MALTA ALTERNATIVE INVESTMENT FUND

Malta Investment Funds

GDP GROWTH
6.3% in 2015

MALTA FUNDS
580+ investment funds with combined NAV of €9.7 billion

FUND DOMICILE RECOGNITION
Rated No. 1 Europe’s favoured fund domicile (Hedge Fund Review’s 2013 and 2014 Service Provider Rankings)

TOTAL ASSET VALUE PIFS
€6.6 billion

TIMEZONE
Central European Time Zone (UTC+01:00)

BANKING SYSTEM
10th soundest system in the world (WEF)

TOTAL ASSET VALUE UCITS
€2.4 billion

FINANCIAL SERVICES FRAMEWORK
EU and OECD approved

ccmalta.com/investment-services-law
MALTA

Over the last two decades, Malta has established itself as an innovative and reliable financial services centre, hosting a variety of financial services businesses and structures including AIFs, UCITS, fund managers, fund administrators, forex brokers, payment services providers, investment advisors and insurance principals.

A number of factors have contributed to Malta’s rapid growth in the sector, including the approachability of the Malta Financial Services Authority (MFSA), Malta’s single regulator for financial services, and the high regulatory standards that the jurisdiction adheres to. Malta’s appeal is also enhanced by its highly skilled workforce, multilingualism, extensive tax treaty network, and reliable IT infrastructure.

LEGAL BASIS

Malta has been regulating investment funds since 1994 through the Investment Services Act as well as Investment Services Rules. The principal legislation governing Alternative Investor Funds (“AIFs”) in Malta is the Investment Services Act, 1994 (“ISA”) as subsequently amended. AIFs are a special class of collective investment schemes which fall within the provisions of the Act.

LEGAL FORM

The local legal regime permits AIFs to be established using a variety of legal forms, each having characteristics suited for particular needs. A Maltese AIF may be set up as:

- A limited partnership or partnership en commandite;
- A unit trust, constituted by a trust deed between a management company and a trustee;
- A mutual fund;
- An investment company with variable share capital (“SICAV”);
- An investment company with fixed share capital (“INVCO”).

The most popular structure is the SICAV, usually established as an open-ended fund. SICAVs can also be established as umbrella funds.

BENEFITS

- Robust regulatory framework
- Flexible regulator
- Structure variants
- Lower setup and ongoing costs
- EU passporting
Alternative Investment Funds (AIFs) fall within the remit of the AIFMD. AIFs are defined as collective investment undertakings which raise capital from a number of investors with a view of investing therein in accordance with a defined investment strategy, and which do not require authorisation under the UCITS Directive.

**KEY REQUIREMENTS**

**REGULATORY REQUIREMENTS**

**SERVICE PROVIDERS**

- Fund Manager – The management of the AIF can be carried out internally by the AIF (self-managed AIFM) or by appointing an AIFM management company.
- Custodian – An AIFM is required to appoint a single local independent custodian for each AIF under management (provided that until July 2017, the custodian need not be a Maltese entity).
- Auditor – An auditor which is approved by the MFSA will need to be appointed.
- Compliance Officer – This role is required to ensure compliance with the AIF obligations and requirements.
- Money Laundering Reporting Officer – A role required to ensure compliance with the AML/CFT obligations and requirements.

**CAPITAL**

The minimum capital requirement for self-managed AIFs is €300,000.

**BENEFITS**

The MFSA has opted not to transpose the European Securities and Markets Authority’s (ESMA) guideline on remuneration policies in relation to the requirement that AIFMs impose equivalent remuneration policies and restrictions on its sub-managers and other delegates.

**EU PASSPORTING**

The AIFMD provides a harmonised framework for the management and marketing of AIFs within the EU.

**LISTING**

An AIF may apply for listing on the Malta Stock Exchange.

**TAXATION**

Exempt from income and capital gains tax (excluding investment in immovable property).

---

---
WHY WORK WITH US?

- **Problem Solving, Integrity, Honesty**
- **Chambers & Partners Global, Legal 500: Ranked Lawyers**
- **We’re lawyers: Lawyer - Client Privilege**
- **15+ Years Experience in Financial Services**
- **Malta-Cyprus Lawyers, Tax Advisors, Fiduciary Staff: 100+**
- **Our Ethos: Big firm expertise, Small firm personal**

**Process Timeline**

**2 WEEK PREPARATION TIME**
- Compiling the application documents

**3-6 MONTHS REVIEW TIME**
- The MFSA Authorisation Unit reviews the application

**2 WEEKS PRE-LICENSING STAGE**
- The MFSA issues the “in principle” approval of the licence and the applicant executes the outstanding conditions until official licence is issued

**Engagement** → **Preliminary Meeting with the MFSA & Submit Application** → **In Principle Approval** → **Licence issued**

**7 MONTHS**

Malta
Cyprus
London
Zürich

Dr Maria Chetcuti Cauchi
Partner, Financial Services
mcc@cclex.com
ccmalta.com/investment-services-law

The materials contained in this document are provided for general information purposes only and are not intended to provide legal or other professional advice. We accept no responsibility for any direct, indirect or consequential loss or damage which may arise from reliance on information contained in this document. Readers are advised to seek confirmation of statements made herein before acting upon them; specialist advice should also be sought on your particular cases. Please feel free to contact us at your convenience.

© COPYRIGHT NOTICE: Reproduction in whole or in part is strictly forbidden, except with the prior written consent of Chetcuti Cauchi.