

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,926, 5 ta' Ġunju, 2012

Taqsimha B

A.L. 202 tal-2012

**ATT KONTRA MONEY LAUNDERING
(KAP. 373)**

**Regolamenti tal-2012 li jemendaw ir-Regolamenti Kontra Money
Laundering u Finanzjar ta' Terroriżmu**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 12 tal-Att Kontra Money Laundering, il-Ministru responsabbli tal-Finanzi, l-Ekonomija u l-Investment, għamel dawn ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2012 li jemendaw ir-Regolamenti Kontra Money Laundering u Finanzjar ta' Terroriżmu u dawn ir-regolamenti għandhom jinqraw u jinftiehmha waħda mar-Regolamenti Kontra Money Laundering u Finanzjar ta' Terroriżmu, hawn aktar 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

L.S. 373.01

2. Ir-regolament 2 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 2 tar-regolamenti prinċipali.

(a) is-subregolament (1) tiegħu għandu jiġi emendat kif ġej:

(i) fit-tifsira "awtorità ta' sorveljanza", minnufih wara l-paragrafu (k), għandu jiżdied il-paragrafu ġdid li ġej:

"(l) il-Kumitat għas-Sorveljanza fuq l-Assikurazzjoni ta' Kwalità maħtur mill-Bord tal-*Accountancy* skont l-Att dwar il-Professjoni tal-*Accountancy*";

Kap. 281.

(ii) minnufih wara t-tifsira "awtorità ta' sorveljanza" għandha tiżdied it-tifsira ġdida li ġejja:

" "Awtoritajiet ta' Superviżjoni Ewropej" tfisser l-Awtorità ta' Superviżjoni Ewropea (Awtorità Bankarja Ewropea), stabbilita bir-Regolament (UE) Nru 1093/2010 tal-Parlament Ewropew u l-Kunsill, l-Awtorità Superviżorja Ewropea (Awtorità Ewropea tal-Assigurazzjoni u l-Pensjonijiet tax-Xogħol) stabbilita bir-Regolament (UE) Nru 1094/2010 tal-Parlament Ewropew u l-Kunsill u Awtorità Superviżorja Ewropea (Awtorità Ewropea tat-Titoli u

s-Swieq) stabbilita bir-Regolament (UE) Nru 1095/2010 tal-Parlament Ewropew u l-Kunsill,";

(iii) il-paragrafu (ċ) tat-tifsira "kummerċ finanzjarju rilevanti" għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

Kap. 403.	" (ċ) kummerċ tal-assigurazzjoni fit-tul li ssir minn persuna jew istituzzjoni li tkun matul dak iż-żmien awtorizzata, jew meħtieġa li tkun awtorizzata, taħt id-dispożizzjonijiet tal-Att dwar il-Kummerċ tal-Assigurazzjoni jew li tkun iskritta jew meħtieġa li tkun iskritta taħt id-dispożizzjonijiet tal-Att dwar l-Intermedjarji fl-Assigurazzjoni, kull kummerċ tal-assigurazzjoni mmexxi minn persuna skont
Kap. 487.	ir-Regolamenti dwar <i>Insurance Business (Companies Carrying on Business of Affiliated Insurance)</i> , kull kummerċ tal-assigurazzjoni mmexxi minn kumpannija ċellulari skont id-dispożizzjonijiet tar-
L.S. 403.11	Regolamenti dwar l-Att dwar il-Kumpanniji (Kumpanniji Ċellulari li Jmexxu Kummerċ ta' Assigurazzjoni) u kull kummerċ tal-assigurazzjoni fit-tul immexxi minn kumpannija ċellulari inkorporata skont id-
L.S. 386.10	dispożizzjonijiet tar-Regolamenti dwar l-Att dwar il-Kumpanniji (<i>Incorporated Cell Companies Carrying on Business of Insurance</i>);";
L.S. 386.13	

(b) fis-subregolament (4) tiegħu, minflok il-kliem "Stati Membri oħra tal-Komunità u lill-Kummissjoni ta' l-Unjoni Ewropea", għandhom jidhlu l-kliem "Stati Membri oħra tal-Komunità, lill-Kummissjoni tal-Unjoni Ewropea u lill-Aworitajiet ta' Superviżjoni Ewropej sal-limitu rilevanti għall-finijiet tad-Direttiva 2005/60/KE u skont id-dispożizzjonijiet rilevanti tar-Regolament (UE) Nru 1093/2010, ir-Regolament (UE) Nru 1094/2010 u r-Regolament (UE) Nru 1095/2010,";

u

(ċ) minnufih wara s-subregolament (4) tiegħu, għandu jżiddied is-subregolament ġdid li ġej:

"(5) Il-Korp għall-Analisi ta' Informazzjoni Finanzjarja għandu jikkoopera mal-Aworitajiet ta'

Superviżjoni Ewropej għall-finijiet tad-Direttiva 2005/60/KE u għandu jagħti lill-Awtoritajiet ta' Superviżjoni Ewropej kull informazzjoni li hi meħtieġa sabiex jeżerċitaw id-dmirijiet tagħhom skont id-Direttiva 2005/60/KE u skont ir-Regolament (UE) Nru 1093/2010, ir-Regolament (UE) Nru 1094/2010 u r-Regolament (UE) Nru 1095/2010."

3. Ir-regolament 6 tar-regolamenti principali għandu jiġi emendat kif ġej:

Jemenda r-regolament 6 tar-regolamenti principali.

