

SUBSIDIARY LEGISLATION 188.06

**GRANTING OF CITIZENSHIP BY NATURALISATION
ON THE BASIS OF MERIT REGULATIONS**

*Substituted by:
L.N. 159 of 2025.*

20th November, 2020

LEGAL NOTICE 437 of 2020, as amended by Legal Notice 159 of 2025.

**Part I
Preliminary**

1.* The title of these regulations is the Granting of Citizenship by Naturalisation on the basis of Merit Regulations.

*Citation.
Substituted by:
L.N. 159 of 2025.*

2.† The scope of these regulations is to prescribe the requirements and to regulate the granting of citizenship by naturalisation on the basis of merit in accordance with article 10(9) of the Act.

*Scope.
Substituted by:
L.N. 159 of 2025.*

Cap. 188.

3.‡ In these regulations, unless the context otherwise requires:

*Interpretation.
Substituted by:
L.N. 159 of 2025.*

"Act" means the Maltese Citizenship Act;

Cap. 188.

"Agency" means the Community Malta Agency established by the Community Malta Agency (Establishment) Order;

S.L. 595.38.

"applicant" means an applicant who submits an application for citizenship of Malta by naturalisation in accordance with these regulations and shall also include a main applicant who applies on his own behalf and on behalf of a dependant or a person who applies on behalf of another person, but does not include a dependant;

"application" means any proposal or application made by the applicant in accordance with these regulations;

"authenticated translation" means a translation made by a recognised translator;

"certified copy" means a photocopy of an original document certified to be a true copy of the original, by a duly warranted lawyer, notary public, commissioner for oaths, Maltese consular or diplomatic officer, in accordance with such

*Vide regulation 25 of Legal Notice [159 of 2025](#).

†Vide regulation 25 of Legal Notice 159 of 2025.

‡Vide regulation 25 of Legal Notice 159 of 2025.

guidelines as the Agency may issue from time to time;

Cap. 586.

"Commissioner" means the Information and Data Protection Commissioner as defined in the Data Protection Act;

"dependant" means the family members of the main applicant in terms of these regulations, to the extent indicated and strictly related to the naturalisation process and shall include:

(a) the spouse of the main applicant in a monogamous marriage or partner in another relationship having the same or similar status to a monogamous marriage, including a civil union, domestic partnership, common law marriage, provided that for the purpose of these regulations, the term "spouse" shall be construed as gender neutral, and saving the discretion of the Minister to authorise, on a case by case basis, other relationships having a similar status as aforesaid;

(b) a child of the main applicant or of his dependant as defined in paragraph (a) including an adopted child, who has not yet attained eighteen (18) years of age at the time when the main applicant submits a proposal letter in terms of regulation 11A which is accepted by the Agency;

(c) a child of the main applicant or of his dependant as defined in paragraph (a) including an adopted child, who has attained eighteen (18) years of age but has not yet attained twenty-nine (29) years of age, when the main applicant submits a proposal letter in terms of regulation 11A which is accepted by the Agency, and who is not married and proves, to the satisfaction of the Minister, that he is wholly maintained or otherwise largely supported by the main applicant;

Cap. 413.

(d) a child of the main applicant or of his dependant as defined in paragraph (a), including an adopted child, who at the time when the main applicant submits a proposal letter in accordance with these regulations has attained eighteen (18) years of age and is wholly maintained or otherwise largely supported by the main applicant and is a qualified person with a disability as defined in the Equal Opportunities (Persons with Disability) Act:

Provided that where such child does not have legal capacity the provisions of article 21(3) of the Act shall apply;

"designated competent body" means the locally registered entity in Malta as designated by the Agency from time to time that is capable of determining whether an individual is recognised in a particular field as a leading talent, or has demonstrated exceptional promise and is likely to become a leading talent or is of exceptional interest to the Republic of Malta or otherwise falls within the parameters of article 10(9) of the Act;

"due diligence data" means any personal data pertaining to the applicant, or the dependant or dependants if applicable, collected and processed by the Agency as part of the due diligence process, excluding the personal data collected by the Agency directly from the applicant or the dependant or dependants, if applicable;

