

MALTA

**ATT Nru XLIII tal-2021**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT biex jipprovdi għal emendi ta' diversi liġijiet sabiex jiġi faċilitat l-użu ta' informazzjoni finanzjarja u informazzjoni oħra għall-prevenzjoni, l-identifikazzjoni, l-investigazzjoni u l-prosekuzzjoni ta' ċerti reati kriminali u sabiex jagħmel dispozizzjonijiet anċillari u konsegwenzjali għal dan.**

**ACT No. XLIII of 2021**

AN ACT enacted by the Parliament of Malta.

**AN ACT to provide for the amendment of various laws to facilitate the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and to make ancillary and consequential provisions thereto.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

20 ta' Lulju, 2021

**ATT Nru XLIII tal-2021**

*ATT biex jipprovdi għal emendi ta' diversi liġijiet sabiex jiġi faċilitat l-użu ta' informazzjoni finanzjarja u informazzjoni oħra għall-prevenzjoni, l-identifikazzjoni, l-investigazzjoni jew il-prosekuzzjoni ta' ċerti reati kriminali u sabiex jagħmel dispozizzjonijiet anċillari u konsegwenzjali għal dan.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

**1.** (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda Liġijiet Varji relatati mal-Faċilitar tal-Użu ta' Informazzjoni Finanzjarja u Informazzjoni oħra. Titolu fil-qosor u għan.

(2) L-għan ta' dan l-Att hu biex jittrasponi d-Direttiva (UE) 2019/1153 tal-Parlament Ewropew u tal-Kunsill tal-20 ta' Ġunju 2019 li tistabbilixxi regoli li jiffaċilitaw l-użu ta' informazzjoni finanzjarja u informazzjoni oħra għall-prevenzjoni, l-identifikazzjoni, l-investigazzjoni jew il-prosekuzzjoni ta' ċerti reati kriminali, u li tħassar id-Deciżjoni tal-Kunsill 2000/642/ĠAI.

TAQSIMA I  
Emendi għall-Kodiċi Kriminali

Emendi għall-Kodiċi Kriminali. Kap. 9.

2. Din it-Taqsima temenda l-Kodiċi Kriminali u għandha tinqara u tintfiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

Emenda tal-artikolu 518 tal-Kodiċi.

3. Fil-proviso għall-artikolu 518 tal-Kodiċi, il-kliem "skont l-artikolu 695." għandhom jiġu sostitwiti bil-kliem "skont l-artikolu 695:", u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda wkoll kull awtorità nazzjonali kompetenti maħtura skont xi Direttiva jew Regolament tal-Unjoni Ewropea li jkollha aċċess għall-atti u d-dokumenti tal-qrati ta' ġustizzja kriminali tista', jekk jiġu sodisfatti r-rekwiżiti stabbiliti fid-Direttiva jew fir-Regolament tal-Unjoni Ewropea, tibgħat kopji ta' tali atti u dokumenti tal-qorti ta' ġustizzja kriminali lill-awtorità li tkun qiegħda tagħmel it-talba."

Emenda tal-artikolu 550A tal-Kodiċi.

4. Minnufih wara s-subartikolu (4) tal-artikolu 550A tal-Kodiċi għandu jiżdied is-subartikolu ġdid li ġej:

"(5) Il-Magistrat jista', fuq talba magħmula mill-Korp għall-Analisi ta' Informazzjoni Finanzjarja, fuq bażi ta' każ b'każ u fejn l-informazzjoni tkun meħtieġa għall-prevenzjoni, l-identifikazzjoni u l-ġlieda kontra l-*money laundering*, reati predikati assoċjati, u ffinanzjar ta' terroriżmu, jagħti aċċess għall-atti tal-kawża tal-inkjesta u għad-dokumenti u oġġetti materjali kollha esibiti waqt l-inkjesta, inklużi r-rapporti tal-esperti u x-xhieda:

Iżda din l-informazzjoni għandha tintuża biss mill-Korp għall-Analisi ta' Informazzjoni Finanzjarja għall-għan li għalih ġiet provduta."

Żieda ta' artikolu ġdid mal-Kodiċi.

