NOTICE TO CORPORATE SERVICE PROVIDERS

Heightened diligence and typical supporting documentation required under Chapter 620 of the Laws of Malta.

The National Foreign Direct Investment Screening Office (NFDIS) reminds Corporate Service Providers (CSPs) to exercise heightened diligence when assisting with or facilitating investments that may raise national security or public order considerations.

CSPs are encouraged to pay particular attention to investments:

- originating from, or linked to, high-risk jurisdictions;
- involving individuals or entities with potential connections to high-risk areas or actors; or
- relating to sectors or activities involving, inter alia, dual-use applications, critical infrastructure, or critical technologies.

Given Malta's size and economic openness, it is essential that investments remain transparent, legitimate, and aligned with Malta's national and EU security interests. CSPs are therefore encouraged to adopt a cautious and risk-aware approach.

Where uncertainty arises, CSPs are encouraged to engage with the NFDIS at an early stage, preferably prior to the submission of any formal notification.

TYPICAL SUPPORTING DOCUMENTATION

CSPs are further informed that, for the purposes of assessing a foreign investment in terms of Chapter 620 of the Laws of Malta, the NFDIS may require the submission of supporting documentation relating to the transaction, the investor (including where the investor is a natural person), and the target undertaking.

Such documentation is intended to **substantiate and complement** the information provided in the notification form and should not duplicate information already submitted therein.

1. Transaction and Structure

- Transaction agreements (e.g. SPA, APA, subscription or joint venture agreements)
- Corporate approvals and public announcements (if any)
- Transaction structure charts (pre- and post-transaction)

2. Financial Information

- Financial statements of the investor and target undertaking
- Evidence of financial capacity (e.g. bank references or confirmation of funds)
- Management accounts and financial projections (where available)

3. Business Plan and Strategic Intent

- Business plan and investment rationale
- Post-transaction operational plans, including how continuity of the target undertaking will be ensured

4. Funding and Source of Funds

- Source of funds documentation
- Financing agreements (including loan or facility agreements)
- Evidence of equity contributions and any public or state funding (where applicable)

5. Ownership and Control

- Group structure charts showing ownership up to the ultimate beneficial owner
- Shareholding and beneficial ownership documentation
- Shareholder agreements or documents conferring control rights

6. Business Activities

- Company profiles and descriptions of products or services
- Materials describing operations, markets, and, where relevant, supply chains and end-users

7. Jurisdictions of Operation

- Supporting evidence of operations within the European Union
- Details of subsidiaries, branches, or investments in EU Member States
- Supporting evidence of activities outside the European Union

8. Investor (Natural Person)

- Identification and proof of residence
- Curriculum Vitae and professional background and reference.
- Business interests, including activities in the EU and outside the EU, and overview of assets or investment portfolio
- Evidence of financial capacity and source of wealth
- Description of activities within the European Union (including Malta) and outside the European Union

9. Additional Supporting Documentation (where applicable)

- Intellectual property or technology documentation
- Export control classifications
- Compliance or sanctions-related documentation
- Documentation relating to other regulatory or screening procedures

The above list is **indicative and non-exhaustive**.

The NFDIS reserves the right to:

- request any additional information or documentation it may reasonably require; and
- exercise its discretion to tailor such requests having regard to the nature, complexity, and risk profile of the investment.

SUBMISSION REQUIREMENTS

All documentation should be submitted in a clear and legible format, in English. Certified copies may be required where appropriate.

For further guidance, please contact the NFDIS at info.nfdis@nfdis.mt or visit www.nfdis.mt.

Dr Geraldine Spiteri Lucas

Chairperson