Verżjoni Elettronika

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,570, 11 ta' Frar, 2021
Taqsima C

Nru. 192

11. 2. 2021

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Frar 2021.

ATT sabiex jemenda l-Att kontra *Money Laundering*, Kap. 373.

Raymond Scicluna
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 8th February 2021.

AN ACT to amend the Prevention of Money Laundering Act, Cap. 373.

Raymond Scicluna
Clerk of the House of Representatives

Verżjoni Elettronika

ABBOZZ TA' LIĠI
msejjaħ

ATT sabiex jemenda l-Att kontra Money Laundering, *Kap. 373.*

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att kontra *Money Laundering*, u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att kontra *Money Laundering*, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor. Kap. 373.

2. L-artikolu 3 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej: Sostituzzjoni tal-artikolu 3 tal-Att prinċipali.

"3. (1) Kull persuna li tagħmel att ta' *money laundering* tkun ħatja ta' reat u teħel meta tinsab ħatja multa ta' mhux iżjed minn żewġ miljuni u ħames mitt elf euro (€2,500,000), jew priġunerija għal żmien ta' mhux iżjed minn tmintax-il sena, jew dik il-multa u priġunerija flimkien:

Iżda att ta' *money laundering* għandu jkun aggravat meta:

(a) ir-reat ikun twettaq fil-qafas ta' organizzazzjoni kriminali skont it-tifsira tad-Deċiżjoni Qafas 2008/841/ĠAI; jew

(b) il-ħati huwa entità marbuta b'obbligu skont it-tifsira tal-Artikolu 2 tad-Direttiva (UE) 2015/849 u jkun wettaq ir-reat fl-eżerċizzju tal-attivitajiet professjonali tiegħu:

Iżda wkoll il-Qorti tista' timponi s-sanzjonijiet addizzjonali li ġejjin:

(a) fil-każ fejn att ta' *money laundering* ikun

kommess minn persuni fiżiċi:

(i) l-esklużjoni temporanja jew permanenti mill-aċċess għal finanzjament pubbliku, inklużi proċeduri ta' sejħa għall-offerti, għotjiet u konċessjonijiet; jew

(ii) l-iskwalifika temporanja jew permanenti mill-prattika ta' attivitajiet kummerċjali; jew

(iii) il-projbizzjonijiet temporanji fuq il-ħruġ għal kariga eletta jew pubblika;

(b) fil-każ fejn att ta' *money laundering* ikun kommess minn korp ta' persuni, kemm korporattiv u kemm mhux korporattiv:

(i) l-esklużjoni mid-dritt għal benefiċċji pubbliċi jew għajnuna pubblika;

(ii) l-esklużjoni temporanja jew permanenti mill-aċċess għal finanzjament pubbliku, inklużi proċeduri ta' sejħa għall-offerti, għotjiet u konċessjonijiet;

(iii) l-iskwalifika temporanja jew permanenti mill-prattika ta' attivitajiet kummerċjali;

(iv) it-tqegħid taħt sorveljanza ġudizzjarja;

(v) il-ħruġ ta' ordni ġudizzjarja ta' stralċ; jew

(vi) l-għeluq temporanju jew permanenti ta' stabbilimenti li ntużaw biex jitwettaq ir-reat.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jiġu introdotti emendi sabiex jittrasponu bis-sħiħ l-artikoli rilevanti tad-Direttiva 2018/1673 tal-Parlament Ewropew u tal-Kunsill tat-23 ta' Ottubru 2018 dwar il-ġlieda kontra l-ħasil tal-flus permezz tal-liġi kriminali.

Verżjoni Elettronika

A BILL
entitled

AN ACT to amend the Prevention of Money Laundering Act, Cap. 373.

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 Prevention of Money Laundering (Amendment) Act, 2021, and this Act shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter referred to as "the principal Act". Short title. Cap. 373.

2. Article 3 of the principal Act shall be substituted by the following: Substitution of article 3of the principal Act.

"3. (1) Any person committing any act of money laundering shall be guilty of an offence and shall, on conviction, be liable to a fine (multa) not exceeding two million and five hundred thousand euro (€2,500,000), or to imprisonment for a period not exceeding eighteen years, or to both such fine and imprisonment:

Provided that an act of money laundering shall be aggravated when:

(a) the offence was committed within the framework of a criminal organisation within the meaning of Framework Decision 2008/841/JHA; or

(b) the offender is an obliged entity within the meaning of Article 2 of Directive (EU) 2015/849 and has committed the offence in the exercise of their professional activities:

Provided further that, the Court may impose the following additional sanctions:

(a) in the case where an act of money laundering is committed by natural persons:

(i) the temporary or permanent exclusion from access to public funding, including tender procedures, grants and concessions; or

(ii) the temporary or permanent disqualification from the practice of commercial activities; or

(iii) the temporary bans on running for elected or public office;

(b) in the case where an act of money laundering is committed by a body of persons, whether corporate or unincorporate:

(i) the exclusion from entitlement to public benefits or aid;

(ii) the temporary or permanent exclusion from access to public funding, including tender procedures, grants and concessions;

(iii) the temporary or permanent disqualification from the practice of commercial activities;

(iv) the placing under judicial supervision;

(v) the issuing of a judicial winding-up order; or

(vi) the temporary or permanent closure of establishments which have been used for committing the offence.".

Objects and Reasons

The objects and reasons for this Bill are to introduce amendments to fully transpose the relevant articles of the Directive 2018/1673 of the European Parliament and of the Council of 23 October 2018 *on combating money laundering by criminal law.*

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