SUBSIDIARY LEGISLATION 371.10

CREDIT INSTITUTIONS (FEES) REGULATIONS

1st January, 2004

LEGAL NOTICE 218 of 2003, as amended by Legal Notices 425 of 2007, 351 of 2008, 11 of 2014, 364 of 2024, 158 of 2025 and 57 of 2026.

1. The title of these regulations is the Credit Institutions (Fees) Regulations.

Citation.

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

Interpretation.
Amended by:
L.N. 351 of 2008;
L.N. 364 of 2024;
L.N. 158 of 2025.

"the Act" means the Banking Act;

Cap. 371.

"branch-level deposits" means deposits of a branch established in Malta by a European credit institution or a third-country credit institution, excluding the deposits which were received from the head office of such branch;

"deposits" means the sum of deposits reported to the competent authority in the balance sheet statement for liabilities as at the end of the preceding calendar year;

"European credit institution" means a credit institution as defined in point (1) of Article 4(1) of the CRR which is authorised as such by a European regulatory authority;

"European regulatory authority" means a body that is in a Member State other than Malta and is empowered by law to supervise credit institutions;

"institution-level deposits" means deposits at the highest level of prudential consolidation in Malta;

"third-country credit institution" means a credit institution as defined in point (1) of Article 4(1) of the CRR which has its head office in a state other than in a Member State.

(2) Words and expressions which are also used in the Act shall have the same meaning as in the Act.

3. A company that intends to carry out the business of banking in or from Malta shall, upon submission of an application to the competent authority for a licence in accordance with article 6 of the Act, pay to the competent authority an application fee as established in the First Schedule with respect to such application.

Application fee.
Amended by:
L.N. 425 of 2007;
L.N. 11 of 2014;
Substituted by:
L.N. 364 of 2024.

3A. (1) Where a credit institution licensed in accordance with article 7 of the Act intends to carry out one (1) or more of the activities listed in the First Schedule to the Act in addition to those which it is licensed to carry out, it shall, upon the submission of a request to the competent authority to modify its licence accordingly, pay to the competent authority the application fee established in regulation 3, as applicable, which application fee shall be reduced by twenty-five per cent (25%).

Modification fee.
Added by:
L.N. 364 of 2024.

(2) Where a credit institution licensed in accordance with article 7 of the Act intends to stop carrying out one (1) or more of the

activities listed in the First Schedule to the Act which it is licensed to carry out, it shall, upon the submission of a request to the competent authority to modify its licence accordingly, pay to the competent authority a modification fee of one thousand euro (€1,000).

Annual supervisory fee.
Amended by: L.N. 425 of 2007; L.N. 351 of 2008. Re-numbered and amended by: L.N. 11 of 2014. Substituted by: L.N. 364 of 2024.

4. (1) A credit institution licensed in accordance with article 7 of the Act shall, subject to the provisions of regulation 5, pay to the competent authority an annual supervisory fee as established in the Second Schedule, as applicable:

Provided that in any case, the annual supervisory fee shall not be less than the minimum annual supervisory fee established in the Second Schedule, as applicable, and it shall not exceed the maximum annual supervisory fee established in the said Schedule, as applicable

(2) Notwithstanding the provisions of sub-regulation (1), the first annual supervisory fee due to the competent authority shall be the minimum annual supervisory fee established in the Second Schedule, as applicable, prorated according to the period remaining between the date when the credit institution is granted a licence under the Act and the end of the calendar year in which such licence was granted.

Payment of the annual supervisory fee.
Re-numbered and substituted by: L.N. 11 of 2014.

5. (1) The first annual supervisory fee due in accordance with regulation 4(2) shall be paid to the competent authority on the date when the credit institution is granted a licence under the Act.

(2) Every annual supervisory fee following the first annual supervisory fee which is due in accordance with regulation 4(1) shall be paid to the competent authority in two (2) instalments on the 1st January and 1st July of each calendar year:

Provided that the instalment due on the 1st January shall be fifty per-cent (50%) of the annual supervisory fee due by the credit institution for the previous year in accordance with regulation 4(1) and the instalment due on the 1st July shall be the remaining balance of the annual supervisory fee due by the credit institution for that year in accordance with regulation 4(1).

Establishment fee for representative offices.
Amended by: L.N. 425 of 2007; L.N. 351 of 2008. Re-numbered by: L.N. 11 of 2014.

6. A company licensed or holding an equivalent authorisation in another country outside Malta which carries on the business of banking intending to establish a representative office in Malta shall, upon submission of a notification to the competent authority in accordance with article 8 of the Act and annually thereafter upon the anniversary of such notification, pay the competent authority an establishment fee as established in the First Schedule.

Fees due by European credit institutions.
Added by: L.N. 364 of 2024.
S.L. 371.11.

6A. (1) A European credit institution that intends to establish a branch in Malta in accordance with regulation 3 of the European Passport Rights for Credit Institutions Regulations shall, upon submission of a notification to the competent authority in accordance with the said regulation, pay the competent authority a notification fee as established in the First Schedule.

(2) A European credit institution that has established a branch in Malta in terms of regulation 3 of the European Passport Rights for Credit Institutions Regulations shall, subject to the provisions of sub-regulations (3) to (5), pay to the competent authority an annual supervisory fee established in the Second Schedule, as applicable: S.L. 371.11.

Provided that in any case, the annual supervisory fee shall not be less than the minimum annual supervisory fee established in the Second Schedule, as applicable, and it shall not exceed the maximum annual supervisory fee established in the said Schedule, as applicable.

