

Naghti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

5 ta' Novembru, 2013

ATT Nru. XIII tal-2013

ATT biex jemenda l-Att dwar il-Bank Ċentrali ta' Malta, Kap 204.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'ligi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att tal-2013 li jemenda l-Att dwar il-Bank Ċentrali ta' Malta, u dan l-Att għandu jinqara u jiftiehem haġa waħda mal-Att dwar il-Bank Ċentrali ta' Malta, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehħ.

Kap. 204.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehħ f'dik id-data li l-Ministru responsabbli għall-finanzi jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jigu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għall-għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-Att prinċipali għandu jigi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) it-tifsira "attivi ta' riserva" għandha tithassar;

(b) fit-tifsira "Bank Ċentrali Ewropew" il-kliem "skont l-Artikolu 8 tat-Trattat" għandhom jiġu sostitwiti bil-kliem "skont l-Artikolu 13 tat-Trattat dwar l-Unjoni Ewropea";

(ċ) minnufih wara t-tifsira "Bord" għandhom jidhlu dawn it-tifsiriet li ġejjin:

" "Bord Ewropew tar-Riskju Sistemiku" tfisser il-Bord imwaqqaf skont l-Artikolu 1 tar-Regolament (UE) Nru 1092/2010 tal-Parlament Ewropew u tal-Kunsill tal-24 ta' Novembru 2010 dwar is-sorveljanza makroprudenzjali tal-Unjoni Ewropea tas-sistema finanzjarja u li jistabbilixxi Bord Ewropew tar-Riskju Sistemiku;

"Bord Kongunt dwar l-Istabilità Finanzjarja" tfisser il-bord imwaqqaf skont l-artikolu 17B;"

(d) it-tifsira "direttur" għandha tiġi sostitwita b'dan li ġej:

" "direttur", relattivament għall-Bank, tinkludi l-Gvernatur u d-Deputati Gvernaturi;"

(e) it-tifsira "Gvernatur" għandha tiġi sostitwita b'dan li ġej:

" "Gvernatur" u "d-Deputati Gvernaturi" ifissru rispettivament l-Gvernatur u d-Deputati Gvernaturi tal-Bank maħtura skont l-artikolu 8;"

(f) minnufih wara t-tifsira "Ministru" għandhom jidhlu t-tifsiriet li ġejjin:

" "parteciġant" fir-rigward ta' sistema ta' pagament tfisser persuna, inkluż il-Bank, li tipparteciġa f'sistema ta' pagament, li tista' tinkludi parteciġant indirett approvat mill-Bank jekk ikun meħtieġ fuq il-bażi ta' riskju sistemiku u fuq kondizzjoni li l-parteciġant indirett ikun magħruf fis-sistema;

"sistema ta' pagament" jew "sistema" tfisser arrangament formali bejn tliet parteciġanti jew iktar b'regoli komuni u b'arrangamenti standardizzati, għall-eżekuzzjoni ta' ordnijiet ta' trasferiment bejn il-parteciġanti, inkluża *clearing house*, jew għall-konklużjoni ta' pagamenti dwar titoli, kif jiġi approvat mill-Bank, u tista' tinkludi pagament, *clearing*, *settlement*, *clearing* ta' titoli, *settlement* ta' titoli, *netting* u, jew sistema simili. Il-

Bank jista' wkoll, fuq bażi ta' każ b'każ, jittratta bħala sistema ta' pagament dak l-arrangament formali bejn żewġ parteċipanti meta l-Bank hekk jidhirlu meħtieġ fuq bażi ta' riskju sistemiku;

"Stat Membru" tfisser Stat li hu membru tal-Unjoni Ewropea;"

(g) fit-tifsira "Statut", minflok il-kelma "Trattat" għandhom jidhlu l-kliem "Trattat dwar il-Funzjonament tal-Unjoni Ewropea";

(h) it-tifsira "it-Trattat" għandha tiġi sostitwita b'li ġej:

" "it-Trattati" tfisser it-Trattat dwar l-Unjoni Ewropea u t-Trattat dwar il-Funzjonament tal-Unjoni Ewropea, magħmul f'Lisbona fit-13 ta' Diċembru 2008 u kif sussegwentement emendat;" u

(i) minnufih wara t-tifsira "it-Trattati" għandha tidhol it-tifsira li ġejja:

" "Unjoni Ewropea" jew "Unjoni" tfisser l-Unjoni Ewropea kif imsemmija fit-Trattati;"

3. Fl-artikolu 3 tal-Att prinċipali, minflok il-kelma "Trattat" kull fejn tidher, għandha tidhol il-kelma "Trattati".

Emenda tal-artikolu 3 tal-Att prinċipali.

4. L-artikolu 4 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 4 tal-Att prinċipali.

"4. Skont it-Trattati u l-Istatut, l-għan prinċipali tal-Bank huwa li jżomm stabbiltà fil-prezzijiet. Mingħajr preġudizzju għall-għan prinċipali tiegħu, il-Bank għandu jaġhti appoġġ lil-linji politiċi ekonomiċi ġenerali fl-Unjoni bil-ħsieb li jgħin biex jintlaħqu l-għanijiet tal-Unjoni kif stipulati fl-Artikolu 3 tat-Trattat dwar l-Unjoni Ewropea u għandu jaġixxi skont il-prinċipji indikati fl-Artikolu 119 tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea."

5. L-artikolu 5 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 5 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "Skont it-Trattat u l-Istatut, il-ħidma" għandhom jidhlu l-kliem "Skont it-Trattati u l-Istatut, il-funzjonijiet";

(b) fil-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kliem "attivi ta' riserva" għandhom jidhlu l-kliem "attivi

finanzjarji";

(ċ) il-paragrafi (d), (e), (f), (g) u (h) tas-subartikolu (1) tiegħu għandhom jiġu enumerati mill-ġdid bħala l-paragrafi (e), (f), (g), (h) u (i) tas-subartikolu (1) rispettivament;

(d) minnufih wara l-paragrafu (ċ) tas-subartikolu (1) tiegħu għandu jidhol il-paragrafu ġdid li ġej:

"(d) sabiex tiġi formulata u implimentata politika makroprudenzjali;"

(e) fis-subartikolu (2) tiegħu, il-kelma "Trattat" għandha tiġi sostitwita bil-kelma "Trattati"; u

(f) is-subartikolu (3) tiegħu għandu jithassar.

Emenda tal-artikolu 7 tal-Att prinċipali.

6. L-artikolu 7 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kelma "Trattat" għandha tiġi sostitwita bil-kelma "Trattati"; u

(b) fis-subartikolu (2) tiegħu, il-kliem "id-Deputat Gvernatur u t-tliet diretturi l-oħra nominati taħt l-artikolu 9" għandhom jiġu sostitwiti bil-kliem "d-Deputati Gvernaturi u l-erba' diretturi l-oħra nominati taħt l-artikolu 9".

Emenda tal-artikolu 8 tal-Att prinċipali.

7. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'li ġej:

"Il-Gvernatur u d-Deputati Gvernaturi.";

(b) fis-subartikolu (1) tiegħu l-kliem "Il-Gvernatur u d-Deputat Gvernatur ikunu" għandhom jiġu sostitwiti bil-kliem "Il-Gvernatur u d-Deputati Gvernaturi jkunu";

(ċ) fil-paragrafu (a) tas-subartikolu (2) tiegħu, il-kelma "Trattat" għandha tiġi sostitwita bil-kelma "Trattati";

(d) is-subartikolu (3) tiegħu għandu jiġi sostitwit b'li ġej:

"(3) Deputat Gvernatur għandu jappoġġa lill-Gvernatur billi jaqdi dmirijietu fir-rigward ta' *policy* monetarja u f'dawk id-dmirijiet kif il-Gvernatur jista' jordna. It-tieni Deputat Gvernatur għandu jappoġġa lill-Gvernatur billi jaqdi dmirijietu fir-rigward ta' stabbiltà

finanzjarja u dawk id-dmirijiet kif il-Gvernatur jista' jordna. Fil-każ ta' -

(a) nuqqas tal-Gvernatur, il-Gvernatur għandu jahtar id-Deputat Gvernatur li jaqdi d-dmirijiet tal-Gvernatur;

(b) vakanza fil-kariga tal-Gvernatur, il-Bord għandu jahtar id-Deputat Gvernatur li jaqdi d-dmirijiet tal-Gvernatur, sakemm jiġi appuntat Gvernatur ġdid kemm jista' jkun malajr taħt is-subartikolu (1),

u d-Deputat Gvernatur mahtur għandu jkollu u jkun jista' jeżerċita s-setgħat u jaqdi l-funzjonijiet tal-Gvernatur.";

(e) fis-subartikolu (4) tiegħu il-kliem "Il-Gvernatur u d-Deputat Gvernatur għandhom jagħtu l-ħin" għandhom jiġu sostitwiti bil-kliem "Il-Gvernatur, u d-Deputati Gvernaturi għandhom jagħtu l-ħin" u fil-*proviso* tiegħu l-kliem "ta' Gvernatur jew Deputat Gvernatur" għandhom jiġu sostitwiti bil-kliem "ta' Gvernatur u Deputati Gvernaturi"; u

(f) fis-subartikolu (5) tiegħu il-kliem "Il-Gvernatur u d-Deputat Gvernatur jistgħu" għandhom jiġu sostitwiti bil-kliem "Il-Gvernatur u d-Deputati Gvernaturi jistgħu".

8. L-artikolu 9 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 9 tal-Att prinċipali.

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'li ġej:

"Diretturi barra mill-Gvernatur u mid-Deputati Gvernaturi."; u

(b) fis-subartikolu (1) tiegħu l-kliem "l-Gvernatur u d-Deputat Gvernatur" għandhom jiġu sostitwiti bil-kliem "l-Gvernatur u d-Deputati Gvernaturi".

