

# MFSA

---

## MALTA FINANCIAL SERVICES AUTHORITY

### **Circular to investment services licence holders which qualify as MiFID firms regarding the Joint ESMA and EBA Guidelines on the assessment of suitability of members of the management body and key function holders**

On 21<sup>st</sup> March 2018 ESMA and EBA issued Guidelines on the assessment of suitability of members of the management body and key function holders (hereinafter referred to as “the Guidelines”).

The Guidelines came into force on **30<sup>th</sup> June 2018** with the aim of harmonising and improving suitability assessments within EU financial sectors and ensuring sound governance arrangements in financial institutions.

The Guidelines apply to all MiFID firms, unless otherwise specified as directly referring to CRD-institutions (as defined therein).

When implementing the Guidelines, the Authority shall take into account the proportionality principle referred to in Title I of Section 4 of the Guidelines and in particular the criteria listed in paragraph 23 of the Guidelines.

For ease of reference, below please find the link to the Guidelines:

<https://www.eba.europa.eu/regulation-and-policy/internal-governance/joint-esma-and-eba-guidelines-on-the-assessment-of-the-suitability-of-members-of-the-management-body/-/regulatory-activity/press-release#>

The Authority will shortly be holding a regulatory briefing with Investment Services Licence Holders that qualify as MiFID firms on the requirements emanating from the Guidelines.

#### Contact

Should you have any queries regarding the above, please do not hesitate to contact the Authorisation Unit, MFSA via email: [AU@mfsa.com.mt](mailto:AU@mfsa.com.mt).

**Communications Unit**

**Malta Financial Services Authority**

**25<sup>th</sup> July 2018**