

MALTA

ATT Nru VII tal-2024

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

ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9.

ACT No. VII of 2024

AN ACT enacted by the Parliament of Malta.

AN ACT to further amend the Criminal Code, Cap. 9.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

23 ta' Frar, 2024

ATT Nru VII tal-2024

ATT sabiex ikompli jemenda l-Kodiċi Kriminali, Kap. 9.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 li jemenda l-Kodiċi Kriminali (Emenda Nru 3) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".

Titolu fil-qosor.

Kap. 9.

2. Fit-tieni proviżo għall-artikolu 518 tal-Kodiċi, il-kliem "li tkun qiegħda tagħmel it-talba." għandhom jiġu sostitwiti bil-kliem "li tkun qiegħda tagħmel it-talba:" u minnufih wara għandu jiġi miżjud dan il-proviżo ġdid li ġej:

Emenda tal-artikolu 518 tal-Kodiċi.

"Iżda wkoll il-Prosekuturi Delegati Ewropej maħtura skont id-dispożizzjonijiet tar-Regolament tal-Kunsill (UE) 2017/1939 tat-12 ta' Ottubru 2017 li jimplimenta kooperazzjoni msaħħa dwar l-istabbiliment tal-Uffiċċju tal-Prosekutur Pubbliku Ewropew ("l-UPPE") għandu jkollhom aċċess għall-atti u għad-dokumenti tal-qrati ta' ġustizzja kriminali u għal kull proċess verbal u għal kwalunkwe xhieda u dokumenti mdaħħlin miegħu, meta dawn ikunu relatati ma' hwejjeġ li jaqgħu fi hdan il-kompetenza tal-Uffiċċju tal-Prosekutur Pubbliku Ewropew skont l-imsejmi Regolament."

Żieda ta' artikoli godda fil-Kodiċi.

3. Minnufih wara l-artikolu 628H tal-Kodiċi għandhom jiġu miżjuda dawn l-artikoli godda li ġejjin:

"Il-Maġistrat għandu javża lill-Prosekuturi Delegati Ewropej bl-aċċessi rilevanti.

628I. (1) F'kull każ fejn ikun se jsir aċċess skont id-dispożizzjonijiet tat-Titolu II tat-Taqsima II tat-Tieni Ktieb fuq haġa li dwarha l-Uffiċċju tal-Prosekutur Pubbliku Ewropew ikun kompetenti li jinvestiga skont ir-Regolament tal-Kunsill (UE) 2017/1939 tat-12 ta' Ottubru 2017 li jimplimenta kooperazzjoni msaħħa dwar l-istabbiliment tal-Uffiċċju tal-Prosekutur Pubbliku Ewropew ("l-UPPE"), il-Maġistrat li qed imexxi l-aċċess għandu, sakemm l-aċċess ma jkunx se jsir wara rapport, denunzja jew kwerela mill-Prosekuturi Delegati Ewropej, jibgħat ir-rapport, id-denunzja jew il-kwerela li abbażi tagħhom ikun se jinżamm l-aċċess lill-Prosekuturi Delegati Ewropej fi żmien tlett (3) ijiem ta' xogħol mid-deċiżjoni li jinżamm l-aċċess.

(2) Fil-każ ta' aċċessi mibdija qabel id-dhul fis-seħh ta' dan l-artikolu illi dwarhom is-subartikolu (1) kien ikun japplika li kieku kien fis-seħh fiż-żmien meta ttieħdet id-deċiżjoni li jinżamm l-aċċess, il-Maġistrat li jkun qiegħed imexxi l-imsemmi aċċess għandu javża lill-Prosekuturi Delegati Ewropej bl-aċċess kif provdut fis-subartikolu (1) mill-aktar fis possibbli iżda mhux aktar tard minn sittin (60) jum wara d-dhul fis-seħh ta' dan l-artikolu.

Nuqqas ta' qbil dwar liema awtorità għandha tinvestiga.

628J. Għall-finijiet tal-Artikolu 25(6) tar-Regolament tal-Kunsill (UE) 2017/1939 tat-12 ta' Ottubru 2017 li jimplimenta kooperazzjoni msaħħa dwar l-istabbiliment tal-Uffiċċju tal-Prosekutur Pubbliku Ewropew ("l-UPPE"), il-Qorti Kriminali għandha tkun kompetenti sabiex tiddeciedi dwar kwalunkwe nuqqas ta' qbil bejn l-Uffiċċju tal-Prosekutur Pubbliku Ewropew u l-Kummissarju tal-Pulizija dwar kwalunkwe kwistjoni fir-rigward ta' jekk l-imġiba kriminali taqax fil-kamp ta' applikazzjoni tal-Artikolu 22(2) jew (3) jew tal-Artikolu 25(2) jew (3) tal-imsemmi Regolament tal-Kunsill (UE) 2017/1939, u dwar kwalunkwe kwistjoni fir-rigward tad-determinazzjoni tal-awtorità li minnha l-każ għandu jiġi investigat."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 207 tad-19 ta' Frar, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

23rd February, 2024

ACT No. VII of 2024

AN ACT to further amend the Criminal Code, Cap. 9.

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:-

Short title. **1.** The short title of this Act is the Criminal Code (Amendment No. 3) Act, 2024 and this Act shall be read and construed as one with
Cap. 9. the Criminal Code, hereinafter referred to as "the Code".

Amendment of **2.** In the second proviso to article 518 of the Code the words "the
article 518 of requesting authority." shall be substituted by the words "the requesting
the Code. authority:" and immediately after there shall be added the following
new proviso:

"Provided further that the European Delegated Prosecutors appointed in accordance with the provisions of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") shall have access to the acts and documents of the courts of criminal justice and to any *procès-verbal* and to any depositions and documents filed therewith, when these relate to matters which fall within the

competence of the European Public Prosecutor's Office in accordance with the said Regulation."

3. Immediately after article 628H of the Code there shall be added the following new articles:

Addition of new articles to the Code.

"Magistrate to inform European Delegated Prosecutors of relevant inquests.

628I. (1) In every case where an inquest is to be held in accordance with the provisions of Title II of Part II of Book Second on a matter which the European Public Prosecutor's Office is competent to investigate in accordance with Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), the Magistrate conducting the inquest shall, unless the inquest is not going to be held following a report, information or complaint by the European Delegated Prosecutors, transmit the report, information or complaint on the basis of which the inquest is going to be held to the European Delegated Prosecutors within three (3) working days from the decision to hold the inquest.

(2) In the case of inquests commenced before the coming into force of this article to which sub-article (1) would have applied had it been in force at the time when the decision to hold the inquest was taken, the Magistrate conducting the said inquest shall inform the European Delegated Prosecutors of the inquest as provided in sub-article (1) as soon as practicable but by not later than sixty (60) days after the coming into force of this article.

Disagreement upon which authority is to investigate.

628J. For the purposes of Article 25(6) of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO"), the Criminal Court shall be competent to decide upon any disagreement between the European Public Prosecutor's Office and the Commissioner of Police on any question as to whether the criminal conduct falls within the scope of Article 22(2) or (3) or of Article 25(2) or (3) of the said Council Regulation (EU) 2017/1939, and on any question as to the determination of the authority by which the case is to be investigated."

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Passed by the House of Representatives at Sitting No. 207 of the
19th February, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives