

MALTA

ATT Nru XXXVII tal-2025

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

ATT sabiex jemenda diversi artikoli fil-Kodiċi Kriminali, sabiex jintroduċi dispożizzjonijiet addizzjonali li jirregolaw u jimponu r-responsabbiltà kriminali għall-użu hażin mill-komunikazzjoni elettronika, jemenda d-dispożizzjonijiet li jirregolaw il-proċess verbal, jissostitwixxi l-kuncett ta' traffikar ta' persuni b'dak tal-kuntrabandu ta' persuni u jimponi pieni għal reati relatati mal-kuntrabandu ta' persuni, kif ukoll jagħti setgħat lill-Pulizija sabiex tesegwixxi allerti skont is-Sistema ta' Informazzjoni ta' Schengen.

ACT No. XXXVII of 2025

AN ACT enacted by the Parliament of Malta.

AN ACT to amend various articles in the Criminal Code with a view to introducing additional provisions regulating and imposing criminal liability for the misuse of electronic communication, amending the provisions regulating the procès-verbal, substituting the concept of trafficking in persons with that of smuggling of persons and imposing penalties for offences relating to smuggling of persons, as well as granting powers to Police to execute alerts pursuant to the Schengen Information System.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

18 ta' Novembru, 2025

ATT Nru XXXVII tal-2025

ATT sabiex jemenda diversi artikoli fil-Kodiċi Kriminali, sabiex jintroduċi dispożizzjonijiet addizzjonali li jirregolaw u jimponu r-responsabbiltà kriminali għall-użu hażin mill-komunikazzjoni elettronika, jemenda d-dispożizzjonijiet li jirregolaw il-proċess verbal, jissostitwixxi l-kunċett tat-traffikar ta' persuni b'dak tal-kuntrabandu ta' persuni u jimponi pieni għal reati relatati mal-kuntrabandu ta' persuni, kif ukoll jagħti setgħat lill-Pulizija sabiex tesegwixxi allerti skont is-Sistema ta' Informazzjoni ta' Schengen.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2025 li jemenda l-Kodiċi Kriminali (Emenda Nru 5), u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem imsejjaħ "il-Kodiċi".

Titolu fil-qosor.

Kap 9.

2. L-artikolu 337A tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 337A tal-Kodiċi.

(a) fin-nota marginali tiegħu l-kliem "Traffiku fil-persuni sabiex dawn jiddaħhlu jew jinħarġu minn Malta kontra l-liġi." għandhom jiġu sostitwiti bil-kliem "Kuntrabandu ta' persuni."; u

(b) fis-subartikolu (1) tiegħu l-kliem "minn sitt xhur sa ħames snin jew multa ta' tlieta u għoxrin elf mitejn u tlieta u disgħin euro u tlieta u sebgħin ċenteżmu (€23,293.73)" għandhom jiġu sostitwiti bil-kliem "minn erba' snin sa għaxar snin jew multa ta' erbghin elf euro (€40,000)".

Emenda tal-artikolu 337B tal-Kodiċi.

3. Is-subartikolu (1) tal-artikolu 337B tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minnufih qabel it-tifsira "*computer*" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" *apparatus ta' komunikazzjoni elettronika*" tfisser kwalunkwe *apparatus* jew *makkinarju* jkun kif ikun deskritt;"

(b) minnufih wara t-tifsira "*funzjoni*" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" *network ta' komunikazzjoni elettronika*" tfisser sistemi ta' *trażmissjoni*, kemm jekk ibbażati fuq *infrastruttura* permanenti jew *kapaċità* ta' *amministrazzjoni* *ċentralizzata* u anke jekk *mhumieħ*, u fejn *applikabbli*, *switching* jew *tagħmir ta' routing* u *riżorsi oħra*, inklużi *elementi tan-network* li *mhumieħ attivi*, li *jippermettu t-trasport ta' sinjali bil-wajer*, *bir-radju*, *b'mezzi ottiċi* jew *b'mezzi elettromanjetiċi oħra*, inklużi *networks bis-satellita*, *networks fissi (circuit-switched u packet-switched)*, inkluż *l-Internet* u *networks mobbli*, sistemi ta' *cables* tal-elettriku, sakemm jiġu użati għall-iskop ta' *trażmissjoni ta' sinjali*, *irrispettivament mit-tip ta' informazzjoni mibgħuta*;"

Żieda ta' artikolu ġdid fil-Kodiċi.

4. Minnufih wara l-artikolu 337H tal-Kodiċi għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Użu ħażin ta' *network* jew *apparatus ta' komunikazzjoni elettronika* għat-*trażmissjoni ta' informazzjoni* qarrieqa jew it-tixrid ta' *aħbarijiet foloz*."