9. L-artikolu 12 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 12 tal-Att prinċipali.

(a) fis-subartikolu (3) tiegħu, il-kliem "għandu jippresjedi d-Deputat Gvernatur" għandhom jiġu sostitwiti bil-kliem "għandu jippresjedi Deputat Gvernatur" u l-kliem "u l-anqas id-Deputat Gvernatur" għandhom jiġu sostitwiti bil-kliem "u l-anqas d-Deputati Gvernaturi"; u

(b) fis-subartikolu (4) tiegħu, il-kliem "Tliet membri" għandhom jiġu sostitwiti bil-kliem "Fames membri" u l-kliem "id-Deputat Gvernatur" għandhom jiġu sostitwiti bil-kliem "u d-Deputati Gvernaturi".

Emenda tal-artikolu 13 tal-Att prinċipali.

10. Fl-artikolu 13 tal-Att prinċipali il-kliem "lanqas id-Deputat Gvernatur" għandhom jiġu sostitwiti bil-kliem "lanqas Deputati Gvernaturi".

Emenda tal-artikolu 17 tal-Att prinċipali.

11. L-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'dan li ġej:

"Operazzjonijiet monetarji u funzjonijiet oħra tal-Bank.";

(b) fis-subartikolu (1) tiegħu, minflok il-kelma "Trattat" għandha tidhol il-kelma "Trattati", u, fil-verżjoni bl-Ingliż tiegħu, minflok il-kelma "tasks" għandha tidhol il-kelma "functions"

(ċ) il-paragrafu (a) tas-subartikolu (1) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) ftuħ ta' kontijiet għal persuni kif previst f'dan l-Att, u, f'kazijiet speċjali, għal persuni oħra bl-approvazzjoni minn qabel tal-Bord;"

(d) il-paragrafu (b) tas-subartikolu (1) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(b) zamma ta' kontijiet ma' banek ċentrali jew istituzzjonijiet ta' kreditu u aġenti domestiċi jew barranin oħra, u jaġixxi ta' korrispondent, bankier jew aġent għal xi bank ċentrali jew istituzzjoni ta' kreditu oħra jew awtorità oħra u għal kull istituzzjoni finanzjarja internazzjonali mwaqqfa taħt trattati internazzjonali;"

(e) fil-paragrafu (ċ) tas-subartikolu (1) tiegħu, minflok il-kliem "li jissottoskrivi għal, jixtri, ibiegħ, jiskonta jew jiskonta mill-ġdid" għandhom jidhlu l-kliem "sottoskrizzjoni għal, xiri, bejgħ, skont jew skont mill-ġdid";

(f) fil-paragrafu (d) tas-subartikolu (1) tiegħu, minflok il-kliem "li jōhroġ, jixtri, ibiegħ, jiskonta jew jiskonta mill-ġdid" għandhom jidhlu l-kliem "ħruġ, xiri, bejgħ, skont jew

skont mill-ġdid";

(g) fil-paragrafu (e) tas-subartikolu (1) tiegħu, minflok il-kliem "li jagħti" għandha tidhol il-kelma "għotja";

(h) fil-paragrafu (f) tas-subartikolu (1) tiegħu, minflok il-kliem "li jagħmel" għandhom jidhlu l-kliem "għemil ta'";

(i) fil-paragrafu (g) tas-subartikolu (1) tiegħu, minflok il-kliem "li jagħti" għandhom jidhlu l-kliem "għotja ta'";

(j) is-subartikoli (2) sa (7) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3) sa (8), rispettivament;

(k) minnufih wara s-subartikolu (1) tiegħu għandu jidhol is-subartikolu (2) ġdid li ġej:

"(2) Skont it-Trattati u l-Istatut, istituzzjonijiet ta' kreditu jistgħu jiġu mitluba biex ikollhom riservi minimi mal-Bank, u biex jirrappurtaw dwar dan.";

(l) fis-subartikolu (3), kif enumerat mill-ġdid, tiegħu, minflok il-kliem "ta' riżerva" għandha tidhol il-kelma "finanzjarji";

(m) fil-paragrafu (a) tas-subartikolu (3), kif enumerat mill-ġdid, tiegħu, minflok il-kliem "assi esterni" għandhom jidhlu l-kliem "attivi finanzjarji";

(n) fil-paragrafu (b) tas-subartikolu (3), kif enumerat mill-ġdid, tiegħu minflok il-kliem "operazzjoni finanzjarja" għandhom jidhlu l-kliem "operazzjonijiet finanzjarji";

(o) fis-subartikolu (4), kif enumerat mill-ġdid, tiegħu, minflok il-kliem "jista' jimpjega l-fondi tal-persunal tiegħu u tal-pensjoni" għandhom jidhlu l-kliem "jista' jimpjega l-fondi tal-persunal u tal-pensjoni"; u

(p) fil-paragrafu (a) tas-subartikolu (7), kif enumerat mill-ġdid, tiegħu, minflok il-kliem "funzjonijiet tiegħu bħala Bank Ċentrali" għandhom jidhlu l-kliem "kompiti tiegħu bħala bank ċentrali".

12. Minnufih wara l-artikolu 17 tal-Att prinċipali għandu jizjed l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid mal-Att prinċipali.

"Politika makro-prudenzjali.

17A. (1) Skont id-dispożizzjonijiet tat-Trattati u l-Istatut, il-Bank jista' johroġ, jemenda jew jirrevoka direttivi sabiex jiġu implimentati l-politika u l-istrumenti makroprudenzjali.

(2) Bla ħsara għal kull dispożizzjoni oħra rigward tibdil ta' informazzjoni taht it-Trattati u l-Istatut jew kull att legali mahruġ taħthom, il-Bank jista' abbażi ta' xi ftehim internazzjonali jew meta jsir xi ftehim ta' reċiproċità, jew xort'oħra sabiex biex jiġu mwettqa l-obbligi internazzjonali tiegħu fir-rigward ta' sorveljanza makroprudenzjali, jikkopera mal-Bord Ewropew tar-Riskju Sistemiku u, jekk meħtieġ, ma' awtoritajiet makroprudenzjali oħra nazzjonali jew internazzjonali, fil-bdil ta' informazzjoni meta dan ikun meħtieġ biex tiġi assicurata sorveljanza makroprudenzjali effettiva."

Zjieda ta' artikolu ġdid mal-Att prinċipali.

13. Minnufih wara l-artikolu 17A tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

"Bord Kongunt dwar l-Istabilità Finanzjarja.

17B. (1) Għandu jkun hemm Bord Kongunt dwar l-Istabilità Finanzjarja li huwa korp stabbilit bil-għan li jassigura kooperazzjoni effettiva bejn il-Bank u l-awtorità kompetenti fil-qasam tal-istabilità finanzjarja u li jkollu l-funzjonijiet skont dan l-Att.

(2) Il-Bord Kongunt dwar l-Istabilità Finanzjarja għandu jkun magħmul mill-Gvernatur tal-Bank, li jkun iċ-*Chairman* u fl-assenza tiegħu Deputat Gvernatur tal-Bank responsabbli mill-istabilità finanzjarja li jippresiedi, żewġ rappreżentanti oħra tal-Bank u żewġ rappreżentanti tal-awtorità kompetenti.

(3) Il-Ministru jista' jappunta rappreżentant biex jipparteċipa bħala osservatur bla vot għal-laqgħat tal-Bord Kongunt dwar l-Istabilità Finanzjarja. Iċ-*Chairman* jista' jsejjaħ osservaturi oħra bla vot.

(4) Bla hsara ghat-Trattati, l-Istatut u kull att legali maħruġ taħthom, il-Bord Kongunt dwar l-Istabilità Finanzjarja għandu jkollu l-funzjoni li jiffacilita l-kooperazzjoni bejn l-awtoritajiet rilevanti f'materji li jhallu impatt fuq l-istabilità finanzjarja, inkluż il-politika makroprudenzjali u, meta rilevanti, l-istrumenti mikroprudenzjali. Il-Bord Kongunt dwar l-Istabilità Finanzjarja għandu jkollu ukoll dawn il-funzjonijiet:

(a) li jifformula rakkomandazzjonijiet ta' *policy* li huma ddiżinjati li jħarsu l-istabilità tas-sistema finanzjarja u li jistgħu jiġu kkomunikati lil awtorità pubblika relevanti jew lil istituzzjoni pubblika;

(b) li jidentifika u jassessja l-istrumenti makroprudenzjali, u fejn rilevanti l-istrumenti mikroprudenzjali li jeħtieġu li jiġu implimentati biex jnaqqsu jew jikkontrollaw riskju ta' potenzjal sistemiku jew riskji oħra fis-sistema finanzjarja;

(c) li jagħti parir fuq jekk jew kif awtorità jew istituzzjoni pubblika għandha taġixxi ma' istituzzjoni ta' kreditu jew finanzjarja, meta l-materja tidher li hi għall-Bord Kongunt dwar l-Istabilità Finanzjarja rilevanti għall-istabilità tas-sistema finanzjarja;

u kull rakkomandazzjoni bħal din, avviż jew *assessment* magħmul mill-Bord Kongunt dwar l-Istabilità Finanzjarja għandha tigi meħuda in konsiderazzjoni minn awtorità pubblika jew istituzzjoni pubblika ġewwa Malta fl-eżekuzzjoni tal-funzjonijiet tagħha. Għandu jkun id-dmir ta' kull awtorità pubblika jew istituzzjoni pubblika li tikseb l-opinjoni tal-Bord Kongunt dwar l-Istabilità Finanzjarja qabel ma teżercita l-funzjonijiet tagħha f'materji li jhallu impatt fuq l-istabilità finanzjarja.

(5) Il-Bord Kongunt dwar l-Istabilità Finanzjarja għandu jiltaqa' hekk spiss kemm jista' jkun hemm bżonn iżda bi frekwenza ta' mhux anqas minn darba kull tliet xhur. Il-laqgħat tal-Bord għandhom jiġu msejha miċ-*Chairman* jew fuq l-inizjattiva tiegħu stess jew fuq talba bil-miktub ta' tlieta mill-membri l-oħra.

(6) Il-Bord Kongunt dwar l-Istabilità Finanzjarja jista' jaġixxi minkejja xi vakanza fost il-membri kemm-il darba jkun hemm *quorum* li jikkonsisti ta' mhux anqas minn tliet membri preżenti għal-laqgħa inkluż membru tal-awtorità kompetenti.

(7) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-Bord Kongunt dwar l-Istabilità Finanzjarja għandu jirregola l-proċedura tiegħu."

Sostituzzjoni tal-artikolu 18 tal-Att prinċipali.

14. L-artikolu 18 tal-Att prinċipali għandu jiġi sostitwit b'li ġej:

"Trasferiment ta' tagħrif jew informazzjoni.

18. Mingħajr preġudizzju għat-Trattati, l-Istatut jew xi atti legali mahruġa taħthom, kull tagħrif jew informazzjoni li jiġu trasferiti ġewwa l-Bank u, jew bejn il-Bank u persuni jew entitajiet oħra taħt id-dispożizzjonijiet ta' dan l-Att jew direttivi mahruġa tahtu, għandhom ikunu trasferibbli mingħajr ebda restrizzjoni jew limitazzjoni minkejja d-dispożizzjonijiet ta' kull liġi oħra, partikolarment imma mhux biss dwar segretezza u kunfidenzjalità, sakemm dan it-tagħrif jew informazzjoni jzommu l-*istatus* tagħhom ta' segretezza u kunfidenzjalità għal effetti u skopijiet oħra."

Emenda tal-artikolu 21 tal-Att prinċipali.

15. L-artikolu 21 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kelma "udituri," għandhom jidhlu l-kliem "udituri; u";

(b) il-paragrafu (b) tas-subartikolu (2) tiegħu għandu jiġi mħassar u l-paragrafu (ċ) għandu jiġi enumerat mill-ġdid bħala l-paragrafu (b);

(ċ) fis-subartikolu (2) tiegħu, minflok il-kliem "r-rapport imsemmi fil-paragrafu (ċ)" għandhom jidhlu l-kliem "r-rapport imsemmi fil-paragrafu (b)"; u

(d) fil-paragrafu (a) tas-subartikolu (3) tiegħu, il-kliem ", u tad-dikjarazzjoni" għandhom jiġu mħassra.

Sostituzzjoni tat-*Titolu fit-Taqsima IV* tal-Att prinċipali.

16. It-*titolu fit-Taqsima IV* tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"ĠBIR TA' INFORMAZZJONI STATISTIKA U

INFORMAZZJONI OĦRA".

17. L-artikolu 23 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 23 tal-Att prinċipali.

"Ġbir ta' informazzjoni statistika u informazzjoni oħra.

23. (1) Bla hsara għall-funzjoni tal-Bank li jiġbor informazzjoni statistika taħt it-Trattati u l-Istatut u kull att legali maħruġ taħthom, u bla hsara għad-dispożizzjonijiet tal-artikolu 36(2), il-Bank jista' jeħtieġ kull persuna jew entità li hi liċenzjata, awtorizzata jew registrata minn awtorità kompetenti, kull fergħa ta' persuni legali barranin, jew kull persuna jew entità oħra, kif jista' jiġi determinat mill-Bank, biex jipprovdi lill-Bank dik l-informazzjoni statistika jew informazzjoni oħra li l-Bank jidhirlu meħtieġa sabiex jaqdi l-funzjoni tiegħu taħt dan l-Att jew kull Att ieħor, inkluż informazzjoni relatata mal-funzjoni tal-politika makroprudenzjali, u l-Bank jista' jistharreġ u jitlob kjarifiki dwar kull informazzjoni hekk provduta.

(2) Ikun id-dmir ta' kull persuna jew entità li huma meħtieġa li jipprovdu lill-Bank informazzjoni statistika jew informazzjoni oħra li jharsu dik il-ħtieġa, mingħajr il-possibbiltà li jinwokaw xi restrizzjoni professjonali jew ta' segretezza.

(3) Il-Bank jista' joħroġ direttivi li jipprovdu għal definizzjoni u obbligi biex isiru rapporti, biex jiġu stabbiliti *standards* ta' kif tintbagħat informazzjoni u l-preċiżjoni tagħha u biex jispeċifikaw il-kundizzjonijiet li taħthom il-jedd għall-verifika u għall-ġbir obbligatorju ta' informazzjoni statistika u informazzjoni oħra jistgħu jitwettqu taħt id-dispożizzjonijiet tas-subartikolu (4).

(4) Il-Bank ikollu l-jedd li jivverifika l-preċiżjoni u l-kwalità tal-informazzjoni statistika u informazzjoni oħra mogħtija taħt dan l-artikolu, u li jwettaq ġbir obbligatorju tagħha. Il-jedd li tkun verifikata informazzjoni statistika u informazzjoni oħra jew li jitwettaq il-ġbir obbligatorju tagħha jinkludi l-jedd li:

(a) jitlob is-sottomissjoni ta' dokumenti;

(b) jeżamina l-kotba u r-records tal-persuni jew entitajiet imsemmija fis-subartikolu (1);

(ċ) jieħu kopji jew estratti minn dawk il-kotba jew dawk ir-records; u

(d) jikseb spjegazzjonijiet bil-miktub jew verbali.

Kull riferenza għal dokumenti, kotba jew records taht dan l-artikolu tinkludi riferenza għall-forma elettronika ta' kull dokument, ktieb jew records bħal dawk.

(5) Hlief kif provdut taht it-Taqsima VIII u t-Taqsima IX, informazzjoni miġbura taht id-dispożizzjonijiet ta' dan l-artikolu tkun sugġetta għas-segretezza professjonali.

(6) Kull meta jidhirlu meħtieġ biex iwettaq il-kompiti tiegħu taht dan l-Att jew taht xi Att ieħor, il-Bank għandu jhejji u jippubblika dikjarazzjonijiet, li jikkonsolidaw u, jew jgħaqqdu flimkien informazzjoni statistika u informazzjoni oħra mogħtija taht dan l-artikolu u, meta meħtieġ, taht l-artikolu 36(1).

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(7) Id-dmir ta' kull awtorità pubblika li tikkonsulta mal-Uffiċċju Nazzjonali tal-Istatistika taht l-artikolu 39(2) tal-Att dwar l-Awtorità tal-Istatistika ta' Malta meta tagħmel attivitajiet b'implikazzjonijiet ta' statistika m'għandux japplika għall-Bank fir-rigward tal-qadi tal-kompiti tiegħu taht dan l-Att."

Thassir tal-artikolu 24 tal-Att prinċipali.

18. L-artikolu 24 tal-Att prinċipali għandu jiġi mħassar.

Emenda tal-artikolu 26 tal-Att prinċipali.

19. L-artikolu 26 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "u jaċċetta depożiti minn għandu" għandhom jiħassru; u

(b) fis-subartikolu (2) il-kliem "u jaċċetta depożiti minn" għandhom jiħassru.

Emenda tal-artikolu 27 tal-Att prinċipali.

20. Fis-subartikolu (1) tal-artikolu 27 tal-Att prinċipali, minflok il-kliem "lill-istituzzjonijiet jew korpi tal-Komunità" għandhom jidhlu l-kliem "lill-istituzzjonijiet jew korpi tal-Unjoni Ewropea".

- 21.** L-artikolu 30 tal-Att prinċipali għandu jiġi emendat kif ġej:
- Emenda tal-artikolu 30 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu, minflok il-kliem "dawk il-banek u istituzzjonijiet finanzjarji u jaċċetta depożiti minn għandhom." għandhom jidhlu l-kliem "istituzzjonijiet ta' kreditu u finanzjarji."; u
- (b) fis-subartikolu (2) tiegħu, il-kliem "u jagħmel depożiti" għandhom jiġu mħassra.
- 22.** L-artikolu 31 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:
- Sostituzzjoni tal-artikolu 31 tal-Att prinċipali.
- "Istituzzjonijiet ta' kreditu u finanzjarji oħra bhala aġenti.
31. (1) Il-Bank jista' jinnomina istituzzjoni ta' kreditu jew finanzjarja waħda jew aktar f'Malta biex jagħmluha ta' aġent tiegħu għall-ħruġ, ħruġ mill-ġdid, tibdil u rtirar ta' biljetti tal-flus u ta' munita, jew għal skopijiet oħra, taħt dawk il-pattijiet u kondizzjonijiet kif jista' jkun miftiehem bejn il-Bank u kull waħda minn dawk l-istituzzjonijiet ta' kreditu jew finanzjarji l-oħra.
- (2) Il-Bank jista' jinnomina aġent wieħed jew iktar biex jipprovdu servizzi relatati mal-ħażna, awtentikazzjoni, proċessar, għadd u ppakkjar ta' biljetti ta' flus u munita."
- 23.** Minflok il-kliem "SISTEMI TA' PAGAMENT" fl-intestatura tat-Taqsima VII tal-Att prinċipali għandhom jidhlu l-kliem "SISTEMI TA' PAGAMENT U SERVIZZI TA' PAGAMENT".
- Sostituzzjoni tat-Titolu fit-Taqsima VII tal-Att prinċipali.
- 24.** L-artikolu 32 tal-Att prinċipali għandu jithassar.
- Thassir tal-artikolu 32 tal-Att prinċipali.
- 25.** L-artikolu 33 tal-Att prinċipali għandu jithassar.
- Thassir tal-artikolu 33 tal-Att prinċipali.
- 26.** L-artikolu 34 tal-Att prinċipali għandu jiġi emendat kif ġej:
- Emenda tal-artikolu 34 tal-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu, minflok il-kelma "Trattat" għandha tidhol il-kelma "Trattati";
- (b) is-subartikolu (2) tiegħu għandu jiġi sostitwi bis-subartikolu ġdid li ġej:
- "(2) Ebda persuna m'għandha torganizza, twaqqaf, topera jew tipparteċipa f'sistema domestika ta' pagament għajr jekk dik is-sistema hija liċenzjata u

awtorizzata mill-Bank u, bla ħsara għas-subartikolu (3), il-Bank għandu d-dritt li jordna -

(a) l-għeluq ta' sistema domestika ta' pagament li għiet mwaqqfa, jew qed topera, mingħajr l-approvazzjoni neccessarja, u

(b) is-sospensjoni ta' operazzjonijiet ta' sistema domestika ta' pagament approvata jew irrevoka ta' approvazzjoni mogħtija mill-Bank f'kazijiet fejn sistema domestika ta' pagament hija jew kienet qiegħda topera bi ksur ta' din l-approvazzjoni, jew xi terminu jew kondizzjoni imposta mill-Bank,

u l-persuna konċernata għandha timxi ma' dawn l-ordnijiet maħruġa mill-Bank.";

(ċ) is-subartikolu (5) tiegħu għandu jiġi sostitwi bis-subartikolu ġdid li ġej:

"(5) Il-Bank jista' johrog, jemenda jew jirrevoka direttivi dwar kull wieħed mill-għanijiet jew l-għanijiet kollha msemmija fis-subartikolu (1) magħduda, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, ir-regolamentazzjoni ta' *clearing houses*, aġenti għas-*settlement* u parteċipanti f'sistemi ta' pagament kif ukoll l-infurzar legali ta' hlasijiet magħmula permezz ta' dawk is-sistemi u l-kollaterali li jingħata f'konnessjoni mal-operat ta' sistema ta' pagament bħal dik:

Izda s-setgħat tal-Bank sabiex johrog direttivi taħt dan is-subartikolu għandhom jiġu eżerċitati skont it-Trattati, l-Artikolu 22 tal-Istatut u kull regolament maħruġ taħtu."; u

(d) is-subartikolu (7) tiegħu għandu jiħassar.

27. Minnufih wara l-artikolu 34 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

"Servizzi ta' pagament.

34A. (1) Bla ħsara għad-dispożizzjonijiet tat-Trattati u l-Istatut u kull att legali maħruġ taħthom, il-Bank jista', sabiex jippromwovi l-iżvilupp u l-provdiment stabbli u sostenibbli ta' strumenti ta' pagament, johrog, jemenda jew jirrevoka direttivi li jimponu kundizzjonijiet dwar il-provdiment ta' sistemi ta' pagament.

(2) Il-Bank qiegħed jiġi maħtur bhala l-awtorità kompetenti għall-finijiet tal-Artikolu 9 tar-Regolament (KE) Nru 924/2009 tas-16 ta' Settembru 2009 dwar il-ħlas transkonfini fil-Komunità u li jħassar ir-Regolament (KE) Nru 2560/2001, u għandu jkun responsabbli biex jissorvelja l-konformità ma' dan ir-Regolament b'mod effettiv u biex jieħu l-miżuri kollha meħtieġa biex tiġi żgurata din il-konformità.

(3) Il-Bank qiegħed jiġi maħtur ukoll bhala l-awtorità kompetenti għall-finijiet tal-Artikolu 10 tar-Regolament (KE) Nru 260/2012 tal-14 ta' Marzu 2012 li jstabilixxi rekwiżiti tekniċi u tan-negozju għat-trasferimenti ta' kreditu u debiti diretti bl-euro u li jemenda r-Regolament (KE) Nru 924/2009, u għandu jkun responsabbli sabiex josserva l-konformità ma' dan ir-Regolament b'mod effettiv u biex jieħu l-miżuri kollha meħtieġa biex tiġi żgurata din il-konformità."

28. L-artikolu 35 tal-Att prinċipali għandu jiġi sostitwit b'li ġej:

Sostituzzjoni tal-artikolu 35 tal-Att prinċipali.

"Appelli.

35. Kull persuna li:

(a) thossha aggravata b'deċizjonijiet li jkunu ttieħdu mill-Bank skont l-artikolu 34(2) jew taħt xi direttiva maħruġa taħt l-artikoli 34(5) jew 34A;

(b) tkun parti f'xi kwistjoni fir-rigward ta' drittijiet u obbligi li joħorġu minn xi direttiva maħruġa taħt l-artikoli 34(5) jew 34A(1) jew taħt id-dispożizzjonijiet tar-Regolament (KE) Nru 924/2009 tas-16 ta' Settembru 2009 dwar il-ħlas transkonfini fil-Komunità u li jħassar ir-Regolament (KE) Nru 2560/2001; jew

(ċ) tkun parti f'xi kwistjoni li toħroġ minn drittijiet jew obbligi taħt id-dispożizzjonijiet tar-Regolament (KE) Nru 260/2012 tal-14 ta' Marzu 2012 li jstabilixxi rekwiżiti tekniċi u tan-negozju għat-trasferimenti ta' kreditu u debiti diretti bl-euro u li jemenda r-Regolament (KE) Nru 924/2009; jew

(d) tkun ġiet imposta fuqha piena amministrattiva skont l-artikolu 56,

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Kap. 330. tista' tappella lit-Tribunal dwar Servizzi Finanzjarji stabbilit taht l-artikolu 21 tal-Att dwar l-Awtorità għas-Servizzi Finanzjarji ta' Malta f'dak il-perjodu u taht dawk il-kundizzjonijiet stabbiliti taht dak l-Att."

Emenda tal-artikolu 39 tal-Att prinċipali.

29. L-artikolu 39 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita b'dan li ġej:

"Parteċipazzjoni f'Organizzazzjonijiet Internazzjonali u oħrajn."; u

(b) minflok il-kelma "Trattat" għandha tidhol il-kelma "Trattati".

Emenda tal-artikolu 41 tal-Att prinċipali.

30. Fl-artikolu 41 tal-Att prinċipali minflok il-kliem "Il-Bank jista' " għandhom jidhlu l-kliem "Bla ħsara għal xi dispożizzjonijiet oħra dwar l-izvelar ta' informazzjoni taht it-Trattati u l-Istatut jew atti legali maħruġa tahtom, il-Bank jista'".

Emenda tal-artikolu 42 tal-Att prinċipali.

31. Fl-artikolu 42 tal-Att prinċipali, minflok il-kliem "Artikolu 106 tat-Trattat" għandu jidhol il-kliem "Artikolu 128 tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea".

Emenda tal-artikolu 43 tal-Att prinċipali.

32. L-artikolu 43 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "Artikolu 106 tat-Trattat" għandu jidhol il-kliem "Artikolu 128 tat-Trattat dwar il-Funzjonament tal-Unjoni Ewropea"; u

(b) minnufih wara s-subartikolu (2) tiegħu, għandhom jidhru s-subartikolu godda li ġejjin:

"(3) Skont it-Trattati jew xi atti legali maħruġa tahtom, il-Bank għandu d-dritt uniku f'Malta li johroġ muniti euro għan-numismatika b'valuta legali mhux intiżi għaċ-ċirkolazzjoni, liema muniti għandhom valuta legali f'Malta biss.

(4) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1) u skont it-Trattati jew xi atti legali maħruġa tahtom, il-Bank għandu d-dritt uniku f'Malta li johroġ muniti euro għaċ-ċirkolazzjoni u muniti euro k commemorattivi għaċ-ċirkolazzjoni."

33. L-artikolu 44 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 44 tal-Att prinċipali.

"Referenza għal biljett jew munita tal-flus.

44. Għall-finijiet tad-dispożizzjonijiet li ġejjin ta' din it-Taqsima, kull referenza għal "biljett tal-flus" jew "munita" hija referenza għall-karti tal-flus euro jew muniti euro u kull biljett ieħor jew munita oħra tal-flus, imsejjaħ b'isem ikun li jkun, li jkun jew tkun valuta legali fil-pajjiż barra minn Malta fejn ikun gie maħruġ jew tkun giet maħruġa."

34. Fis-subartikolu (1) tal-artikolu 49 tal-Att prinċipali, minflok il-kliem minn "Kull min jiffalsifika jew iħaffef" sal-kliem "u mhux iżjed minn disa' snin:", għandhom jidhlu l-kliem:

Emenda tal-artikolu 49 tal-Att prinċipali.

"Kull min jiffalsifika jew imexxi xi muniti falsifikati jew, mingħajr awtorità jew skuża legittima jew raġonevoli (liema prova tkun fuq l-akkuzat) iħaffef il-piż jew iħażzen il-kwalità ta' xi munita jew idewwibha jew jintroduċi jew imexxi xi munita falza jew imħażzna meta jkun jaf li l-istess tkun falza jew imħażzna jeħel, meta jinsab hati, prigunerija għal żmien ta' mhux anqas minn tlettax-il xahar u mhux iżjed minn disa' snin:".

35. L-artikolu 50 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 50 tal-Att prinċipali.

(a) is-subartikoli (2) u (3) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3) u (4) rispettivament;

(b) minnufih wara s-subartikolu (1) tiegħu għandu jiżdied is-subartikolu (2) ġdid li ġej:

"(2) *Cash handler* kif imsemmi fl-artikolu 6 tar-Regolament tal-Kunsill (KE) Nru 1338/2001 tat-28 ta' Ġunju 2001 li jstabbilixxi l-miżuri meħtieġa għall-protezzjoni tal-euro kontra l-falsifikazzjoni, kif emendat sussegwentement, għandu l-obbligu li jiżgura li l-biljetti tal-flus u muniti tal-euro li huwa jirċievi u li għandu l-ħsieb li jerga jpogġihom fiċ-ċirkolazzjoni jiġu verifikati għall-awtenticità u l-flus foloz jiġu skoperti. Kull flus foloz li jiġu skoperti għandhom jiġu mgħoddija immedjatament lill-Bank."; u

(c) minnufih wara s-subartikolu (4) tiegħu, kif enumerat mill-ġdid, għandu jiżdied is-subartikolu (5) ġdid li ġej:

"(5) Meta *cash handler* kif imsemmi fis-subartikolu (2), jew xi persuna oħra tikkonsenja biljetti tal-flus jew muniti lill-Bank skont is-subartikolu (1), hija fuq talba għandha tipprovdi lill-Bank l-informazzjoni dwar l-identità tal-persuna li mingħandha rċeviet dawk il-biljetti tal-flus jew muniti, kif ukoll informazzjoni dwar id-data rilevanti, il-hin u l-mod kif ġew riċevuti. Il-provdiment ta' din l-informazzjoni għandha titqies bħala miżura neċessarja skont il-paragrafi (d), (e) u (f) tal-artikolu 23(1) tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data."

Kap. 440.

Żjieda ta' artikolu ġdid mal-Att prinċipali.

36. Minnufih wara l-artikolu 50 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

"Setgħa li johroġ direttivi dwar il-verifika tal-awtentiċità u l-kundizzjoni tal-biljetti tal-flus u muniti tal-euro.

