Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,505, 12 ta' Settembru, 2025
Taqsima B

L.N. 196 of 2025

CROWDFUNDING SERVICE PROVIDERS ACT (CAP. 637)

Crowdfunding Service Providers (Fees) Regulations, 2025

IN EXERCISE of the powers conferred by article 16 of the Crowdfunding Service Providers 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 applicability.

1. (1) The title of these regulations is the Crowdfunding Service Providers (Fees) Regulations, 2025.

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

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:-

"the Act" means the Crowdfunding Service Providers Act; Cap. 637.

"competent authority" means the Malta Financial Services Authority established by the Malta Financial Services Authority Act; Cap. 330.

"crowdfunding service" shall have the same meaning as assigned to it in paragraph (a) of Article 2(1) of the ECSP Regulation;

"ECSP Regulation" means Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937, as may be amended from time to time, and includes any implementing measures, implementing technical standards, regulatory technical standards, guidelines and similar measures that have been or may be issued thereunder;

"net revenue" means the gross revenue indicated in the annual audited financial statements for the preceding year which is derived from the provision of crowdfunding services, less any commissions which have been paid or are to be paid to third parties in connection with the provision of such services.

(2) Words and expressions used in these regulations which are

also used in the Act, but which are not herein defined, shall have the same meaning as assigned to them in the Act.

Application fee in relation to the provision of crowdfunding services.

3. (1) A legal person established in Malta intending to provide crowdfunding services shall, upon submission of an application to the competent authority for authorisation in accordance with article 6(1) of the Act and Article 12(1) of the ECSP Regulation, pay to the competent authority an application fee of four thousand and five hundred euro (€4,500) with respect to such application.

(2) Where a person authorised under the Act and the ECSP Regulation to provide crowdfunding services intends to provide crowdfunding services in addition to those which it is authorised to provide, it shall, upon submission of an application to the competent authority in accordance with article 7(2) of the Act and Article 13(2) of the ECSP Regulation, pay to the competent authority the application fee established in sub-regulation (1), which application fee shall be reduced by twenty five percent (25%).

(3) Where a person authorised under the Act and the ECSP Regulation to provide crowdfunding services intends to stop providing one (1) or more, but not all, of the said services, it shall, upon the submission of a request to the competent authority to modify its authorisation accordingly, pay to the competent authority a modification fee of one thousand euro (€1,000).

Supervisory fee in relation to the provision of crowdfunding services.

4. (1) A person that is authorised under the Act and the ECSP Regulation to provide crowdfunding services shall, subject to the provisions of sub-regulation (3), pay to the competent authority the following annual supervisory fee:

(a) three thousand and five hundred euro (€3,500) for the first two hundred and fifty thousand euro (€250,000) in net revenue or part thereof; and

(b) where applicable, four hundred euro (€400) for every additional two hundred and fifty thousand euro (€250,000) in net revenue or part thereof:

Provided that, in any case, the annual supervisory fee shall not exceed seven thousand and six hundred euro (€7,600).

(2) Notwithstanding the provisions of sub-regulation (1), the first annual supervisory fee due to the competent authority by a person as referred to in the said sub-regulation shall be the aggregate of the following:

(a) three thousand and five hundred euro (€3,500)

prorated according to the period remaining between the date when such person is granted an authorisation under the Act and the ECSP Regulation and the end of the calendar year in which such authorisation was granted; and

(b) three thousand and five hundred euro (€3,500) prorated according to the period between the start of the following calendar year and the date when the next supervisory fee is due in accordance with sub-regulation (3).

(3) The first annual supervisory fee due in accordance with sub-regulation (2) shall be paid to the competent authority on the date when a person is granted an authorisation under the Act and the ECSP Regulation, and every annual supervisory fee following the first annual supervisory fee which is due by such person in accordance with sub-regulation (1) shall be paid to the competent authority one (1) month from the date of submission of the annual report in accordance with Article 16(1) of the ECSP Regulation.

Non-refundable or prorated fees.

5. (1) The fees established and due in accordance with these regulations shall be non-refundable.

(2) Without prejudice to regulation 4(2), the fees established and due in accordance with these regulations shall not be prorated.

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