"Evaluation Board" or the "Board" means the group of individuals appointed in accordance with these regulations to evaluate applications made in accordance with article 10(9) of the Act and to prepare a recommendation with regard to each application to be referred to the Minister responsible for citizenship in terms of these regulations;

"exceptional" shall have the same meaning assigned to it in article 10(9) of the Act;

"exceptional contributions" shall have the same meaning assigned to it in article 10(9) of the Act;

"exceptional interest" shall have the same meaning assigned to it in article 10(9) of the Act;

"exceptional services" shall have the same meaning assigned to it in article 10(9) of the Act;

"letter of approval" means the letter issued following the approval of the application for naturalisation on the basis of merit submitted by the applicant as provided for in regulation 11B;

"letter of approval in principle" means the letter issued following the approval in principle of the proposal letter made by the applicant as provided for in regulation 11A;

"main applicant" means the person who submits an application in terms of these regulations wherein dependants are included;

"Minister" shall have the same meaning assigned to it in article 2 of the Act;

"person" means a physical person and where applicable means a legal person;

"Regulation" means Regulation (EU) 2016/679 of the European Parliament and 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.

*Substituted by:
L.N. 159 of 2025.*

Part II*

Applications for citizenship by naturalisation on the basis of merit

Administration.

4. The Agency shall process all applications filed in accordance with these regulations.

*Qualifications.
Amended by:
L.N. 159 of 2025.*

5.[†] (1) A person, including a dependant of a main applicant, may qualify for a certificate of naturalisation under these regulations if that person:

(a) undertakes to take the oath of allegiance to the Republic of Malta and to abide by the Constitution of Malta;

(b) undertakes to promote the fundamental and democratic values of the Republic of Malta;

(c) undertakes to support the Maltese community in the spirit of social justice and equity;

(d) satisfies all the applicable requirements prescribed under these regulations.

(2) In addition to the qualifications established in sub-regulation (1), a person may qualify for a certificate of naturalisation in accordance with these regulations if such person:

(a) renders an exceptional service to the Republic of Malta or to humanity; or

(b) makes an exceptional contribution to the Republic of Malta or to humanity; or

(c) is of exceptional interest to the Republic of Malta.

*Persons who do not
qualify to be
naturalised on the
basis of merit.
Amended by:
L.N. 159 of 2025.*

6.[‡] (1) A person is disqualified from applying for the grant of a certificate of naturalisation as a citizen of Malta in terms of these regulations if:

(a) he or any of this dependants is or was indicted of an offence before an International Criminal Court or has been

*Vide regulation 25 of Legal Notice 159 of 2025.

[†]Vide regulation 25 of Legal Notice 159 of 2025.

[‡]Vide regulation 25 of Legal Notice 159 of 2025.

arraigned at any time before an International Criminal Court, whether such person has been found innocent or otherwise acquitted for any reason by such Court;

(b) he or any of his dependants, are listed with the International Criminal Police Organization (Interpol) or Europol;

(c) he or any of his dependants are an actual or potential threat to national security, public policy or public health of Malta;

(d) he or any of his dependants have, at any time, been charged or found guilty of crimes, related to:

- (i) terrorism,
- (ii) money laundering,
- (iii) funding of terrorism,
- (iv) crimes against humanity,
- (v) war crimes,

(vi) crimes that infringe upon such Protection of Human Rights and Fundamental Freedoms as established by the European Convention on Human Rights.

(e) he or any of his dependants have, at any time, been charged or found guilty of any criminal offences that disturb the good order of the family, which offences include, without limitation, the following:

- (i) paedophilia;
- (ii) defilement of minors;
- (iii) rape;
- (iv) violent indecent assault;
- (v) inducing persons under age to prostitution;

and

- (vi) abduction;

(f) he or any of his dependants have, at any time, been found guilty of, or at any time during the processing of the application, have been interrogated or are suspected of, or have criminal charges brought against them, for any criminal offence

punishable with more than one (1) year imprisonment other than an involuntary offence;

(g) he or any of his dependants are or are likely to be involved in any activity which may cause disrepute to the Republic of Malta;

(h) he or any of his dependants have been denied a visa to a country with whom Malta has visa-free travel arrangements and have not subsequently obtained a visa from such country:

Provided that such applicant may still be considered as eligible to apply if the Agency is satisfied that the visa was not denied on grounds concerning public policy, or serious threats to public security and, or public health under Maltese law;

(i) he or any of his dependants are named or listed in international sanctions applying restrictive measures on them; that the Agency is bound by law, or has opted, to follow.