50A. Il-Bank, sabiex tiġi protetta l-integrità tal-biljetti tal-flus u muniti tal-euro, u sabiex jimplimenta d-dispożizzjonijiet tad-Deciżjoni BCE/2010/14 tas-16 ta' Settembru 2010 dwar il-verifika tal-awtentiċità u l-kundizzjoni u ċ-ċirkolazzjoni mill-ġdid tal-karti tal-flus tal-euro u tar-Regolament 1210/2010 tal-Parlament Ewropew u tal-Kunsill li jikkonċerna l-awtentikazzjoni tal-muniti tal-euro u t-trattament ta' muniti tal-euro li m'humiex tajba għaċ-ċirkolazzjoni, jista' johroġ, jemenda jew jirrevoka direttivi li jistabbilixxu regoli u proċeduri dwar l-awtentikazzjoni, il-verifika tal-kundizzjoni u ċ-ċirkolazzjoni mill-ġdid tal-karti tal-flus u muniti tal-euro. Bla ħsara għall-generalità ta' dak li ntqal qabel, il-Bank jista', f'dawn id-direttivi, jistabbilixxi l-proċeduri biex jagħmel ispezzjonijiet fil-post, iwettaq eżerċizzju ta' moniteraġġ u jimponi rekwiżiti ta' rappurtar dwar l-awtentikazzjoni u l-verifika tal-kundizzjoni tal-biljetti tal-flus u muniti tal-euro u jista' wkoll jimponi miżuri amministrattivi sabiex jiżgura t-tħaris ta' dawn id-direttivi."

Sostituzzjoni tal-artikolu 55 tal-Att prinċipali.

37. L-artikolu 55 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"55. (1) Skont id-dispożizzjonijiet tar-Regolament tal-Kunsill (KE) Nru 2182/2004 dwar midalji u *tokens* li jixbħu l-muniti euro, u kif sussegwentement emendat, kull min, ħlief jekk dan ikollu l-awtorità tal-Kummissjoni tal-Unjoni Ewropea,

jipproduċi, ibiġh, jimporta jew iqassam għal skopijiet ta' bejgħ jew għal skopijiet kummerċjali ohra midalji u *tokens* li jixbhu l-muniti euro, għajr midalji jew *tokens* eżenti kif previst fir-Regolament imsemmi, ikun hati ta' reat u jeħel, meta jinstab hati, multa ta' mhux aktar minn tlieta u għoxrin elf euro, jew prigunerija għal żmien mhux iżjed minn sitt xhur, jew dik il-multa u prigunerija flimkien.

(2) Is-subartikolu (1) ma japplikax għal midalji u *tokens* li jkunu harġu qabel is-6 ta' Diċembru 2004."

38. L-artikolu 56 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 56 tal-Att prinċipali.

"56. Bla ħsara għad-dispożizzjonijiet tat-Trattati u l-Istatut u kull att legali maħruġ taħthom, il-Bank jista' jimponi penalitajiet amministrattivi li jistgħu jiġu miġbura mill-Bank mingħajr rikors għal smiġh mill-Qorti u li jistgħu jiġu imposti bhala penali ta' darba jew fuq bażi kumulattiva bil-gurnata sakemm ikun hemm it-tħaris dwar dan li ġej:

(a) meta persuna tikser jew tonqos li tħares htieġa li tkun tinsab f'xi direttiva maħruġa taħt l-artikoli 34(5), 34A(1), 43A, 50A jew 60A;

(b) meta persuna jew entità tikser jew tonqos li tħares obbligu ta' rappurtar taħt id-dispożizzjonijiet tal-artikolu 23, jew ta' xi direttiva maħruġa taħtu;

(c) meta persuna tikser jew tonqos li tħares xi dispożizzjonijiet dwar il-biljetti tal-flus jew muniti foloz u jew awtentikazzjoni u l-verifika tal-kundizzjoni tal-biljetti tal-flus u muniti tal-euro taħt id-dispożizzjonijiet tal-artikolu 50;

(d) fuq xi korp magħqud meta r-reati msemmija fl-artikoli 45 sa 49 isiru biex dawn jiksbu benefiċċju minn persuna, li tkun qed taġixxi sew individwalment sew bhala parti minn organu tal-korp magħqud u li jkollha pożizzjoni għolja fi ħdan il-korp magħqud, abbażi ta' -

(i) setgħa ta' rappreżentanza tal-korp magħqud, jew

(ii) awtorità li tiddeċiedi f'isem il-korp magħqud, jew

(iii) awtorità li teżerċita kontroll fuq il-korp

magħqud,

jew meta dik il-persuna tghin jew taġixxi f'komplicità fl-għemil ta' dak ir-reat jew fit-tentattiv ta' għemil ta' kull reat bħal dak;

(e) fuq kull korp magħqud meta n-nuqqas ta' superviżjoni jew kontroll minn persuna msemmija fil-paragrafu (d) tkun għamlet possibbli l-għemil ta' reat imsemmi fl-istess paragrafu sabiex jinkiseb benefiċċju minn dak il-korp magħqud minn persuna li tkun taħt l-awtorità tiegħu;

(f) meta persuna (fornitur ta' servizzi ta' hlas) tikser jew tonqos li thares xi dispożizzjoni tar-Regolament (KE) Nru 924/2009 dwar il-hlas transkonfini fil-Komunità u li jhassar ir-Regolament (KE) Nru 2560/2001; u

(g) meta xi persuna, barra minn xi persuna fiżika li ma tkunx qed taġixxi għall-finjiet ta' kummerċ, negozju jew professjoni f'kuntratti ta' servizz ta' pagamenti tikser jew li tonqos milli tosserva d-dispożizzjonijiet tar-Regolament (KE) Nru 260/2012 tal-14 ta' Marzu 2012 li jstabbilixxi rekwiżiti tekniċi u tan-negozju għat-trasferimenti ta' kreditu u debiti diretti bl-euro u li jemenda r-Regolament (KE) Nru 924/2009:

Izda penali amministrattiva imposta mill-Bank m'għandhiex tkun ikbar minn:

(a) ħamsin elf euro fil-kaz ta' penali ta' darba; u

(b) ħames mitt euro kuljum għal kull jum fil-kaz ta' penali kumulattiva, u l-penali akkumulata m'għandhiex taqbeż il-ħamsin elf euro."

Emenda tal-artikolu 57 tal-Att prinċipali.

39. L-artikolu 57 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Meta bis-saħħa tad-dispożizzjonijiet tal-artikolu 56, il-Bank jimponi penali amministrattiva, dan għandu jinnotifika lill-persuna jew, fil-kaz ta' entità taħt l-artikolu 23, il-persuna inkarigata mill-affarijiet

amministrattivi tal-entità, li fuqha tkun imposta l-penali bil-mezz ta' avviż bil-miktub.";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "aġent ta' rappurta" għandhom jidhlu l-kliem "persuna jew entità", u minflok il-kliem "artikolu 56(2)(a)" għandhom jidhlu l-kliem "artikolu 56(b)"; u

(ċ) fis-subartikolu (3) tiegħu, minnufih wara l-kelma "persuna", kull fejn tidher, għandhom jidhlu l-kliem "jew entità".

40. L-artikolu 60 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu, u minnufih wara għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 60 tal-Att prinċipali.

"(2) Bla ħsara għat-Trattati, l-Istatut u kull att legali ieħor maħruġ taħthom u bla ħsara għall-abilità tal-Bank li jwettaq id-dmirijiet tiegħu taht dan l-Att, it-Trattati u l-Istatut, il-Ministru jista', wara li jikkonsulta lill-Bank, b'regolamenti jahtar il-Bank sabiex jaġixxi bħala awtorità kompetenti għall-finijiet ta' kull regolament jew xi att legali ieħor maħruġa taht it-Trattati jew l-Istatut jew meta jkun hekk meħtieġ bħala riżultat tal-adeżjoni ta' Malta fl-Unjoni Ewropea jew biex jaqdi funzjoni importanti għall-istabilità jew funzjonament ordnat tas-sistema finanzjarja. Il-Ministru jista' wkoll jipprova f'dawn ir-regolamenti għal kull haġa li hija neċessarja sabiex jagħti effett għal xi dispożizzjoni ta' xi wieħed minn dawn ir-regolamenti jew xi att legali ieħor, inkluż li tingħata s-setgħa lill-Bank sabiex joħroġ u jinforza sanzjonijiet u sabiex tingħata kompetenza lil xi qorti jew tribunal f'Malta sabiex jintemmu kwistjonijiet li joħroġu minn dawk ir-regolamenti jew atti legali oħra."

41. Minnufih wara l-artikolu 60 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

Zjieda ta' artikolu ġdid mal-Att prinċipali.

"Setgħa li joħroġ, jemenda u jirrevoka direttivi.

60A. (1) Il-Bank jista' joħroġ, jemenda jew jirrevoka direttivi li jistgħu jkunu meħtieġa sabiex jingħata effett lil xi dispożizzjoni ta' dan l-Att, it-Trattati u l-Istatut.

(2) Direttivi maħruġa mill-Bank jistgħu jsiru fil-lingwa Ingliża biss."

42. L-artikolu 61 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 61 tal-Att prinċipali.

"61. (1) Referenza f'xi liġi għar-rati ta' skont, intervent ċentrali u, jew rati ta' interessi uffiċjali tal-Bank għandha tkun

referenza għar-rata minima tal-offerti fuq l-operazzjonijiet ewlenin ta' finanzjament mill-ġdid stabbilita mill-Kunsill Governattiv tal-Bank Ċentrali Ewropew.

(2) Sakemm ma jkunx indikat mod ieħor mill-kuntest, referenza f'xi liġi għal rati ta' kambju pubblikati mill-Bank għandha tkun referenza għal rati ta' kambju pubblikati mill-Bank kif ukoll rati ta' kambju pubblikati mill-Bank Ċentrali Ewropew."

Emenda tal-
artikolu 62 tal-
Att prinċipali.

43. Fis-subartikolu (1) tal-artikolu 62 tal-Att prinċipali, minflok il-kelma "Trattat" għandha tidhol il-kelma "Trattati".