5. Minnufih wara l-artikolu 701 tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

"Setgħa tal-Ministru li jagħmel regolamenti.

702. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex jagħti effett lil kull arrangament, inkluż kull trattat, konvenzjoni, ftehim jew patt, li Malta tkun parti fih jew li jkun mod ieħor applikabbli għal Malta u li jipprovdu għall-iskambju ta' informazzjoni bejn awtoritajiet kompetenti."

TAQSIMA II

Emendi għall-Att kontra *Money Laundering*

6. Din it-Taqsima temenda l-Att kontra *Money Laundering* u għandha tinqara u tinftiehem haġa waħda mal-Att kontra *Money Laundering*, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att kontra *Money Laundering*. Kap. 373.

7. L-artikolu 14 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 14 tal-Att prinċipali.

(a) minnufih qabel it-tifsira "awtorità kompetenti" għandha tizzied it-tifsira ġdida li ġejja:

" "analisi finanzjarja" tfisser ir-riżultati ta' analisi operattiva u strateġika li tkun diġà giet imwettqa mill-Korp fit-twettiq tal-kompiti u l-funzjonijiet tiegħu taht l-artikolu 16(1)(a) u (f);"

(b) minnufih wara t-tifsira "awtorità kompetenti" għandha tizzied it-tifsira ġdida li ġejja:

" "awtorità mahtura" tfisser il-Pulizija Eżekuttiva, l-Avukat Ġenerali u kull Maġistrat li jkun qiegħed imexxi inkjesti li għandhom x'jaqsmu mal-"*in genere*" skont id-dispożizzjonijiet tal-artikolu 546 tal-Kodiċi Kriminali;" u

Kap. 9.

(ċ) minnufih wara t-tifsira "id-Direttur" għandu jizzied it-tifsir ġdid li ġej:

" "Europol" għandu jkollha l-istess tifsira kif mogħtija lilha bir-Regolament (UE) 2016/794 tal-Parlament Ewropew u tal-Kunsill tal-11 ta' Mejju 2016;

"informazzjoni dwar l-infurzar tal-ligi" tfisser kwalunkwe tip ta' informazzjoni jew data, inkluża iżda mhux limitata għal informazzjoni dwar investigazzjonijiet, dwar l-iffriżar jew is-sekwestru ta' assi jew dwar miżuri investigattivi jew provvizorji oħrajn, u informazzjoni dwar kundanni u dwar konfiski u rekords kriminali li tkun diġà miżuma minn:

(a) xi awtorità mahtura fil-kuntest tal-prevenzjoni, l-identifikazzjoni, l-investigazzjoni jew il-prosekuzzjoni ta' reati kriminali; u

(b) awtoritajiet pubbliċi jew entitajiet privati fil-

A 842

kuntest tal-prevenzjoni, l-identifikazzjoni, l-investigazzjoni jew il-prosekuzzjoni ta' reati kriminali, u li tkun disponibbli għal awtoritajiet mahtura skont id-dispożizzjonijiet ta' xi ligi oħra li tapplika għalihom;

"informazzjoni finanzjarja" tfisser kwalunkwe tip ta' informazzjoni jew data, bħal data dwar assi finanzjarji, movimenti ta' fondi jew relazzjonijiet kummerċjali finanzjarji, li diġà hija miżmuma mill-Korp sabiex jipprevjeni, jidentifika u jiġġieled b'mod effettiv kontra l-money laundering u l-iffinanzjar tat-terroriżmu, li ma tkunx informazzjoni jew data miġbura jew miżmuma mill-Korp fir-rigward tal-funzjoni sorveljanti tiegħu taht l-artikolu 16(1)(ċ), l-artikolu 16(1)(k)(ii), u l-artikolu 26;"

Emenda tal-artikolu 27A tal-Att prinċipali.

8. L-artikolu 27A tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso għas-subartikolu (1) tiegħu, il-kliem "Izda l-Korp" għandhom jiġu sostitwiti bil-kliem "Izda wkoll il-Korp"; u

(b) minnufih qabel il-proviso għas-subartikolu (1) tiegħu għandu jiżdied il-proviso ġdid li ġej:

"Izda l-Korp jista', f'ċirkostanzi eċċezzjonali u urġenti u bla ħsara għal limitazzjonijiet operattivi, jiskambja minnufih l-informazzjoni finanzjarja jew l-analisi finanzjarja rilevanti għall-ipproċessar jew l-analisi ta' informazzjoni relatata mat-terroriżmu jew ma' kriminalità organizzata assoċjata mat-terroriżmu, ma' kull awtorità, korp, jew aġenzija ta' Stat Membru li jkunu kkunsidrati bħala li jkollhom funzjonijiet ekwivalenti jew analogi għal dawk tal-Korp taht l-artikolu 16(1)(a) u (b):".

Żieda ta' artikoli godda mal-Att prinċipali.

9. Minnufih wara l-artikolu 27B tal-Att prinċipali għandhom

jizziedu l-artikoli godda li ġejjin:

"Kooperazzjoni ma' awtoritajiet mahtura.

27Ċ. (1) Il-Korp għandu, skont id-dispożizzjonijiet applikabbli ta' dan l-Att, u mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 34(3), jikkoopera ma' kull awtorità mahtura u jwieġeb tempestivament, abbażi ta' każ b'każ, għal talbiet motivati magħmula minn tali awtoritajiet mahtura għal informazzjoni finanzjarja u, jew analisi finanzjarja, fejn tali informazzjoni tkun meħtieġa għall-prevenzjoni, l-identifikazzjoni, l-investigazzjoni jew il-prosekuzzjoni ta' reati kriminali serji:

Iżda għall-finijiet ta' dan l-artikolu, it-terminu "reat kriminali serju" għandu jfisser ir-reati elenkati fl-Anness I għar-Regolament (UE) 2016/794, l-evażjoni tat-taxxa, u kull reat ieħor taht l-Att dwar Poteri li jsiru Regolamenti fl-Interess Nazzjonali:

Kap. 365.

Iżda wkoll id-dispożizzjonijiet tal-artikolu 34(4) għandhom jgħoddu *mutatis mutandis* fir-rigward ta' kull informazzjoni finanzjarja jew analisi finanzjarja żvelata mill-Korp skont id-dispożizzjonijiet ta' dan is-subartikolu.

(2) Il-Korp jista' jirrifjuta li jiżvela xi informazzjoni finanzjarja jew analisi finanzjarja skont is-subartikolu (1) għar-raġunijiet kif stabbiliti taht l-artikolu 34(2)(b) sa (f), u għandu jipprovi spjegazzjoni għal dak ir-rifjut.

(3) Kull talba li l-Korp jircievi skont is-subartikolu (1) għandha tiġi rrekordjata mill-Korp, liema rekords għandu jkun fihom:

(a) l-isem u d-dettalji ta' kuntatt tal-awtorità u tal-uffiċjal jew impjegat li jitlob l-informazzjoni;

(b) l-isem ta' min jircievi r-riżultati tat-talba jew tfittxija, safejn dan ikun possibbli;

(c) in-numru ta' referenza li l-awtorità li tkun qiegħda tagħmel it-talba għall-informazzjoni tkun tat lill-każ li dwaru tkun qed issir tali talba;

(d) is-suġġett tat-talba; u

(e) il-mod li bih it-talba ġiet eżegwita, inkluż il-metodu użat għad-disseminazzjoni tal-informazzjoni jew l-analisi mitluba, kull meta tali talba tkun ġiet aċċettata.

(4) Ir-rekords imsemmija fis-subartikolu (3) għandhom jinżammu għal perjodu ta' ħames (5) snin mid-data li fiha tkun ġiet riċevuta t-talba u għandhom jintużaw biss għall-finijiet tal-iċċekkjar ta' legalità tal-ipproċessar tad-data personali.

(5) Il-Korp għandu, fuq talba mill-Kummissarju għall-Informazzjoni u l-Protezzjoni tad-Data, jagħmel disponibbli kull rekord imsemmi fis-subartikolu (3).

(6) B'żieda ma' u mingħajr preġudizzju għas-setgħat tal-Korp taht l-artikoli 30 u 30A, il-Korp jista' jitlob, u l-awtoritajiet mahtura għandhom jiżvelaw abbażi ta' każ b'każ, kull informazzjoni dwar infurzar tal-liġi meħtieġa għall-prevenzjoni, identifikazzjoni, u ġlieda kontra money laundering, attività kriminali sottostanti u ffinanzjar ta' terroriżmu.

Kooperazzjoni  
mal-Europol.

27D. (1) Mingħajr preġudizzju għal kull restrizzjoni li l-Korp jista' jkun soġġett għaliha, il-Korp għandu, meta jirċievi talbiet debitament ġustifikati magħmula mill-Europol fi hdan ir-responsabbiltà tiegħu fit-twettiq tal-kompiti tiegħu abbażi ta' każ b'każ, jiskambja kull informazzjoni finanzjarja u, jew analisi finanzjarja bħallikieku t-talba kienet saret minn awtorità, korp jew aġenzija barranija li għandha funzjonijiet ekwivalenti jew analogi għal dawk tal-Korp taht l-artikolu 16(1)(a) u (b):

Izda b'żieda mar-raġunijiet kif stabbiliti taht l-artikolu 34(2)(b) sa (f), il-Korp jista' jjiirifjuta li jiżvela xi informazzjoni finanzjarja jew analisi finanzjarja jekk:

(a) l-għoti ta' tali informazzjoni jew analisi x'aktarx ikun kuntrarju għall-interessi essenzjali tas-sigurtà ta' Malta;

(b) l-għoti ta' tali informazzjoni jew analisi x'aktarx jippreġudika s-sigurtà ta' individwu; jew

(ċ) l-għoti ta' tali informazzjoni x'aktarx jiżvela informazzjoni li tirrigwarda l-organizzazzjonijiet jew l-attivitajiet speċifiċi dwar informazzjoni fil-qasam tas-sigurtà nazzjonali.

(2) Meta l-Korp jirrifjuta li jiżvela informazzjoni skont id-dispożizzjonijiet tas-subartikolu (1), għandha tingħata spjegazzjoni.

(3) Id-dispożizzjonijiet tal-artikolu 27Ċ(3), (4) u (5) għandhom japplikaw *mutatis mutandis* fir-rigward taż-żamma tar-rekord ta' talbiet għal informazzjoni li l-Korp jirċievi mill-Europol skont dan l-artikolu."

**10.** Is-subartikolu (2) tal-artikolu 34 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu gdid li ġej:

Emenda tal-artikolu 34 tal-Att prinċipali.

"(2) Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 27A, il-Korp ma għandux ikun obbligat jipprovi xi informazzjoni jew jiżvela xi dokumenti, u jista' jirrifjuta li jagħmel dan jekk:

(a) tali informazzjoni jew dokument ikunu waslu għand il-Korp fil-qadi tal-funzjonijiet tiegħu taht l-artikolu 16(1)(a), (b) u (k); jew

(b) ikun hemm raġunijiet tajba biżżejjed biex wieħed jikkonsidra li tali iżvelar jista' jostakola xi inkjesta, investigazzjoni jew xi proċeduri oħra li qegħdin jittieħdu f'Malta; jew

(ċ) l-għoti ta' tali informazzjoni jew l-iżvelar ta' tali dokument jistgħu, fl-opinjoni tal-Korp, jippreġudikaw xi analisi; jew

(d) minħabba f'ċirkostanzi eċċezzjonali dak l-iżvelar ikun b'mod ċar sproporzjonat mal-interessi legittimi ta' Malta jew ta' xi persuna fiżika jew ġuridika; jew

(e) dak l-iżvelar ma jkunx skont il-prinċipji fundamentali tal-liġi ta' Malta; jew

(f) dak l-iżvelar ser ikun irrelevanti fir-rigward tal-għan li għalih ikun gie mitlub:

Iżda kull rifjut taht dan is-subartikolu għandu jiġi

A 846

spjegat b'mod ċar lill-korp jew l-awtorità li tkun qed titlob l-  
iżvelar tad-dokument jew tal-informazzjoni."

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 487 tat-12 ta'  
Lulju, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

20th July, 2021

**ACT No. XLIII of 2021**

*AN ACT to provide for the amendment of various laws to facilitate the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and to make ancillary and consequential provisions thereto.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. (1) The short title of this Act is the Various Laws relating to the Facilitating of the Use of Financial and other Information (Amendment) Act, 2021. Short title and scope.

(2) The scope of this Act is to transpose Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA.

PART I  
Amendments to the Criminal Code

Amendments to  
the Criminal  
Code.  
Cap. 9.

**2.** This Part amends the Criminal Code and it shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as "the Code".

Amendment of  
article 518 of  
the Code.

**3.** In the proviso to article 518 of the Code, the words "in article 695." shall be substituted by the words "in article 695:" and immediately thereafter there shall be added the following new proviso:

"Provided further that any designated competent national authority designated in terms of any Directive or Regulation of the European Union which has access to the acts and documents of the courts of criminal justice may, if the requirements established in the Directive or Regulation of the European Union are fulfilled, transmit copies of such acts and documents of the court of criminal justice to the requesting authority."

Amendment of  
article 550A of  
the Code.

**4.** Immediately after sub-article (4) of article 550A of the Code there shall be added the following new sub-article:

"(5) The Magistrate may, upon a request made by the Financial Intelligence Analysis Unit, on a case by case basis and where the information is necessary for the prevention, detection and combating of money laundering, associate predicate offences and terrorist financing, give access to the record of the proceedings of the inquest and to all documents and material objects exhibited in the course of the inquest including the reports of the experts and deposition of witnesses:

Provided that this information shall only be used by the Financial Intelligence Analysis Unit for the purpose for which it was provided."

Addition of new  
article to the  
Code.

**5.** Immediately after article 701 of the Code there shall be added the following new article:

"Power of the  
Minister to  
make  
regulations.

**702.** The Minister responsible for justice may make regulations to give effect to any arrangement, including any treaty, convention, agreement or understanding, to which Malta is a party or is otherwise applicable to Malta and which make provision for sharing of information between competent authorities."

## PART II

## Amendments to the Prevention of Money Laundering Act

6. This Part amends the Prevention of Money Laundering Act and it shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Prevention of Money Laundering Act. Cap. 373.

7. In article 14 of the principal Act, immediately after the definition "competent authority" there shall be added the following new definitions:

Amendment to article 14 of the principal Act.

Cap. 9. "designated authority" means the Executive Police, the Attorney General and any Magistrate conducting inquiries relating to the "*in genere*" in terms of article 546 of the Criminal Code;

"Europol" has the same meaning as assigned to it by Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016;

"financial analysis" means the results of operational and strategic analysis that has already been carried out by the Unit in pursuance of its tasks and functions under article 16(1)(a) and (f);

"financial information" means any type of information or data, such as data on financial assets, movement of funds or financial business relationships, which is already held by the Unit to prevent, detect, and effectively combat money laundering and terrorist financing, other than information or data gathered or held by the Unit in relation to its supervisory function under article 16(1)(c), article 16(1)(k)(ii), and article 26;

"law enforcement information" means any type of information or data, including but not limited to information on investigations, freezing or seizure of assets or other investigative or provisional measures, and information on convictions and on confiscation and criminal records, which is already held by:

(a) any designated authority in the context of preventing, detecting, investigating, or prosecuting criminal offences; and

(b) public authorities or private entities in the context of preventing, detecting, investigating or

A 850

prosecuting criminal offences, and which is available to designated authorities in line with the provisions of any other law applicable to them;"

Amendment of article 27A of the principal Act.

**8.** Article 27A of the principal Act shall be amended as follows:

(a) in the proviso to sub-article (1) thereof, the words "Provided that the Unit" shall be substituted by the words "Provided further that the Unit"; and

(b) immediately before the proviso to sub-article (1) thereof, there shall be added the following new proviso:

"Provided that the Unit may, in exceptional and urgent circumstances and subject to operational limitations, promptly exchange financial information or financial analysis relevant for the processing or analysis of information related to terrorism or organised crime associated with terrorism, with any authority, body, or agency of a Member State considered to have functions equivalent or analogous to those of the Unit under article 16(1)(a) and (b):".

Addition of new articles to the principal Act.

**9.** Immediately after article 27B of the principal Act there shall be added the following new articles:

"Co-operation with designated authorities.

27C. (1) The Unit shall, in accordance with the applicable provisions of this Act, and without prejudice to the provisions of article 34(3), cooperate with any designated authority and reply in a timely manner, on a case-by-case basis, to reasoned requests made by such designated authorities for financial information and, or financial analysis, where such information is necessary for the prevention, detection, investigation or prosecution of serious criminal offences:

Provided that, for the purposes of this article, the term "serious criminal offence" shall mean the offences listed in Annex I to Regulation (EU) 2016/794, tax evasion, and any other offence under the National Interest (Enabling Powers) Act:

Cap. 365.

Provided further that the provisions of article 34(4) shall *mutatis mutandis* apply in relation to any financial information or financial analysis disclosed by the Unit in terms of this sub-article.

(2) The Unit may refuse to disclose any financial information or financial analysis pursuant to sub-article (1) on the grounds as laid down under article 34(2)(b) to (f), and it shall provide an explanation for such a refusal.

(3) Any request received by the Unit pursuant to sub-article (1) shall be recorded by the Unit, which record shall include:

(a) the name and contact details of the authority and of the officer or employee requesting the information;

(b) the recipients of the results of the query or search, in so far as possible;

(c) the case reference number that the requesting authority assigns to the case in relation to which the request for information is made;

(d) the subject matter of the request; and

(e) the manner in which the request was executed, including the method used for the dissemination of information or analysis requested, whenever such request has been acceded to.

(4) Records referred to in sub-article (3) shall be kept for a period of five (5) years from the date on which the request was received and shall be used solely for the purpose of checking the lawfulness of the processing of personal data.

(5) The Unit shall, upon a request from the Information and Data Protection Commissioner, make available any record as referred to in sub-article (3).

(6) In addition and without prejudice to the powers of the Unit under articles 30 and 30A, the Unit may request, and designated authorities shall disclose on a case-by-case basis, any law enforcement information necessary for the prevention, detection and combating of money laundering, underlying criminal activity and terrorist financing.

Co-operation  
with Europol.

27D. (1) Without prejudice to any restriction which the Unit may be subject to, the Unit shall, upon receipt of duly justified requests made by Europol within the limits of its responsibility in the performance of its tasks and on a case-by-case basis, exchange any financial information and, or financial analysis as if the request was received from a foreign authority, body or agency having functions equivalent or analogous to those of the Unit under article 16(1)(a) and (b):

Provided that, in addition to the grounds as laid down under article 34(2)(b) to (f), the Unit may refuse to disclose any financial information or financial analysis if:

(a) the provision of such information or analysis would be contrary to the essential interests of the security of Malta;

(b) the provision of such information or analysis would jeopardise the safety of an individual; or

(c) the provision of such information would disclose information relating to the organisations or specific intelligence activities in the field of national security.

(2) Where the Unit refuses to disclose information in terms of sub-article (1), an explanation shall be provided.

(3) The provisions of article 27C(3), (4) and (5) shall *mutatis mutandis* apply in relation to the record keeping of requests for information received by the Unit from Europol pursuant to this article."

Amendment of  
article 34 of the  
principal Act.

**10.** Sub-article (2) of article 34 of the principal Act shall be substituted by the following new sub-article:

"(2) Without prejudice to the provisions of article 27A, the Unit shall not be obliged to provide any information or disclose any documents, and may refuse to do so if:

(a) such information or document was received by the Unit in carrying out its functions under article 16(1)(a), (b) and (k); or

(b) there are reasonable grounds to consider that such disclosure could impede an inquiry, investigation or any other proceeding in course in Malta; or

(c) providing such information or disclosing such document may, in the opinion of the Unit, prejudice any analysis; or

(d) due to exceptional circumstances, such disclosure would be clearly disproportionate to the legitimate interests of Malta or of a natural or legal person; or

(e) such disclosure would not be in accordance with fundamental principles of Maltese law; or

(f) such disclosure would be irrelevant with regard to the purpose for which it has been requested:

Provided that any refusal under this sub-article shall be clearly explained to the body or authority requesting the disclosure of the document or information."

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Passed by the House of Representatives at Sitting No. 487 of the 12th July, 2021.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*





# VERŻJONI ELETTRONIKA