B 162

L.N. 18 of 2025

INCOME TAX ACT
(CAP. 123)

Cooperation with Other Jurisdictions on Tax Matters (Amendment) Regulations, 2025

IN EXERCISE of the powers conferred by articles 76 and 96 of the Income Tax Act, the Minister responsible for finance has made the following regulations:-

Citation, scope and commencement.

S.L. 123.127.

1. (1) The title of these regulations is the Cooperation with Other Jurisdictions on Tax Matters (Amendment) Regulations, 2025 and these regulations shall be read and construed as one with the Cooperation with Other Jurisdictions on Tax Matters Regulations, hereinafter referred to as the "principal regulations".

(2) The scope of these regulations is to transpose the provisions of Directive (EU) 2021/514 of the European Parliament and of the Council of 25 March 2023 on administrative cooperation in the field of taxation.

(3) These regulations shall be deemed to have come into force on the 20th January 2023, with the exception of regulation 17 that shall come into force on the date of publication of these regulations.

Amends regulation 2 of the principal regulations.

2. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately after the definition "competent authority" thereof there shall be added the following new definition:

" "data breach" means a breach of security leading to destruction, loss, alteration or any incident of inappropriate or unauthorised access, disclosure or use of information, including but not limited to personal data transmitted, stored or otherwise processed, as the result of deliberate unlawful acts, negligence or accidents. A data breach may concern the confidentiality, availability and integrity of data;";

(b) the definition "EU Administrative Cooperation Directive" thereof shall be substituted by the following new definition:

" "EU Administrative Cooperation Directive" means Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC as amended by Council Directive 2014/107/EU, and Council Directives (EU) 2015/2376, 2016/881, 2018/822, 2020/876 and 2021/514;";

(c) immediately after the definition "group request" thereof there shall be added the following new definition:

" "joint audit" means an administrative enquiry jointly conducted by the competent authority in Malta and the competent authority of another one (1) or more Member States, and which is linked to one (1) or more persons of common or complementary interest to the competent authorities of those Member States;".

3. Regulation 5 of the principal regulations shall be amended as follows: Amends regulation 5 of the principal regulations.

(a) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(3) The competent authority in Malta shall arrange for the carrying out of any administrative enquiries necessary to obtain the information requested by the requesting authority. The request may contain a reasoned request for an administrative enquiry. If the competent authority in Malta takes the view that no administrative enquiry is necessary, it shall immediately inform the requesting authority of the reasons thereof.";

(b) sub-regulation (7) thereof shall be substituted by the

following new sub-regulation:

"(7) For the purposes of the implementation and enforcement of the laws giving effect to the EU Administrative Cooperation Directive and to ensure the functioning of the administrative cooperation it establishes, the Commissioner shall have access to the mechanisms, procedures, documents and information referred to in regulations 7 and 13 of the Prevention of Money Laundering and Funding of Terrorism Regulations, the Centralised Bank Account Register Regulations, the Companies Act (Register of Beneficial Owners) Regulations and the Trusts and Trustees Act (Register of Beneficial Owners) Regulations.".

S.L. 373.01.

S.L. 373.03.

S.L. 386.19.

S.L. 331.10.

Amends regulation 9 of the principal regulations.

4. Regulation 9 of the principal regulations shall be amended as follows:

(a) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(3) Unless otherwise agreed to between the two (2) relevant competent authorities, the competent authority in Malta shall provide the requesting authority with the requested information as soon as practicable, and not later than three (3) months from the date of receipt of the request:

Provided that where the competent authority in Malta is unable to respond to the request by the relevant time limit, it shall inform the requesting authority immediately and in any event within three (3) months of the receipt of the request, of the reasons for its failure to do so, and the date by which it considers it may be able to respond. The time limit shall not be longer than six (6) months from the date of receipt of the request:

Provided further that where the competent authority in Malta is already in possession of the requested information, the said information shall be transmitted within two (2) months of the date of receipt of the request:

Provided further that where the competent authority in Malta is unable to provide the requested information, an update of the situation shall be given every three (3) months until the matter is settled.";

(b) sub-regulation (4) thereof shall be deleted.

Amends regulation 12 of the principal regulations.

5. Immediately after sub-regulation (3) of regulation 12 of the principal regulations there shall be added the following new sub-regulation:

"Foreseeable relevance.

(4) (a) For the purposes of a request referred to in sub-regulation (1), the requested information is foreseeably relevant where, at the time that the request is made, the requesting authority considers that, in accordance with its national law, there is a reasonable possibility that the requested information shall be relevant to the tax affairs of one (1) or several taxpayers, whether identified by name or otherwise, and be justified for the purposes of the investigation.

(b) With the aim to demonstrate the foreseeable relevance of the requested information, the requesting authority shall provide at least the following information to the competent authority in Malta:

(i) the tax purpose for which the information is sought; and

(ii) a specification of the information required for the administration or enforcement of its national law.

(c) Where a request referred to in sub-regulation (1) relates to a group of taxpayers who cannot be identified individually, the requesting authority shall provide at least the following information to the competent authority in Malta:

(i) a detailed description of the group;

(ii) an explanation of the applicable law and of the facts based on which there is reason to believe that the taxpayers in the group have not complied with the applicable law;

(iii) an explanation on how the requested information would assist in determining compliance by the taxpayers in the group; and

(iv) where relevant, the facts and circumstances related to the involvement of a third party that actively contributed to the potential non-compliance of the taxpayers in the group with the applicable law.".

Amends regulation 13 of the principal regulations.

6. Regulation 13 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) The competent authority in Malta shall, by automatic exchange, communicate to the competent authority of any other European Union Member State all information that is available concerning residents of such other European Union Member State, on the following specific categories of income and capital:

(a) income from employment;

(b) director's fees;

(c) life insurance products not covered by other Union legal instruments on exchange of information and other similar measures;

(d) pensions;

(e) ownership of and income from immovable property;

(f) royalties.";

(b) sub-paragraph (ii) of paragraph (e) of sub-regulation (3) thereof shall be substituted by the following new sub-paragraph:

"(ii) a summary of the advance cross-border ruling or advance pricing arrangement, including a description of the relevant business activities or transactions or series of transactions and any other information that could assist the competent authority in assessing a potential tax risk, without leading to the disclosure of a commercial, industrial or professional secret or of a commercial process, or of information whose disclosure would be contrary to public policy;";

(c) in paragraph (b) of sub-regulation (4) thereof the words "sub-regulation (7)(d)" shall be substituted by the words "sub-regulation (8)(d)";