Emenda tal-
artikolu 63 tal-
Att prinċipali.

44. Fis-subartikolu (1) tal-artikolu 63 tal-Att prinċipali, minflok il-kelma "Trattat" għandha tidhol il-kelma "Trattati".

Emenda tal-
Iskeda li tinsab
mal-Att
prinċipali.

45. Fl-Iskeda li tinsab mal-Att prinċipali, minnufih wara l-kliem "Att dwar is-Swieq Finanzjarji (Kap. 345)" għandhom jidhlu l-kliem "Att dwar is-*Securitisatio*n (Kap. 484)".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 69 tat-30 ta' Ottubru, 2013.

ANĠLU FARRUĠIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

5th November, 2013

ACT No. XIII of 2013

AN ACT to amend the Central Bank of Malta Act, Cap. 204.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The short title of this Act is the Central Bank of Malta (Amendment) Act, 2013, and this Act shall be read and construed as one with the Central Bank of Malta Act, hereinafter referred to as "the Act".

Short title and coming into force.
Cap. 204.

(2) The provisions of this Act shall come into force on such a date as the Minister responsible for Finance may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

2. Article 2 of the Act shall be amended as follows:

Amendment of article 2 of the Act.

(a) the definition "director" shall be substituted by the following:

" "director", in relation to the Bank, includes the Governor and the Deputy Governors;"

(b) in the definition "European Central Bank" the words "with Article 8 of the Treaty" shall be substituted by the words "with Article 13 of the Treaty on European Union" and immediately thereafter there shall be inserted the following new definition:

" "European Systemic Risk Board" means the Board established by Article 1 of Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board;

"European Union" or "Union" means the European Union referred to in the Treaties;"

(c) the definition "Governor" shall be substituted by the following:

" "Governor", and "Deputy Governors" mean respectively the Governor and the Deputy Governors of the Bank appointed under article 8;"

(d) immediately after the definition " "Governor" and "Deputy Governors" " there shall be added the following new definition:

" "Joint Financial Stability Board" means the Board established by article 17B;"

(e) immediately after the definition "Malta" there shall be added the following new definition:

" "Member State" means a State which is a member of the European Union;"

(f) the definition "reserve assets" shall be deleted and immediately after the definition "Minister" there shall be added the following new definitions:

" "participant" in relation to a payment system means a person, including the Bank, who participates in a payment system and may include an indirect participant approved by the Bank if it is warranted on the grounds of systemic risk and on condition that the indirect participant is known to the system;

"payment system" or "system" means a formal

arrangement between three or more participants with common rules and standardised arrangements, for the execution of transfer orders between participants, including a clearing house, or for the settlement of payments relating to securities, which is approved by the Bank, and may include a payment, clearing, settlement, securities clearing, securities settlement, netting and, or, similar system. The Bank may also, on a case-by-case basis, designate as a payment system such a formal arrangement between two participants where the Bank considers that this is warranted on grounds of systemic risk;"

(g) in the definition "Statute" the words "to the Treaty;" shall be substituted by the words "to the Treaty on the Functioning of the European Union;"; and

(h) the definition "the Treaty" shall be substituted by the following:

" "the Treaties" means the Treaty on European Union and the Treaty on the Functioning of the European Union, both signed at Lisbon on 13 December 2008 and as subsequently amended."

3. In sub-article (1) of article 3 of the principal Act, the word "Treaty", wherever it occurs, shall be substituted by the word "Treaties".

Amendment of article 3 of the principal Act.

4. Article 4 of the principal Act shall be substituted by the following new article:

Substitution of article 4 of the principal Act.

"4. In accordance with the Treaties and the Statute, the primary objective of the Bank shall be to maintain price stability. Without prejudice to its primary objective, the Bank shall support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as laid down in Article 3 of the Treaty on European Union and shall act in accordance with the principles set out in Article 119 of the Treaty on the Functioning of the European Union."

5. Article 5 of the principal Act shall be amended as follows:

Amendment of article 5 of the principal Act.

(a) in sub-article (1) thereof, the words "Treaty and the Statute, the tasks" shall be substituted by the words "Treaties and the Statute, the functions";

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(b) in paragraph (b) of sub-article (1) thereof, the words "reserve assets" shall be substituted by the words "financial assets";

(c) paragraphs (d), (e), (f), (g) and (h) of sub-article (1) thereof shall be renumbered as paragraphs (e), (f), (g), (h) and (i) of sub-article (1) respectively;

(d) immediately after paragraph (c) of sub-article (1) thereof there shall be added the following new paragraph:

"(d) to formulate and implement macro-prudential policy;"

(e) in sub-article (2) thereof, the word "Treaty" shall be substituted by the word "Treaties"; and

(f) sub-article (3) thereof shall be deleted.

Amendment of
article 7 of the
principal Act.

6. Article 7 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof the word "Treaty" shall be substituted the word "Treaties"; and

(b) in sub-article (2) thereof, the words "the Deputy Governor and the three other directors appointed under article 9" shall be substituted by the words "the two Deputy Governors, and the four other directors appointed under article 9".

Amendment of
article 8 of the
principal Act.

7. Article 8 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following:

"Governor and Deputy Governors.";

(b) in sub-article (1) thereof the words "The Governor and the Deputy Governor shall be" shall be substituted by the words "The Governor and the Deputy Governors shall be";

(c) in paragraph (a) of sub-article (2) thereof the word "Treaty" shall be substituted by the word "Treaties";

(d) sub-article (3) thereof shall be substituted by the following:

"(3) One Deputy Governor shall support the Governor by performing duties related to monetary policy and other duties as the Governor may direct. A second

Deputy Governor shall support the Governor by performing duties related to financial stability and other duties as the Governor may direct. In the event of -

(a) the absence of the Governor, the Governor shall designate a Deputy Governor to perform the duties of the Governor;

(b) a vacancy in the office of the Governor, the Board shall designate a Deputy Governor to perform the duties of the Governor, until a new Governor is appointed as soon as possible under subarticle (1);

and the Deputy Governor so designated shall have and may exercise the powers and perform the functions of the Governor.";

(e) in sub-article (4) thereof the words "The Governor and the Deputy Governor shall devote" shall be substituted by the words "The Governor and the Deputy Governors shall devote" and in the proviso thereto the words "as Governor or Deputy Governor of the Bank" shall be substituted by the words "as Governor or Deputy Governors of the Bank"; and

(f) in sub-article (5) thereof the words "The Governor and the Deputy Governor may be" shall be substituted by the words "The Governor and the Deputy Governors may be".

8. Article 9 of the principal Act shall be amended as follows: Amendment of article 9 of the principal Act.

(a) the marginal note thereof shall be substituted by the following:

"Directors other than Governor and Deputy Governors"; and

(b) in sub-article (1) thereof the words "the Governor and the Deputy Governor" shall be substituted by the words "the Governor and the Deputy Governors".

9. Article 12 of the principal Act shall be amended as follows: Amendment of article 12 of the principal Act.

(a) in sub-article (3) thereof the words "the Deputy Governor shall preside" shall be substituted by the words "a Deputy Governor shall preside" and the words "nor the Deputy Governor is present" shall be substituted by the words "nor the

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Deputy Governors are present"; and

(b) in sub-article (4) thereof the words "Three members" shall be substituted by the words "Five members" and the words "the Deputy Governor" shall be substituted by the words "a Deputy Governor".

Amendment of article 13 of the principal Act.

10. In article 13 of the principal Act the words "nor the Deputy Governor" shall be substituted by the words "nor a Deputy Governor".

Amendment of article 17 of the principal Act.

11. Article 17 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following:

"Monetary operations and other functions of the Bank.";

(b) in sub-article (1) thereof, the word "Treaty" shall be substituted by the word "Treaties", and for the word "tasks" there shall be substituted the word "functions";

(c) paragraph (a) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(a) opening of accounts for persons as provided in this Act, and, in special cases for other persons with the prior approval of the Board;"

(d) paragraph (b) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(b) maintenance of accounts with central banks or other domestic or foreign credit institutions and agents and acting as correspondent, banker or agent for any central bank or other credit institution or other monetary authority and for any international financial institution established under international treaties;"

(e) in paragraph (c) of sub-article (1) thereof the words "to subscribe to, purchase, sell, discount or re-discount" shall be substituted by the words "subscription to, purchasing, selling, discounting or re-discounting";

(f) in paragraph (d) of sub-article (1) thereof, the words "to issue, purchase, sell, discount or re-discount" shall be

substituted by the words "issuing, purchasing, selling, discounting or re-discounting";

(g) in paragraph (e) of sub-article (1) thereof, the words "to grant" shall be substituted by the word "granting";

(h) in paragraph (f) of sub-article (1) thereof, the words "to enter" shall be substituted by the word "entering";

(i) in paragraph (g) of sub-article (1) thereof, the words "to grant" shall be substituted by the word "granting";

(j) sub-articles (2) to (7) thereof shall be renumbered as sub-articles (3) to (8) respectively;

(k) immediately after sub-article (1) thereof, there shall be added the following new sub-article (2):

"(2) In accordance with the Treaties and the Statute, credit institutions may be required to hold minimum reserves with the Bank, and to report thereon.";

(l) in sub-article (3), as re-numbered, thereof, the word "reserve" shall be substituted by the word "financial";

(m) in paragraph (a) of sub-article (3), as re-numbered, thereof, the word "reserve" shall be substituted by the word "financial";

(n) in paragraph (b) of sub-article (3), as re-numbered, thereof, the word "transaction" shall be substituted by the word "transactions";

(o) in sub-article (4), as re-numbered thereof, the words "may invest its staff and pension funds" shall be substituted by the words "may invest staff and pension funds"; and

(p) in paragraph (a) of sub-article (7), as re-numbered, thereof, the words "as a Central Bank" shall be substituted by the words "as a central bank".

12. Immediately after article 17 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Macro-prudential Policy.

17A. (1) In accordance with the provisions of the Treaties and the Statute, the Bank may issue, amend or revoke directives in order to implement macro-prudential policy and tools.