General
requirements.
Amended by:
L.N. 159 of 2025.
S.L. 188.01.

7.* (1) Applications, other than a proposal letter, shall be made on such forms as may be prescribed under the Citizenship Regulations.

(2) The applications and other accompanying documents shall be completed in the Maltese or English language and, if the original language of a document is not Maltese or English, the document shall be accompanied by an authenticated translation into Maltese or English.

(3) All forms shall be signed by the applicant.

S.L. 188.05.

(4) All applications submitted for naturalisation in terms of these regulations may be submitted by an applicant, together with his dependants, where applicable, or by such other competent professional as approved by the Agency and duly authorised by the applicant.

(5) All applications shall only be accepted and processed provided that all forms are properly completed, dated, confirmed on oath, where applicable, and signed, and accompanied by all required documents and fees.

(6) The Agency shall ensure that all applications are complete and correct.

(7) If an applicant or any of his dependants, makes a false statement or otherwise omits material information, his application may

*Vide regulation 25 of Legal Notice 159 of 2025.

be suspended and/or considered inadmissible.

(8) Where a document is required to be produced under these regulations in support of an application:

(a) such document must be an original document or a certified copy; and

(b) the person certifying the document shall provide the full name, capacity in which the person is acting, residential or business address, telephone number and email address.

(9) The following conditions shall apply to dependants who are below the age of eighteen (18) years of age:

(a) the forms shall be signed by both parents on behalf of the dependant; and

(b) in the case where one parent has sole custody of a dependant, or another person has legal guardianship of a dependant, the appropriate legal documentation shall be provided to demonstrate that sole custody or guardianship was awarded to the said parent or person, as the case may be, by a court of law or other relevant authority.

8.* Deleted by Legal Notice 159 of 2025.

Application for the eligibility assessment.

9.† Deleted by Legal Notice 159 of 2025.

Eligibility assessment.

10.‡ Deleted by Legal Notice 159 of 2025.

Minister's decision on eligibility of applicant.

Part III§

The Application and Evaluation Process

Substituted by:
L.N. 159 of 2025.

11.** (1) The Agency shall carry out on behalf of the Minister the processing of applications for citizenship by naturalisation on the basis of merit.

Special provisions applicable to naturalisation on the basis of merit.
Substituted by:
L.N. 159 of 2025.

(2) Every application shall be presented to the Minister through the Agency.

(3) Only applicants in receipt of a letter of approval in principle and any dependants included therein in terms of these regulations are eligible to submit an application for a certificate of

*Vide regulation 25 of Legal Notice 159 of 2025.

†Vide regulation 25 of Legal Notice 159 of 2025.

‡Vide regulation 25 of Legal Notice 159 of 2025.

§Vide regulation 25 of Legal Notice 159 of 2025.

**Vide regulation 25 of Legal Notice 159 of 2025.

citizenship by naturalisation on the basis of merit in terms of regulation 11B.

Proposal letter.
Added by:
L.N. 159 of 2025.

11A.* (1) An individual applying for naturalisation on the basis of merit in terms of these regulations shall first submit a comprehensive proposal to the Board through the Agency by means of a letter, consisting of the following:

(a) an introduction of the applicant and, if applicable, his dependants together with a comprehensive overview of his achievements;

(b) a detailed description of the exceptional service or exceptional contribution the applicant intends to render or make for the benefit of the Republic of Malta or of humanity in accordance with these regulations, or a detailed description of why he should be considered of exceptional interest to the Republic of Malta;

(c) a detailed plan on how the applicant intends to continue contributing to the Republic of Malta following naturalisation, should the application be successful; and

(d) any other documents the Agency may request following receipt of the proposal letter.