337I. Kull min, xjentement bl-intenzjoni li jikkawża *ħsara*, jinvolvi ruħu f'*azzjonijiet* li jkollhom *impatt fuq l-integrità tal-komunikazzjonijiet elettronici* jew bl-intenzjoni li jxerred *aħbarijiet foloz* bl-użu ta' *indirizz tal-posta elettronika* jew *dominju tal-websajt* li x'aktarx iqarraq bir-riċevitur dwar l-*identità tal-persuna* li tittrażmetti l-*informazzjoni* jew *aħbarijiet* jew *xort'oħra jagħmel użu minn network* jew *apparatus ta' komunikazzjoni elettronika*, għal kwalunkwe *mill-iskopijiet hawn fuq imsemmija*,

għandu jkun hati ta' reat u, meta jinsab hati, għandu jehel il-piena ta' prigunerija għal żmien ta' mhux aktar minn sentejn, jew multa ta' mhux aktar minn għaxart elef euro (€10,000), jew dik il-prigunerija u multa flimkien."

- 5.** Fis-subartikolu (1) tal-artikolu 350 tal-Kodiċi t-tifsira "Sistema ta' Informazzjoni ta' Schengen" għandha tiġi sostitwita b'din it-tifsira ġdida li ġejja:

Emenda tal-artikolu 350 tal-Kodiċi.

" "Sistema ta' Informazzjoni ta' Schengen" tfisser is-Sistema ta' Informazzjoni ta' Schengen kif stabbilita fir-Regolament (UE) 2018/1862 tal-Parlament Ewropew u tal-Kunsill tat-28 ta' Novembru 2018 dwar l-istabbiliment, it-tħaddim u l-użu tas-Sistema ta' Informazzjoni ta' Schengen (SIS) fil-qasam tal-kooperazzjoni tal-pulizija u l-kooperazzjoni ġudizzjarja f'materji kriminali, li jemenda u jhassar id-Deċiżjoni tal-Kunsill 2007/533/ĠAI, u jhassar ir-Regolament (KE) Nru 1986/2006 tal-Parlament Ewropew u tal-Kunsill u d-Deċiżjoni tal-Kummissjoni 2010/261/UE."

- 6.** Minnufih wara s-subartikolu (2) tal-artikolu 351 tal-Kodiċi għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

Emenda tal-artikolu 351 tal-Kodiċi.

"(2a) Uffiċjal tal-Pulizija jista' jipperkwizixxi persuna, vettura, bastiment, biċċa tal-baħar jew dgħajsa, merkanzija jew inġenju tal-ajru sabiex iwettaq verifiki diskreti, verifiki ta' investigazzjoni jew verifiki speċifiċi skont l-Artikolu 36 jew l-Artikolu 38 tar-Regolament (UE) 2018/1862 tas-Sistema ta' Informazzjoni ta' Schengen (SIS) jew, jekk għandu suspett raġonevoli illi l-perkwizizzjoni ser twassal għal kxif ta' persuni suġġetti għal allert skont l-Artikolu 32 tiegħu."

- 7.** Fil-paragrafu (g) tal-artikolu 355 tal-Kodiċi l-kliem "Sistema ta' Informazzjoni ta' Schengen:" għandhom jiġu sostitwiti bil-kliem "Sistema ta' Informazzjoni ta' Schengen; jew" u minnufih wara, għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

Emenda tal-artikolu 355 tal-Kodiċi.

"(h) il-kxif ta' persuni illi jaqgħu fl-iskop tal-Artikolu 32(1)(ċ), (d) u (e) tar-Regolament (UE) 2018/1862 li jstabbilixxi s-Sistema ta' Informazzjoni ta' Schengen:"

- 8.** Il-paragrafu (g) tas-subartikolu (1) tal-artikolu 355E tal-Kodiċi għandu jiġi sostitwit b'dan il-paragrafu ġdid li ġej:

Emenda tal-artikolu 355E tal-Kodiċi.

"(g) id-dhul ikun neċessarju għall-protezzjoni ta' kwalunkwe persuna, inklużi minuri jew persuni vulnerabbli li hemm bżonn li ma jithallewx jivvjaggaw minhabba riskju

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konkret u evidenti li dawn jitnehhew jew jitolqu mit-territorju ta' Stat Membru, jew li għandhom bżonn jitqiegħdu taht protezzjoni skont ir-Regolament (UE) 2018/1862 li jistabbilixxi s-Sistema ta' Informazzjoni ta' Schengen."

Emenda tal-
artikolu 548 tal-
Kodiċi.

