

Are there General Good provisions in your country that fall into the categories below? (Yes / No / Leave Blank) **Yes**

		Malta	
		For insurance undertakings	For insurance intermediaries
Special rules for starting and operating business			
	Notification & approval of certain products	*Please refer to reply below	No
<p><i>*The MFSA does not require the prior approval or systematic notification of general and special policy conditions, scales of premiums, or forms and other printed documents which an insurance undertaking intends to use in its dealings with policy-holders.</i></p> <p><i>In terms of Chapter 9 of the Insurance Rules on Freedom of Establishment and Freedom to provide Services by a European Insurance Undertaking and a European Reinsurance Undertaking, the MFSA requires in the case of European insurance undertakings seeking to carry on cross border activities in Malta in relation to class 10 – Motor Vehicle liability (not restricted to carriers liability) a declaration stating that the policy complies with the specific requirements contained in Directive 2009 / 103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability, and that the European insurance undertaking undertakes to comply with the provisions of any law relating to any such insurance which may from time to time be in force.</i></p>			
	Protection of names and titles	No	No
	Feasibility study for host MS	No	No
	Creating special departments	No	No
	Other special rules for starting business	No	No
	Other,...	No	No
Adapting to host country market structure			
	Joining an association	No	No
	Joining a guarantee fund	*Please refer to reply below	No
<p><i>* In terms of Chapter 9 of the Insurance Rules on Freedom of Establishment and Freedom to provide Services by a European Insurance Undertaking and a European Reinsurance Undertaking, in the case of European insurance undertakings seeking to carry on cross border activities in Malta in relation to class 10 – Motor Vehicle liability (not restricted to carriers liability), the MFSA requires that the European insurance undertaking submits a declaration that it has:</i></p>			

*(i) signed the Malta Green Card Bureau Agreement;*

*(ii) signed the Motor Insurers' Bureau Domestic Agreement;*

*(iii) given an undertaking to the Protection and Compensation Fund Management Committee that it undertakes to compensate victims of road traffic accidents in the circumstances specified in Part IV of the Protection and Compensation Fund Regulations, 2003.*

Data submission for registers

\*Please refer to reply below

No

*\* European Insurance Undertakings are required to submit statistical information to the Central Bank of Malta. Furthermore, European Insurance Undertakings carrying on cross border activities under freedom of establishment are required to submit to the Authority a statement by not later than the 30th June of each year in respect of the gross premiums receivable attributable to the business of insurance carried on in Malta through the establishment of a branch during the last calendar year in the form and content specified in Forms 1 and / or 2 as applicable, as set out in Annex II to Chapter 9 of the Insurance Rules.*

Professional codes of conduct

Yes.\*Please refer to reply below

Yes.\*Please refer to reply below

*\* Chapter 9 of the Insurance Rules on Freedom of Establishment and Freedom to provide Service by a European Insurance Undertaking and European Reinsurance Undertakings require European Insurance Undertakings carrying on insurance distribution activities in Malta under freedom of establishment or freedom to provide services to comply with the requirements of the Conduct of Business Rulebook as indicated in Annexes 1 and 2 to the abovementioned Chapter 9, (as applicable) to this Chapter.*

*With regards to European Insurance Intermediaries, Chapter 16 of the Insurance Distribution Rules on the Freedom of Establishment and Freedom of Services by a European Intermediary require a European Intermediary carrying on insurance distribution activities in Malta on the basis of the freedom of establishment or the freedom of services to comply with the provisions of the requirements Conduct of Business Rulebook as indicated in Annex 1 and 2 to this Chapter (as applicable).*

*This legislation also relates to the standard of professional conduct required of all insurance intermediaries and insurance undertakings when carrying out insurance distribution activities in Malta.*

	Other, ...	No	No
Content and format of contracts			
	Language rules	Yes.*Please refer to reply below	Yes.*Please refer to reply below
<p><i>* In terms of the Conduct of Business Rulebook, a European Insurance Undertaking or a European Insurance Intermediary carrying on cross border business in Malta is required to provide any information required to be furnished to clients in Maltese or English, or in any other language agreed by the parties.</i></p>			
	Minimum content for certain products	No.	No
<p></p>			
	Mandatory level of excess	*Please refer to reply below	No
<p><i>*The General Good Provisions letter addressed to the European insurance undertaking concerned makes reference to compulsory insurances which may stipulate a mandatory level of excess.</i></p>			
	Other, ...	No	No
Disclosure			
	Special pre-contractual information	Yes. *Please refer to reply below	Yes. *Please refer to reply below
<p><i>* In terms of the General Good provisions applicable in Malta, a European insurance undertaking or a European insurance intermediary carrying on cross border business in Malta is required to provide certain pre-contractual information.</i></p>			
	Special information for selected products	Yes. *Please refer to reply below.	Yes. *Please refer to reply below.
<p><i>A European Insurance Undertaking or Intermediary offering a motor insurance policy to a Client in Malta is required to set out clearly for the Client the basis on which the undertaking or intermediary may calculate the value of the vehicle for the purposes of settling a claim where</i></p>			

	<i>the vehicle is deemed to be beyond economic repair following a road traffic accident, fire or theft. Furthermore, when offering a property or motor insurance policy to a Client, European Insurance Undertaking or Intermediary must where relevant, explain to the Client that, in the event of a claim, European Undertaking or Intermediary may appoint its own builder or other expert to undertake restitution work on a property or motor vehicle.</i>		
	Other, ...	No	No
Taxation			
	Indirect taxes and parafiscal charges	Yes. *Please refer to reply below	No
<i>*The General Good Provisions letter addressed to the European insurance undertaking concerned makes reference to the Duty on Documents and Transfers Act (Chapter 364 of the Laws of Malta), in terms of which duty is chargeable in certain circumstances on policies of Insurance covering Maltese risks which policies are executed outside of Malta.</i>			
	Tax representative	No	No
	Other, ...	No	No
Other conduct related provisions			
	Advice	No	No
	Advertising & marketing	Yes *Please refer to reply below	Yes *Please refer to reply below
<i>*In terms of the applicable General Good Provisions, European insurance undertaking or a European insurance intermediary carrying on cross border business in Malta are required to comply with the applicable provisions contained in the Conduct of Business Rulebook which apply to Disclosures relating to Marketing Communications.</i>			
	Commissions	No	No
	Limitations to the freedom to set premium	No	No
	After-sales services (e.g. claims-handling, complaints-handling)	No	No
	Other, ...	No	No
Special types of insurance			

	MPTL	See above re specific disclosures	See Above re specific disclosures
	Travel insurance	No	No
	Property	See above re specific disclosures	See above re specific disclosures
Applicable law			
	Setting applicable law for certain risks	*Please refer to reply below	*Please refer to reply below
<i>*The General Good Provisions letter addressed to the European insurance undertaking concerned makes reference to compulsory insurances which may stipulate the applicable law for certain risks.</i>			
	Setting exclusive jurisdiction	No	No
	Other, ...	No	No