "the Act" there shall be added the following new definition:

" "deposits" means the sum of the deposits, at the highest level of prudential consolidation in Malta, reported to the competent authority in the balance sheet statement for liabilities as at the end of the preceding calendar year;"; and

(c) immediately after the definition "deposits", as added, there shall be added the following new definitions:

" "European credit institution" means a credit institution as defined in point (1) of Article 4(1) of the CRR which is authorised as such by a European regulatory authority;

"European regulatory authority" means a

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body that is in a Member State other than Malta and is empowered by law to supervise credit institutions;

"third-country credit institution" means a credit institution as defined in point (1) of Article 4(1) of the CRR which has its head office in a state other than in a Member State.".

Substitutes regulation 3 of the principal regulations.

3. Regulation 3 of the principal regulations shall be substituted by the following new regulation:

"Application fee.

3. A company that intends to carry out the business of banking in or from Malta shall, upon submission of an application to the competent authority for a licence in accordance with article 6 of the Act, pay to the competent authority an application fee as established in the First Schedule with respect to such application.".

Adds new regulation to the principal regulations.

4. Immediately after regulation 3 of the principal regulations, as amended, there shall be added the following new regulation:

"Modification fee.

3A. (1) Where a credit institution licensed in accordance with article 7 of the Act intends to carry out one (1) or more of the activities listed in the First Schedule to the Act in addition to those which it is licensed to carry out, it shall, upon the submission of a request to the competent authority to modify its licence accordingly, pay to the competent authority the application fee established in regulation 3, as applicable, which application fee shall be reduced by twenty-five per cent (25%).

(2) Where a credit institution licensed in accordance with article 7 of the Act intends to stop carrying out one (1) or more of the activities listed in the First Schedule to the Act which it is licensed to carry out, it shall, upon the submission of a request to the competent authority to modify its licence accordingly, pay to the competent authority a modification fee of one thousand euro (€1,000).".

Substitutes regulation 4 of the principal regulations.

5. Regulation 4 of the principal regulations shall be

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substituted by the following new regulation:

"Annual supervisory fee.

4. (1) A credit institution licensed in accordance with article 7 of the Act shall, subject to the provisions of regulation 5, pay to the competent authority an annual supervisory fee as established in the Second Schedule, as applicable:

Provided that in any case, the annual supervisory fee shall not be less than the minimum annual supervisory fee established in the Second Schedule, as applicable, and it shall not exceed the maximum annual supervisory fee established in the said Schedule, as applicable

(2) Notwithstanding the provisions of sub-regulation (1), the first annual supervisory fee due to the competent authority shall be the minimum annual supervisory fee established in the Second Schedule, as applicable, prorated according to the period remaining between the date when the credit institution is granted a licence under the Act and the end of the calendar year in which such licence was granted.".

6. Regulation 5 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 5 of the principal regulations.

"Payment of the annual supervisory fee.

5. (1) The first annual supervisory fee due in accordance with regulation 4(2) shall be paid to the competent authority on the date when the credit institution is granted a licence under the Act.

(2) Every annual supervisory fee following the first annual supervisory fee which is due in accordance with regulation 4(1) shall be paid to the competent authority in two (2) instalments on the 1st January and 1st July of each calendar year:

Provided that the instalment due on the 1st January shall be fifty per-cent (50%) of the annual supervisory fee due by the credit institution for the previous year in accordance with regulation 4(1) and the instalment due on the 1st July shall be the remaining balance of the annual supervisory fee due by the credit institution for that year in accordance with regulation 4(1).".

7. Regulation 6 of the principal regulations shall be

Substitutes regulation 6 of the principal regulations.

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substituted by the following new regulation:

"Establishment fee for representative offices.

6. A company licensed or holding an equivalent authorisation in another country outside Malta which carries on the business of banking intending to establish a representative office in Malta shall, upon submission of a notification to the competent authority in accordance with article 8 of the Act and annually thereafter upon the anniversary of such notification, pay the competent authority an establishment fee as established in the First Schedule.".

Adds new regulations to the principal regulations.

8. Immediately after regulation 6 of the principal regulations, as amended, there shall be added the following new regulations:

"Fees due by European credit institutions. S.L. 371.11.

6A. (1) A European credit institution that intends to establish a branch in Malta in accordance with regulation 3 of the European Passport Rights for Credit Institutions Regulations shall, upon submission of a notification to the competent authority in accordance with the said regulation, pay the competent authority a notification fee as established in the First Schedule.

S.L. 371.11.

(2) A European credit institution that has established a branch in Malta in terms of regulation 3 of the European Passport Rights for Credit Institutions Regulations shall, subject to the provisions of sub-regulations (3) to (5), pay to the competent authority an annual supervisory fee established in the Second Schedule, as applicable:

Provided that in any case, the annual supervisory fee shall not be less than the minimum annual supervisory fee established in the Second Schedule, as applicable, and it shall not exceed the maximum annual supervisory fee established in the said Schedule, as applicable.

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(3) Notwithstanding the provisions of sub-regulation (2), the first annual supervisory fee due to the competent authority shall be the minimum annual supervisory fee established in the Second Schedule, as applicable, prorated according to the period remaining between the date when the branch of such European credit institution is established in Malta in accordance with the regulation 3(4) of the European Passport Rights for Credit Institutions Regulations and the end of the calendar year in which such branch was established.

S.L. 371.11.

(4) The first annual supervisory fee due in accordance with sub-regulation (3) shall be paid to the competent authority on the date when the branch of the European credit institution is established in Malta in accordance with regulation 3(4) of the European Passport Rights for Credit Institutions Regulations.

S.L. 371.11.

(5) Every annual supervisory fee following the first annual supervisory fee which is due in accordance with sub-regulation (2) shall be paid to the competent authority in two (2) instalments on the 1st January and 1st July of each year:

Provided that the instalment due on the 1st January shall be fifty per-cent (50%) of the annual supervisory fee due by the European credit institution for the previous year in accordance with sub-regulation (2) and the instalment due on the 1st July shall be the remaining balance of the annual supervisory fee due by the European credit institution for that year in accordance with sub-regulation (2).

Fees due by third-country credit institutions.

6B. (1) A third-country credit institution that intends to transact the business of banking in or from Malta in accordance with article 5(1) of the Act through the establishment of a branch in Malta shall, upon submission of an application to the competent authority for a licence to do so, pay to the competent authority an application fee as established in the First Schedule with respect to such application.

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(2) A third-country credit institution that has been granted a licence to transact the business of banking in or from Malta in accordance with article 5(1) of the Act through the establishment of a branch in Malta shall, subject to the provisions of regulations (3) to (5), pay to the competent authority an annual supervisory fee as established in the Second Schedule, as applicable:

Provided that in any case, the annual supervisory fee shall not be less than the minimum annual supervisory fee established in the Second Schedule, as applicable, and it shall not exceed the maximum annual supervisory fee established in the said Schedule, as applicable.

(3) Notwithstanding the provisions of sub-regulation (2), the first annual supervisory fee due to the competent authority shall be the minimum annual supervisory fee established in the Second Schedule, as applicable, prorated according to the period remaining between the date when the third-country credit institution is granted a licence to transact the business of banking in or from Malta through the establishment of a branch in Malta and the end of the calendar year in which such licence was granted.

(4) The first annual supervisory fee due in accordance with the provisions of sub-regulation (3) shall be paid to the competent authority on the date when the third-country credit institution is granted a licence to transact the business of banking in or from Malta through the establishment of a branch in Malta.

(5) Every annual supervisory fee following the first annual supervisory fee which is due in accordance with sub-regulation (2) shall be paid to the competent authority in two (2) instalments on the 1st January and 1st July of each year:

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Provided that the instalment due on the 1st January shall be fifty per-cent (50%) of the annual supervisory fee due by the third-country credit institution for the previous year in accordance with sub-regulation (2) and the instalment due on the 1st July shall be the remaining balance of the annual supervisory fee due by the third-country credit institution for that year in accordance with sub-regulation (2).".

Substitutes regulation 7 of the principal regulations.

9. Regulation 7 of the principal regulations shall be substituted by the following new regulation:

"Fees not refundable or prorated.

7. (1) The fees established and due in terms of these regulations shall not be refundable.

(2) Without prejudice to the provisions of regulations 4, 6A(3) and 6B(3), the fees established and due in terms of these regulations shall not be prorated.".

Adds new Schedules to the principal regulations.

10. Immediately after regulation 7 of the principal regulations, as substituted, there shall be added the following new Schedules:

"**FIRST SCHEDULE**

(regulation 3, 6, 6A, 6B)

	Fees falling due in 2025 and thereafter €
Application fee: Credit Institutions	35,000
Establishment fee: Establishment of a representative office	3,600
Notification fee: Establishment of a branch by a European credit institution	3,600
Application fee: Establishment of a branch by a third-country credit institution	35,000

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SECOND SCHEDULE

(regulation 4, 6A, 6B)

	Fees falling due in 2025 (€)	Fees falling due in 2026 (€)	Fees falling due in 2027 (€)	Fees falling due in 2028 (€)	Fees falling due in 2029 and thereafter (€)
Annual supervisory fee: Credit Institutions	0.022% of deposits	0.024% of deposits	0.026% of deposits	0.028% of deposits	0.030% of deposits
	Minimum fee: 50,000	Minimum fee: 60,000	Minimum fee: 65,000	Minimum Fee: 70,000	Minimum fee: 75,000
	Maximum fee: 1,700,000	Maximum fee: 1,700,000	Maximum fee: 1,700,000	Maximum fee: 1,700,000	Maximum fee: 1,700,000
Annual supervisory fee: Establishment of a branch by a European credit institution	0.022% of the branch's deposits	0.024% of the branch's deposits	0.026% of the branch's deposits	0.028% of the branch's deposits	0.030% of the branch's deposits
	Minimum fee: 25,000	Minimum fee: 25,000	Minimum fee: 25,000	Minimum fee: 25,000	Minimum fee: 25,000
	Maximum fee: 30,000	Maximum fee: 35,000	Maximum fee: 40,000	Maximum fee: 45,000	Maximum fee: 50,000
Annual supervisory fee: Establishment of a branch by a third-country credit institution	0.022% of the branch's deposits	0.024% of the branch's deposits	0.026% of the branch's deposits	0.028% of the branch's deposits	0.030% of the branch's deposits
	Minimum fee: 50,000	Minimum fee: 60,000	Minimum fee: 65,000	Minimum Fee: 70,000	Minimum fee: 75,000
	Maximum fee: 1,200,000	Maximum fee: 1,200,000	Maximum fee: 1,200,000	Maximum fee: 1,200,000	Maximum fee: 1,200,000".

Transitory provision. S.L. 371.10.

11. These regulations shall not be deemed to affect the liability in respect of the fees due in accordance with the Credit Institutions (Fees) Regulations, prior to the coming into force of these regulations.

Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta — ***Published by the Department of Information (doi.gov.mt) — Valletta***
Mitbugħ fl-Istamperija tal-Gvern fuq karta FSC — ***Printed at the Government Printing Press on FSC certified paper***
Prezz/*Price*
€0.36