



PARLAMENT TA' MALTA

IT-TLETTAX-IL LEGIŻLATURA

P.L. 6890

Dokument imqiegħed fuq il-Mejda tal-Kamra tad-Deputati fis-Seduta Numru 487 tat-12 ta' Lulju 2021 mill-Ministru fl-Uffiċċju tal-Prim Ministru, f'isem il-Ministru għall-Finanzi u x-Xogħol.

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Skrivan tal-Kamra

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 20,661, 9 ta' Lulju, 2021

Taqsimha B

A.L. 284 tal-2021

**ATT KONTRA *MONEY LAUNDERING*
(KAP. 373)**

Regolamenti tal-2021 li jemendaw ir-Regolamenti dwar il-Kumitat ta' Kordinament Nazzjonali biex jiġi Miġġieled *Money Laundering* u Finanzjar tat-Terroriżmu

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 12A tal-Att kontra *Money Laundering*, il-Ministru responsabbli għall-finanzi għamel dawn regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2021 li jemendaw ir-Regolamenti dwar il-Kumitat ta' Kordinament Nazzjonali biex jiġi Miġġieled *Money Laundering* u Finanzjar tat-Terroriżmu u dawn ir-regolamenti għandhom jinqraw u jinftiehmha waħda mar-Regolamenti dwar il-Kumitat ta' Kordinament Nazzjonali biex jiġi Miġġieled *Money Laundering* u Finanzjar tat-Terroriżmu, hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

L.S. 373. 02.

2. Fir-regolament 2 tar-regolamenti prinċipali, fit-tifsira "il-Ministru", il-kliem "għall-Finanzi." għandhom jiġu sostitwiti bil-kliem "għall-Finanzi;" u minnufih wara għandha tiżdied it-tifsira ġdida li ġejja:

Jemenda r-regolament 2 tar-regolamenti prinċipali.

L.S. 373. 01. " "persuna suġġetta" għandu jkollha l-istess tifsira kif mogħtija lilha fir-Regolamenti kontra *Money Laundering* u Finanzjar ta' Terroriżmu."

3. Ir-regolament 6 tar-regolamenti prinċipali għandu jiġi sostitwit bir-regolament ġdid li ġej:

Jissostitwixxi r-regolament 6 tar-regolamenti prinċipali.

"6. (1) Sabiex jassistu fir-reviżjoni tal-effettività tas-sistemi tagħhom fil-ġlieda kontra l-*money laundering* jew finanzjar ta' terroriżmu u l-proliferazzjoni ta' armi tal-qerda tal-massa u sabiex jikkontribwixxu għall-valutazzjoni tar-riskju, l-awtorità kompetenti rilevanti għandha żżomm statistika komprensiva.

(2) L-istatistika komprensiva li għandha tinzamm għandha tinkludi:

(a) *data* li tkejjel id-daqs u l-importanza tas-setturi differenti li huma soġġetti għall-obbligi relatati mal-miżuri fil-ġlieda kontra l-*money laundering* u l-ġlieda kontra finanzjar ta' terroriżmu, inkluż in-numru ta' persuni suġġetta u l-importanza ekonomika ta' kullsettur;

(b) in-numru ta' rapporti ta' tranżazzjonijiet suspettużi li saru lill-Korp u l-mod kif ġew segwiti dawk ir-rapporti;

(ċ) *data* li tidentifika n-numru u l-percentwal ta' rapporti ta' tranżazzjonijiet suspettużi li jirriżultaw f'investigazzjoni ulterjuri;

(d) in-numru ta' investigazzjonijiet, prosekuzzjonijiet u sejbien ta' htija dwar *money laundering* u finanzjar ta' terroriżmu, numru ta' persuni investigati, imħarrka u misjuba hatja ta' *money laundering* u finanzjar ta' terroriżmu, u t-tipi ta' attivitajiet kriminali sottostanti, fejn tali informazzjoni tkun disponibbli;

(e) il-valur f'euro ta' proprjetà li ġiet issekwestrata, iffriżata u kkonfiskata;

(f) statistika rilevanti għall-iskambju ta' informazzjoni bejn il-Korp għall-Analisi ta' Informazzjoni Finanzjarja u l-kontropartijiet barranin, inkluż *data* dwar in-numru ta' talbiet għal informazzjoni magħmula, riċevuti, miċhuda u mwieġba kompletament jew parzjalment, maqsuma għal kull kontroparti barranija;

(g) *data* dwar ir-riżorsi umani disponibbli għall-Korp għall-Analisi ta' Informazzjoni Finanzjarja biex twettaq il-funzjonijiet tagħha skont l-artikolu 16(1)(a), (b) u (ċ) tal-Att;

(h) in-numru ta' eżamijiet fuq il-post u mhux fuq il-post imwettqa fuq persuni suġġetti bil-għan li jissorveljaw il-konformità tagħhom mad-dispożizzjonijiet tal-Att u kwalunkwe regolamenti magħmula tahtu, in-numru ta' nuqqasijiet ta' konformità jew kontravenzjonijiet identifikati wara tali eżamijiet, u n-numru u l-valuri ta' miżuri amministrattivi jew penali imposti; u

(i) kull *data* statistika oħra li l-Kumitat jista' jitlob li tinżamm għall-għanijiet stabbiliti taht is-subregolament (1).

