

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,323, 4 ta' Ottubru, 2024

Taqsimha B

L.N. 254 of 2024

**BANKING ACT
(CAP. 371)**

**Administrative Penalties, Measures and Investigatory Powers
(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, acting on the advice of the Malta Financial Services Authority, has made the following regulations:-

1. (1) The title of these regulations is the Administrative Penalties, Measures and Investigatory Powers (Amendment) Regulations, 2024 and these regulations shall be read and construed as one with the Administrative Penalties, Measures and Investigatory Powers Regulations, hereinafter referred to as the "principal regulations".

Citation, scope
and
commencement.

S.L. 371.05.

(2) The scope of these regulations is to transpose Article 4(1) of Directive (EU) 2022/2556 of the European Parliament and of the Council of 14 December 2022 amending Directives 2009/65/EC, 2009/138/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU, 2014/65/EU, (EU) 2015/2366 and (EU) 2016/2341 as regards digital operational resilience for the financial sector.

(3) These regulations shall come into force on the 17th January, 2025.

2. In sub-regulation (1) of regulation 2 of the principal regulations, immediately after the definition "the CRR" there shall be added the following new definition:

Amends
regulation 2 of
the principal
regulations.

" "DORA Regulation" means Regulation (EU) 2022/2554 of the European Parliament and of the Council of 14 December 2022 on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014, (EU) No 909/2014 and (EU) 2016/1011, as may be amended from time to time, and includes any binding legal instruments, guidelines and other measures that have been or may be issued thereunder;"

3. Sub-paragraph (vi) of paragraph (a) of sub-regulation (1) of regulation 5 of the principal regulations shall be substituted by the following new sub-paragraph:

Amends
regulation 5 of
the principal
regulations.

"(vi) third parties to whom the entities referred to in subparagraphs (i) to (iv) have outsourced functions or activities, including ICT third-party service providers referred to in Chapter V of the DORA Regulation;".