(2) Without prejudice to any other provisions on the exchange of information under the Treaties and the Statute or legal acts issued thereunder, the Bank may, on the basis of international agreements or upon reciprocity agreements, or otherwise in order to fulfil its international obligations in relation to macro-prudential oversight, cooperate with the European Systemic Risk Board and, as may be required, with other national or international macro-prudential authorities, in the exchange of information which is required to ensure effective macro-prudential oversight."

Addition of new article to the principal Act.

13. Immediately after the new article 17A of the principal Act, there shall be added the following new article:

"Joint Financial Stability Board.

17B.(1) There shall be a Joint Financial Stability Board which is a body established for the purpose of ensuring effective cooperation between the Bank and the competent authority in the area of financial stability and which shall have the functions set out in this Act.

(2) The Joint Financial Stability Board shall be composed of the Governor of the Bank, who shall be the Chairman, and in his absence the Deputy Governor of the Bank responsible for financial stability who shall preside, two other representatives of the Bank and two representatives of the competent authority.

(3) The Minister may appoint a representative to participate as a non-voting observer at meetings of the Joint Financial Stability Board. The Chairman may co-opt other non-voting observers.

(4) Without prejudice to the Treaties, the Statute and any legal acts issued thereunder, the Joint Financial Stability Board shall have the function to facilitate cooperation between the relevant authorities in matters impacting on financial stability, including macro-prudential policy and, where relevant, micro-prudential instruments. In addition, it shall have the following functions:

(a) to formulate policy recommendations designed to safeguard the stability of the financial system and which may be communicated to the relevant public authority or public institution;

(b) to identify and assess macro-prudential instruments and, where relevant, micro-prudential instruments required to be implemented to mitigate or control potential systemic and other risks to the financial system;

(c) to give advice about whether and how an authority or public institution should act in respect of a credit or financial institution, where the issue appears to the Joint Financial Stability Board to be relevant to the stability of the financial system;

and any such recommendation, advice or assessment made by the Joint Financial Stability Board shall be taken into consideration by a public authority or public institution in Malta in the execution of its functions. It shall be the duty of such public authority or public institution to seek the opinion of the Joint Financial Stability Board prior to exercising any functions in matters which may impact on financial stability.

(5) The Joint Financial Stability Board shall meet as often as may be necessary or expedient but in any case not less frequently than once every three months. The meetings shall be convened by the Chairman either on his own initiative or on the written request of any three members.

(6) The Joint Financial Stability Board may act notwithstanding any vacancy amongst its members provided there is a quorum consisting of not less than three members present at the meeting including one member from the competent authority.

(7) Subject to the provisions of this article, the Joint Financial Stability Board shall regulate its own procedure."

14. Article 18 of the principal Act shall be substituted by the following:

Substitution of article 18 of the principal Act.

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"Transfer
of data or
information.

18. Without prejudice to the Treaties, the Statute and any legal acts issued thereunder any data or information which is transferred within the Bank and, or between the Bank and other persons or entities under the provisions of this Act or of directives issued thereunder, shall be transferable without any restriction or limitation arising under any other law, in particular but not solely related to secrecy or confidentiality, provided that such data or information shall retain its secret or confidential status for other effects and purposes."

Amendment of
article 21 of the
principal Act.

15. Article 21 of the principal Act shall be amended as follows:

(a) in paragraph (a) of sub-article (1) thereof the words "by the auditors," shall be substituted by the words "by the auditors; and";

(b) paragraph (b) of sub-article (1) thereof shall be deleted and paragraph (c) shall be renumbered as paragraph (b);

(c) in sub-article (2) thereof, for the words "the report referred to in paragraph (c)" there shall be substituted the words "the report referred to in paragraph (b)"; and

(d) in paragraph (a) of sub-article (3) thereof, the words ", of the statement" shall be deleted.

Substitution of
the Title in Part
IV of the
principal Act.

16. The title in Part IV of the principal Act shall be substituted by the following:

"COLLECTION OF STATISTICAL AND OTHER INFORMATION".

Substitution of
article 23 of the
principal Act.

17. Article 23 of the principal Act shall be substituted by the following:

"Collection of
Statistical and
other Information.

23. (1) Without prejudice to the functions of the Bank to collect statistical information under the Treaties and the Statute and any legal acts issued thereunder, and without prejudice to the provisions of article 36(2), the Bank may require any person in general or any entity which is licensed, authorised or registered by a competent authority, any branch of a foreign legal person, or any other person or entity, as may be determined by the Bank, to provide the Bank with such statistical and other information as the Bank may consider necessary to carry out its functions under this Act or any other Act, including in relation to its macro-prudential policy function, and the Bank may enquire into and ask for clarifications of any information so provided.

(2) It shall be the duty of every person or entity required to provide the Bank with statistical and other information to comply with such requirement, without invoking any professional or other secrecy restrictions.

(3) The Bank may issue directives providing for the definition and imposition of reporting requirements, establishing the standards for transmission and accuracy of statistical and other information, and specifying the conditions under which the right to verify or to carry out the compulsory collection of statistical and other information may be exercised under the provisions of subarticle (4).

(4) The Bank shall have the right to verify the accuracy and quality of statistical and other information submitted under this article, and to carry out its compulsory collection. The right to verify statistical and other information or to carry out its compulsory collection shall comprise the right to:

- (a) require submission of documents;
- (b) examine the books and records of the persons or entities referred to in subarticle (1);
- (c) take copies or extracts from such books and records; and
- (d) obtain written or oral explanations.

Any reference to documents, books or records under this article includes a reference to the electronic form of any such documents, books or records.

(5) Except as provided for under Part VIII and Part IX of this Act, information collected under the provisions of this article shall be subject to professional secrecy.

(6) When it deems it necessary in the carrying out of its tasks under this Act and any other Act, the Bank shall prepare and publish statements, consolidating and, or aggregating statistical and other information so furnished under this article and, where necessary, under article 36(1).

(7) The duty of any public authority to consult the National Statistics Office under article 39(2) of the Cap. 422. Malta Statistics Authority Act when it undertakes activities with statistical implications shall not apply to the Bank in relation to the execution of its functions under this Act."

Deletion of article 24 of the principal Act.

18. Article 24 of the principal Act shall be deleted.

Amendment of article 26 of the principal Act.

19. Article 26 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, the words "and accept deposits from" shall be deleted; and

(b) in sub-article (2) thereof, the words "and accept deposits from" shall be deleted.

Amendment of article 27 of the principal Act.

20. In sub-article (1) of article 27 of the principal Act, for the words "Community institutions or bodies" there shall be substituted the words "European Union institutions or bodies".

Amendment of article 30 of the principal Act.

21. Article 30 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "and may open accounts for and accept deposits from such credit and financial institutions" there shall be substituted the words "and may open accounts for credit institutions and financial institutions"; and

(b) in sub-article (2) thereof, the words "and place deposits" shall be deleted.

Substitution of article 31 of the principal Act.

22. Article 31 of the principal Act shall be substituted by the following new article:

"Other credit and financial institutions as agents.

31. (1) The Bank may appoint one or more credit or financial institutions in Malta to act as its agent for the issue, re-issue, exchange and withdrawal of currency notes and coins, or for other purposes, on such terms and conditions as may be agreed between the Bank and each of such credit or financial institutions.

(2) The Bank may also appoint one or more agents to provide services related to the storage, authentication, processing, counting and packaging of currency notes and coins."

23. For the words "PAYMENT SYSTEMS" in the heading of Part VII of the principal Act, there shall be substituted the words "PAYMENT SYSTEMS AND PAYMENT SERVICES".

Substitution of heading of Part VII of the principal Act.

24. Article 32 of the principal Act shall be deleted.

Deletion of article 32 of the principal Act.

25. Article 33 of the principal Act shall be deleted.

Deletion of article 33 of the principal Act.

26. Article 34 of the principal Act shall be amended as follows:

Amendment of article 34 of the principal Act.

(a) in sub-article (1) thereof, for the word "Treaty" there shall be substituted the word "Treaties";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) No person shall organise, establish, operate or participate in a domestic payment system unless such system, including the rules of the system, are approved by the Bank and, without prejudice to subarticle (3), the Bank shall have the right to order:

(a) the closure of a domestic payment system which has been set up, or is being operated, without the necessary approval, and

(b) the suspension of the operations of an approved domestic payment system or the revocation of the approval granted by the Bank in cases where the domestic payment system is or has been operated in breach of such approval, or of any term or

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condition imposed by the Bank,

and the person concerned shall abide by any such orders issued by the Bank.";

(c) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) The Bank may issue, amend or revoke directives in respect of any or all of the objects mentioned in subarticles (1) and (2) including, without prejudice to the generality of the aforesaid, the regulation of payment systems, the regulation of clearing houses, settlement agents and participants in payment systems as well as the legal enforceability of payments made through such systems and the collateral given in connection with the operation of such a payment system:

Provided that the Bank's powers to issue directives under this subarticle shall be exercised in accordance with the Treaties, Article 22 of the Statute and any regulations issued thereunder."; and

(d) sub-article (7) thereof shall be deleted.

Addition of new article to the principal Act.

27. Immediately after article 34 of the principal Act there shall be added the following:

"Payment services.

34A.(1) Without prejudice to the Treaties, the Statute and any legal acts issued thereunder, the Bank may, in order to promote the stable and sustainable development and provision of payment instruments, issue, amend or revoke directives which impose conditions on the provision of payment services.

(2) The Bank is appointed as competent authority for the purposes of Article 9 of Regulation (EC) No 924/2009 of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001, and shall be responsible to monitor compliance with this Regulation and to take all the necessary measures to ensure such compliance.

(3) The Bank is also appointed as competent authority for the purposes of Article 10 of Regulation (EU) No 260/2012 of 14 March 2012 on establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009, and shall be responsible to monitor compliance with this Regulation and take all necessary measures to ensure such compliance."

28. Article 35 of the principal Act shall be substituted by the following new article:

Substitution of article 35 of the principal Act.

"Appeals.

