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Business registers in EU countries

Malta

This section provides an overview of Malta's business register.

History of the national register establishment

When was it founded?

The Malta Business Registry (MBR) is a government agency that was granted autonomy in 2018 by means of [Subsidiary Legislation 595.27](#). Before its establishment, the agency was a body within the Malta Financial Services Authority (MFSA). The Agency was vested with all the powers and duties pertaining to the Registrar of Companies under the Companies Act ([Chapter 386 of the Laws of Malta](#)) and any other applicable law.

When was it digitised?

Initially, the online system was developed in 2004, with various developments over the years aimed at better serving the needs of citizens, corporate services providers and companies themselves. The MBR online system is currently undergoing a rigorous updating process to provide a more modern digital service, through the use of more advanced technology that includes, amongst other features, a facility allowing a person to give digital signatures to and set up a company *online* using a more effective technological system. The system is expected to have been completely updated and digitalised in late 2021 / early 2022.

What is the current applicable legislation?

The law establishing the Agency is [Subsidiary Legislation 595.27](#). However, the statutory legislation that further diversifies the powers and the functions of the agency and allocates the duties and obligations to legal persons and company officials is extensive. This [legislation](#) is as follows:

Chapter 386 of the Laws of Malta, Companies Act;

S.L. 386.01 of the Laws of Malta, Companies Act (Forms) Regulations;

S.L. 386.02 of the Laws of Malta, Companies Act (Investment Companies with Variable Share Capital) Regulations;

S.L. 386.03 of the Laws of Malta, Companies Act (Fees) Regulations;

S.L. 386.04 of the Laws of Malta, Companies Act (Investment Companies with Fixed Share Capital) Regulations;

S.L. 386.05 of the Laws of Malta, Continuation of Companies Regulations;

S.L. 386.06 of the Laws of Malta, Companies Act (Applicability to Offshore Companies) Regulations;

S.L. 386.07 of the Laws of Malta, Applicability of the Companies Act to Offshore Companies formed and registered under the Commercial Partnerships Ordinance and the Malta Financial Services Authority Act Order;

S.L. 386.08 of the Laws of Malta, Companies Act (European Economic Interest Grouping) Regulations;

S.L. 386.09 of the Laws of Malta, Companies Act (Investment Companies with Variable Share Capital as Retirement Schemes or Retirement Funds) Regulations;

S.L. 386.10 of the Laws of Malta, Companies Act (Cell Companies Carrying on Business of Insurance) Regulations;

S.L. 386.11 of the Laws of Malta, Companies Act (The Prospectus) Regulations;

S.L. 386.12 of the Laws of Malta, Cross-Border Mergers of Limited Liability Companies Regulations;

S.L. 386.13 of the Laws of Malta, Companies Act (Incorporated Cell Companies Carrying on Business of Insurance) Regulations;

S.L. 386.14 of the Laws of Malta, Companies Act (SICAV Incorporated Cell Companies) Regulations;

S.L. 386.15 of the Laws of Malta, Companies Act (Recognised Incorporated Cell Companies) Regulations;

S.L. 386.16 of the Laws of Malta, Securitisation Cell Companies Regulations;

S.L. 386.17 of the Laws of Malta, Transfer of Registered Office of a European Company (SE) Regulations;

S.L. 386.18 of the Laws of Malta, Companies Act (System of Interconnection of Registers) Regulations;

S.L. 386.19 of the Laws of Malta, Companies Act (Register of Beneficial Owners) Regulations;

S.L. 386.20 of the Laws of Malta, Companies Act (Audit Exemption) Regulations;

S.L. 386.21 of the Laws of Malta, Companies Act (Company Reconstructions Fund) Regulations;

S.L. 386.22 of the Laws of Malta, Companies Act (Shipping and Aviation Cell Companies) Regulations;

S.L. 459.01 of the Laws of Malta, Financial Collateral Arrangements Regulations.

Foundations and Associations:

Chapter 16 of the Laws of Malta, Civil Code;

S.L. 16.07 of the Laws of Malta, Civil Code (Second Schedule) (Fees) Regulations;

S.L. 16.08 of the Laws of Malta, Civil Code (Second Schedule) (Notifications and Forms) Regulations;

S.L. 16.10 of the Laws of Malta, Civil Code (Second Schedule) (Existing Organisations) Regulations;

S.L. 16.17 of the Laws of Malta, Civil Code (Second Schedule) (Register of Beneficial Owners - Associations) Regulations;

S.L. 16.18 of the Laws of Malta, Civil Code (Second Schedule) (Register of Beneficial Owners - Foundations) Regulations

S.L. 492.01 of the Laws of Malta, Voluntary Organisations (Annual Returns and Annual Accounts) Regulations.

What information does the business register offer?

Who has the right to access the register?

The online system enables any natural person wishing to obtain information on companies, foundations and associations to access the Register.

The information contained in the Register includes information which is free of charge and for general use (public information). This includes, *inter alia*, company names and registration numbers, their registered address, date of incorporation, whether it is a company or not, share capital, and the identity of the company officials.

Access to other company documentation is provided for a minimal charge. This documentation includes, *inter alia*, all the notifications submitted and registered by the Registrar for every company, the status of the company, annual accounts as well as annual returns. Details of the beneficial owners are also accessible to the general public for a minimal charge.

What information does the register hold?

What types of *data* are stored? (which entities are entered in the public register, information regarding insolvency, financial reports...)

The following *data* are stored:

company details, including company's registered name, date of registration and registered office;
the company's status, whether it is active or has been dissolved;
the company's authorised share capital;
the involved parties, with their identity card and residential address, including directors, shareholders, legal representatives, judicial representatives, secretaries and auditors;
the number of shares held by each member/shareholder;
if the company is the process of winding up, details of the liquidator(s) are also provided;
the beneficial owners.

Which documents are filed/stored? (files, book of documents, statutes, minutes of general meetings...)?

The following documents are stored:

annual return;
accounts;
statute (memorandum and articles of association);
information concerning beneficial owners;
resolutions;
minutes of the general assembly;
dissolution, liquidation and winding-up documents;
other notifications required by law.

How can I perform a search (and what are the available search criteria)?

In person

Information relating to companies is available directly from the MBR offices that are situated in Żejtun, Malta.

On the Register website

The information can be found on the [MBR portal](#).

What are the available search criteria?

The person conducting the search should click on the abovementioned portal link and go to *Company Search*. Anybody can search for a company by entering their name, or part thereof, or their registration number.

How can I obtain documents?

Documents may be purchased via the online system by card payment or directly from the MBR office.

How can I obtain an extract from the register, certified copy or transcript of documents?

These can be obtained by sending a request by *email* to orders.mbr@mbr.mt indicating the requested documents.

Registration procedure

How can I launch the registration procedure (how to submit applications to the register, certification of documents, type of documents which need to be attached)?

In person

The registration process may be initiated directly at the MBR offices located in Żejtun, Malta. The documents that need to be annexed are the company's memorandum and articles of association, together with the relevant documents, identification documents, and proof of bank deposits of the share capital.

Online

This process can be carried out by a person who is registered in the *online system* as an *authorised user*. The same document requirement applies, however the price for the online procedure is lower than the payment to be made in person.

A company may be registered if it has an EIDAS digital signature which is sent to MBR.

How are submitted applications reviewed?

MBR officials analyse all submitted documentation and a verification is carried out where this is required by law. Involved parties are scrutinised in respect of sanctions, negative media coverage, political exposure or disqualification. Signatures are also examined and checks are carried out to establish whether the signatory is authorised to sign that document. The information is also analysed to verify that it is legally compliant.

Legal effects of the registration

Effect of entries on third parties in accordance with Article 17 of Directive (EU) 2017/1132

This is also regulated by Article 401(2) of the Companies Act ([Chapter 386 of the Laws of Malta](#)). Any document, certificate or other detail is subject to publication, as provided for in Article 401(1)(e). Publication gives such documentation effect against third parties to the relevant commercial company. Any operation completed before the sixteenth day from the publication of any document, certificate or other detail will not be enforceable against third parties who are able to prove that it was not possible for them to obtain information about it.

Discrepancies between the register entry and its publication

In accordance with the latest EU directive (Directive (EU) 2019/1151, amending Directive (EU) 2017/1132), in case of any discrepancy that may result between the content of the Register and the published content, the version in the Register prevails for purposes of correctness. However, such discrepancies should be avoided as far as possible. Nowadays, achieving this is helped by the fact that the publications and the documentation accessible to the public (both the information that is free of charge and that which is available against payment) are uploaded and published on the MBR online system. It is therefore much more difficult for the information entered in the Register not to be reflected in the publication. All publications are generated on <https://support.mbr.mt/pages/Publications.aspx>, in addition to the portal.

Who is responsible for the accuracy of the records?

The company itself is responsible for the accuracy of the records.

Data protection procedures

Procedures related to the rights of the data subject regarding the publication and retention of their personal data

The rights granted to the data subject in accordance with the EU regulation on data protection are protected at any time when the MBR receives, processes and stores such data. The MBR also has a data protection officer. Any information related to this subject is also accessible on the MBR website, which explains in greater detail, *inter alia*, what constitutes personal data, the applicable laws in this area, what data are collected from subject persons, how such data are collected, the use of social media, the correctness of the data, storage and retention periods, the process for a person to request data held by MBR

relating to them, and the procedure for lodging a formal complaint with the Office of the Commissioner for Information and Data Protection. This information is accessible at <https://mbr.mt/privacy-policy/>.

Contact information

MBR is reachable by telephone on (+356) 22582300 or by visiting the following website: <https://mbr.mt/>

You can also visit the MBR offices at the following address: Malta Business Registry,
AM Business Centre, Labour Road, Żejtun ZTN 2401, Malta.

An *email* for orders of certificates and documentation may be sent to orders.mbr@mbr.mt and any assistance relating to electronic services may be requested by *email* to support.mbr@mbr.mt

Useful links

<https://mbr.mt/contact/>

<https://mbr.mt/companies-act/>

<https://mbr.mt/foundations-and-associations/>

<https://mbr.mt/faq/>

<https://mbr.mt/resources/>

<https://mbr.mt/promo/official-registry-forms/>

<https://mbr.mt/news/>

<https://legislation.mt/>

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