

B 1640

**L.N. 231 of 2021**

**CRIMINAL CODE  
(CAP. 9)**

**Exchange of Information and Reporting of Crime concerning  
Fraud and Counterfeiting of Non-Cash means of Payment  
Regulations, 2021**

IN EXERCISE of the powers conferred by article 310K of the Criminal Code, the Minister for Justice, Equality and Governance has made the following regulations:-

Citation and scope.

**1.** (1) The title of these regulations is the Exchange of Information and Reporting of Crime concerning Fraud and Counterfeiting of Non-Cash means of Payment Regulations, 2021.

(2) The scope of these regulations is to transpose Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA.

Operational national point of contact.

**2.** (1) The Malta Police Force is hereby designated as the operational national point of contact, as referred to in Article 14 of Directive (EU) 2019/713, for purposes of exchanging information relating to the offences established in article 310F and article 310H of the Criminal Code.

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(2) The national point of contact shall be available twenty-four (24) hours a day, seven (7) days a week and shall have procedures in place so that urgent requests for assistance are promptly dealt with.

(3) The national point of contact shall reply to any request for assistance within eight (8) hours of receipt, by at least indicating whether the request will be answered, the form of such an answer and the estimated time within which the reply will be sent.

Encouraging the reporting of crime.

**3.** The national point of contact shall encourage the reporting, without undue delay, in particular by financial institutions, of suspected fraud and counterfeiting of non-cash means of payment as referred to in article 310F and article 310H of the Criminal Code.

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Assistance and support to victims.

**4.** (1) The national point of contact shall:

(a) offer specific information and advice on how to protect oneself against the negative consequences of the

offences, such as reputational damage; and

(b) provide a list of dedicated institutions that deal with different aspects of identity-related crime and victim support,

to any natural or legal person who has suffered harm as a result of any of the offences referred to in article 310F and article 310H of the Criminal Code, when such offences are committed by misusing personal data. Cap. 9.

(2) Legal persons that are victims of the offences referred to in article 310F and article 310H of the Criminal Code shall be offered the following information, without undue delay, after their first contact with the national point of contact: Cap. 9.

(a) the procedures for making complaints with regard to the offence and the victim's role in such procedures;

(b) the right to receive information about the case in accordance with national law;

(c) the available procedures for making complaints if the national point of contact does not respect the victim's rights in the course of criminal proceedings; and

(d) the contact details for communications about their case.

(3) The national point of contact shall be responsible for the setting up of a single national online information tool to facilitate access to assistance and support for natural or legal persons who have suffered harm as a result of the offences referred to in article 310F and article 310H of the Criminal Code, when such offences are committed by misusing personal data. Cap. 9.

**5.** The national point of contact shall conduct, on a regular basis, information and awareness raising campaigns as well as research and education programmes, including through the internet, aimed at reducing overall fraud, raising awareness and reducing the risk of becoming a victim of fraud. Prevention.

**6.** (1) The national point of contact and the Court Services Agency shall establish a system for the recording, production and provision of anonymised statistical data on the reporting, investigative, prosecutorial and judicial phases involving the offences referred to in article 310F and article 310H of the Criminal Code. Monitoring and statistics.  
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(2) The statistical data referred to in the preceding sub-regulation shall, as a minimum, cover existing data on the number of offences referred to in article 310F and article 310H of the Criminal Code and on the number of persons prosecuted for and convicted of the offences referred to in article 310F of the Criminal Code.

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