Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,409, 18 ta' Marzu, 2025
Taqsima B

L.N. 60 of 2025

INVESTMENT SERVICES ACT
(CAP. 370)

Investment Services Act (Alternative Investment Fund Manager) (Passport) (Amendment) Regulations, 2025

IN EXERCISE of the powers conferred by article 12 of the Investment Services 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:-

Citation and scope.

1. (1) The title of these regulations is the Investment Services Act (Alternative Investment Fund Manager) (Passport) (Amendment) Regulations, 2025 and these regulations shall be read and construed as one with Investment Services Act (Alternative Investment Fund Manager) (Passport) Regulations, hereinafter referred to as the "principal regulations". S.L. 370.22.

(2) The scope of these regulations is to further transpose article 33(2)(a) of Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010, and these regulations shall be interpreted and applied accordingly.

Amends regulation 3 of the principal regulations.

2. Regulation 3 of the principal regulations shall be amended as follows:

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

"(a) manage a European AIF directly, provided the Maltese AIFM is authorised to manage that type of AIF; and, or";

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

"(a) the Member State or EEA State in which it intends to provide the activities and services referred to in sub-regulation (1); and".

Amends regulation 4 of the principal regulations.

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

(a) in paragraph (a) of sub-regulation 1 thereof the word "and" shall be substituted by the words "and, or";

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

"(a) the Member State or EEA State in which it intends to provide the activities and services referred to in sub-regulation (1); and".

Amends regulation 6 of the principal regulations.

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

(a) in paragraph (a) of sub-regulation 1 thereof the word "and" shall be substituted by the words "and, or";

(b) in paragraph (a) of sub-regulation 2 thereof the words "in Malta;" shall be substituted by the words "in Malta; and".

Amends regulation 7 of the principal regulations.

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

(a) in paragraph (a) of sub-regulation 1 thereof the word "and" shall be substituted by the words "and, or";

(b) in paragraph (d) of sub-regulation 2 thereof the words "may be obtained;" shall be substituted by the words "may be obtained; and".

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