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Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,016, 3 ta' Marzu, 2023
Taqsima C

Nru 46

03. 03. 2023

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Jonathan Attard, M.P., Ministru għall-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta tas-27 ta' Frar 2023.

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

Raymond Scicluna
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Jonathan Attard, M.P., Minister for Justice, and read the First time at the Sitting of the 27th February 2023.

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

Raymond Scicluna
Clerk of the House of Representatives

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ABBOZZ TA' LIĠI
msejjaħ

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, ħareġ b'liġi dan li ġej:-

Titolu fil-qosor.

Kap. 9.

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Kodiċi Kriminali (Emenda Nru 4) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi Kriminali, hawn aktar 'il quddiem imsejjaħ "il-Kodiċi".

Emenda tal-artikolu 190B tal-Kodiċi.

2. L-artikolu 190B tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fit-tifsira "uffiċjal pubbliku" tiegħu, il-kliem "minbarra Malta" għandhom jiġu mħassra; u

(b) minnufih wara t-tifsira "uffiċjal nazzjonali" għandu jiġi miżjud dan is-subparagrafu ġdid li ġej:

"(iii) kwalunkwe persuna oħra assenjata u li teżerċita funzjoni ta' servizz pubbliku li tinvolvi l-ġestjoni ta' jew deċiżjonijiet li jikkonċernaw l-interessi finanzjarji tal-Unjoni fi Stati Membri jew pajjiżi terzi;".

Emenda tal-artikolu 190H tal-Kodiċi.

3. Fis-subartikolu (2) tal-artikolu 190H tal-Kodiċi, il-kliem "fl-artikolu 190Ċ(2)(a), (b) u (ċ) u fl-artikolu 190D" għandhom jiġu sostitwiti bil-kliem "fl-artikolu 190Ċ(2)(a), (b), (ċ) u l-artikoli 190D u 190E".

Emenda tal-artikolu 337Ċ tal-Kodiċi.

4. L-artikolu 337Ċ tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (l) tas-subartikolu (1) tiegħu, il-kliem "bil-għan li jitwettqu xi atti taħt il-paragrafi (a) sa (j)" għandhom jiġu sostitwiti bil-kliem "bil-għan li jitwettqu kwalunkwe mill-

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atti fil-paragrafi (a) sa (k)"; u

(b) fil-paragrafu (b) tas-subartikolu (2) tiegħu, il-kliem "imfissra fis-subartikolu (1)(a) sa (j)" għandhom jiġu sostitwiti bil-kliem "imfissra fis-subartikolu (1)(a) sa (k)".

Emenda tal-artikolu 337E tal-Kodiċi.

5. L-artikolu 337E tal-Kodiċi għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) u minnufih wara għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(2) Minkejja s-subartikolu (1), jekk ir-reat jitwettaq parzjalment barra minn Malta u li kieku twettaq f'Malta ikkostitwixxa reat li jmur kontra d-dispożizzjonijiet ta' dan is-Sub-titolu, l-istess reat għandu jitqies li twettaq f'Malta".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu għat-traspożizzjoni aħjar tad-Direttiva (UE) 2017/1371 tal-Parlament Ewropew u tal-Kunsill tal-5 ta' Lulju 2017 dwar il-ġlieda kontra l-frodi tal-interessi finanzjarji tal-Unjoni permezz tal-liġi kriminali, u tad-Direttiva 2013/40/UE tal-Parlament Ewropew u tal-Kunsill tat-12 ta' Awwissu 2013 dwar attakki kontra s-sistemi tal-informazzjoni u li tissostitwixxi d-Deċiżjoni Qafas tal-Kunsill 2005/222/ĠAI.

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A BILL
entitled

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:-

1. The short title of this Act is the Criminal Code (Amendment No. 4) Act, 2023 and this Act shall be read and construed as one with the Criminal Code, hereinafter referred to as "the Code". Short title. Cap. 9.

2. Article 190B of the Code shall be amended as follows: Amendment of article 190B of the Code.

(a) in the definition "public officer" thereof, the words "other than Malta" shall be deleted; and

(b) immediately after the definition "national official" thereof there shall be added the following new sub-paragraph:

"(iii) any other person assigned and exercising a public service function involving the management of or decisions concerning the Union's financial interests in Member States or third countries;".

3. In sub-article (2) of article 190H of the Code, the words "in article 190C(2)(a), (b) and (c) and in article 190D" shall be substituted by the words "in article 190C(2)(a), (b), (c) and articles 190D and 190E". Amendment of article 190H of the Code.

4. Article 337C of the Code shall be amended as follows: Amendment of article 337C of the Code.

(a) in paragraph (l) of sub-article (1) thereof, the words "for the purpose of committing any of the acts in paragraphs (a) to (j)" shall be substituted by the words "for the purpose of committing any of the acts in paragraphs (a) to (k)"; and

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(b) in paragraph (b) of sub-article (2) thereof, the words "defined in sub-article (1)(a) to (j)" shall be substituted by the words "defined in sub-article (1)(a) to (k)".

Amendment of article 337E of the Code.

5. Article 337E of the Code shall be renumbered as sub-article (1) and immediately after there shall be added the following new sub-article:

"(2) Notwithstanding sub-article (1), if the offence is committed partially outside Malta and which had it been committed in Malta constituted an offence contrary to the provisions of this Sub-title, said offence shall be deemed to have been committed in Malta".

Objects and Reasons

The objects and reasons of this Bill are to provide for the better transposition of Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union’s financial interests by means of criminal law and of Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA.

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