(2) Once the Agency is satisfied with the completeness of the proposal letter but in any case prior to submitting the proposal letter for evaluation by the Board for the purposes of this regulation, the Agency shall:

(a) cause due diligence controls to be performed also by third parties, including one (1) or more internationally recognised specialised due diligence service providers, in respect of every applicant and his dependants, where applicable. Such due diligence controls shall be of a four (4) tier nature or more, as the Agency shall determine from time to time and may include security checks to be carried out by law enforcement authorities in accordance with the Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations:

S.L. 586.08.

Provided that with regard to controls concerning money laundering and terrorism financing risks, law enforcement authorities may use available tools used by pertinent authorities having the necessary authority to conduct such controls;

*Vide regulation 25 of Legal Notice 159 of 2025.

(b) have all relevant information provided by the applicant verified by one (1) or more independent due diligence service providers, with due regard to anti-money laundering and financing of terrorism legislation and guidelines issued by the competent authorities;

(c) have the background of the applicant and his dependants, if any, verified by one (1) or more independent due diligence service providers;

(d) ensure that an appropriate risk assessment has been carried out as established by the Agency;

(e) request the applicant to produce any further documentation and information that the Agency may require on the applicant and his dependants, where applicable;

(f) request the applicant to pay any applicable non-refundable administrative fees as may be established by the Agency from time to time and such other fees as the case may be.

(3) Once the Agency is satisfied with the completeness and fulfilment of all controls in terms of sub-regulation (2), it shall request the Board to evaluate the proposal submitted by the applicant in terms of these regulations. During this process, the Board may, *inter alia*, request additional documents or information from the applicant, through the Agency, as it deems necessary.

(4) The Board, following the evaluation process, shall have the authority to recommend the proposal to the Agency for approval or rejection based on its assessment. The Agency shall subsequently submit the recommendation of the Board to the Minister for final approval or rejection. The Minister shall not be obliged to provide any reason in support of his decision, which decision shall be final.

(5) If the proposal is rejected by the Minister, the Agency shall notify the applicant in writing of the refusal.

(6) If the proposal is approved in principle by the Minister, the Agency shall issue a letter of approval in principle in favour of the applicant and his dependants where applicable.

11B.* (1) Pursuant to the receipt of the letter of approval in principle in accordance with these regulations, the applicant, together with his dependants, where applicable, may subsequently proceed to file an application for naturalisation on the basis of merit, which application shall be accompanied by:

Application for naturalisation on the basis of merit.
Added by:
L.N. 159 of 2025.

(a) proof of residence in Malta for a period of at least

*Vide regulation 25 of Legal Notice 159 of 2025.

eight (8) months or more in the period preceding the date of application;

(b) in the case of an applicant who has submitted a proposal letter, proof of title to adequate residential property in Malta, except in the case of an applicant who is a minor:

Provided that where the applicant who has submitted a proposal letter and is not a main applicant, is still a member of the household of his family, the Minister may, if he is satisfied that the applicant is not in a position to purchase or take on lease such property, waive this requirement;

(c) an indication of the exceptional service or the exceptional contribution rendered or made or to be rendered or made to the Republic of Malta or to humanity, or of the exceptional interest that his naturalisation is or may be to the Republic of Malta together with an endorsement by the designated competent body in terms of these regulations, as may be requested by the Board;

(d) a confirmation of adequate knowledge of Maltese or English; and

(e) proof of all other ties created with the Republic of Malta as at that stage as proposed in the proposal letter.

(2) Upon receipt of an application, the Agency shall:

(a) update its due diligence;

(b) request the applicant to produce any further documentation and information that it may require on the applicant and his dependants, where applicable at its discretion;

(c) request the applicant to pay any applicable non-refundable administrative fees as may be established by the Agency from time to time and such other fees as the case may be.