(3) Notwithstanding the provisions of sub-regulation (2), the first annual supervisory fee due to the competent authority shall be the minimum annual supervisory fee established in the Second Schedule, as applicable, prorated according to the period remaining between the date when the branch of such European credit institution is established in Malta in accordance with the regulation 3(4) of the European Passport Rights for Credit Institutions Regulations and the end of the calendar year in which such branch was established. S.L. 371.11.

(4) The first annual supervisory fee due in accordance with sub-regulation (3) shall be paid to the competent authority on the date when the branch of the European credit institution is established in Malta in accordance with regulation 3(4) of the European Passport Rights for Credit Institutions Regulations. S.L. 371.11.

(5) Every annual supervisory fee following the first annual supervisory fee which is due in accordance with sub-regulation (2) shall be paid to the competent authority in two (2) instalments on the 1st January and 1st July of each year:

Provided that the instalment due on the 1st January shall be fifty per-cent (50%) of the annual supervisory fee due by the European credit institution for the previous year in accordance with sub-regulation (2) and the instalment due on the 1st July shall be the remaining balance of the annual supervisory fee due by the European credit institution for that year in accordance with sub-regulation (2).

Fees due by third-country credit institutions.

6B. (1) A third-country credit institution that intends to transact the business of banking in or from Malta in accordance with article 5(1) of the Act through the establishment of a branch in Malta shall, upon submission of an application to the competent authority for a licence to do so, pay to the competent authority an application fee as established in the First Schedule with respect to such application.

(2) A third-country credit institution that has been granted a licence to transact the business of banking in or from Malta in accordance with article 5(1) of the Act through the establishment of a

branch in Malta shall, subject to the provisions of regulations (3) to (5), pay to the competent authority an annual supervisory fee as established in the Second Schedule, as applicable:

Provided that in any case, the annual supervisory fee shall not be less than the minimum annual supervisory fee established in the Second Schedule, as applicable, and it shall not exceed the maximum annual supervisory fee established in the said Schedule, as applicable.

(3) Notwithstanding the provisions of sub-regulation (2), the first annual supervisory fee due to the competent authority shall be the minimum annual supervisory fee established in the Second Schedule, as applicable, prorated according to the period remaining between the date when the third-country credit institution is granted a licence to transact the business of banking in or from Malta through the establishment of a branch in Malta and the end of the calendar year in which such licence was granted.

(4) The first annual supervisory fee due in accordance with the provisions of sub-regulation (3) shall be paid to the competent authority on the date when the third-country credit institution is granted a licence to transact the business of banking in or from Malta through the establishment of a branch in Malta.

(5) Every annual supervisory fee following the first annual supervisory fee which is due in accordance with sub-regulation (2) shall be paid to the competent authority in two (2) instalments on the 1st January and 1st July of each year:

Provided that the instalment due on the 1st January shall be fifty per-cent (50%) of the annual supervisory fee due by the third-country credit institution for the previous year in accordance with sub-regulation (2) and the instalment due on the 1st July shall be the remaining balance of the annual supervisory fee due by the third-country credit institution for that year in accordance with sub-regulation (2).

Fees not refundable or prorated.
Amended by: L.N. 351 of 2008.
Re-numbered by: L.N. 11 of 2014.

7. (1) The fees established and due in terms of these regulations shall not be refundable.

(2) Without prejudice to the provisions of regulations 4, 6A(3) and 6B(3), the fees established and due in terms of these regulations shall not be prorated.

FIRST SCHEDULE

Added by: L.N. 364 of 2024.

(regulation 3, 6, 6A, 6B)

	Fees falling due in 2025 and thereafter €
Application fee: Credit Institutions	35,000
Establishment fee: Establishment of a representative office	3,600
Notification fee: Establishment of a branch by a European credit institution	3,600
Application fee: Establishment of a branch by a third-country credit institution	35,000

SECOND SCHEDULE

Added by: L.N. 364 of 2024. Amended by: L.N. 158 of 2025; L.N. 57 of 2026.

(regulation 4, 6A, 6B)

	Fees falling due in 2025 (€)	Fees falling due in 2026 (€)	Fees falling due in 2027 (€)	Fees falling due in 2028 (€)	Fees falling due in 2029 and thereafter (€)
Annual supervisory fee: Credit Institutions	0.022% of institution-level deposits	0.024% of institution-level deposits	0.026% of institution-level deposits	0.028% of institution-level deposits	0.030% of institution-level deposits
	Minimum fee: 50,000	Minimum fee: 60,000	Minimum fee: 65,000	Minimum Fee: 70,000	Minimum fee: 75,000
	Maximum fee: 1,700,000	Maximum fee: 1,700,000	Maximum fee: 1,700,000	Maximum fee: 1,700,000	Maximum fee: 1,700,000
Annual supervisory fee: Establishment of a branch by a European credit institution	0.022% of branch-level deposits	0.024% of branch-level deposits	0.026% of branch-level deposits	0.028% of branch-level deposits	0.030% of branch-level deposits
	Minimum fee: 25,000	Minimum fee: 25,000	Minimum fee: 25,000	Minimum fee: 25,000	Minimum fee: 25,000
	Maximum fee: 30,000	Maximum fee: 35,000	Maximum fee: 40,000	Maximum fee: 45,000	Maximum fee: 50,000

Establishment of a branch by a third-country credit institution	Annual supervisory fee:	0.022% of the branch's deposits	0.024% of the branch's deposits	0.026% of the branch's deposits	0.028% of the branch's deposits	0.030% of the branch's deposits
		Minimum fee: 50,000	Minimum fee: 60,000	Minimum fee: 65,000	Minimum fee: 70,000	Minimum fee: 75,000
		Maximum fee: 1,200,000	Maximum fee: 450,000	Maximum fee: 550,000	Maximum fee: 550,000	Maximum fee: 550,000