(2) Il-Korp għall-Analisi ta' Informazzjoni Finanzjarja għandha żżomm id-*data* statistika prevista taħt il-paragrafi (a), (b), (ċ), (f), (g) u (h);

(3) Il-Pulizija Eżekuttiva għandha żżomm informazzjoni fuq investigazzjonijiet dwar *money laundering* u finanzjar ta'terroriżmu, kif previst taħt il-paragrafu (d);

(4) L-Avukat Ġenerali għandu jżomm informazzjoni dwar prosekuzzjonijiet ta' *money laundering* u finanzjar ta'terroriżmu kif previst taħt il-paragrafu (d);

(5) Ir-Registratur tal-Qorti Kriminali għandu jżomm informazzjoni dwar sejbien ta' htija dwar *money laundering* u finanzjar ta' terroriżmu kif previst fil-paragrafu (d);

(6) L-Uffiċċju għall-Irkupru tal-Assi għandu jżomm id-*data* statiska prevista taħt il-paragrafu (e);

(7) Il-Kumitat għandu jiżgura li d-*data* statistika prevista taħt dan ir-regolament tiġi trażmessa kull sena lill-Kummissjoni Ewropea, u li revizjoni konsolidata tagħha tiġi ppubblikata."

L.N. 284 of 2021

**PREVENTION OF MONEY LAUNDERING ACT
(CAP. 373)**

**National Coordinating Committee on Combating Money
Laundering and Funding of Terrorism (Amendment) Regulations,
2021**

IN EXERCISE of the powers conferred by article 12A of the Prevention of Money Laundering Act, the Minister responsible for finance has made the following regulations:-

Citation.

S.L. 373. 02.

Amends
regulation 2 to
the principal
regulations.

Substitutes
regulation 6 of
the principal
regulations.

1. The title of these regulations is the National Coordinating Committee on Combating Money Laundering and Funding of Terrorism (Amendment) Regulations, 2021 and these regulations shall be read and construed as one with the National Coordinating Committee on Combating Money Laundering and Funding of Terrorism Regulations, hereinafter referred to as "the principal regulations".

2. In regulation 2 of the principal regulations, in the definition "the Minister", the words "for Finance." shall be substituted by the words "for Finance;" and immediately thereafter there shall be added the following new definition:

S.L. 373. 02. " "subject person" shall have the same meaning as assigned to it in the Prevention of Money Laundering and Funding of Terrorism Regulations."

3. Regulation 6 of the principal regulations shall be substituted by the following new regulation:

"6. (1) For the purposes of assisting in the review of the effectiveness of the national system to combat money laundering, the funding of terrorism and the proliferation of weapons of mass destruction and to contribute to the carrying out of national risk assessments, the relevant competent authorities shall maintain comprehensive statistical data.

(2) The comprehensive statistical data to be maintained shall include:

(a) data measuring the size and importance of the different sectors which are subject to anti-money laundering and counter-funding of terrorism obligations under the Prevention of Money Laundering and Funding of Terrorism Regulations, including the number of subject persons and the economic importance of each sector;

(b) the number of suspicious transaction reports made to the Financial Intelligence Analysis Unit and the follow up given to these reports;

(c) data identifying the number and percentage of suspicious transaction reports resulting in further investigations;

(d) the number of money laundering and funding of terrorism investigations, prosecutions and convictions, the number of persons investigated, prosecuted and convicted for money laundering and funding of terrorism, and the types of underlying criminal activities, where such information is available;

(e) the value in euro of property that has been attached, frozen and confiscated;

(f) statistics relevant to the exchange of information between the Financial Intelligence Analysis Unit and foreign counterparts, including data regarding the number of requests for information made, received, refused and answered in full or in part, broken down per foreign counterpart;

(g) data on human resources available to the Financial Intelligence Analysis Unit to carry out its functions under article 16(1)(a), (b) and (c) of the Act;

(h) the number of on-site and off-site examinations carried out on subject persons with the aim of monitoring their compliance with the provisions of the Act and any regulations made thereunder, the number of compliance failures or contraventions identified following such examinations, and the number and values of administrative measures or penalties imposed; and

(i) any other statistical data that the Committee may request to be maintained for the purposes set out under sub-regulation (1).

(2) The Financial Intelligence Analysis Unit shall maintain the statistical data envisaged under paragraphs (a), (b), (c), (f), (g) and (h);

(3) The Executive Police shall maintain information on money laundering and funding of terrorism investigations, as envisaged under paragraph (d);

(4) The Attorney General shall maintain information on money laundering and funding of terrorism prosecutions as envisaged under paragraph (d);

(5) The Registrar of Criminal Courts shall maintain information on money laundering and funding of terrorism convictions as envisaged under paragraph (d);

(6) The Asset Recovery Bureau shall maintain the statistical data envisaged under paragraph (e);

(7) The Committee shall ensure that the statistical data envisaged under this regulation is transmitted annually to the European Commission, and that a consolidated review thereof is published."
