Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 21,572, 16 ta' Jannar, 2026
Taqsima B

L.N. 6 of 2026

MALTA FINANCIAL SERVICES AUTHORITY ACT (CAP. 330)

Malta Financial Services Authority Act (Indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds) (Amendment) Regulations, 2026

IN EXERCISE of the powers conferred by article 20E of the Malta Financial Services Authority 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 Malta Financial Services Authority Act (Indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds) (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Malta Financial Services Authority Act (Indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds) Regulations, hereinafter referred to as the "principal regulations".

S.L. 330.10.

(2) The scope of these regulations is to implement Article 1(2)(a), (23) and (24) of Regulation (EU) 2025/914 of the European Parliament and of the Council of 7 May 2025 amending Regulation (EU) 2016/1011 as regards the scope of the rules for benchmarks, the use in the Union of benchmarks provided by an administrator located in a third country, and certain reporting requirements.

Amends regulation 2 of the principal regulations.

2. Paragraph (m) of the definition "supervised entity" in sub-regulation (1) of regulation 2 of the principal regulations shall be substituted by the following new paragraph:

"(m) an administrator authorised or registered in accordance with Article 34 of the Benchmarks Regulation.".

Amends regulation 5 of the principal regulations.

3. In paragraph (j) of regulation 5 of the principal regulations the word "benchmark." shall be substituted by the word "benchmark;" and immediately thereafter there shall be added the following new

paragraphs:

"(k) designate a benchmark as significant in accordance with Article 24(3) of the Benchmarks Regulation;

(l) in the case of reasonable grounds to suspect a breach of any of the requirements established in Chapter 3A of Title III of the Benchmarks Regulation, require an administrator to cease, for a maximum period of twelve (12) months, to:

(i) provide EU Climate Transition Benchmarks or EU Paris-aligned Benchmarks;

(ii) use the terms "EU Climate Transition Benchmarks" or "EU Paris-aligned Benchmarks" in the names of benchmarks it makes available for use in the EU, or in the legal or marketing documentation for those benchmarks;

(iii) suggest compliance with the requirements applicable to the provision of such benchmarks in the name of the benchmarks it makes available for use in the EU, or in the legal or marketing documentation for those benchmarks.".

Amends regulation 6 of the principal regulations.

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

(a) the words "24, 25," thereof shall be substituted by the words "24, 24a, 25,";

(b) in sub-paragraph (i) of paragraph (g) thereof the words "24, 25," shall be substituted by the words "24, 24a, 25,";

(c) in sub-paragraph (i) of paragraph (h) thereof the words "24, 25," shall be substituted by the words "24, 24a, 25,".

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