(3) When the Agency is satisfied with the completeness and fulfilment of all controls in terms of regulation 11B(2), it shall request the Board to evaluate the application submitted by the applicant, and his dependants, where applicable, further to the proposal letter submitted by him. Such further evaluation shall be performed within a reasonable period. During this process, the Board may request additional documents or information from the applicant, through the Agency, as it deems necessary.

(4) The Board, following the evaluation process, shall have the authority to recommend the application to the Agency for approval or rejection. The Agency shall subsequently submit the recommendation to

the Minister for final approval or rejection. The Minister shall not be obliged to provide any reason in support of his decision, which decision shall be final.

(5) If the application is rejected by the Minister, the Agency shall notify the applicant in writing with the decision.

(6) If the application is approved by the Minister, the Agency shall issue a letter of approval in favour of the applicant and his dependants, where applicable, which letter of approval may also include certain continuing obligations, where applicable.

12.* (1) The Evaluation Board shall evaluate applications filed in terms of these regulations.

Evaluation Board.
Substituted by:
L.N. 159 of 2025.

(2) The composition of the Evaluation Board shall vary in accordance with the nature of the application to be evaluated and shall comprise:

(a) a Chairperson to be appointed by the Minister after consultation with the Cabinet of Ministers, who shall be a person who has practiced the profession of advocate for at least seven (7) years; and

(b) two (2) members to be selected by the Chairperson from amongst the members of three (3) panels to be appointed by the Minister, which panels shall include persons having knowledge of sport, culture, the arts, science, research, philanthropy, technology and entrepreneurship and any other area as may be established from time to time.

(3) The Chairperson and the appointed panel members of the Evaluation Board shall hold office for a term of three (3) years and under such conditions as may be established in their letter of appointment, and shall, on the expiration of the term of their office, be eligible to be reappointed.

(4) The Chairperson and the appointed panel members of the Evaluation Board shall be adequately remunerated, as determined by the Minister.

(5) The Chairperson and the panel members of the Evaluation Board shall, before commencing to execute their duties, take an oath in the form established in the Schedule. Such oath shall be taken before, and shall be deposited with, the State Advocate.

(6) When any vacancy in the Evaluation Board occurs, the Minister shall, as soon as practicable, appoint another person to fill the vacancy.

*Vide regulation 25 of Legal Notice 159 of 2025.

Cap. 12.

(7) A member of the Evaluation Board may be removed from office by the Minister upon proof of inability to discharge the functions of his office, whether arising from infirmity of mind or body or any other cause, or for misbehaviour.

(8) The Chairperson and any member of the Evaluation Board may abstain from sitting or may be challenged for any of the causes mentioned in article 734 of the Code of Organization and Civil Procedure.

(9) Save as otherwise expressly provided by these regulations, the Evaluation Board may make its own rules and otherwise regulate its own procedure.

(10) The Minister shall appoint a Secretary to the Evaluation Board and such other officers as may be necessary from time to time and shall determine their duties.

(11) The Evaluation Board shall have the power to request such technical advice as it may deem necessary for the proper performance of its functions.

(12) Any notice issued by the Board shall be signed by the Chairperson and counter-signed by the Secretary.

(13) The findings of the Evaluation Board shall be signed by the Chairperson and by the Secretary and forwarded to the Minister for his consideration, through the Agency.

Evaluation
process.
Substituted by:
L.N. 159 of 2025.

13.* (1) The Evaluation Board shall evaluate the proposal letter and applications submitted in terms of these regulations and prepare a recommendation. The Board may, at any stage, interview the applicant in person and any other person it may deem fit.

(2) The Board may also interview the legal representative of the designated competent body endorsing the applicant and any other person it may deem fit.

Oath of allegiance.
Substituted by:
L.N. 159 of 2025.

14.† (1) The applicant and his dependants, where applicable, shall be required to take the oath of allegiance, which, in the case of the applicant shall be taken within six (6) months from the issuance of the letter of approval:

Provided that the Minister may extend the said period of six (6) months in exceptional circumstances.

(2) A certificate of naturalisation on the basis of merit in accordance with these regulations may be issued to the applicant and his

*Vide regulation 25 of Legal Notice 159 of 2025.

†Vide regulation 25 of Legal Notice 159 of 2025.

dependants where applicable, once the oath of allegiance has been taken.

(3) The Agency may suspend or terminate the application process before the Minister issues a certificate of naturalisation, if the applicant fails to satisfy all conditions or if the Minister is no longer satisfied that the applicant is worthy of Maltese citizenship.

Part IV

Special provisions applicable to naturalisation for exceptional services
by direct investment

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| 15.* | <i>Deleted by Legal Notice 159 of 2025.</i> | Processing of applications. |
| 16.† | <i>Deleted by Legal Notice 159 of 2025.</i> | Requisites of the application. |
| 17.‡ | <i>Deleted by Legal Notice 159 of 2025.</i> | Oath of allegiance. |
| 18.§ | <i>Deleted by Legal Notice 159 of 2025.</i> | First five years. |
| 19.** | <i>Deleted by Legal Notice 159 of 2025.</i> | Maximum number of admissions. |

Part V

Miscellaneous Provisions

20. (1) Where a document is required to be produced under these regulations in support of an application:

(a) such document must be an original document or, a true copy certified by a lawyer, notary, Maltese consular or diplomatic representative or a Commissioner for Oaths;

(b) the person certifying the document shall provide the full name, capacity in which the person is acting, residential or business address, telephone number and email address; and

(c) any other requirement that the Agency may impose from time to time.

(2) Where a lawyer, notary public or commissioner for oaths certifies a document to be a true copy of the original, that document must be authenticated by:

(a) an apostille in accordance with the provisions of the Hague Convention of 5th October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, in the case of a jurisdiction that is a party to that Convention; or

*Vide regulation 25 of Legal Notice 159 of 2025.

†Vide regulation 25 of Legal Notice 159 of 2025.

‡Vide regulation 25 of Legal Notice 159 of 2025.

§Vide regulation 25 of Legal Notice 159 of 2025.

**Vide regulation 25 of Legal Notice 159 of 2025.

(b) a validation of the certificate of the lawyer, notary public or Commissioner for Oaths by the appropriate government department or other competent authority in the case of a jurisdiction that is not a party to that Convention and a validation of the certificate by a Maltese consular or diplomatic representation in the case of a jurisdiction that is not a party to that Convention.

Non-refundable
fees and
investment.

21.* Deleted by Legal Notice 159 of 2025.

Continuing
obligations and
annual compliance
form.
Substituted by:
L.N. 159 of 2025.

22. (1) The applicant shall, prior to taking the oath of allegiance, undertake and confirm in writing that he shall continue to observe and fulfil all continuing obligations and such other commitments, in terms of his application and these regulations, or as may otherwise be stipulated by the Minister in the letter of approval as applicable.

(2) The Agency shall ensure the ongoing fulfilment of commitments and continuing obligations, and if necessary, it may request proof of observation of these commitments and obligations and make its own verifications.

Guidelines.
Amended by:
L.N. 159 of 2025.

23.† The Agency may, from time to time, issue guidelines to specify the operational aspects and interpretations under these regulations.

Deprivation of
citizenship.
Substituted by:
L.N. 159 of 2025.

24.‡ (1) Without prejudice to the provisions of article 14 of the Act, the Minister shall have the power to deprive a person of Maltese citizenship granted under these regulations, if the person:

(a) fails to comply with any material obligation or other commitments established by these regulations or as stipulated in the letter of approval issued by the Agency; or

(b) becomes a threat to national security; or

(c) is involved in conduct which is seriously prejudicial to the interests of the Republic of Malta.

(2) In such cases the procedure for deprivation of citizenship stipulated in article 14 of the Act and in any regulations made under the Act in respect of such deprivation, shall *mutatis mutandis* apply.

Good faith and
professional
standards.
Substituted by:
L.N. 159 of 2025.

25.§ Persons shall act in good faith, uphold professional standards and maintain high levels of integrity in all matters related to the acquisition of citizenship by naturalisation, ensuring that all actions

*Vide regulation 25 of Legal Notice 159 of 2025.