(d) in sub-paragraph (i) of paragraph (c) of sub-regulation (8) thereof, the words "pursuant to sub-regulation (3)(a);" shall be substituted by the words "pursuant to sub-regulation (3)(a):" and immediately thereafter there shall be added the following new proviso:

"Provided that with effect from 1st January 2023, the communication of information shall take place without delay after the advance cross-border rulings or advance pricing arrangements have been issued, amended or renewed and at the latest three (3) months following the end of the half of the calendar year during which the advance cross-border rulings or advance pricing arrangements were issued, amended or renewed;";

(e) in paragraph (e) of sub-regulation (8) thereof the words "by 30th April 2021." shall be substituted by the words "by 30th April 2021;" and immediately thereafter there shall be added the following new paragraph:

"(f) for the information laid down in sub-regulation (12), within two (2) months following the end of the Reportable Period to which the reporting requirements applicable to the Reporting Malta Platform Operator relate. The first information shall be communicated for Reportable Periods as from 1st January 2023.";

(f) paragraph (a) of the definition "automatic exchange of information" in sub-regulation (9) thereof shall be substituted by the following new paragraph:

"(a) for the purposes of sub-regulations (1), (3), (4), (7) and (12), the systematic communication of pre-defined information to another Member State, without prior request, at pre-established regular intervals. For the purposes of sub-regulation (1), the reference to available information relates to information in the tax files of Malta, which is retrievable in accordance with the procedures for gathering and processing information in Malta;";

(g) paragraph (c) of the definition "automatic exchange of information" in sub-regulation (9) thereof shall be substituted by the following new paragraph:

"(c) for the purposes of the provisions of these regulations that implement the EU Administrative Cooperation Directive, other than sub-regulations (1), (2),

(3), (4), (7) and (12), the systematic communication of pre-defined information provided in paragraphs (a) and (b);";

(h) sub-regulation (10) thereof shall be amended by the following:

(i) in paragraph (a) thereof the words "1 January 2015;" shall be substituted by the words "1 January 2015:" and immediately thereafter there shall be added the following new proviso:

"Provided that the provisions of sub-regulation (1)(f) shall be deemed to have come into force on 1 January 2024;";

(ii) in paragraph (e) thereof the words "1 July 2020." shall be substituted by the words "1 July 2020;" and immediately thereafter there shall be added the following new paragraph:

"(f) the provisions of sub-regulations (8)(f) and (12) shall be deemed to have come into force on 1 January 2023.";

(i) sub-regulation (11) thereof shall be substituted by the following new sub-regulation:

"(11) The competent authority in Malta shall provide the Commission, on an annual basis, with statistics on the volume of automatic exchanges in accordance with this regulation and, to the extent possible, with information on the administrative and other relevant costs and benefits relating to exchanges that have taken place and any potential changes, for both tax administrations and third parties";

(j) sub-regulation (12) thereof shall be substituted by the

following new sub-regulation:

"Automatic exchange of information reported by Platform Operators.

(12) (a) A Reporting Malta Platform Operator shall apply the due diligence procedures and fulfil reporting requirements laid down in Sections II and III of Annex V.

(b) The competent authority in Malta shall, by means of automatic exchange, communicate the report received in accordance with paragraph (a) within the time limit laid down in sub-regulation (8)(f), to the competent authority of the Member State in which the Reportable Seller is resident as determined pursuant to paragraph D of Section II of Annex V and, where the Reportable Seller provides immovable property rental services, in any case to the competent authority of the Member State in

(c) The information regarding each Reportable Seller to be communicated by the competent authority in Malta pursuant to paragraph (b) shall be the following:

(i) the name, the registered office address, the TIN and, where relevant, the identification number of the Reporting Malta Platform Operator, as well as the business name of the Platform in respect of which the Reporting Platform Operator is reporting;

(ii) the name and surname of the Reportable Seller who is an individual, and the legal name of the Reportable Seller that is an Entity;

(iii) the Primary Address;

(iv) any TIN of the Reportable Seller, including each Member State of issuance or, in the absence of a TIN, the place of birth of the Reportable Seller who is an individual;

(v) the business registration number of the Reportable Seller that is an Entity;

(vi) the VAT identification number of the Reportable Seller, where available;

(vii) the date of birth of the Reportable Seller who is an individual;

(viii) the Financial Account Identifier to which the Consideration is paid or credited, insofar as it is available to the Reporting Malta Platform Operator, and unless the competent authority of the Member State where the Reportable Seller is resident within the meaning of paragraph D of Section II of Annex V has not notified the competent authorities of all other Member States that it does not intend to use the Financial Account Identifier for this purpose;

(ix) where different from the name of the Reportable Seller, in addition to the Financial Account Identifier, the name of the holder of the financial account to which the Consideration is paid or credited, to the extent available to the Reporting Malta Platform Operator, as well as any other financial identification information available to the Reporting Malta Platform Operator with respect to such account holder;

(x) each Member State in which the Reportable Seller is resident determined pursuant to paragraph D of Section II of Annex V;

(xi) the total Consideration paid or credited during each quarter of the Reportable Period and the number of Relevant Activities in respect of which it was paid or credited; and

(xii) any fees, commissions or taxes withheld or charged by the Reporting Malta Platform Operator during each quarter of the Reportable Period:

Provided that where the Reportable Seller provides immovable property rental services, the following additional information shall be communicated:

(i) the address of each Property Listing, determined on the basis of the procedures set out in paragraph E of Section II of Annex V and the respective land registration number or its equivalent under the national law of the Member State where it is located, where available;

(ii) the total Consideration paid or credited during each quarter of the Reportable Period and the number of Relevant Activities provided with respect to each Property Listing; and

(iii) where available, the number of days each Property Listing was rented during the Reportable Period and the type of each Property Listing.

(d) Where the information that is required to be reported in accordance with paragraph B of Section III of Annex V is incomplete or inaccurate, the Commissioner may request the reporting of complete and accurate information as is required in accordance with these regulations.

(e) A Reporting Malta Platform Operator within the meaning of sub-paragraph A(7) of Section 1 of Annex V shall register with the Commissioner in such manner and within such period of time that the Commissioner may require, by means of guidelines published on the website of the Commissioner for Revenue in accordance with the provisions of article 96(2) of the Income Tax Act:

Cap. 123.

