

Individual Applications Guidance Note

Malta Gaming Authority



Contents

1	Key Functions.....	3
1.1	List of Key Functions per Sector	4
2	Addressing Conflicting Roles	4
3	Continuous Professional Development.....	4

Individual Applications need to be submitted by any natural persons applying for the following roles, involvements, or to carry out any of the following activities:

- 10% or more equity, voting or control rights in a licensee or licence applicant;
- A person that is offering to fund, or to finance a beneficial owner or a licensee/Licence applicant;
- Directors of a Licence applicant;
- Key Function Certificate;
- Highly Qualified Person (HQP);
- Executive Director of a Corporate Director ;
- Trust/Foundation Settlor or Founder;
- Trust/Foundation Beneficiary;
- Trustee (or Executive Director of a Corporate Trustee);
- Trust Protector; and
- Executive Director of Foundation.

A Personal Declaration Form (PDF) is to be populated for every natural person that is to be appointed by the applicant or licensee for any of the above roles.

1 Key Functions

Authorised Persons are required to designate the persons responsible for carrying out key functions, the latter being an important function, role or task that is carried out by a person in connection with a gaming service or a gaming supply. These persons need to apply for a Key Function certificate, and are, in turn, required to undergo scrutiny for the Authority to assess their fitness and propriety. The same process is also applied to Directors.

Key Persons, in particular, are required to have full knowledge, understanding and access to the applicant's or Licensee's operations, as may be necessary for them to carry out their respective Key Function/s, inline with the [Policy on the Eligibility and Ongoing Competency Criteria for Key Persons](#). Applicants are required to be fit and proper in order to carry out their respective roles, not only at the time of their application for a Key Function Certificate but also on an ongoing basis thereafter. Fitness and propriety shall be assessed mainly on two principal criteria, which shall be taken into consideration by the Authority during and subsequent to the application stage. These criteria deal with the applicant's Integrity, Honesty and Reputation as well as his/her Competence and Capability.

Applicant MLROs are subjected to an interview which is held by the Anti-Money Laundering (AML) unit of the MGA, in conjunction with the Finance Intelligence Analysis Unit (FIAU). The interview assesses the applicant's level of knowledge and understanding of the AML/CFT regulations, and how well they can apply their knowledge and skills to the Licensee's setup.

1.1 List of Key Functions per Sector

The list of Key Functions per Sector can be viewed from article 6, Part 2 of the Gaming Authorisations and Compliance Directive (Directive 3 of 2018).

2 Addressing Conflicting Roles

A number of roles are considered to be incompatible with one another by their very nature and, as such, a given individual will not be authorised to fulfil such conflicting roles simultaneously. As a general rule, business-centred roles are considered to conflict with compliance-based roles. Resultantly, the Key Functions relating to the chief executive role or equivalent are considered incompatible with the Key Functions relating to data protection, compliance, and the prevention of money laundering and terrorist financing.

The Key Function relating to the prevention of money laundering and terrorist financing is also considered incompatible with that relating to data protection, whereas the Key Function related to internal audit is considered wholly incompatible with all other Key Function roles. For the sake of clarity, ultimate beneficial owners and non-executive directors shall also be precluded from taking on any Key Functions relating to the prevention of money laundering and terrorist financing and internal audit.

The exhaustive list of roles that are considered incompatible by nature to the extent that an individual would not be authorised to exercise them simultaneously is comprehensively illustrated below.

	CEO	Gaming Operations	Legal Affairs	Data Protection	Compliance	Technology	AML & CFT	Internal Audit
CEO		✓	✓			✓		
Gaming Operations	✓		✓	✓	✓	✓	✓	
Legal Affairs	✓	✓		✓	✓	✓	✓	
Data Protection		✓	✓		✓	✓		
Compliance		✓	✓	✓		✓	✓	
Technology	✓	✓	✓	✓	✓		✓	
AML & CFT		✓	✓		✓	✓		
Internal Audit								

3 Continuous Professional Development

The element of ongoing training and relevant Continuous Professional Development (CPD) is considered to be fundamental for ensuring that Key Persons are continuously up to date on developments in their

respective fields and thus remain fully equipped to carry out their designated roles. Eventually, when applying for the renewal of their Key Function Certificate, Key Persons shall be required to show that they have attained a minimum number of CPD hours during each calendar year of the previous certification period for each of their authorised Key Functions, in order for such renewal to be approved. The minimum number of CPDs required is outlined in the [Key Function Eligibility Criteria Policy](#) document. Such CPDs only need to be notified to the Authority at the renewal stage; hence, no yearly updates or reporting is required prior to the renewal application.