35. Any person who:

(a) is aggrieved by decisions taken by the Bank under article 34(2) or under any directives issued under articles 34(5) or 34A;

(b) is a party to any dispute in respect of rights and obligations arising under any directives issued under articles 34(5) or 34A(1) or under the provisions of Regulation (EC) No 924/2009 of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001; or

(c) is a party to any dispute arising in respect of rights and obligations under the provisions of Regulation (EU) No 260/2012 of 14 March 2012 on establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009; or

(d) has had an administrative penalty imposed upon him pursuant to article 56,

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may appeal to the Financial Services Tribunal established under article 21 of the Malta Financial Services Authority Act within such period and under such conditions as established under that Act."

29. Article 39 of the principal Act shall be amended as follows:

Amendment of article 39 of the principal Act.

(a) the marginal note thereof shall be substituted by the following:

"Participation in International and other Organisations."; and

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(b) for the word "Treaty" there shall be substituted the word "Treaties".

Amendment of article 41 of the principal Act.

30. In article 41 of the principal Act for the words "The Bank may", there shall be substituted the words "Without prejudice to any other provisions on the disclosure of information under the Treaties and the Statute or legal acts issued thereunder, the Bank may,".

Amendment of article 42 of the principal Act.

31. In article 42 of the principal Act, for the words "Article 106 of the Treaty" there shall be substituted the words "Article 128 of the Treaty on the Functioning of the European Union".

Amendment of article 43 of the principal Act.

32. Article 43 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof, for the words "Article 106 of the Treaty" there shall be substituted the words "Article 128 of the Treaty on the Functioning of the European Union"; and

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

"(3) In accordance with the Treaties or any legal acts issued thereunder, the Bank shall have the sole right in Malta of issuing legal tender euro collector coins not intended for circulation which are legal tender only in Malta.

(4) Without prejudice to subarticle (1) and in accordance with the Treaties or any legal acts issued thereunder, the Bank shall have the sole right in Malta to issue euro circulation coins and commemorative euro circulation coins."

Substitution of article 44 of the principal Act.

33. Article 44 of the principal Act shall be substituted by the following new article:

"Reference to currency note or coin. 44. For the purposes of the following provisions of this Part, any reference to the terms "currency note" or "coin" shall be a reference to euro banknotes or euro coins or any other note or coin, by whatever name called, which is legal tender in the country outside Malta in which it is issued."

Amendment of article 49 of the principal Act.

34. In sub-article (1) of article 49 of the principal Act, for the words from "Whosoever counterfeits or lightens" to the words "and not exceeding nine years:", there shall be substituted the following:

"Whosoever counterfeits or utters any counterfeit coin or, without lawful authority or lawful or reasonable excuse (the proof whereof shall lie on the accused person) lightens or impairs or melts down any coin or introduces or utters any debased coin knowing the same to be counterfeit or debased shall be liable, on conviction, to imprisonment for a term of not less than thirteen months and not exceeding nine years:".

35. Article 50 of the principal Act shall be amended as follows: Amendment of article 50 of the principal Act.

(a) sub-articles (2) and (3) thereof shall be renumbered as sub-articles (3) and (4) respectively;

(b) immediately after sub-article (1) thereof, there shall be added the following new sub-article:

"(2) A cash handler as referred to in Article 6 of Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting, and as subsequently amended, shall have an obligation to ensure that euro currency notes and coins which it has received and which it intends to put back into circulation are checked for authenticity and counterfeits are detected. Any counterfeits so detected shall be delivered immediately to the Bank."; and

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

"(5) Where a cash handler as referred to in subarticle (2), or any other person delivers counterfeit currency notes or coins to the Bank in accordance with subarticle (1), that person shall upon request provide the Bank with information on his identity and the identity of the person through whom it received such currency notes or coins if available, as well as information on the relevant date, time and method of receipt. The provision of such information shall be considered a necessary measure in terms of paragraphs (d), (e) and (f) of article 23(1) of the Data Protection Act.".

Cap. 440.

36. Immediately after article 50 of the principal Act, there shall be added the following new article: Addition of new article to the principal Act.

"Power to issue directives on the authenticity and fitness checking of currency notes and coins.

50A. The Bank, in order to protect the integrity of euro currency notes and coins, and to implement the provisions of Decision ECB/2010/14 of 16 September 2010 on the authenticity and fitness checking and recirculation of euro banknotes and of Regulation 1210/2010 of the European Parliament and of the Council of 15 December 2010 concerning authentication of euro coins and handling of euro coins unfit for circulation, may issue, amend or revoke directives which lay down rules and procedures on the authentication, fitness checking and recirculation of euro currency notes and coins. Without prejudice to the generality of the aforesaid, the Bank may, in any such directives, lay down procedures to carry out on-site inspections, conduct any monitoring exercise and impose reporting requirements related to the authentication and fitness checking of euro currency notes and coins and may further impose administrative measures to ensure compliance with any such directives."

Substitution of article 55 of the principal Act.

37. Article 55 of the principal Act shall be substituted by the following new article:

"55. (1) In accordance with the provisions of Council Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins, and as subsequently amended, whosoever, unless authorised by the Commission of the European Union, produces, sells, imports or distributes for sale or for other commercial purposes medals and tokens, other than exempted medals and tokens as provided in the said Regulation, similar to euro coins shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding twenty-three thousand euro, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) Subarticle (1) shall not apply to medals and tokens issued before 6 December 2004."

Substitution of article 56 of the principal Act.

38. Article 56 of the principal Act shall be substituted by the following new article:

"56. Without prejudice to the Treaties and the Statute and any legal acts issued thereunder, the Bank may impose

administrative penalties which may be recovered by the Bank without recourse to a court hearing and which may be imposed either as a one-time penalty or on a daily cumulative basis until compliance in respect of the following:

(a) where any person contravenes or fails to comply with a requirement contained in any directive issued under articles 34(5), 34A(1), 43A, 50A or 60A;

(b) where a person or entity contravenes or fails to comply with a reporting requirement under the provisions of article 23, or with any directive issued thereunder;

(c) where any person contravenes or fails to comply with any obligation relating to counterfeit currency notes or coins or the authentication and fitness checking of euro currency notes and coins under the provisions of article 50;

(d) upon any body corporate where the offences referred to in articles 45 to 49 are committed for their benefit by any person, acting either individually or as part of an organ of the body corporate, who has a senior position within the body corporate, on the basis of -

(i) a power of representation of the body corporate, or

(ii) an authority to take decisions on behalf of the body corporate, or

(iii) an authority to exercise control over the body corporate,

or where such person aids or acts as an accessory in the commission of such offences or the attempted commission of such offences;

(e) upon any body corporate where the lack of supervision or control by the person referred to in paragraph (d) has rendered possible the commission of an offence referred to in the same paragraph for the benefit of that body corporate by a person under its authority; and

(f) where any person (payment service provider) contravenes or fails to comply with the provisions of Regulation (EC) No 924/2009 of 16 September 2009 on

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cross-border payments in the Community and repealing Regulation (EC) No 2560/2001; and

(g) where any person, other than any natural person who is not acting for purposes of trade, business or profession in payment service contracts, contravenes or fails to comply with the provision of Regulation (EC) No 260/2012 of 14 March 2012 on establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009:

Provided that an administrative penalty imposed by the Bank may not be greater than:

(a) fifty thousand euro in case of a one-time penalty; and

(b) five hundred euro per day for every day in the case of a daily cumulative penalty, and the accumulated penalty shall not exceed fifty thousand euro."

Amendment of article 57 of the principal Act.

39. Article 57 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) Where by virtue of the provisions of article 56, the Bank imposes an administrative penalty, it shall so notify the person or, in the case of an entity under article 23, the person in charge of the administrative affairs of that entity, on whom the penalty is being imposed by means of a notice in writing.";

(b) in sub-article (2) thereof, for the words "reporting agent" there shall be substituted the words "person or entity", and for the words "article 56(2)(a)" there shall be substituted the words "article 56(b)"; and

(c) in sub-article (3) thereof, immediately after the words "such person", wherever they appear, there shall be added the words "or entity".

Amendment of article 60 of the principal Act.

40. Article 60 of the principal Act shall be re-numbered as sub-article (1) of the said article, and immediately thereafter there shall be added the following new sub-article:

"(2) Without prejudice to the Treaties, the Statute and any legal acts issued thereunder and without prejudice to the ability of the Bank to carry out its functions under this Act, the Treaty and the Statute, the Minister may, after consultation with the Bank, by regulations appoint the Bank to act as competent authority for the purposes of any regulation or other legal act issued under the Treaties or the Statute or when otherwise required as a result of Malta's membership of the European Union or in order to carry out a function which is important for the stability or orderly functioning of the financial system. The Minister may further provide in such regulations for anything that is necessary for the carrying into effect of any of the provisions of any such regulation or other legal act, including to empower the Bank to issue and enforce sanctions and to grant competence to any court or tribunal in Malta to settle disputes arising under such regulations or other legal acts."

41. Immediately after article 60 of the principal Act, there shall be added the following new article:

Addition of new article to the principal Act.

"Power to issue, amend and revoke directives.

60A. (1) The Bank may issue, amend or revoke directives as may be required for carrying into effect any of the provisions of this Act, the Treaties and the Statute.

(2) Directives issued by the Bank may be in the English language only."

42. Article 61 of the principal Act shall be substituted by the following new article:

Substitution of article 61 of the principal Act.

"61. (1) Reference in any law to the Bank's discount, central intervention, and, or official interest rates shall be a reference to the minimum bid rate on main refinancing operations established by the Governing Council of the European Central Bank.

(2) Unless otherwise indicated by the context, reference in any law to exchange rates published by the Bank shall be a reference to exchange rates published by the Bank as well as exchange rates published by the European Central Bank."

43. In sub-article (1) of article 62 of the principal Act, for the word "Treaty" there shall be substituted the word "Treaties".

Amendment of article 62 of the principal Act.

44. In sub-article (1) of article 63 of the principal Act, for the word "Treaty" there shall be substituted the word "Treaties".

Amendment of article 63 of the principal Act.

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Amendment of
the Schedule of
the principal
Act.

45. In the Schedule to the principal Act, immediately after the words "Financial Markets Act (Cap. 345)" there shall be added the words "Securitisation Act (Cap. 484)".

Passed by the House of Representatives at Sitting No. 69 of the 30th October, 2013.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk to the House of Representatives