(a) is-subregolamenti (3) u (4) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subregolamenti (4) u (5) rispettivament;

(b) minnufih wara s-subregolament (2) tiegħu għandu jizded is-subregolament ġdid li ġej:

"(3) Fit-twettiq tal-obbligi taħt is-subregolament (2) persuni soġġetti li jeżerċitaw kummerċ finanzjarju rilevanti għandhom josservaw kull *standard* tekniku regolatorju żviluppat mill-Awtoritajiet ta' Superviżjoni Ewropej skont Artikolu 56 tar-Regolament (UE) Nru 1093/2010, ir-Regolament (UE) Nru 1094/2010 u r-Regolament (UE) Nru 1095/2010 rispettivament li jistgħu jiġu adottati mill-Kummissjoni tal-Unjoni Ewropea li jiffissaw il-kontenut minimu tal-komunikazzjoni prevista fis-subregolament (2)(a), it-tip ta' miżuri addizzjonali previsti fis-subregolament (2) u l-azzjoni minima li għandha tittieħed minn persuni soġġetti li jeżerċitaw kummerċ finanzjarju rilevanti."; u

(ċ) fis-subregolament (4) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "ta' Stati Membri oħra tal-Komunità, u lill-Kummissjoni ta' l-Unjoni Ewropea skond hekk", għandhom jidhlu l-kliem "ta' Stati Membri oħra tal-Komunità, lill-Kummissjoni tal-Unjoni Ewropea u lill-Awtoritajiet ta' Superviżjoni Ewropej sal-limitu li huma rilevanti għall-finijiet tad-Direttiva 2005/60/KE u skont id-dispożizzjonijiet rilevanti tar-Regolament (UE) Nru 1093/2010, tar-Regolament (UE) Nru 1094/2010 u tar-Regolament (UE) Nru 1095/2010, skond hekk".

L.N. 202 of 2012

**PREVENTION OF MONEY LAUNDERING ACT
(CAP. 373)**

**Prevention of Money Laundering and Funding of Terrorism
(Amendment) Regulations, 2012**

IN exercise of the powers conferred by article 12 of the Prevention of Money Laundering Act, the Minister of Finance, the Economy and Investment has made the following regulations:-

Citation.

1. The title of these regulations is the Prevention of Money Laundering and Funding of Terrorism (Amendment) Regulations, 2012, and these regulations shall be read and construed as one with the Prevention of Money Laundering and Funding of Terrorism Regulations, hereinafter referred to as "the principal regulations".

S.L. 373.01

Amends
regulation 2 of
the principal
regulations.

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

(a) sub-regulation (1) thereof shall be amended as follows:

(i) immediately after the definition "EEA State", there shall be added the following new definition:

" "European Supervisory Authorities" means the European Supervisory Authority (European Banking Authority), established by Regulation (EU) No 1093/2010 of the European Parliament and of the Council, the European Supervisory Authority (European Insurance and Occupational Pensions Authority) established by Regulation (EU) No 1094/2010 of the European Parliament and of the Council and the European Supervisory Authority (European Securities and Markets Authority) established by Regulation (EU) No 1095/2010 of the European Parliament and of the Council;"

(ii) paragraph (c) of the definition "relevant financial business" shall be substituted by the following

new paragraph:

Cap. 403.	" "(c) long term insurance business carried on by a person or institution who is for the time being authorised, or required to be authorised, under the provisions of the Insurance Business Act or enrolled or required to be enrolled under the provisions
Cap. 487.	of the Insurance Intermediaries Act, any business of affiliated insurances carried on
S.L. 403.11	by a person in accordance with the Insurance Business (Companies Carrying on Business of Affiliated Insurance) Regulations, any long term insurance business carried on by a
S.L. 386.10	cell company in accordance with the provisions of the Companies Act (Cell Companies Carrying on Business of Insurance) Regulations and any long term insurance business carried on by an
S.L. 386.13	incorporated cell company and an incorporated cell in accordance with the provisions of the Companies Act (Incorporated Cell Companies Carrying on Business of Insurance) Regulations;"

(iii) in the definition "supervisory authority", immediately after paragraph (k), there shall be inserted the following new paragraph:

Cap. 281.	" "(l) the Quality Assurance Oversight Committee appointed by the Accountancy Board under the Accountancy Profession Act;"
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(b) in sub-regulation (4) thereof, for the words "Member States of the Community and the European Union Commission", there shall be substituted the words "Member States of the Community, the European Union Commission and the European Supervisory Authorities to the extent relevant for the purposes of Directive 2005/60/EC and in accordance with the relevant provisions of Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010,"; and

(c) immediately after sub-regulation (4) thereof, there shall be added the following new sub-regulation:

"(5) The Financial Intelligence Analysis Unit shall cooperate with the European Supervisory Authorities for the purposes of Directive 2005/60/EC and it shall provide the European Supervisory Authorities with any information which is necessary to carry out their duties under Directive 2005/60/EC and under Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010."

Amends
regulation 6 of
the principal
regulations.

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

(a) sub-regulations (3) and (4) thereof shall be renumbered as sub-regulations (4) and (5) respectively;

(b) immediately after sub-regulation (2) thereof there shall be added the following new sub-regulation:

"(3) In fulfilling their obligations under sub-regulation (2), subject persons carrying out relevant financial business shall comply with any regulatory technical standards developed by the European Supervisory Authorities in accordance with Article 56 of Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 respectively which may be adopted by the European Union Commission setting out the minimum content of the communication referred to in sub-regulation (2)(a), the type of additional measures referred to in sub-regulation (2) and the minimum action to be taken by subject persons carrying out relevant financial business."; and

(c) in sub-regulation (4) thereof, as renumbered, for the words "the other Member States of the Community, and the European Union Commission accordingly", there shall be substituted the words "the other Member States of the Community, the European Union Commission and the European Supervisory Authorities to the extent relevant for the purposes of Directive 2005/60/EC and in accordance with the relevant provisions of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010, accordingly".