†Vide regulation 25 of Legal Notice 159 of 2025.

‡Vide regulation 25 of Legal Notice 159 of 2025.

regarding such naturalisation are conducted responsibly, appropriately and in accordance with the requirements established by the Agency.

26. (1) Nothing in these regulations shall prejudice the applicability of the Regulation and the Data Protection Act and the fundamental rights and freedoms of the data subject.

Data Protection..
Cap. 586.

(2) Where the Agency in its capacity of data controller processes personal data on the applicant or the beneficiary and, or dependants, as established under these regulations, it shall:

(a) comply with the principles relating to processing of personal data pursuant to Article 5(1) of the Regulation;

(b) apply appropriate technical and organisational measures to ensure a level of security appropriate to the risk posed, and prevent abuse or unlawful access to or transfer of, personal data pertaining to the applicants.

(3) The controller shall retain the personal data of the beneficiary and/or his dependants as long as the certificate issued to the beneficiary and dependants, if any, pursuant to these regulations remains valid:

Provided that where the application is refused, or where the certificate is revoked, such data shall be retained for the purposes of these regulations for a period of five (5) years from the date of the refusal of the application or the revocation of the certificate thereof.

(4) Where the Agency pursuant to its functions under these regulations processes information in relation to the due diligence process, the Agency may restrict the rights and obligations provided for in Articles 14 to 20 and Article 34 of the Regulation in accordance with Article 23 of the Regulation:

Provided that such personal data shall only be restricted in case the Agency refuses the application or revokes the certificate:

Provided further that the Agency's Data Protection Officer designated pursuant to Article 37 of the Regulation shall be consulted as appropriate in a timely manner in the entire process of applying the restriction.

(5) The restrictions under sub-regulation (4) shall only apply in the event that these restrictions are considered as a necessary and proportionate measure to protect the sources and confidentiality of legally privileged information collected in the course of carrying out the due diligence process and to:

(a) safeguard important objectives of general public interest of the Republic of Malta; or

(b) protect national and public security and the obligations of the Agency connected with its functions pursuant to these regulations.

(6) The Agency shall apply the restrictions referred to in sub-regulation (4) for as long as the reasons justifying them remain applicable following a necessity and proportionality test:

Provided that such reasons justifying the restrictions shall be documented and made available to the Commissioner when and as required.

(7) Where the reasons for a restriction no longer apply, the Agency shall lift the restriction and inform the data subject concerned accordingly and comply with the rights and obligations provided for in Articles 14 to 20 and Article 34 of the Regulation.

(8) The Agency shall review the application for the restrictions referred to in this regulation every year and depending on the outcome of such review inform the data subject accordingly.

(9) For the safeguard of the rights and freedoms of the data subject, the following conditions and safeguards shall apply to documents, reports and other personal data processed throughout the due diligence process subject to the restrictions in terms of sub-regulation (4):

(a) access to due diligence data by competent authorities other than the Agency shall not be permitted unless provided for by law;

(b) the Agency shall maintain an audit trail record of access to due diligence data by competent authorities, containing at least the date of the access, the identifiable details of the Agency's officer accessing the data, the requesting competent authority and the purpose for the access. Such audit trail record shall be kept for as long as the due diligence data is stored in line with regulation 20(3);

(c) the Agency's Data Protection Officer shall keep a register to record the restrictions applied in relation to the requests made by the applicants. The register shall include the details of the applicants, the right requested to be exercised that was restricted and the purpose for such restriction. Restriction of rights in terms of Article 34 of the Regulation, shall also be recorded in the register; and

(d) the applicants in their capacity as data subjects shall be informed of the application of restrictions to their rights by informing the data subject concerned in reply to the request to exercise any of the rights which are being restricted in terms of these regulations, unless this may be prejudicial to the purpose of the restriction:

Provided that the Agency justifies the prejudice claimed by the Agency to the Commissioner when and where requested.

(10) In this regulation unless the context otherwise requires, Article 4 of the Regulation shall *mutatis mutandis* apply.

27.* (1) Other than for the proper discharge of their duties or functions under these regulations and in terms of the Act, including for the purposes of the due diligence controls referred to in regulation 11A(2) and regulation 11B(2), or as may be otherwise provided in any other law, the Agency, and the officers and employees of the Agency, shall at all times treat all information furnished in accordance with these regulations as confidential and the Agency shall solely use it for the purposes of these regulations, and shall not directly or indirectly, disclose such information to any other person, except with the consent of the person to whom the information relates. For the purposes of this sub-regulation, "employees" and "officials" shall include former employees and officials.

Confidentiality.
Amended by:
L.N. 159 of 2025.

(2) No person appointed or employed by the Agency in carrying out the provisions of these regulations shall be required to produce in any court, tribunal, board or committee of inquiry any document or to divulge any matter coming under his notice in the performance of his duties under these regulations except as may be lawfully required under any applicable law or for the purpose of carrying into effect the provisions of these regulations, or for the purpose or in the course of any appeal made or proceedings instituted in accordance with these regulations or a prosecution for any offence against any of the provisions of these regulations.

(3) Notwithstanding the provisions of the other sub-regulations of this regulation or of any other law, the Agency shall have the power to furnish to the Commissioner for Revenue, the Financial Intelligence Analysis Unit, the Malta Financial Services Authority, the Malta Business Registry and the Commissioner of Police such information, being information obtained by the Agency for any of the purposes of these regulations.

(4) Without prejudice to the foregoing provisions of this regulation, the Agency may, pursuant to a written request, disclose

*Vide regulation 25 of Legal Notice 159 of 2025.

information to local or overseas enforcement or regulatory authorities or police agencies, or a network or grouping comprising such local or overseas enforcement or regulatory authorities or police agencies, or both, for the purpose of preventing, detecting, investigating or prosecuting the commission of acts or omissions that amount to or are likely to amount to a criminal offence under any applicable law or to an offence or breach of a regulatory nature, whether in Malta or overseas.

Due diligence to be kept secret.

28. All information obtained through the due diligence process and its sources shall be kept secret.

Protected disclosures.

29. Any person may make a protected disclosure to the Agency:

Provided that a disclosure shall be deemed to be a protected disclosure if it is made in good faith, if the person making the disclosure reasonably believes, at the time of making the disclosure based on the information he has at that moment, that the information disclosed and any allegation contained in it are substantially true and that the information disclosed tends to show an improper practice being committed by a main applicant or any dependants and the disclosure is not made for purposes of personal gain:

Provided further that disclosures shall be made on the grounds of bribery, corrupt practices and improper practice of a main applicant or any dependants.

Fees.

30.* Deleted by Legal Notice 159 of 2025.

Repeal and savings.
S.L. 188. 03.
S.L. 188. 04.

31.† Deleted by Legal Notice 159 of 2025.

Substituted by:
L.N. 159 of 2025.

Schedule[‡] **(regulation 12)**

Form of Oath to be Taken by the Chairperson or a Member of the Evaluation Board

I, having been appointed to be Chairperson/Member of the Evaluation Board for the period to, do swear/solemnly affirm that I shall faithfully, fully, impartially and to the best of my ability, discharge the trust and perform the duties devolving upon me by virtue of the said appointment.

So help me God.

*Vide regulation 25 of Legal Notice 159 of 2025.

†Vide regulation 25 of Legal Notice 159 of 2025.

‡Vide regulation 25 of Legal Notice 159 of 2025.

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Chairperson/Member

Second Schedule*
(Regulation 16)

Deleted by Legal Notice 159 of 2025.

Third Schedule†
(Regulation 3)

DESIGNATED COMPETENT BODY

Deleted by Legal Notice 159 of 2025.

Fourth Schedule‡

Form of Oath to be Taken by the Chairperson or a Member of the
Evaluation Board

Deleted by Legal Notice 159 of 2025.

*Vide regulation 25 of Legal Notice 159 of 2025.

†Vide regulation 25 of Legal Notice 159 of 2025.

‡Vide regulation 25 of Legal Notice 159 of 2025.