

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 the Criminal Code, hereinafter referred to as "the Code".

Cap. 9.

Amendment of
article 518 of
the Code.

2. In the second proviso to article 518 of the Code the words "the requesting authority." shall be substituted by the words "the requesting 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