Provided that a Reporting Malta Platform Operator within the meaning of sub-paragraph A(7)(e) of Section 1 of Annex V shall register once it commences its activity as a Platform Operator:

Provided further that a Reporting Malta Platform Operator within the meaning of part A(7)(e) of Section 1 of Annex V shall use service providers to fulfil its registration and reporting obligations specified in these regulations, which obligations shall remain the responsibility of the Reporting Malta Platform Operator.

(f) The Reporting Platform Operator, having successfully registered with the Commissioner in Malta as its Member State of its single registration, shall notify the competent authority in Malta of any change in the information provided in accordance with sub-paragraph B(2) of Section III of Annex V.

(g) (i) Notwithstanding the administrative penalties stipulated in regulation 52, where a Reporting Platform Operator, after having registered with the Commissioner in Malta as its Member State of its single registration, fails to report the information required to be reported in accordance with sub-paragraph A(3) of Section III of Annex V following two (2) reminders by the Commissioner, it shall have its registration revoked. The registration shall be revoked not later than after the expiration of ninety (90) days but not prior to the expiration of thirty (30) days after the second reminder.

(ii) A Reporting Platform Operator whose registration has been revoked may be permitted to re-register with the Commissioner on the condition that it provides appropriate assurances as regards to its commitment to comply with the reporting requirements within the Union, including any outstanding unfulfilled reporting requirements.

(iii) The competent authority in Malta, as the competent authority of the Member State of single registration, shall request the Commission to delete a Reporting Platform Operator from the central register in the following cases:

(A) the Platform Operator notifies the Commissioner in Malta that it no longer carries out any activity as a Platform Operator;

(B) in the absence of a notification pursuant to point (A), there are grounds to assume that the activity of a Platform Operator has ceased;

(C) the Platform Operator no longer meets the conditions laid down in A(7)(e) of Section 1 of Annex V;

(D) the Commissioner in Malta revoked the registration pursuant to this paragraph.

(h) Where a Platform Operator is deemed to be an Excluded Platform Operator, the competent authority in Malta shall notify the competent authorities of all other Member States accordingly, including any subsequent changes.

Cap. 372.

(i) Subject to the provisions of article 19 of the Income Tax Management Act, a Reporting Malta Platform Operator shall maintain and retain all the documentation and information it collects in the course of meeting its reporting and due diligence obligations specified in this sub-regulation and Sections II and III of Annex V for a minimum period of five (5) years which start to run from the end of the year to which the information relates. In so doing, a Reporting Malta Platform Operator shall keep records of the steps undertaken in relation to any evidence relied upon for the performance of its obligations and adequate measures to obtain the said records.".

Amends regulation 15 of the principal regulations.

7. Regulation 15 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) With a view of exchanging the information referred to in regulation 12(1), the competent authority in Malta may request the competent authority of another Member State that officials authorised by the competent authority in Malta and in accordance with the procedural arrangements laid down by the competent authority of the requested Member State:

(a) be present in the offices where the administrative authorities of the requested Member State carry out their duties;

(b) be present during administrative enquiries carried out in the territory of the requested Member State;

(c) participate in the administrative enquiries carried out by the requested Member State through the use of electronic means of communication, where appropriate:

Provided that where the requested authority is the competent authority in Malta, it shall respond to the request within sixty (60) days of the receipt of the request, to confirm its agreement or communicate its reasoned refusal to the requesting authority:

Provided further that where the requested information is contained in documentation to which the officials of the competent authority in Malta have access, the officials of the requesting authority shall be given copies thereof."; and

(b) in sub-regulation (2) thereof the words "In so far as it is permitted under Maltese legislation, the agreement referred to in sub-regulation (1) may provide that, where officials of the requesting authority are present during administrative enquiries, they may interview individuals and examine records." shall be substituted by the words "Where officials of the requesting authority are present during administrative enquiries, or participate in the administrative enquiries through the use of electronic means of communication, they may interview individuals and examine records subject to the procedural arrangements laid down by the requested Member State.".

Amends regulation 16 of the principal regulations.

8. Sub-regulation (3) of regulation 16 of the principal regulations shall be substituted by the following new sub-regulation:

"(3) The competent authority in Malta shall, upon receipt of a notification for a simultaneous control from the competent authority of another European Member State, decide whether it intends to take part in simultaneous controls and it shall confirm its agreement or communicate its reasoned refusal to the authority that proposed a simultaneous control within sixty (60) days of receiving the proposal.".

Adds new regulation to the principal regulations.

9. Immediately after regulation 16 of the principal regulations

there shall be added the following new regulation:

"Joint audit.

16A. (1) The competent authority of one (1) or more Member States may request the competent authority of another Member State or other Member States to conduct a joint audit. Where the competent authority in Malta is a requested competent authority, it shall respond to the request within sixty (60) days of the receipt of the request. The competent authority in Malta may reject a request for a joint audit by the competent authority of a Member State on justified grounds.

(2) Joint audits shall be conducted in a pre-agreed and coordinated manner, which include linguistic arrangements, by the competent authorities of the requesting and the requested Member States, and in accordance with the laws and procedural requirements of the Member State where the activities of a joint audit take place. Where the activities of a joint audit take place in Malta, the competent authority in Malta shall appoint a representative with the responsibility for supervising and coordinating the joint audit in Malta:

Provided that the rights and obligations of the officials of Member States who participate in a joint audit, when they are present in activities performed in a different Member State, shall be determined in accordance with the laws of the Member State where the activities of the joint audit take place:

Provided further that while complying with the laws of the Member State where the activities of the joint audit take place, the officials of another Member State shall not exercise any powers that would exceed the scope of the powers granted to them under the laws of their Member State.

(3) Without prejudice to the provisions of sub-regulation (2), when the activities of a joint audit take place in Malta, the Maltese tax administration shall take the necessary measures to:

(a) permit that officials of other Member States who participate in the activities of the joint audit interview individuals and examine records together with the officials of the Maltese tax administration, subject to the procedural arrangements laid down in Malta;

(b) ensure that evidence collected during the activities of the joint audit can be assessed, including on its admissibility, under the same legal conditions as in the case of an audit carried out in Malta where only the officials of Maltese tax administration take part, including in the course of any process of complaint, review or appeal; and

(c) ensure that the person subject to a joint audit or affected by it enjoys the same rights and has the same obligations as in the case of an audit where only the officers of the Maltese tax administration take part, including in the course of any process of complaint, review or appeal.

(4) Where the competent authority in Malta conducts a joint audit with the competent authority of another one (1) or more Member States, the competent authorities shall endeavour to agree on the facts and circumstances relevant to the joint audit and endeavour to reach an agreement on the tax position of the audited person based on the results of the joint audit:

Provided that the findings of the joint audit shall be incorporated in a final report. Issues on which the competent authorities agree shall be reflected in the final report and be taken into account in the relevant instruments issued by the competent authorities of the participating Member States following such joint audit:

Provided further that the actions by the competent authority in Malta or any of its officers following a joint audit and any further processes, such as a decision of tax authorities, process of appeal or settlement relating thereto, shall take place in conformity with Maltese law.

(5) The audited persons shall be informed of the outcome of the joint audit, including a copy of the final report within sixty (60) days of the issuance of the final report.".

Amends regulation 18 of the principal regulations.

10. Regulation 18 of the principal regulations shall be amended as follows:

(a) sub-regulation (1)(a) thereof shall be substituted by

the following new sub-regulation:

"(1) (a) Information communicated between Member States in any form pursuant to the EU Administrative Cooperation Directive (including information, reports and documents communicated by the EU Commission pursuant to Article 23a thereof) shall be covered by the obligation of official secrecy and enjoy the protection granted to similar information under the Income Tax Act. The said information may be used for the assessment, administration and enforcement of Maltese law concerning the taxes referred to in Article 2 of the EU Administrative Cooperation Directive as well as VAT and other indirect taxes:

Cap. 123.

Provided that reports and documents produced by the EU Commission referred to in Article 23a of the EU Administrative Cooperation Directive may be used by EU Member States only for analytical purposes and shall not be published or made available to any other person or body without the express agreement of the EU Commission.";

(b) sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) (a) With the permission of the competent authority of the Member State communicating information pursuant to the EU Administrative Cooperation Directive, and only insofar as this is allowed under Maltese law, information and documents received pursuant to the said Directive may be used for other purposes than those referred to in sub-regulation (1). Such permission shall be granted if the information can be used for similar purposes in the Member State of the competent authority communicating the information.

(b) The competent authority in Malta may communicate to the competent authorities of all other Member States a list of purposes for which, in compliance with Maltese law, information and documents other than those referred to in sub-regulation (1)(a) may be used. The competent authority that receives the information and documents may use the received information and documents without the permission referred to in paragraph (a) for any of the purposes listed by the competent authority

in Malta.".

Substitutes regulation 21 of the principal regulations.

11. Regulation 21 of the principal regulations shall be substituted by the following new regulation:

"Data protection.

21. (1) All exchange of information pursuant to these regulations shall be made in conformity with Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the Data Protection Act. Nevertheless, by application of Article 23(1)(e), Article 13, Article 14(1) and Article 15 of the General Data Protection Regulation shall not apply, as the provision of information under this regulation constitutes a necessary measure in the interest of taxation matters.

Cap. 586.

(2) Regulation (EU) 2018/1725 of the European Parliament and of the Council of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC shall apply to any processing of personal data under the EU Administrative Cooperation Directive by the Union institutions, bodies, offices and agencies. However, for the purposes of the correct application of the EU Administrative Cooperation Directive, the scope of the obligations and rights provided for in Article 15, Article 16(1), and Articles 17 to 21 of Regulation (EU) 2018/1725 shall be restricted to the extent required in order to safeguard the interests referred to in point (c) of Article 25(1) of the said Regulation.

(3) The Reporting Malta Financial Institutions, the intermediaries, the Reporting Malta Platform Operators and the competent authority in Malta shall be considered to be data controllers when, acting alone or jointly, they determine the purposes and means of the processing of personal data within the meaning of the General Data Protection Regulation and the Data Protection Act.

Cap. 586.

(4) Notwithstanding the provisions of sub-regulation (1), the Commissioner shall ensure that each Reporting Malta Financial Institution, intermediary, or Reporting Malta Platform Operator, as the case may be, which is under the jurisdiction of Malta:

(a) informs each individual concerned that information relating to such individual shall be collected and transferred in accordance with these regulations; and

(b) provides to each individual concerned with all the information that the individual is entitled to from the data controller in sufficient time for such individual to exercise his data protection rights and, in any case, before the information is reported:

Provided that notwithstanding the provisions of this sub-regulation, each Reporting Malta Platform Operator shall inform Reportable Sellers of the reported Consideration.

(5) Information processed in accordance with these regulations shall be retained for not longer than is necessary to achieve the purposes of these regulations.

(6) In the case that a data breach occurs in Malta:

(a) the competent authority in Malta shall report the data breach and any subsequent remedial action to the Commission without delay; and

(b) the competent authority in Malta shall investigate, contain and remedy the data breach and shall, by giving notice in writing to the Commission, request the suspension of the CCN access for the purposes of these regulations, if the data breach cannot be contained immediately and appropriately.

(7) In the case that a data breach occurs in another Member State, the competent authority in Malta may suspend the exchange of information to the Member State where the data breach occurred by giving notice in writing to the Commission and the Member State concerned. Such suspension shall have immediate effect.

(8) The competent authority in Malta together with the other Member States, assisted by the Commission, shall agree on the practical arrangements necessary for the implementation of the said Regulation, including data breach management processes which are aligned with internationally recognised good practices and, where appropriate, a joint data controller agreement, an agreement between the data processor and the data controller, or models thereof.".

Amends regulation 22 of the principal regulations.

12. Sub-regulations (1), (2) and (3) of regulation 22 of the principal regulations shall be substituted by the following new sub-regulations:

"(1) Requests for information and for administrative enquiries pursuant to regulation 12 and their replies, acknowledgements, requests for additional background information, inability or refusal pursuant to regulation 10(2) shall, as far as possible, be sent using the standard form adopted by the Commission in accordance with the procedure referred to in Article 26(2) of the EU Administrative Cooperation Directive. The standard forms may be accompanied by reports, statements and any other documents, or certified true copies or extracts thereof. The standard form shall include at least the following information which shall be provided by the competent authority in Malta:

(a) the identity of the person under examination or investigation and, in the case of group requests, a detailed description of the group; and

(b) the tax purpose for which the information is sought:

Provided that the competent authority in Malta may, to the extent known and in line with international developments, provide the name and address of any person believed to be in possession of the requested information as well as any element that may facilitate the collection of information by the requested authority.

(2) Spontaneous information and its acknowledgement pursuant to regulation 14, requests for administrative notifications pursuant to regulation 17, feedback information pursuant to regulation 11(4) and (5), and communications pursuant to regulation 18(2) and (4) and regulation 20(1) shall be sent using the standard forms adopted by the Commission in accordance with the procedure referred to in Article 26(2) of the

EU Administrative Cooperation Directive.

(3) The automatic exchange of information pursuant to the provisions of regulation 13(1) and (12) shall be carried out using a standard computerised format aimed at facilitating such automatic exchange, adopted by the Commission in accordance with the procedure referred to in Article 26(2) of the EU Administrative Cooperation Directive.".

Amends regulation 30 of the principal regulations.

13. In sub-regulation (1) of regulation 30 of the principal regulations immediately after the words "U.S. Reportable Accounts" there shall be added the words "together with an annual report on the measures and procedures it maintains and applies to fulfil its obligations with the FATCA Agreement".

Amends regulation 33 of the principal regulations.

14. In sub-regulation (2) of regulation 33 of the principal regulations the words "every director, manager or other principal officer" shall be substituted by the words "every senior managing official".

Amends regulation 41 of the principal regulations.

15. In regulation 41 of the principal regulations immediately after the words "Annex I to these regulations" there shall be added the words "together with an annual report on the measures and procedures it maintains and applies to fulfil its obligations with Annex I".

Amends regulation 44 of the principal regulations.

16. In sub-regulation (2) of regulation 44 of the principal regulations the words "every director, manager or other principal officer" shall be substituted by the words "every senior managing official".

Adds new regulation to the principal regulations.

17. Immediately after regulation 51 of the principal regulations there shall be added the following new regulation:

"Administrative penalties for failure to comply.

52. (1) Where a Reporting Malta Platform Operator fails to comply with any of the obligations set out in the EU Administrative Cooperation Directive, the Reporting Malta Platform Operator shall be liable to the following administrative penalties:

(a) where a Reporting Malta Platform Operator fails to register with the Commissioner in accordance with regulation 13(12)(e) and in such manner and within the period of time that the Commissioner requires, to an administrative penalty of five hundred euro (€500);

(b) where a Reporting Malta Platform Operator fails to retain the documentation and information it collected in the course of meeting its due diligence and reporting obligations for a minimum period of five (5) years starting from the end of the year in which the information relates, to an administrative penalty of two thousand five hundred euro (€2,500);

(c) where a Reporting Malta Platform Operator fails to apply the due diligence procedures specified in Section II of Annex V, to an administrative penalty of five thousand euro (€5,000);

(d) where a Reporting Malta Platform Operator fails to report the information required to be reported in accordance with Section III of Annex V within the time stipulated in the said Section III, to an administrative penalty of:

(i) two thousand five hundred euro (€2,500); and

(ii) one hundred euro (€100) for every day during which the default existed, which administrative penalty shall not exceed in total twenty thousand euro (€20,000);

(e) where a Reporting Malta Platform Operator fails to report the information required to be reported in accordance with Section III of Annex V in a complete and accurate manner, to a penalty of:

(i) in the case of minor errors:

(A) two hundred euro (€200); and

(B) fifty euro (€50) for every day during which the default existed, which administrative penalty shall not exceed in total five thousand euro (€5,000);

(ii) in the case of significant non-compliance, an administrative penalty of up to fifty thousand euro (€50,000).

(2) In addition, and without prejudice to any administrative penalties incurred in accordance with sub-regulation (1), where a Reporting Malta Platform Operator is found to have submitted information that is misleading or false, every senior managing official of such Reporting Malta Platform Operator shall be liable to an administrative penalty of not less than ten thousand euro (€10,000) and not more than thirty thousand euro (€30,000):

Provided that a senior managing official of the said Reporting Malta Platform Operator shall not be guilty of such an offence if he proves that he was unaware and could not with reasonable diligence be aware of such act or omission and that he did everything within his power to prevent that act or omission.".

Amends Annex III to the principal regulations.

18. Items 3 and 4 of Section II of Annex III to the principal regulations shall be substituted by the following new items:

"3. Any Constituent Entity of an MNE Group that is resident for tax purposes in Malta shall notify the Commissioner whether it is the Ultimate Parent Entity or the Surrogate Parent Entity or the Constituent Entity referred to in item 1, not later than the last tax return date applicable to such Constituent Entity as determined under regulation 2 of the Income Tax (Statutory Dates) Rules.

S.L. 372.16.

4. Where a Constituent Entity of an MNE Group, that is resident for tax purposes in Malta, is not the Ultimate Parent Entity nor the Surrogate Parent Entity nor the Constituent Entity referred to in item 1, it shall notify the Commissioner of the identity and tax residence of the Reporting Entity, not later than the last tax return date applicable to that Constituent Entity as determined under regulation 2 of the Income Tax (Statutory Dates) Rules.".

S.L. 372.16.

Adds new Annex to the principal regulations.

19. Immediately after Annex IV to the principal regulations there shall be added the following new Annex:

"ANNEX V

In the context of Annex V, any capitalised term shall have the meaning that it has under the corresponding definitions set out in this Annex.

DUE DILIGENCE PROCEDURES, REPORTING REQUIREMENTS AND OTHER RULES FOR PLATFORM OPERATORS.

This Annex lays down the due diligence procedures, reporting requirements and other rules that shall be applied by Reporting Malta Platform Operators in order to enable Malta to communicate, by automatic exchange, the information referred to in regulation 13(12). This Annex also describes the rules and administrative procedures that Malta has in place to ensure effective implementation of, and compliance with, the diligence procedures and reporting requirements set out below.

SECTION I
DEFINED TERMS

The following terms shall have the meanings set forth below:

A. Reporting Platform Operators

1. "Platform" means any software, including a website or a part thereof and applications, including mobile applications, accessible by users and allowing Sellers to be connected to other users for the purpose of carrying out a Relevant Activity, directly or indirectly, to such users. It also includes any arrangement for the collection and payment of a Consideration in respect of Relevant Activity.

The term "Platform" does not include software that without any further intervention in carrying out a Relevant Activity exclusively allows any of the following:

(a) processing of payments in relation to Relevant Activity;

(b) users to list or advertise a Relevant Activity;

(c) redirecting or transferring of users to a Platform.

2. "Platform Operator" means an Entity that contracts with Sellers to make available all or part of a Platform to such Sellers.

3. "Excluded Platform Operator" means a Platform Operator which has demonstrated upfront and on an annual basis to the satisfaction of the competent authority in Malta that its entire business model is such that it does not have Reportable Sellers.

4. "Reporting Platform Operator" means any Platform Operator, other than an Excluded Platform Operator, which is in any of the following situations:

(a) is resident for tax purposes in a Member State or, where such Platform Operator does not have a residence for tax purposes in a Member State, it fulfils any of the following conditions:

(i) it is incorporated under the laws of a Member State;

(ii) it has its place of management, including effective management, in a Member State;

(iii) it has a permanent establishment in a Member State and is not a Qualified Non-Union Platform Operator;

(b) it is neither resident for tax purposes, nor incorporated or managed in a Member State, nor has a permanent establishment in a Member State, but facilitates the carrying out of a Relevant Activity by Reportable Sellers or a Relevant Activity involving the rental of immovable property located in a Member State and is not a Qualified Non-Union Platform Operator.

5. "Qualified Non-Union Platform Operator" means a Platform Operator for which all Relevant Activities that it facilitates are also Qualified Relevant Activities and that is resident for tax purposes in a Qualified Non-Union Jurisdiction or, where such Platform Operator does not have a residence for tax purposes in a Qualified Non-Union Jurisdiction, it fulfils any of the following conditions:

(a) it is incorporated under the laws of a Qualified Non-Union Jurisdiction; or

(b) it has its place of management, including effective management, in a Qualified Non-Union Jurisdiction.

6. "Qualified Non-Union Jurisdiction" means a non-Union jurisdiction that has in effect an Effective Qualifying Competent Authority Agreement with the competent authorities of all Member States which are identified as reportable jurisdictions in a list published by the non-Union jurisdiction.

7. "Reporting Malta Platform Operator" means any Platform Operator, other than an Excluded Malta Platform Operator, which is:

(a) resident for tax purposes in Malta and not resident for tax purposes in any other Member State;

(b) resident for tax purposes in Malta and any other Member State and has elected in accordance with part A(2) of Section III to fulfil its reporting obligations in Malta;

(c) has a permanent establishment in Malta and is not tax resident in Malta or in any other Member State and does not fulfil any of the conditions set out in point 4(a) in any other Member State and is not a Qualified Non-Union Platform Operator;

(d) has a permanent establishment in Malta and is not tax resident in Malta or in any other Member State and fulfils any of the conditions set out in item 4(a) in any other Member State and is not a Qualified Non-Union Platform Operator, and has elected in accordance with part A(2) of Section III to fulfil its reporting obligations in Malta; or

(e) it is not a resident for tax purposes, is not incorporated or managed in a Member State, does not have a permanent establishment in a Member State, but facilitates the carrying out of a Relevant Activity by Reportable Sellers or a Relevant Activity involving the rental of immovable property located in a Member State and is not a Qualified Non-Union Platform Operator and has elected in accordance with the published guidelines referred to in regulation 13(12)(e) to fulfil its reporting obligations in Malta.

8. "Effective Qualifying Competent Authority Agreement" means an agreement between the competent authority in Malta and a non-Union jurisdiction that requires the automatic exchange of information equivalent to that specified in part B of Section III as confirmed by an implementing act of the EU Administrative Cooperation Directive.

9. "Relevant Activity" means an activity carried out for Consideration and being any of the following:

(a) the rental of immovable property, including both residential and commercial property, as well as any other immovable property and parking spaces;

(b) a Personal Service;

(c) the sale of Goods;

(d) the rental of any mode of transport:

Provided that the term "Relevant Activity" does not include an activity carried out by a Seller acting as an employee of the Platform Operator or a related Entity of the Platform Operator.

10. "Qualified Relevant Activities" means any Relevant Activity covered by the automatic exchange pursuant to an Effective Qualifying Competent Authority Agreement.

11. "Consideration" means compensation in any form, net of any fees, commissions or taxes withheld or charged by the Reporting Platform Operator, that is paid or credited to a Seller in connection with the Relevant Activity, the amount of which is known or reasonably knowable by the Platform Operator.

12. "Personal Service" means a service involving time-based or task-based work performed by one (1) or more individuals, acting either independently or on behalf of an Entity, and which is carried out at the request of a user, either online or physically offline after having been facilitated by means of a Platform.

B. Reportable Sellers

1. "Seller" means a Platform user, either an individual or an Entity, that is registered at any moment during the Reportable Period on the Platform and carries out a Relevant Activity.

2. "Active Seller" means any Seller that either provides a Relevant Activity during the Reportable Period or is paid or credited Consideration in connection with a Relevant Activity during the Reportable Period.

3. "Reportable Seller" means any Active Seller, other than an Excluded Seller, that is resident in a Member State or that rented out immovable property located in a Member State.

4. "Excluded Seller" means any Seller:

(a) that is a Governmental Entity;

(b) that is an Entity the stock of which is regularly traded on an established securities market or a related Entity of an Entity the stock of which is regularly traded on an established securities market;

(c) that is an Entity for which the Platform Operator facilitated more than two thousand (2,000) Relevant Activities by means of the rental of immovable property in respect of a Property Listing during the Reporting Period; or

(d) for which the Platform Operator facilitated less than thirty (30) Relevant Activities by means of the sale of Goods and for which the total amount of Consideration paid or credited did not exceed two thousand euro (€ 2,000) during the Reporting Period.

C. Other definitions

1. "Entity" means a legal person or a legal arrangement, such as a corporation, partnership, trust or foundation. An Entity is a related Entity of another Entity if either Entity controls the other Entity, or the two (2) Entities are under common control. For this purpose, control includes direct or indirect ownership of more than fifty per cent (50%) of the vote and value in an Entity. In indirect participation, the fulfilment of the requirement for the holding of more than fifty per cent (50%) of the right of ownership in the capital of the other Entity shall be determined by multiplying the rates of holding through the successive tiers. A person holding more than fifty per cent (50%) of the voting rights shall be deemed to hold one hundred per cent (100%).

2. "Governmental Entity" means the Government of Malta or other jurisdiction, any political subdivision of Malta or other jurisdiction which includes a state, province, county, or municipality, or any wholly owned agency or instrumentality of Malta or other jurisdiction or of any one or more of the foregoing each, a "Governmental Entity".

3. "TIN" means a Taxpayer Identification Number, issued by a Member State, or functional equivalent in the absence of a Taxpayer Identification Number.

4. "VAT identification number" means the unique number that identifies a taxable person or a non-taxable legal entity that is registered for value added tax purposes.

5. "Primary Address" means the address that is the primary residence of a Seller who is an individual, as well as the address that is the registered office of a Seller that is an Entity.

6. "Reportable Period" means the calendar year in respect of which reporting is being completed pursuant to Section III.

7. "Property Listing" means all immovable property units located at the same street address, owned by the same owner and offered for rent on a Platform by the same Seller.

8. "Financial Account Identifier" means the unique identifying number or reference available to the Platform Operator of the bank account or other similar payment services account to which the Consideration is paid or credited.

9. "Goods" means any tangible property.

SECTION II
DUE DILIGENCE PROCEDURES

The following procedures shall apply for the purpose of identifying Reportable Sellers.

A. Sellers not subject to review

For the purpose of determining whether a Seller that is an Entity qualifies as an Excluded Seller described in part B(4)(a) and (b) of Section I, a Reporting Malta Platform Operator may rely on publicly available information or a confirmation from the Seller that is an Entity.

For the purpose of determining whether a Seller qualifies as an Excluded Seller described in part B(4)(c) and (d) of Section I, a Reporting Malta Platform Operator may rely on its available records.

B. Collection of Seller Information

1. The Reporting Malta Platform Operator shall collect all of the following information for each Seller who is an individual and not an Excluded Seller:

(a) the name and surname;

(b) the Primary Address;

(c) any TIN issued to such Seller, including each Member State of issuance, and in the absence of a TIN, the place of birth of such Seller;

(d) the VAT identification number of that Seller, where available;

(e) the date of birth.

2. The Reporting Malta Platform Operator shall collect all of the following information for each Seller that is an Entity and not an Excluded Seller:

(a) the legal name;

(b) the Primary Address;

(c) any TIN issued to such Seller, including each Member State of issuance;

(d) the VAT identification number of such Seller, where available;

(e) the business registration number;

(f) the existence of any permanent establishment through which Relevant Activities are carried out in the Union, where available, indicating each respective Member State, where such a permanent establishment is located.

3. Notwithstanding the provisions of items 1 and 2, the Reporting Malta Platform Operator shall not be required to collect information referred to in part B(1)(b) to (e) and part B(2)(b) to (f) of Section II where it relies on direct confirmation of the identity and residence of the Seller through an identification service made available by a Member State or the Union to ascertain the identity and tax residence of the Seller.

4. Notwithstanding the provisions of part B(1)(c) and part B(2)(c) and (e), the Reporting Malta Platform Operator shall not be required to collect the TIN or the business registration number, as the case may be, in any of the following situations:

(a) the Member State of residence of the Seller does not issue a TIN or business registration number to the Seller;

(b) the Member State of residence of the Seller does not require the collection of the TIN issued to the Seller.

C. Verification of Seller Information

1. The Reporting Malta Platform Operator shall determine whether the information collected pursuant to part A, part B(1), part B(2)(a) to (e) and part E is reliable, using all information and documents available to the Reporting Malta Platform Operator in its records, as well as any electronic interface made available to the public by a Member State or the Union free of charge to ascertain the validity of the TIN and, or VAT identification number.

2. Notwithstanding the provisions of part C(1), for the completion of the due diligence procedures pursuant to part F(2), the Reporting Malta Platform Operator may determine whether the information collected pursuant to part A, part B(1), part B(2)(a) to (e) and part E is reliable, using information and documents available to the Reporting Malta Platform Operator in its electronically searchable records.

3. In the application of part F(3)(b) and notwithstanding parts C(1) and C(2), in instances where the Reporting Malta Platform Operator has reason to believe that any of the information items described in parts B or E may be inaccurate by virtue of information provided by the competent authority of a Member State in a request concerning a specific Seller, the Reporting Malta Platform Operator is obliged to request the Seller to correct information items that were found to be incorrect and to provide supporting documents, data or information, which are reliable and of independent source, such as:

(a) valid government-issued identification document;

(b) recent tax residency certificate.

D. Determination of a Member State of residence of Seller for the purposes of regulation 13(12)

1. A Reporting Malta Platform Operator shall consider a Seller resident in the Member State of the Seller's Primary Address. Where different from the Member State of the Seller's Primary Address, a Reporting Malta Platform Operator shall consider the Seller as resident also in the Member State of issuance of TIN. Where the Seller has provided information with respect to the existence of a permanent establishment pursuant to part B(2)(f), a Reporting Malta Platform Operator shall consider the Seller resident also in the respective Member State as specified by the Seller.

2. Notwithstanding the provisions of part D(1), a Reporting Malta Platform Operator shall consider a Seller resident in each Member State confirmed by an electronic identification service made available by a Member State or the Union pursuant to part B(3).

E. Collection of information on rented immovable property

Where a Seller is engaged in Relevant Activity involving the rental of immovable property, the Reporting Malta Platform Operator shall collect the address of each Property Listing and, where issued, the respective land registration number or its equivalent under the national law of the Member State where it is located. Where a Reporting Malta Platform Operator facilitated more than two thousand (2,000) Relevant Activities by means of the rental of a Property Listing for the same Seller that is an Entity, the Reporting Malta Platform Operator shall collect supporting documents, data or information that the Property Listing is owned by the same owner.

F. Timing and validity of due diligence procedures

1. A Reporting Malta Platform Operator shall complete the due diligence procedures set out in parts A to E by 31st December of the Reportable Period.

2. Notwithstanding the provisions of part F(1), for Sellers that were already registered on the Platform as of 1st January 2023 or as of the date on which an Entity becomes a Reporting Malta Platform Operator, the due diligence procedures set out in parts A to E are required to be completed by 31st December of the second Reportable Period for the Reporting Malta Platform Operator.

3. Notwithstanding the provisions of part F(1), a Reporting Malta Platform Operator may rely on the due diligence procedures conducted in respect of previous Reportable Periods, provided that:

(a) the Seller information required in parts B(1) and B(2) has been either collected and verified or confirmed within the last thirty-six (36) months; and

(b) the Reporting Malta Platform Operator does not have reason to know that information collected pursuant to parts A, B and E is, or has become unreliable or incorrect.

G. Application of the due diligence procedures to Active Sellers only

A Reporting Malta Platform Operator may elect to complete the due diligence procedures pursuant to parts A to F in respect of Active Sellers only.

H. Completion of the due diligence procedures by third parties

1. A Reporting Malta Platform Operator may rely on a third-party service provider to fulfil the due diligence obligations laid down in this Section, but such obligations shall remain the responsibility of the Reporting Malta Platform Operator.

2. Where a Platform Operator fulfils the due diligence obligations for a Reporting Malta Platform Operator with respect to the same Platform pursuant to part H(1), such Platform Operator shall carry out the due diligence procedures pursuant to the rules laid down in this Section. The due diligence obligations shall remain the responsibility of the Reporting Malta Platform Operator.

I. Procedure to ensure the collection of Seller information

Where a Seller does not provide the information required in parts A to E, after two (2) reminders following the initial request by the Reporting Malta Platform Operator, but not prior to the expiration of sixty (60) days, the Reporting Malta Platform Operator shall close the account of the Seller and prevent the Seller from re-registering on the Platform. Payment of the Consideration to the Seller shall be withheld by the Reporting Malta Platform Operator until the Seller provides the information

SECTION III

REPORTING REQUIREMENTS

A. Time and manner of reporting

1. A Reporting Malta Platform Operator shall report to the Commissioner the information set out in part B with respect to the Reportable Period not later than 31 January of the year following the calendar year in which the Seller is identified as a Reportable Seller. Where there is more than one (1) Reporting Platform Operator, a Reporting Malta Platform Operator shall be exempt from reporting the information if it has proof, in conformity with Maltese law, that the same information has been reported by another Reporting Platform Operator:

Provided that the proof may be in such form as the Commissioner may determine.

2. If a Reporting Platform Operator within the meaning of part A(4)(a) of Section I fulfils any of the conditions listed therein in more than one (1) Member State, it shall elect one (1) of those Member States in which it shall fulfil the reporting requirements set out in this Section. This election shall be made in such form and manner as the Commissioner may require by means of guidelines published on the website of the Commissioner under the provisions of article 96(2) of the Income Tax Act. The Reporting Platform Operator shall notify all the competent authorities of those Member States of its election. The said Reporting Platform Operator shall report the information listed in part B with respect to the Reportable Period to the competent authority of the Member State of election, as this is determined in accordance with regulation 13(12)(e), not later than 31st January of the year following the calendar year in which the Seller is identified as a Reportable Seller. Where there is more than one (1) Reporting Platform Operator, any of those Reporting Platform Operators shall be exempt from reporting the information if it has proof, in conformity with the national law of the Member State of registration, that the same information has been reported by another Reporting Platform Operator in another Member State.

Cap. 123.

3. A Reporting Malta Platform Operator within the meaning of part A(7)(e) of Section I shall report the information set out in part B with respect to the Reportable Period to the Commissioner not later than 31st January of the year following the calendar year in which the Seller is identified as a Reportable Seller.

4. Notwithstanding the provisions of part A(3), a Reporting Malta Platform Operator shall not be required to provide the information set out in part B with respect to Qualified Relevant Activities, covered by an Effective Qualifying Competent Authority Agreement, which already provides for the automatic exchange of equivalent information with a Member State on Reportable Sellers resident in such Member State.

5. A Reporting Malta Platform Operator shall also provide the information set out in parts B(2) and B(3) to the Reportable Seller to which it relates not later than 31st January of the year following the calendar year in which the Seller is identified as a Reportable Seller.

6. The information with respect to the Consideration paid or credited in a fiat currency shall be reported in the currency in which it was paid or credited. In case the Consideration was paid or credited in a form other than fiat currency, it shall be reported in the local currency, converted or valued in a manner that is consistently determined by the Reporting Malta Platform Operator.

7. The information about the Consideration and other amounts shall be reported in respect of the quarter of the Reportable Period in which the Consideration was paid or credited.

B. Information to be Reported

Each Reporting Malta Platform Operator shall report the following information:

1. The name, the registered office address, the TIN and, where relevant, the individual identification number of the Reporting Malta Platform Operator allocated pursuant to regulation 13(12)(e), as well as the business name of the Platform in respect of which the Reporting Malta Platform Operator is reporting.

2. With respect to a Reporting Platform Operator having registered with the Commissioner in Malta as its Member State of its single registration, shall communicate to the Commissioner in Malta the following information:

(a) name;

(b) postal address;

(c) electronic addresses, including websites;

(d) any TIN issued to the Reporting Platform Operator;

(e) a statement with the information about identification of such Reporting Platform Operator for VAT purposes within the Union, pursuant to Title XII, Chapter 6, Sections 2 and 3 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax;

(f) Member States in which Reportable Sellers are residents within the meaning of part D of Section II.

3. With respect to each Reportable Seller that carried out Relevant Activity, other than immovable property rental:

(a) the information items required to be collected pursuant to part B of Section II;

(b) the Financial Account Identifier, insofar as it is available to the Reporting Malta Platform Operator and the competent authority of the Member State where the Reportable Seller is resident in the meaning of part D of Section II has not published that it does not intend to use the Financial Account Identifier for this purpose;

(c) where different from the name of the Reportable Seller, in addition to the Financial Account Identifier, the name of the holder of the financial account to which the Consideration is paid or credited, to the extent available to the Reporting Malta Platform Operator, as well as any other financial identification information available to the Reporting Malta Platform Operator with respect to that account holder;

(d) each Member State in which the Reportable Seller is resident for the purposes of regulation 13(12);

(e) the total Consideration paid or credited during each quarter of the Reportable Period and the number of Relevant Activities in respect of which it was paid or credited;

(f) any fees, commissions or taxes withheld or charged by the Reporting Malta Platform Operator during each quarter of the Reportable Period.

4. With respect to each Reportable Seller that carried out Relevant Activity involving immovable property rental:

(a) the information items required to be collected pursuant to part B of Section II;

(b) the Financial Account Identifier, insofar as it is available to the Reporting Malta Platform Operator and the competent authority of the Member State where the Reportable Seller is resident in the meaning of part D of Section II has not published that it does not intend to use the Financial Account Identifier for this purpose;

(c) where different from the name of the Reportable Seller, in addition to the Financial Account Identifier, the name of the holder of the financial account to which the Consideration is paid or credited, to the extent available to the Reporting Malta Platform Operator, as well as any other financial identification information available to the Reporting Malta Platform Operator with respect to the account holder;

(d) each Member State in which the Reportable Seller is resident for the purposes of regulation 13(12) as determined pursuant to part D of Section II;

(e) the address of each Property Listing, determined on the basis of the procedures set out in part E of Section II and the respective land registration number or its equivalent under the national law of the Member State where the Property Listing is located, where available;

(f) the total Consideration paid or credited during each quarter of the Reportable Period and the number of Relevant Activities provided with respect to each Property Listing;

(g) any fees, commissions or taxes withheld or charged by the Reporting Malta Platform Operator during each quarter of the Reportable Period;

(h) where available, the number of days each Property Listing was rented during the Reportable Period and the type of each Property Listing.".

Repeal. L.N. 8 of 2023.

20. Legal Notice 8 of 2023 is hereby repealed with effect from 20th January 2023.

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