9. Is-subartikolu (2) tal-artikolu 548 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu għdid li ġej:

"(2) L-esperti maħtura fl-inkjesta sabiex jiġbru u jeżaminaw kwalunkwe data dattiloskopika u l-kampjuni sabiex jiġi analizzat id-DNA uman, għandhom fi żmien erbgha u għoxrin siegħa mill-analiżi tad-data dattiloskopika jew profil, jibagħtu lill-Pulizija Eżekuttiva kopji tad-data dattiloskopika u tal-profil tad-DNA flimkien ma' kwalunkwe informazzjoni oħra relatata mad-data dattiloskopika u mal-profil tad-DNA, kif ukoll kwalunkwe informazzjoni oħra li l-Pulizija Eżekuttiva tista' titlob lill-espert."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 405 tat-13 ta' Novembru, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

18th November, 2025

ACT No. XXXVII of 2025

AN ACT to amend various articles in the Criminal Code with a view to introducing additional provisions regulating and imposing criminal liability for the misuse of electronic communication, amending the provisions regulating the procès-verbal, substituting the concept of trafficking in persons with that of smuggling of persons and imposing penalties for offences relating to smuggling of persons, as well as granting powers to Police to execute alerts pursuant to the Schengen Information System.

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. 5) Act, 2025 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 337A of the Code shall be amended as follows:

Amendment of article 337A of the Code.

(a) in the marginal note thereof the words "Traffic in persons to enter or leave Malta illegally." shall be substituted by the words "Smuggling of persons.";

(b) in sub-article (1) thereof the words "from six months to five years or a fine (*multa*) of twenty-three thousand and two

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hundred and ninety-three euro and seventy-three cents (€23,293.73)" shall be substituted by the words "from four years to ten years, or a fine (*multa*) of forty thousand euro (€40,000)".

Amendment of article 337B of the Code.

3. In sub-article (1) of article 337B of the Code immediately after the definition "computer system" there shall be added the following new definitions:

"electronic communication apparatus" means any equipment or machinery howsoever so described;

"electronic communication network" means transmission systems, whether or not based on a permanent infrastructure or centralised administration capacity, and where applicable switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit-switched and packet-switched, including Internet) and mobile networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, irrespective of the type of information conveyed;"

Addition of new article to the Code.

4. Immediately after article 337H of the Code there shall be added the following new article:

"Misuse of electronic communication network or apparatus to transmit misleading information or spread false news.

337I. Whosoever, knowingly with intent to cause harm, shall engage in actions that impact the integrity of electronic communications or with intent to spread false news shall use an electronic mail address or website domain likely to deceive the recipient as to the identity of the person transmitting the information or news or otherwise make use of an electronic communication network or apparatus for any of the purposes mentioned above, shall be guilty of an offence and shall on conviction, be liable to imprisonment for a term not exceeding two years, or to a fine (*multa*) not exceeding ten thousand euro (€10,000), or both such imprisonment and fine."

Amendment of article 350 of the Code.

5. In sub-article (1) of article 350 of the Code the definition "Schengen Information System" shall be substituted by the following new definition:

" "Schengen Information System" means the Schengen Information System as established by Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the

Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU."

- 6.** Immediately after sub-article (2) of article 351 of the Code there shall be added the following new sub-article: Amendment of article 351 of the Code.

"(2a) A Police officer may search a person, vehicle, ship, vessel or boat, cargo or aircraft to carry out discreet checks, inquiry checks or specific checks as referred to in Article 36 or Article 38 of Regulation (EU) 2018/1862 establishing the Schengen Information System or, if he has reasonable suspicion that the search will detect persons subject to an alert in accordance with Article 32 thereof."

- 7.** In paragraph (g) of article 355 of the Code the words "Schengen Information System:" shall be substituted by the words "Schengen Information System; or" and immediately thereafter there shall be added the following new paragraph: Amendment of article 355 of the Code.

"(h) the detection of persons falling within the scope of Article 32(1)(c), (d) and (e) of Regulation (EU) 2018/1862 establishing the Schengen Information System:"

- 8.** Paragraph (g) of sub-article (1) of article 355E of the Code shall be substituted by the following new paragraph: Amendment of article 355E of the Code.

"(g) the entry is necessary for the protection of any person, including minors or vulnerable persons who need to be prevented from travelling owing to a concrete and apparent risk of them being removed from or leaving the territory of a Member State or who need to be placed under protection in accordance with Regulation (EU) 2018/1862 establishing the Schengen Information System."

- 9.** Sub-article (2) of article 548 of the Code shall be substituted by the following new sub-article: Amendment of article 548 of the Code.

"(2) Experts employed in the inquest for the purpose of collecting and examining any dactyloscopic data and samples for analysing human DNA, shall within twenty-four hours of analysing the dactyloscopic data or profile, transmit to the Executive Police copies of the dactyloscopic data and DNA profiles together with any other information related to the dactyloscopic data and DNA profile, as well as any other

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information that the Executive Police may request from the expert.".

Passed by the House of Representatives at Sitting No. 405 of the 13th November, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA