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FOUNDATION



2026 Rule of Law Submission Malta

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aditus foundation
Daphne Caruana Galizia Foundation

[aditus foundation](#) (VO/0512, EU Transparency Reg. No 455286844374-86) is an independent, voluntary & non-profit organisation (NGO) established by a group of lawyers with a mission to monitor, act & report on access to fundamental human rights in Malta. We believe in the universality, interdependence and indivisibility of all human rights.

[The Daphne Caruana Galizia Foundation](#) (VO/1633, EU Transparency Reg. No. 481066842274-13) is a non-profit civil society organisation that pursues public accountability through investigative journalism and legal advocacy. The team at the Foundation is inspired by Daphne Caruana Galizia's life, journalism, and unwavering commitment to the public interest. The Foundation works to ensure justice for her assassination and to continue her fight for press freedom and democracy. Because it is not possible to isolate her assassination from systemic corruption, institutional and state capture, and a collapse in the rule of law in Malta, the Foundation has a wide mandate to attack those diseases and fight for the principles of democracy using journalism and both legal and political mechanisms.

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Horizontal Developments

Across the European Union, the incremental institutional weakening of the rule of law is apparent in 2025, with governments narrowing access to accountability mechanisms, delaying implementation of international anti-corruption standards, and exerting greater influence over media regulation and public broadcasters. Malta reflects these trends through legislative changes that restrict the initiation of corruption investigations and weaken judicial oversight, persistent non-compliance with GRECO and OECD recommendations on asset declarations, lobbying transparency and abuse of office, and chronically slow or ineffective prosecution of high-level corruption.

In the media sphere, Malta mirrors EU-wide patterns of “soft capture”, where at least partial compliance with EU legislative measures (such as the European Media Freedom Act) coexist with continued political influence over public broadcasting, opaque state advertising practices, weak regulators, and insufficient protection against SLAPPs.

In March 2025, Maltese Prime Minister Abela addressed the EU Council of Ministers stating that there are international obligations binding on all Member States (MSs) that were being abused by human smugglers and migrants. In particular, the Prime Minister referred to failed asylum-seekers using “loopholes” that come from the restrictive interpretation of the European Convention on Human Rights (ECHR) to thwart removal and returns to their country of origin. He stated that a group of MSs, which included MT, IT, DK, NL, FI, CZ, LV, CY, EL, BE and AT, agreed that the ECHR needed to be reformed. He suggested that since Malta would hold the Presidency of the Council of Europe (CoE) from May 2025, with the support of the majority of European MSs and the European Commission, it could facilitate discussions on reform¹. These statements were met with shock with civil society reacting strongly², which came after a raft of judgments finding Malta’s migration policies breach fundamental rights³. The reform of the Convention did not make it to the Malta agenda of its CoE Presidency⁴ and just a few months later during a CoE Parliamentary Assembly, Prime Minister Abela reaffirmed the importance of the ECHR describing it as *“more than a legal instrument - it is the shared foundation of democratic life in Europe”* that set clear limits on the exercise of power⁵. However,

¹ Parliament of Malta, [Statement by the Prime Minister, Hon. Robert Abela, on his participation in European Council meetings](#), 20/03/2025.

² Times of Malta, [‘Shocking ignorance’: Abela slammed for comments on human rights](#), 25/03/2025.

³ Interim measure in [M.S. v Malta](#), communicated on 19/03/2025 Application no. 30737/24; [A.B and Y.W. v Malta](#), Application 2559/23; [J.B. v Malta](#), Application 1766/23; [A.D. v Malta](#), Application 12427/22; [S.H. v Malta](#), Application no. 37241/21.

⁴ Malta Department of Information, [Press Release by the Office of the Deputy Prime Minister and Ministry for Foreign Affairs and Tourism Malta takes on the Presidency of the Council of Europe](#), PR250808en, 14th May 2025.

⁵ CoE Newsroom, [Prime Minister Robert Abela: Council of Europe is a guiding compass](#), 25/06/2025.

on 10 December 2025, 26 CoE states, signed a Joint Statement which called for changes to the ECHR in order to protect their “*populations’ human rights and fundamental freedoms, including the right to live in peace, freedom and security*” by restricting the rights afforded to migrants residing in CoE member states⁶. Amongst these 26 states were EU Member States DK, IT, AT, BE, BG, HR, CZ, EE, FI, HU, IE, LV, LT, MT, NL, PL, RO, SK and SE.

This was met with criticism by the European Network of National Human Rights Institutions⁷ and civil society organisations that consider that the proposed changes would result in a dramatic lowering of human rights standards in over forty States across Europe⁸. The CoE Secretary General and the CoE Commissioner for Human Rights held that this brought into question the independence and impartiality of the European Court of Human Rights which is essential to the rule of law⁹.

In 2025 some civil society organisations in Malta have felt the effect of the reduction of funding due to worldwide funding shortfalls to donor organisations, with some funding sources being cut completely thus effecting the work being carried out by CSOs¹⁰. Furthermore, across Europe CSOs also face institutional pressures both at a national level and at EU level in relation to the restriction of public or EU-funds for their advocacy work or as a result of criticism levelled at national governments¹¹.

Together, these developments illustrate a broader European shift towards procedural backsliding, where democratic institutions formally remain intact but are gradually hollowed out in practice, reducing transparency, accountability and independent scrutiny.

⁶ Joint Statement to the Conference of Ministers of Justice of the CoE, [A joint statement delivered to today's meeting of the Justice Ministers of the Council of Europe \(Wednesday 10 December\), signed by 27 countries including the UK](#), 10/12/2025.

⁷ European Network of National Human Rights Institutions, [Statement to Inform Council of Europe Ministerial Conference: European Convention on Human Rights and Migration](#), 4/10/2025.

⁸ AGORA Group, [Statement of 28th November](#), 28/11/2025; [Civil Society reaction to the ‘Joint Statement to the Conference of Ministers of Justice of the Council of Europe’](#), 15/12/2025.

⁹ CoE, [Alain Berset on the joint letter challenging the European Court of Human Rights](#), May 2025; CommHR(2025)68 [Migration: facts and law: securing the European human rights system – Commissioner O’Flaherty to Justice Ministers](#), 10/12/2025.

¹⁰ MaltaToday, [UNHCR funding crisis hits Malta branch](#), August 2025.

¹¹ European Policy Centre, [Guarding the Foundations: EU civil society in a changing geopolitical landscape](#), 2025.

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the justice system (if applicable):

Recommendation: Take forward the ongoing reform to involve the judiciary in the procedure for the appointment of the Chief Justice, taking into account European standards on judicial appointments.

This recommendation was first introduced by the Commission in 2022 and subsequently noted NO PROGRESS in the Rule of Law report in 2023 and SOME PROGRESS in the Rule of Law Reports of 2024 and 2025. However, we note that no progress has been noted in 2026 as the rules for the appointment remain unchanged. Furthermore, the current Chief Justice will retire in February 2026 and no talks on his replacement had been held until December 2025¹².

In May 2025 the Government presented a Bill¹³ to amend the Constitution of Malta in relation to the justice sector in order to provide for the removal of the prohibition of judges from being appointed President of the Republic, to establish a consultation procedure for the involvement of the judiciary in the appointment of the Chief Justice, to extend the age of judges to remain in office, to change the method of determination of complaints against legal professionals and renew the framework governing disciplinary proceedings against Judges and Magistrates. There was a considerable amount of backlash from the public due to the lack of consultation and due to the contents of the said bill¹⁴. However, out of the 13 proposed amendments only 3 amendments were passed¹⁵ as Government pushed a procedural motion that aimed to split the vote clause-by-clause in order to bypass the requirement of a $\frac{2}{3}$ majority for Constitutional Bills that contain a mix of clauses, some requiring a two-thirds majority and others a simple majority¹⁶.

The proposed amendment that was put forward obliges the Prime minister, before presenting a motion for the resolution for the appointment of the Chief Justice, to declare to Parliament that he consulted the current Chief Justice and the President about the choice of the person to be appointed as Chief Justice. The Prime Minister must also inform the Leader of the Opposition of the result of the said consultation.

It should be noted that the provisions relating to the appointment of the Chief Justice **did not** become law.

¹² Times of Malta, [Editorial: The best person for the job](#), 10/01/2016; Times of Malta, [Chief justice about to retire, but no talks yet on his replacement](#), 29/12/2025.

¹³ [Bill No. 134 - Constitution of Malta \(Amendment\) Bill](#), May 2025.

¹⁴ Times of Malta, [Piecemeal constitutional reforms risk undermining the rule of law](#), May 2025. aditus foundation, Daphne Caruana Galizia Foundation, Repubblika, [Bill 134 - Rushed judicial constitutional amendments without Consultation](#), May 2025.

¹⁵ [Act No. XVI of 2025 - Constitution of Malta \(Amendment\) Act](#), June 2025.

¹⁶ The Malta Independent, [Judicial Standards Commissioner law approved; PN shoots down bulk of constitutional reforms](#), June 2025.

Recommendation: Step up efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.

This recommendation was first introduced by the Commission in 2022 and subsequently noted SOME PROGRESS in the Rule of Law Reports of 2023, 2024 and 2025. However, we note that no progress has been noted in 2026 as although Government has taken some steps the length of judicial proceedings, in civil, criminal and the administrative sectors, remains concerning¹⁷ and is amongst the longest in the European Union. In some sectors the length of judicial proceedings and backlogs have increased. A study by the Daphne Caruana Galizia Foundation on delayed court wilful homicide proceedings reports a growing backlog with 46% of homicide cases arraigned between 2010 and 2020 remain pending¹⁸. The report also finds that Malta has one of the highest expenditure rates on the courts, yet one of the smallest judiciaries per capita and one of the lowest resolution rates in Europe.

Digitalisation

Government has again reiterated that it invested €10million in a new case management system, however this is still at tender stage¹⁹. It should be noted that this tender was issued in 2024 and is still being processed²⁰. This call for proposals seems not to have been discussed in the Digital Justice Committee set up to monitor and implement changes with a view to digitalisation of the courts, which committee as of October 2024 had not met up once since inception, contrary to the Government's assertion that the Committee meets regularly. The Chamber of Advocates lamented that besides not being advised on the contents of the call, the 28-month timeframe imposed on the eventual service provider is not realistic and such a major overhaul of the working of the national justice system requires more consultation²¹. The Chamber was also not consulted on the issuance of a tender for a unified court diary, although it had proposed a similar system years ago.²²

Whilst the purchase of laptops for the Justice Agency, equipment for virtual sittings and payment of wi-fi are needed for the basic functioning of a court system²³, these did not result in an increase in efficiency or shortening of court proceedings. It remains that a functional digitalisation system is not in place and practitioners face a lack of digital tools relating to electronic filings of both criminal and civil cases, digital case journey solutions and a modern judicial portal with efficient dashboard as

¹⁷ World Justice Project, [Malta 2025 Ranking](#).

¹⁸ Daphne Caruana Galizia Foundation, [Justice at Risk: The Impact of Delayed Legal Proceedings in Wilful Homicide Cases in Malta](#), 2025.

¹⁹ Press Release: [Prime Minister inaugurates new Court building for Inquiring Magistrates – a project that strengthens justice in our country](#), 16/09/2025

²⁰ [Tender for the Customisation and Implementation of An Off The Shelf Courts Management Information System for The Court Services Agency](#), 2024.

²¹ [Diskors tal-President ta' I-Kamra ta' I-Avukati – Ftuh tas-sena Forensi 2024-2025](#), 1/10/2024.

²² Chamber of Advocates, Circular to Members, 15 December 2025.

²³ European Commission, [Positive preliminary assessment of the satisfactory fulfilment of milestones and targets related to the third payment request submitted by Malta on 12 December 2024, transmitted to the Economic and Financial Committee by the European Commission](#), 30/6/2025

required to be implemented by the Recovery and Resilience Plan²⁴ by June 2026. It is unclear whether the extensive tribunal system²⁵ is being included in the digitalisation process being carried out, although it is assumed that they are not as they do not fall under the Court Services Agency.

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. Judicial review)

We reiterate that there is need for further depoliticisation of the appointment system of members of the judiciary and transparency in decision-making by highlighting that the President is appointed by Parliament and is a political figure. We also note the concern of the Chamber of Advocates that the publication of the shortlist of candidates has had the effect of discouraging practising private lawyers from applying for any open judicial posts.

- Appointment of Adjudicators on Specialised Tribunals

In its 2025 Report the Commission stated that the authorities concluded a public procurement procedure for the selection of an independent contractor to carry out the independent review required by Milestone 6.3 of the Recovery and Resilience Plan, although no further steps were taken. Furthermore, it stated that the Government formalised a draft bill which proposes that the executive will no longer be involved in the appointment of members of these administrative tribunals. These statements were not supported by any references or links and communication with the Commission by email²⁶ did not result in a confirmation of the launching of the procurement procedure nor that they had seen a draft bill on the reform of such Tribunals.

With respect to Milestones 6.4 of the Recovery and Resilience Plan it looks likely that Milestone 6.4, as with Milestone 6.3, which calls for legislative changes deemed necessary by the independent review by Q1 of 2026 will be missed.

In the meantime, Government is proposing amendments the working of Tribunals²⁷, in the environmental sector, that have clear negative implications on the rule of law, the independence of the Courts and the rights of citizens to an effective remedy.

²⁴ Council of the European Union, [ANNEX to the COUNCIL IMPLEMENTING DECISION amending Council Implementing Decision \(EU\) \(ST 11941/2021; ST 11941/2021 ADD 1\) of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta](#), 2023.

²⁵ Tribunals include: Immigration Appeals Tribunal, the International Protection Appeals Board, Environment and Planning Review Tribunal, the Consumer Claims Tribunal, the Competition & Consumer Appeals Tribunal, the Industrial Tribunal, the Information and Data Protection Appeals Tribunal, the Mental Health Review Tribunal, the Patent Tribunal, the Police Licences Appeals Tribunal, the Panels of Administrative Review Tribunals and the Prison Appeals Tribunal.

²⁶ Email sent to DG JUST European Commission from aditus foundation on 9/07/2025, Email from DG JUST European Commission to aditus foundation on 18/07/2025.

²⁷ Parliament of Malta, [Bill 144 – Environment and Planning Review Tribunal Bill 2025](#).

These bills are discussed in further detail below in response to the **Significant developments capable of affecting the perception of independence**.

- Appointment of Nominees to the Courts of Justice of the European Union

Please refer to our [Please refer to our 2025 Rule of Law submission²⁸](#) and note that Malta is still currently without a selected nominee.

- Appointment of the Attorney General

Please refer to our [2025 Rule of Law submission²⁹](#), whilst also reiterating that the process needs to be strengthened in order to ensure quality and independence of the prosecutor.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

Due to no legislative or policy changes in the sector please refer to our 2023 and 2024 Rule of Law Submission³⁰ on the Irremovability of Judges and reiterate our recommendations.

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

We refer to our 2023 and 2024 Rule of Law Submission³¹ on the Independence and powers of the Commission for the Administration of Justice (CAJ), in particular with reference to the composition of the CAJ which should be fully depoliticised. In addition, we note with concern that the relationship between the CAJ and the new Commissioner for Standards of the Judiciary remains unclear. See below for more information.

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

Act no XVI³², referred to above, introduced a Commissioner for Standards of the Judiciary through an amendment to the Maltese constitution. The new article, Article

²⁸ aditus foundation, Daphne Caruana Galizia Foundation, [Joint Submission 2023 Rule of Law Report and aditus foundation, 2025 Rule of Law Submission](#).

²⁹ aditus foundation, Daphne Caruana Galizia Foundation, [Joint Submission 2023 Rule of Law Report and aditus foundation, 2025 Rule of Law Submission](#).

³⁰ Ibid.; and aditus foundation, [2024 Rule of Law Submission](#), January 2024

³¹ Ibid.; and aditus foundation, [2024 Rule of Law Submission](#), January 2024

³² [Act No. XVI of 2025 - Constitution of Malta \(Amendment\) Act](#), June 2025.

101AA³³ allows any person who has concerns about any member of the judiciary to submit such concerns to the **Commissioner for Standards of the Judiciary** in insofar as they allegedly breach the code of ethics for members of the judiciary or other disciplinary rules that may be published. The Commissioner must be a retired judge or magistrate or non-practicing senior lawyer. The Commissioner has the power to investigate allegations he receives about members of the judiciary and report in writing to the Chief Justice and the Minister responsible for justice in case he finds that there is sufficient *prima facie* evidence to initiate disciplinary proceedings against a member of the judiciary.

A number of concerns have been raised as to the problematic drafting of this law and the vagueness of language and the lack of actual procedural rules when concerns are submitted³⁴. The central and intrusive role of the Minister for justice could also have the effect of undue influence that could undermine the independence of members of the judiciary³⁵.

Furthermore, concerns were raised that the new role could duplicate or conflict with existing structures, potentially politicising judicial oversight and creating interference with the Commission for the Administration of Justice.³⁶ An already existing disciplinary procedure under Article 101B of the Constitution grants the Committee for Judges and Magistrates, which is a subcommittee of the Commission for the Administration of Justice, the power to carry out disciplinary proceedings against members of the judiciary. The Committee is made up of 3 members elected amongst the judiciary: two of the three members in disciplinary proceedings against a magistrate shall be magistrates and in the case of disciplinary proceedings against a judge two of the three shall be a judge. Disciplinary proceedings can only be instituted by a complaint in writing made by the Chief Justice or by the Minister. This procedure was already the subject of concern³⁷, with the Chamber of Advocates highlighting problems relating to the discipline of certain members of the judiciary varying from delays in deciding to lack of discipline in the court room, to disrespecting lawyers and the public. They called for the setting up a disciplinary procedure which is independent of the judiciary.

Although it is unsure of how this new role will work, what is still amply clear is that proper disciplinary proceedings can only start with the Chief Justice or the Minister's action, which is problematic in itself, as it rests solely on the discretion of one person one an elected politician and the other appointed by an elected politician.

It should be highlighted that adjudicators on tribunals and quasi-judicial tribunals are not bound by the Judicial Code of Ethics and neither are they under the purview of the new Commissioner for Standards nor of the Commission for the Administration of Justice³⁸.

³³ [Constitution of Malta](#).

³⁴ Times of Malta, [The new law on a commissioner to oversee the judiciary](#), August 2025.

³⁵ Repubblika, Detailed Response To Bill No. 134 To Amend The Constitution, May 2025.

³⁶ The Shift, [Judicial independence at risk with new Bill, former Judges warn](#), 2025.

³⁷ [Diskors tal-President ta' I-Kamra ta' I-Avukati – Ftuħ tas-sena Forensi 2024-2025](#), 1 ta' Ottubru

2024. ditus foundation, [2025 Rule of Law Submission Malta](#), January 2025

³⁸ Times of Malta, [Immigration Appeals Board 'must hear unlawful detention request promptly'](#) -

Independence/autonomy of the prosecution service

Please refer to our 2025 Rule of Law submission.³⁹

Independence of the Bar

We note that in addition to the fact that Malta is still without a law regulating the profession of lawyers, it has not signed and ratified the **Council of Europe Convention for the Protection of the Profession of Lawyer**⁴⁰ which aims to protect the profession of lawyer and the right to practise this profession with independence and without discrimination, improper hindrance or interference, or being subjected to attacks, threats, harassment or intimidation.

Please refer to our 2023 and 2025 Rule of Law submission⁴¹.

Significant developments capable of affecting the perception of independence

The new law which established the **Commissioner for Standards of the Judiciary** was criticised by former European Court of Human Rights judge Giovanni Bonello expressing unease that establishing a Judiciary Standards Commissioner could pose significant risks: “*Everybody agrees that all public powers should be wielded transparently... But striking the right balance between these undoubted values and ensuring judicial independence will, in practice, prove to be almost impossible tightrope walking.*”⁴²

A 2025 controversial environment planning reform saw two Bills⁴³ being tabled in Parliament without prior consultation with stakeholders. One of the many reforms relates the curtailment of national courts’ powers and as a result of such they will be precluded from annulling permits outright and will instead only be able to send them back to the PA’s appeals tribunal for reconsideration⁴⁴. Objectors appealing a Planning Authority decision will only be able to argue points they raised in front of the PA. Furthermore, the PA’s appeals board – the Environment and Planning Review Tribunal⁴⁵ – will have the power to approve applications without hearing objectors if it believes the required changes are not “*material*” in nature. Civil society⁴⁶ and academics have criticised the Bills on a number of issues, however most prominently

[Board must be bound by the same provisions as magistrates in such cases, magistrate insists, 8/10/2025.](#)

³⁹ aditus foundation, Daphne Caruana Galizia Foundation, [Joint Submission 2023 Rule of Law Report](#) and aditus foundation, [2025 Rule of Law Submission](#).

⁴⁰ Council of Europe, [Convention for the Protection of the Profession of Lawyer](#) (CETS No. 226).

⁴¹ aditus foundation, Daphne Caruana Galizia Foundation, [Joint Submission 2023 Rule of Law Report](#) and aditus foundation, [2025 Rule of Law Submission](#).

⁴² The Shift, [Judicial independence at risk with new Bill, former Judges warn](#), 2025.

⁴³ Parliament of Malta, [Bill 143 – Development Planning Bill 2025](#) and [Bill 144 – Environment and Planning Review Tribunal Bill 2025](#).

⁴⁴ Times of Malta, [Appeal deadlines relaxed, controversial changes remain in planning law overhaul](#), Times of Malta, 2/10/2025

⁴⁵ The method of appointment of adjudicators to the EPRT is similar to that of other tribunals which is considered to be problematic by the EU Commission and the Venice Commission.

⁴⁶ Ģustizzja Għal Artna [Campaign](#).

on the undermining of the rule of law in Malta. It was felt that the proposals undermine good governance, the right to public participation and access to justice enshrined in our Constitution and also in the Aarhus Convention, ratified by Malta⁴⁷.

In June 2025 the European Commission opened infringement proceedings against Malta⁴⁸ by sending a letter of formal notice for failing to comply with its obligations under the Regulation 1215/2012 on jurisdiction and the recognition and enforcement of judgments⁴⁹ in the gambling sector. The Commission held that Malta failed to comply with Regulation 1215/2012 by imposing on its courts an obligation to systematically refuse, on grounds of national public policy, the recognition and enforcement of judgments issued by courts of other EU Member States against Maltese-licensed gaming companies. This infringement stems from an amendment⁵⁰ to the Maltese Gaming Act⁵¹ that was passed in 2023 which explicitly states that Maltese court shall refuse recognition and, or enforcement in Malta of any foreign judgment or decision given upon an action against a Maltese-licensed company relating to the provision of a gaming service, or against a player. These amendments had the effect of shielding Maltese-licensed gaming companies from having to pay out millions in successful legal claims handed down by foreign judgements⁵². The Commission held that the Maltese amendment, besides undermines the principle of mutual trust in the administration of justice, also violates the prohibition on reviewing judgments from other Member States on their substance. Lawyers of litigants in other Member States have complained to the European Commission that Maltese legislation fails to protect the fundamental rights of EU citizens as it had the potential to go against European Union rule of law principles and specifically the independence of the Maltese courts as required under in order to be guaranteed an effective remedy under Article 47 of the Charter⁵³.

B. Quality of Justice

Accessibility of courts

With regards to legal aid there is a need to increase the threshold for the means test to take into account the increase in the cost of living and to expand the right to legal aid for those whose income may exceed the national minimum wage (which is under €12,000 p/a) but who still cannot afford to pay for legal services. Furthermore, there is also a need to expand the merit test to include legal advice which extends beyond

⁴⁷ Dr. M. Camilleri, Times of Malta, [Planning reforms, environmental democracy and the rule of law](#), 25/08/2025; Prof. Aquilina, The Malta Independent, [The rule of law and government's planning bills](#), 10/08/2025; Times of Malta, [Planning reform 'dismantles the rule of law', law professor warns](#), 4/10/2025; MaltaToday, [Claire Bonello – 'Planning bills take Malta back to feudal times'](#), 3/08/2025.

⁴⁸ European Commission, [June Infringements package: key decisions](#), last accessed on 16th October 2025.

⁴⁹ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on [jurisdiction and the recognition and enforcement of judgments in civil and commercial matters \(recast\)](#), OJ 2012 L 351.

⁵⁰ Malta, Act No.XXI of 2023 [Gaming \(Amendment\) Act](#), 16 June 2023.

⁵¹ Malta, [Gaming Act](#), CAP. 583 of the laws of Malta.

⁵² EUobserver, [Malta's little-known law letting global gambling giants off the hook](#), 6 March 2025.

⁵³ In particular, paragraph 38 of Regulation 1215/2012 states that the Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular the right to an effective remedy and to a fair trial guaranteed in Article 47 of the Charter. Malta Business Weekly, [German Federal Government to 'monitor' developments of Maltese Gaming Bill](#), 24 May 2023; Malta Independent, [Austrian, German lawyers write to European Commission over proposed changes to Malta's gaming laws](#), 8 May 2023.

probabilis causa litigandi, in order to allow for individuals who do not have sufficient financial means have access to free prelitigation legal advice.

Legal Aid for asylum and immigration cases are not provided within the ambit of the Ministry of Justice but via a different system through the Ministry for Home Affairs that issues separate calls, appoints the lawyers and assigns cases. We are not aware of any case-management system or rotation of such lawyers. This can cause issues of conflict of interest where the same Ministry's agencies are the plaintiffs in immigration and asylum appeals. There is no legal aid for regular migration cases.

We refer to our 2023, 2024 and 2025 Rule of Law Submissions⁵⁴.

Resources of the judiciary, remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

Capacity

Due to a severe lack of physical space the Government has started a process to decentralise the court buildings which were previously hosted in and around the Courts' main building. Whilst one building dedicated to magisterial inquiries was opened at the end of 2025, discussions relating to other relocations of buildings have been typified by a lack of consultation and disagreement between Chamber of Advocates and the administration. In particular, the Chamber of Advocates was not consulted on the restructuring and moving of certain courts⁵⁵, such as the Family Court and the Civil Court Commercial Section, although the moving of Court buildings for lawyers would present a significant challenge to the current lack of consolidated digital court diaries and would require lawyers to be in several buildings at the same time if they have multiple cases⁵⁶.

Parliament began discussion on the re-establishment of the Commercial Court which will focus on commercial and trade cases. The Bill is in its second reading in Parliament, and it is hoped that it will reduce the burden on the First Hall of the Civil Court where judges are handling a substantial number of cases.

In the speech of the opening of the Courts the Chief Justice lamented that the Government did not issue calls for new members of the judiciary before the retirement of members of the judiciary. Whilst he noted that a call for 2 judges and 2 magistrates had been issued, he pointed out that 3 out of 7 senior judges are set to retire in the coming months. He further noted that over 800 cases could not be assigned before new judges were appointed. On the subject of criminal proceedings, he highlighted that there are over 100 trials still waiting to be appointed and therefore there is urgent need for additional judges to sit in the criminal courts⁵⁷. These

⁵⁴ aditus foundation, Daphne Caruana Galizia Foundation, [Joint Submission 2023 Rule of Law Report](#); aditus foundation, [2024 Rule of Law Submission](#); aditus foundation, [2025 Rule of Law Submission](#).

⁵⁵ Chamber of Advocates, Email to Members Qrati u l-Bini tagħhom fis-snin li gejjin, 12 December 2025.

⁵⁶ Times of Malta, [Our Courts are reaching breaking point – Former Minister](#), 10/01/2026.

⁵⁷ Times of Malta, [Chief Justice urges MPs to reconsider constitutional amendments he had proposed](#), 1/10/2025.

concerns were reiterated by the President of the Chamber of Advocates, whilst he also highlighted that citizens are suffering from severe delays and lack of professionalism, with sittings regularly starting late and/or overrunning⁵⁸.

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

There is no public information on the trainings attended by or organised for the judiciary. The total annual national budget allocated to the Judicial Studies Committee remains at €70,000 for all the judiciary⁵⁹. There are no legal requirements for judges (or lawyers) to carry out professional development training in order to retain their position or warrant.

In spite of years in the working, lawyers are still without a law that regulates their profession⁶⁰ which results in a lack of regulation and discipline that is compounded by the severe delays and lack of resources in a dysfunctional court system.

Digitalisation

See above on the **Follow-up on the recommendations received in the 2025 Report**

C. Efficiency of the Justice System

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings, to address backlogs)

See above on the **Follow-up on the recommendations received in the 2025 Report**.

Although the European Commission's 2025 Rule of Law Report noted that there was a comprehensive constitutional reform process relating to the justice sector being carried out in the Maltese Parliament it would be misleading to define the tabling of a handful of draft bills as a constitutional reform process⁶¹. Stakeholders have repeatedly called for the setting up of an inclusive constitutional⁶² in order to address and discuss reforms and changes needed for Malta to continue to be a modern democratic state, as the 2019 Convention was characterised by a lack of structural dialogue and excluded a number of CSOs as early as 2021⁶³.

⁵⁸ Newsbook, [Chief Justice renews call for watchdog, lawyers slam delays and dysfunction in courts](#), 1/10/2025.

⁵⁹ Ministry for Finance, [Budget 2026](#).

⁶⁰ Times of Malta, [Chief Justice urges MPs to reconsider constitutional amendments he had proposed](#), October 2025.

⁶¹ Times of Malta, [Piecemeal constitutional reforms risk undermining the rule of law](#), May 2025.

⁶² Ibid.

⁶³ aditus foundation, [Feedback to DG Justice on the Malta Country Chapter - Rule of Law Report](#), 2021; aditus foundation and Daphne Caruana Galizia Foundation, [2023 Rule of Law Report - Joint Submissions](#), 2023.

II. Anti-Corruption Framework

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the anti-corruption framework (if applicable):

Recommendation: Step up efforts to address the length of investigations of high level corruption cases and to establish a robust track of final judgements

GRECO found that of 23 recommendations issued in 2019, 10 are partly implemented, and a significant 9 have seen no implementation.⁶⁴

Mr Tekke PANMAN, Netherlands, EPP/CD posed a question to the Committee of Ministers highlighting Malta's continued non-compliance with recommendations addressed to it by MONEYVAL on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system.⁶⁵ There has as yet been no response.

Accessibility of investigations into high level corruption

In relation to Recommendation xiii, GRECO notes that “achieving a track record of final judgments for high-level corruption cases remains a challenge” in light of Bill 125 (Act No. VIII of 2025 entitled the Criminal Code [Amendment No. 3] enacted on 11 April 2025).

Amendments introduced by Bill 125 require that a magisterial (criminal) inquiry into suspected criminal activity may only be commenced by an individual upon the presentation of evidence which is admissible in court. This requirement is in violation of part (ii) of GRECO recommendation xiii which requires “that it be made clear for criminal investigative bodies that the launching of an inquest or investigation can be based on a reasonable suspicion and does not require that evidence is readily submitted to them...”.

Prior to the enactment of Bill 125, a private individual could directly petition a magistrate to open a magisterial inquiry. If the magistrate refused, the complainant could appeal that decision through the ordinary judicial system to a superior criminal court. Bill 125 has eliminated the possibility of appeal from a decision of the judiciary

⁶⁴ <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>
|
<https://newsbook.com.mt/en/greco-issues-damning-report-as-malta-fails-majority-of-anti-corruption-reforms/>

⁶⁵ <https://pace.coe.int/pdf/85420c7eb7a27d8c1aadb1dd29cc6051fb2bdb652891294a222ca9f9dc056a42/doc.%2016269.pdf>

not to commence a magisterial inquiry.

New investigations, prosecutions, and final judgements

Proceedings in a number of major corruption cases involving high-level officials - most of which were initiated by individuals requesting a magisterial inquiry - are still in progress. The limitations on access to this remedy posed by Bill 125 is expected to result in fewer new investigations, prosecutions and final judgements.⁶⁶

There have been no new final judgements in high-level corruption cases in 2025. However, in June 2025, two men were sentenced to life in prison for supplying the car bomb that killed the anti-corruption journalist Daphne Caruana Galizia in Malta eight years ago.⁶⁷

In February 2025, a court ruled that there is enough evidence for businessman Yorgen Fenech (currently awaiting trial for Daphne Caruana Galizia's murder) and former head of the police's anti-money laundering unit Ray Aquilina to face trial for money laundering and corruption.⁶⁸

Prior to Bill 125, a number of magisterial inquiries resulted in recommendations for prosecutions which were not acted upon by the Attorney General. For example, the magistrate leading the inquiry into Pilatus Bank recommended the prosecution of several individuals, including Ali Sadr (owner and director of Pilatus Bank), Metmet Tasli (operations supervisor) and Hamidreza Ghanbari (director). Prosecutions for such persons were never commenced.

Duration of investigations

During the last decade, the Maltese government has received significant support from the European Union to improve the judicial system.⁶⁹ Nevertheless, court proceedings remain notoriously slow, and the lack of efficiency in high level corruption cases continues to be highlighted by the Commission year after year.

GRECO Recommendation xvi requires that: i) legislation be issued giving criminal investigation bodies the authority to seek and use special investigative techniques

⁶⁶ <https://timesofmalta.com/article/further-regression-rule-law.1104965>

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<https://www.theguardian.com/world/2025/jun/10/two-men-jailed-for-life-for-supplying-car-bomb-that-killed-daphne-caruana-galizia>

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<https://timesofmalta.com/article/Enough-evidence-Yorgen-Fenech-Ray-Aquilina-face-money-laundering.1105059>

⁶⁹

https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance/establishing-digital-justice-strategy-maltese-justice-sector_en

(such as wiretaps and other similar measures) in the investigation of corruption offences, empowering the judicial authority to authorise their use, and making the evidence obtained thereby admissible in court and that ii) the evidence lawfully obtained by such means is admissible evidence in court. The Maltese authorities, again, submitted no information to GRECO on measures taken to implement this recommendation, leading GRECO to conclude that this recommendation remains unimplemented.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical/specialised resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

Police

GRECO Recommendation xxii recommended i) that the Independent Police Complaints Board (IPCB) be properly equipped, resourced and given adequate guarantees of independence for it to become an effective supervisory mechanism entirely dedicated to such tasks (disciplinary appeals should be excluded from its jurisdiction) and ii) that its activity be documented in a meaningful manner in a public and easily accessible annual activity report.

This recommendation was found to be only partly implemented in light of the fact that insufficient guarantees of the independence of the IPCB have been provided, and further, that it remains to be seen whether the human and financial resources provided to the IPCB are sufficient to allow it to perform its tasks effectively.

Courts

In mid-2025, Bill 137 (Holders of Public Office and Public Entities (Responsibility) Bill). The latter aims to protect public officials in civil cases by making the State assume civil liability, meaning the government pays damages for officials' actions unless criminal intent is proven. The promulgation of such legislation has been carried out without adequate public information and participation, contrary to GRECO Recommendation vi which advocates that the government make provision for the disclosure, as a rule, of governmental draft legislation and other texts of particular public interest, accompanied by an appropriate level of consultations.

The Permanent Commission Against Corruption (PCAC)

The PCAC's role is to receive, investigate, and assess allegations of corruption involving public officials, and if it finds evidence suggesting a criminal offence has been committed, to transmit the file to the Attorney General who then decides whether to prosecute. While the Permanent Commission Against Corruption (PCAC) in Malta has conducted investigations and put forward cases for investigation, its track record in leading to criminal prosecutions or convictions appears extremely limited. Of the 400 corruption cases investigated by the PCAC, none resulted in any prosecution.

EPPO investigations

In October 2025, the EPPO charged a suspect with defrauding EU funds aimed at supporting young farmers to start a business.⁷⁰

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

Courts of Criminal Inquiry

In June 2025, Parliament approved a law establishing the office of the Commissioner for Standards of the Judiciary by constitutional amendment of Article 101AA of the Constitution of Malta through Act No. XVI of 2025.⁷¹ The Commissioner has disciplinary oversight extending to magistrates and judges, including those with influence over proceedings before the courts of criminal inquiry.

The process was characterised by a lack of meaningful public consultation, contrary to GRECO Recommendation vi (which advocates that the government make provision for the disclosure, as a rule, of governmental draft legislation and other texts of particular public interest, accompanied by an appropriate level of consultation).

Former judges and legal commentators warned that the creation of a Commissioner with powers to investigate judicial conduct — especially without clear boundaries — risked undermining judicial independence.⁷²

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<https://www.eppo.europa.eu/en/media/news/malta-eppo-charges-suspect-defrauding-eu-funds-young-farmers>

⁷¹ <https://timesofmalta.com/article/the-new-law-commissioner-oversee-judiciary.111545>

⁷² <https://theshiftnews.com/2025/05/23/judicial-independence-at-risk-with-new-bill-former-judges-warn/>

The Government used a procedural motion allowing clause-by-clause voting by simple majority, which opponents argued weakened constitutional protections that normally require a two-thirds majority for amendments. Civil society sees this as a political manoeuvre to push through sensitive reforms without broad consensus.⁷³

Police

In its Recommendation xvii, GRECO recommended that a dedicated anti-corruption strategy be adopted and implemented for the Maltese Police Force.

GRECO noted that, despite recent updates to the Malta Police Force Anti-Fraud and Corruption Policy and Procedure reported by government, “the measures taken to implement this recommendation still do not address some of its fundamental parts, such as developing a risk-assessment based anti-corruption strategy and ensuring sufficient operational independence” leading it to conclude that this recommendation remains only partly implemented.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

The Malta Police Force Anti-Fraud and Corruption Policy and Procedure was found to be lacking by GRECO (see section above).

All but one of the anti-corruption recommendations made by the Board of Public Inquiry into the Assassination of Daphne Caruana Galizia in 2021 remain unimplemented,⁷⁴ including:

- Introduce Unexplained Wealth Orders;
- Criminalise public officials’ hindrance of police or other authorities in their duties;
- Criminalise mafia-style association;
- Criminalise abuse of office by a public officials (in September 2025, Former Chief Justice and current Standards Commissioner Joseph Azzopardi categorically declared that abuse of office by government ministers should be a criminal offence, however no such law exists to date);
- Introduce the crime of the obstruction of justice in criminal law;

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<https://www.independent.com.mt/articles/2025-06-23/local-news/Law-for-new-Judicial-Standards-Commissioner-approved-as-PN-shoots-down-bulk-of-constitution-reforms-6736271128>

⁷⁴

https://www.daphne.foundation/documents/submissions/20251030_public-consultation-media-reform_submissions.pdf (p 13-25)

- Legislative provisions including in the Code of Ethics are required to safeguard against improper conduct of public officials in the execution of their duties;
- Effect timely and effective investigation by an ad hoc structure within the police force of the cause of risk/s to journalists.

The following recommendation remains partially implemented:

- Revise Attorney General law to fully implement the recommendations of the Venice Commission in regard to the full control of the investigation of serious crimes together with the Police as well as to initiate an investigation directly

In 2025, instances of misuse of public funds, public procurement fraud, conflicts of interest, and other fraud remained high, and included the following:

1. The National Audit Office reported that the government rescinded decades-old restrictions on the sale of public land to a private hotel company for €8 million, despite an independent valuation of €18–24 million, which was suppressed.⁷⁵
2. Affordable Housing Minister Rodrick Galdes purchased a penthouse below market value from a politically connected contractor and bartered an apartment for land controlled by property magnates. Prime Minister Robert Abela defended Galdes and refused to publish ministers' annual wealth declarations, contravening GRECO Recommendation xi on public disclosure of top officials' assets.⁷⁶
3. Health Minister Jo Etienne Abela's nephew and the latter's partner were employed in public roles at Gozo General Hospital, with additional family members holding positions in the Minister's office.⁷⁷
4. Gozo Minister Clint Camilleri awarded contracts to architect Godwin Agius, a close associate, including a €700,000 direct order for road verification works. The ministry resisted transparency requests until ordered by the Information and Data Protection Appeals Tribunal.⁷⁸

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<https://nao.gov.mt/2025/09/15/the-governments-rescission-of-restrictions-on-the-site-of-the-fortina-hotel/>

⁷⁶

https://www.maltatoday.com.mt/news/national/138798/pn_abelas_satisfaction_with_galdes_ignores_s_truggle_of_young_maltese_struggling_to_buy_homes

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<https://theshiftnews.com/2025/08/07/fresh-allegations-of-nepotism-emerge-in-health-ministry-appointments/>

⁷⁸

<https://theshiftnews.com/2025/02/23/strong-links-established-between-gozo-minister-architect-friend/>

5. CEO Steve Ellul awarded a consultancy contract to Veronique Dalli, sister of Energy Minister Miriam Dalli, without public tender, despite other qualified candidates and existing legal firms. Dalli has a history of government contracts and political ties.⁷⁹

6. Energy Minister Miriam Dalli appointed her sister's law partner, Andrew Saliba, as Enemalta board secretary despite his lack of sector expertise.⁸⁰

7. Ex-Gozo Minister Justyne Caruana holds four concurrent government positions, collectively exceeding 120 hours per week for €15,000 monthly.⁸¹

8. Finance manager of Malta College of Arts, Science & Technology was charged with embezzling €2.3 million from payroll funds.⁸²

Immediate and effective steps must be taken towards full compliance with all recommendations addressed to the government by MONEYVAL on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system, as well as with the above-referenced Public Inquiry recommendations.

B. Prevention

Measures to enhance integrity in the public sector in particular as regards high-level officials (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

Codes of Conduct/Ethics

GRECO Recommendation i) requires that measures be taken to solve the legal situation of persons of trust and to limit the number of such discretionarily appointed officials to an absolute minimum, and ii) that those who would perform top executive functions (PTEFs) be required to comply with the highest standards of integrity, including as regards rules of conduct, conflicts of interest, declaratory obligations, and supervision by the Commissioner for standards in public life. It remains unclear whether Directive No. 16 (concerned with conflicts of interest) applies to "persons of

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https://theshiftnews.com/2025/03/25/steve-ellul-appoints-his-mentors-sister-to-infrastructure-malta-pa_yroll/

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https://theshiftnews.com/2025/05/08/minister-appoints-her-sisters-law-partner-to-senior-role-at-enema_lta/

⁸¹ <https://theshiftnews.com/2025/01/06/justyne-four-jobs-e15000-a-month/>

⁸²

https://www.maltatoday.com.mt/news/court_and_police/136604/francine_farrugia_used_mcast_employee_names_to_hide_fraudulent_transactions

trust". GRECO received no information about measures taken in furtherance of part ii of this recommendation, leading it to conclude that it remains only partly implemented.

GRECO Recommendation ii requires that an integrity strategy be developed and implemented in respect of all pertinent categories of persons entrusted with top executive functions. The Maltese authorities provided no new information to GRECO with regard to the same, leading that body to conclude that this recommendation remains unimplemented.

In Recommendation iii, GRECO urged the government to ensure that i) more robust and systematic awareness-raising measures be provided to all PTEFs and ii) that information about the integrity requirements for public officials and their observance is made readily available. This recommendation remains only partially implemented.

GRECO Recommendation iv urged the dissociation of the functions of confidential advice and of enforcement by the Commissioner on Standards in Public Life. The Maltese authorities provided no information on any new developments, consequently this recommendation remains unimplemented.

Incompatibilities

GRECO Recommendation x advises (i) that the current provisions on incompatibilities and side activities applicable to persons with top executive functions be made more coherent and robust, with stricter limits on permissible parallel activities, and (ii) that specific procedures, responsibilities and deadlines for solving such situations be introduced. It remains unclear to what extent the framework for preventing and managing conflicts of interest is applicable to all PTEFs, in particular, "persons of trust". It is also not clear, whether Permanent Secretaries or other officials/bodies have the competence of receiving and processing complaints from other institutions or members of the public in relation to possible incompatibilities of PTEFs' official duties and parallel activities. Consequently, this recommendation remains only partly implemented.

GRECO Recommendation xv recommends (i) that all persons with top executive functions be subjected, as a rule, to the supervision of the Commissioner for Standards in Public Life, who should be equipped with the appropriate means and possibilities to conduct inquiries and to propose effective, proportionate and dissuasive sanctions. The persisting inaction to implement this recommendation, and the findings and recommendations made in the Final Report of the above-mentioned OECD project entitled "Improving the Integrity and Transparency Framework in Malta", leads GRECO to conclude that recommendation xv remains unimplemented.

Revolving doors

Persistent lack of regulations relating to public appointments has led to the reappointment or re-engagement of various former disgraced, criminally implicated/ charged government officials at all levels in the run up to an anticipated general election.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

Lobbying

In Recommendation vii GRECO recommended that rules be laid down to govern (i) contacts between persons with top executive functions and lobbyists and (ii) the disclosure of contacts and the subject-matters discussed. GRECO noted that this remains unimplemented. Dealings between Affordable Housing Minister Galdes and property magnates⁸³ would presumably have been captured by such rules and disclosures. The Planning Reform Bills 143 and 144, introduced in July 2025 without appropriate public consultation, have been heavily criticised as serving to erode the powers of the courts and the rights of citizens and NGOs in planning matters.⁸⁴

Asset & Interest Disclosure

In Recommendations xi GRECO recommended that the regime of asset and interest declaration be developed by (i) extending to persons entrusted with top executive functions, and considering including information on the spouses and (ii) ensuring that declarations are made publicly accessible. Recommendation xii advises (i) that asset and interest declarations are subject to checks by the Commissioner for Standards in Public Life and (ii) that dissuasive sanctions are applicable to guarantee the accuracy and correctness of information declared and filing of a declaration, including the possibility to refer a matter to criminal investigation. GRECO noted a persistent lack of action on the part of the authorities and concluded these remain unimplemented.

The OECD's Public Integrity in Malta review⁸⁵ recommends broadening Malta's system so that "persons of trust" and other politically exposed individuals submit asset and interest declarations. The OECD also points out that the range of information currently required is too limited. It proposes that declarations should cover more types of assets (including intangible ones) and sources of income, and

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https://www.maltatoday.com.mt/news/national/138798/pn_abelas_satisfaction_with_galdes_ignores_s_truggle_of_young_maltese_struggling_to_buy_homes

⁸⁴ <https://theshiftnews.com/2025/07/30/for-the-people-abelas-planning-reform-is-a-developers-dream/>

⁸⁵ https://www.oecd.org/en/publications/public-integrity-in-malta_0ecc469e-en.html

that asset and interest declarations should be separated into distinct forms to clarify their different purposes. Rather than having legislators and ministers submit separate forms to different authorities, the OECD argues for electronic submission directly to the Commissioner for Standards in Public Life, with the Commissioner empowered to review and verify declarations.

In January and February 2025, the Standards Commissioner for Public Life in Malta repeatedly referred to the OECD's 2023 recommendations on asset and interest declarations when urging the government to improve transparency and reform the system. The Commissioner stated the OECD report should be the basis of any reform and that ministers and MPs should continue to make detailed disclosures, including income and gifts — consistent with what the OECD recommended.⁸⁶

In response, the Prime Minister proposed in early 2025 that all members of Parliament (including ministers) use a single annual asset declaration submitted to Parliament — effectively replacing separate ministerial declarations with one consolidated form. This proposal was criticised by the Standards Commissioner because it would reduce the level of information disclosed (e.g., ministers' income and detailed asset information).⁸⁷

Political Party Financing

Civil society has called for urgent reform of political party financing rules⁸⁸ to ensure that they include:

- Full disclosure and transparency of political financing;
- Independent oversight/enforcement of party funding laws;
- Clear rules and limits for private donations;
- Consideration of public funding tied to accountability criteria;
- Broader ethical standards for political actors.

Public Procurement/Spending

The Report by the Auditor General on the Public Accounts for the year 2024, published in December 2025⁸⁹ presents over 240 targeted recommendations,

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<https://www.independent.com.mt/articles/2025-02-03/local-news/Standards-Commissioner-tells-PM-to-publish-declaration-of-assets-6736267620>

⁸⁷ <https://standardscommissioner.mt/wp-content/uploads/annual-report-2024.pdf>

⁸⁸ <https://repubblika.org/press-release/we-urgently-need-party-funding-reform/>

⁸⁹

https://www.maltatoday.com.mt/news/national/138762/audit_flags_338m_in_unresolved_balances_and_widespread_procurement_breaches |

<https://nao.gov.mt/wp-content/uploads/2025/12/REPORT-BY-THE-AUDITOR-GENERAL-ON-THE-PUBLIC-ACCOUNTS-2024.pdf>

designed to address the shortcomings identified during these reviews and to support good governance and best practice in government's operations.

Some of the key findings identified were the following:

- Weak internal controls and insufficient verification performed before payment was effected;
- Bypassing of Public Procurement Regulations
- Absence of formal documentation hindering verification and audit trail;
- Lack of Standard Operating Procedures

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

In Recommendation ix, GRECO recommended that the system for managing conflicts of interest be supplemented with clear provisions and guidance regarding i) a requirement upon persons exercising top executive functions to disclose conflicts ad hoc and ii) clear procedures, responsibilities and deadlines for solving situations of conflict of interest, including following complaints by the public or other institutions.

Despite the promulgation of Directive No. 16, effective February 2024,⁹⁰ which sets a framework to prevent and manage conflicts of interest, GRECO stated that it is yet to assess whether the rules regarding conflicts of interest are also applicable to "persons of trust" appointed upon discretion by the senior office-holders in the executive, whether complaints on possible conflicts of interest involving PTEFs could also be submitted by members of the public, and whether they would be examined by the competent officials/bodies in the same manner as reports submitted by public employees, leading it to conclude that recommendation ix remains partly implemented.

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

Systemic transparency about the number of corruption-related whistleblower reports and how they are followed up is lacking in 2025.

⁹⁰ https://publicservices.gov.mt/en/people/Documents/Directives/Directive_16.pdf

[single market relevance] Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups

A 2024 report published by the Daphne Caruana Galizia Foundation⁹¹ found that Malta's residency by investment scheme attracts mostly Chinese applicants, channelling money to its property sectors, and that the scheme's set-up does not provide effective safeguards against potential conflicts of interest. A business trip by Labour MP Ramona Attard and political operative Charlon Gouder to Shanghai has prompted questions after their presence coincided with an official ministerial delegation led by Justice Minister Jonathan Attard (Charlon Gouder and Jonathan Attard shared a law firm with disgraced former Minister Chris Cardona).⁹²

Between January and June 2025, Infrastructure Malta (the state agency responsible for public infrastructure) authorised €22.5 million in direct orders across 121 transactions — nearly half of its annual budget, according to figures published in the Government Gazette. Direct orders are intended to be used only in exceptional circumstances (e.g., urgency or lack of competition). Their widespread use at this scale raises concerns about non-compliance with public procurement principles of transparency and competition.⁹³

A €6 million direct order awarded by Infrastructure Malta on 1 August 2025 for reconstruction of the drag racing strip in Hal Far (excl. VAT) sparked calls from the Green Party (ADPD) for the Auditor General to investigate whether this was a blatant abuse of procurement law under Regulation 151 of the Public Procurement Regulations (which govern when direct orders are permitted). Critics say this kind of direct award — especially at such a high value — undermines transparency, accountability and value for taxpayers if not properly justified.⁹⁴

[single market relevance] Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy, service provision and various types of construction)

⁹¹ <https://www.daphne.foundation/documents/reports/malta-golden-visas-who-benefits.pdf>

⁹²

<https://theshiftnews.com/2025/12/11/labour-mps-shanghai-private-visit-raises-questions-over-overlap-with-ministerial-delegation/>

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<https://theshiftnews.com/2025/08/05/infrastructure-malta-spent-record-e22-5-million-in-direct-orders-in-six-months>

⁹⁴

<https://newsbook.com.mt/en/adpd-asks-nao-to-investigate-e6m-direct-order-to-rebuild-drag-racing-stripl/>

Revelations relating to dealings between the Affordable Housing Minister and property magnates attest to the high-risk nature of the construction sector in terms of corruption.⁹⁵

The Planning Reform Bills 143 and 144, introduced in July 2025 without appropriate public consultation, have been heavily criticised as serving to erode the powers of the courts and the rights of citizens and NGOs in relation to the issuing of planning permits.⁹⁶

The Malta Chamber of Geologists (MCG) has launched a public crowdfunding appeal to finance a court case against the Building and Construction Authority (BCA). The legal action is a direct response to the BCA's continued refusal to grant the Chamber a permanent seat on the industry's key advisory body, the Building and Construction Consultative Council (BCCC), despite the recommendation of the public inquiry into the death of Jean Paul Sofia⁹⁷ that every rock excavation be preceded by a report drawn up by a geologist to properly assess ground conditions.⁹⁸

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

The following anti-corruption recommendations made by the Board of Public Inquiry into the Assassination of Daphne Caruana Galizia in 2021 remain unimplemented.⁹⁹

- Criminalise public officials' hindrance of police or other authorities in their duties;
- Criminalise mafia-style association;
- Criminalise abuse of office by a public officials (in September 2025, Former Chief Justice and current Standards Commissioner Joseph Azzopardi

⁹⁵

https://www.maltatoday.com.mt/news/national/138798/pn_abelas_satisfaction_with_galdes_ignores_s_truggle_of_young_maltese_struggling_to_buy_homes

⁹⁶ <https://theshiftnews.com/2025/07/30/for-the-people-abelas-planning-reform-is-a-developers-dream/>

⁹⁷

<https://timesofmalta.com/article/sofia-public-inquiry-finds-gaping-problems-malta-enterprise-indis.1086505>

⁹⁸

<https://newsbook.com.mt/en/geologists-file-legal-challenge-after-being-barred-from-construction-council/>

⁹⁹

https://www.daphne.foundation/documents/submissions/20251030_public-consultation-media-reform_submissions.pdf (p 13-25)

categorically declared that abuse of office by government ministers should be a criminal offence, however no such law exists to date);

- Introduce the crime of the obstruction of justice in criminal law.

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible).

Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

Official Maltese court statistical releases¹⁰⁰ do not currently publish a standalone corruption offence breakdown. The publicly accessible Courts Statistics page includes general categories of criminal cases but not detailed corruption subtypes.

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

These include the following:

- Limitations on access to Magisterial Inquiries imposed by Bill 125;
- Length of investigations and court proceedings
- Inefficiency of the court system in general, including inadequate digitalisation

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

In Malta, criminal measures addressing breaches of the rule of law, including corruption, abuse of office, financial crime and related offences, exist in law but remain uneven in practice. While the legal framework provides for criminal prosecution for serious offences, the effectiveness of these measures is limited by structural and operational challenges, including:

- lengthy investigations and court proceedings
- limited institutional capacity within law enforcement and prosecutorial bodies
- low numbers of final convictions in complex cases, particularly those involving

¹⁰⁰ <https://courts.gov.mt/statistics/year-2025-criminal/>

public officials or politically exposed persons.

As a result, criminal sanctions have not consistently produced a strong deterrent effect, especially in cases involving high-level or systemic wrongdoing. Delays and a lack of timely outcomes has weakened accountability.

In practice, administrative sanctions have been applied more frequently and more swiftly than criminal sanctions, especially against private sector actors. These include fines, penalties or suspensions. However, concerns persist regarding the consistency and proportionality of sanctions, whether they are sufficiently dissuasive and the limited use of administrative sanctions against those in public office.

III. Media Pluralism and Media Freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding media pluralism and media freedom (if applicable)

Little has been done to address the recommendations to the Government from last year's report. In general, real changes to journalists' working environment haven't been noticed. Through the Daphne Foundation's Legal Programme, requests from journalists finding difficulty in accessing information through FOIs and requests for support on legal threats consistently continue.

Most of the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been implemented after four years of advocacy with the government. There has not yet been:

- A revision of the Constitutional provision establishing the Broadcasting Authority;
- The setting up of an office akin to Commissioner for Journalistic Ethics;
- A constitutional amendment recognising freedom of journalism as one of the pillars of democracy;
- The revision of the Freedom of Information Act;
- A law which provides an organisational framework in which journalists may operate freely and totally independent from interference or undue pressure.

Malta ranked fifth to last in the EU in the 2025 World Press Freedom Index partially due to such failure. No journalist in Malta is truly protected until all the recommendations are fully implemented.

Recommendation 1: Improving journalists' working environment

- The Government has still not adopted parts of the Council of Europe recommendations on SLAPPs, specifically Recommendation CM/Rec(2024)2 which protects journalists and activists from domestic SLAPPs, who are left unprotected.
- Malta's Freedom of Information Act, which has been criticised by international organisations for its ineffectiveness at granting access to information to journalists, still has not been amended. Real accountability is not possible without access to information.
- In August 2025, the Government launched a public consultation on media reform. Our submission to the consultation calls for reforms to create an environment that protects journalists, guarantees the public's right to know, and rebuilds trust in Malta's democracy.

- Access to BO Registry is open to journalists, yet slow in providing access.

Stronger recommendations are needed, specifying the need to strengthen the Freedom of Information Act, and to amend anti-SLAPP legislation to ensure journalists are protected against domestic SLAPPs.

Recommendations are needed to make information accessible by default. The public spending system needs to become more traceable, as journalists should not be forced to file hundreds of FOI requests for information on public spending.

Specific recommendations make monitoring easier.

Recommendation 2: Independence of public service media

- The changes made to enhance the independent governance and editorial independence of the public service media have not yet been felt, and cannot be properly reported on, since these were only applied to Maltese Law via the European Media Freedom Act (EMFA) last August, and parts of the law haven't come into full effect yet.
- The Office for Advertising and the Media ("Office") has been established by law since August, as part of Malta's implementation of the EMFA. Its role is to oversee state advertising and media transparency. Nonetheless, the allocation of state-financed advertising remains opaque. Public authorities and entities which use public funds for advertising must now report every six months on their advertising contracts. The Office shall monitor and report every year on the allocation of state advertising expenditure to media service providers.
- Due to EMFA, the public broadcaster's CEO role must now be issued by public call. However, the new law provides nothing regarding transparency on the appointment of PBS' editorial and management boards.
- Furthermore, the Broadcasting Authority has been tasked with monitoring as per Article 5(4) of EMFA. Yet, it has been repeatedly criticised for failing to guarantee impartiality. The BA is composed of two members loyal to the government and another two members loyal to the opposition, with a neutral chair. Having four-fifths of the Authority that are not objectively impartial risks improper oversight, especially since smaller political parties have no representation.
- A constitutional case filed by Lovin Malta in 2021 challenging the constitutionality of a proviso in the Broadcasting Act which allows the regulator not to monitor political party-owned TV stations for impartiality is still ongoing.¹⁰¹ Both ONE TV (PL's party media) and NET TV (PN's party media) have not settled any of their VAT bills in over 15 years, both owing millions to

¹⁰¹ <https://kaxxaturi.com/news/broadcasting-lovin-court-case-constitution/>

the public and both operating completely above the law from any other organisation or business in Malta.

Direct recommendations to revise the provision of the Constitution which establishes the Broadcasting Authority are needed. Recommendations are needed for a more transparent appointment procedure for PBS's management board and chairperson.

A. Media authorities and bodies

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

The Broadcasting Authority (BA) and Public Broadcasting Service (PBS) are tasked with regulation and broadcasting service duties.

Thanks to the European Media Freedom Act (EMFA), some changes have been made to improve independence and enforcement powers within media regulatory authorities and bodies:

- The Office for Advertising and the Media has been established by law since August 2025. Its role is to oversee state advertising and media transparency. It can compel media operators to hand over ownership details, contracts, financial records and any other documents needed to ensure compliance with the EMFA. It can also request information from public authorities in respect of any matter regulated by EMFA. It can also investigate on site, inspect records, and levy fines of up to €2,500 for non-cooperation, and up to €10,000 for repeat criminal offenders. The allocation of state-financed advertising remains opaque and the criteria, except those laid down in Article 25 EMFA. When contacted, the Government stated "the criteria will be further developed by the [Office] once set up... Works are underway to set up the [Office] as arrangements are being made to establish the physical location of the office and discussions are being held to appoint the head of the office. It is envisioned that the Office would be finalised by the end of Q3 2026."

Public authorities and entities which use public funds for the purpose of advertising must now report every six months on their advertising contracts. The Office shall monitor and publicly report at the end of each financial year on the allocation of state advertising expenditure to media service providers and providers of online platforms.

- As part of EMFA's implementation, the PBS's CEO role must now be issued by public call. However, the appointment procedure of the chairperson and the management board of the PBS remains opaque, as EMFA only requires this with either the head or the board. The appointment of the Editorial Board and Board of Directors (appointed by the PM) is detailed in the National

Broadcasting Policy that has not been updated since 2004. There is no clear process on how PBS officials are appointed or dismissed. PBS's editorial board has failed to publish its annual report since 2016.

When contacted, Government said: "PBS is a limited liability company wholly owned by the Government, and the Government appoints the chairperson and the Board of Directors in its capacity as sole shareholder, under the company's Memorandum and Articles and the Companies Act. There is no requirement in these instruments for a public call, published criteria, or an open, competitive procedure for appointing the chairperson or the board. In the meantime Malta has introduced EMFA's transparency obligations via LN 175 of 2025, for the PBS CEO, but there are still no specific rules ensuring transparency for the appointment of the PBS chairperson and management board."

- The BA has been tasked with monitoring as per Article 5(4) of EMFA. However, it has been repeatedly criticised for failing to guarantee impartiality.¹⁰² The BA is composed of two members loyal to the government, two members loyal to the opposition, and one neutral chair. These members are not experts in the field but party loyalists, risking rise in disinformation and lack of accountability.

Issues remain:

This year, PBS's lineup ahead of elections prominently featured presenters closely linked to the Labour Party. Viewers, political observers, and industry insiders questioned the editorial independence of the broadcaster, which is financed by taxpayers. Many of the appointments are unmeritocratic, with persons lacking experience being given primetime slots. This is a representation of the long-standing tradition in which whichever party holds government exerts influence over PBS.¹⁰³

The Media Pluralism Monitor in the Digital Era called for PBS to move out of state control and for party political broadcasters to "no longer enjoy the position whereby they get privileged access to information".¹⁰⁴ This has still not happened.

A National Audit Office report found that PBS registered losses across the board and suffers from maladministration, a lack of transparency, and a total lack of proper procedures.¹⁰⁵ Despite an annual government subsidy of €6 million and despite registering a revenue of €7.5 million from commercial ads, the broadcaster is losing

¹⁰²

<https://theshiftnews.com/2023/02/27/court-orders-pbs-ba-to-pay-damages-for-unconstitutional-partisan-broadcasting/>

¹⁰³

<https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>

¹⁰⁴ <https://cadmus.eui.eu/server/api/core/bitstreams/ae7e38ef-64a4-541e-b110-c428610bd971/content>

¹⁰⁵ <https://nao.gov.mt/wp-content/uploads/2024/02/AR2023.pdf>

money in every division except radio. There are no published audited accounts on their website beyond 2020.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

Broadcasting Authority

No new measures were taken regarding the appointment or dismissal of members of the Authority, with or without the introduction of EMFA. The Government, in reply to our questions, stated that, “No measures have been taken so far to make changes in the transparency measures of how BA members are appointed or dismissed; the process remains governed solely by the existing constitutional provisions.”

Issues remain: The structural design of the BA continues to contribute to its weakness and limited regulatory impact. Its composition (including the chair and other members) is restricted to representatives of the two main political parties, with members appointed by the President after consultation from the Prime Minister, who consults with the Leader of the Opposition. This partisan appointment process excludes key stakeholders—such as independent media experts, academic media specialists, and smaller political parties—resulting in a body that lacks both pluralism and professional expertise, and whose perceived political alignment undermines its authority and credibility.

Public Broadcasting Services

PBS is the public broadcaster and is a government-owned company.

With the introduction of EMFA into Maltese law, a new measure was taken to improve the appointment procedure of its CEO, whose vacancy must now be issued by public call.

Issues remain:

- Appointment procedures of the PBS continue to be opaque, with few public calls being issued. It is difficult to find out anything about the running of PBS, as there seems to be no clear process on how officials are appointed or dismissed.
- The Board of Directors of PBS is appointed by the government of the day and it is mainly answerable to the relevant minister (the Minister for Culture).
- The appointment of the Editorial Board and Board of Directors of PBS is detailed in the National Broadcasting Policy that has not been updated since April 2004.¹⁰⁶ The role of PBS’ editorial board has been called into question on

¹⁰⁶ <https://parlament.mt/media/77214/03470.pdf>

a number of occasions for its lack of intervention on important issues and its existence has been questioned.¹⁰⁷

- The new law provides nothing with regards to transparency regarding the appointment of the chairperson and the management board of the PBS.

According to the government, in reply to our questions: “PBS is a limited liability company wholly owned by the government, and the government appoints the chairperson and the Board of Directors in its capacity as sole shareholder, under the company’s Memorandum and Articles and the Companies Act. There is no requirement in these instruments for a public call, published criteria, or an open, competitive procedure for appointing the chairperson or the board. In the meantime Malta has introduced EMFA’s transparency obligations via LN 175 of 2025, for the PBS CEO, but there are still no specific rules ensuring transparency for the appointment of the PBS chairperson and management board.”

Existence and functions of media councils or other self-regulatory bodies

The Institute of Maltese Journalists (IGM), founded in 1989, is the only nation-wide association of journalists. The IGM is a member of the European Federation of Journalists and the International Federation of Journalists. The IGM is open to State-affiliated, independent and freelance journalists across the country.

As of February 2025, it has become a union.¹⁰⁸ Becoming a member of IGM is not an automated process that all journalists in Malta go through, unless you are a member of the Malta Sports Journalists Association. The Executive Council of the IGM takes up their positions on a voluntary basis and are heavily under-resourced.

The declared objectives of the IGM are to:

- encourage journalists to work jointly
- provide professional services to journalists
- implement measures for self-regulation
- raise professional and educational standards
- protect the freedom of expression.

The IGM is moving towards the creation of a media council, with the guidance of the European Federation of Journalists and support from the Media Councils in the Digital Age (MCDA) project. We do not have any information on the model and financing structure of the proposed media council.

¹⁰⁷

<https://timesofmalta.com/article/changes-media-impartiality-laws-could-impact-church-stations.1017714>

¹⁰⁸

<https://www.independent.com.mt/articles/2025-02-14/local-news/IGM-becomes-a-trade-union-6736267852>

Issues with the IGM:

- The Prime Minister appointed the IGM president and secretary to the Committee of Experts on Media Reform tasked with providing recommendations on how to improve the government's three proposed bills on media reform. The committee disbanded after an 18-month period and the report was submitted to the government in June 2023. Government members of the committee, including four IGM members refused to publish the report, claiming that they were bound by a non-disclosure agreement, yet this conflicted with their role in society in publishing information that's of public interest.¹⁰⁹

The Media Reform Initiative, a group of journalists who took it upon themselves to observe the media reform process, criticised the Committee of Experts' report, as it does not "defend strongly enough" people's right to freedom of expression.¹¹⁰

The Media Reform Initiative is a support group for journalists and media-related NGOs, set up in September 2022. It carries out research and advises media, NGOs and others who advocate for press freedom and freedom of expression. It is made up of former editors, journalists, and a media lawyer.

B. Safeguards against government or political interference and transparency and concentration of media ownership

[single market relevance] Measures taken to ensure the fair and transparent allocation of state advertising

The Office for Advertising and the Media has been established by law since August 2025, as part of Malta's implementation of the EMFA. The Office's role as a watchdog is to oversee state advertising and media transparency. This Office can compel media operators to hand over ownership details, contracts, financial records and any other documents needed to ensure compliance with the EMFA. It can also investigate on site, inspect records, and levy fines of up to €2,500 for non-cooperation, with criminal penalties running as high as €10,000 for repeat offenders. It is not clear whether such details would be made publicly available.

A 2025 report by the Centre of Media Pluralism and Media Freedom, Malta scored "high risk" in Market Plurality and Political Independence in Media.¹¹¹ Some of the reasons it cited were: "commercial influence remains a problem";" party ownership is

¹⁰⁹

<https://newsbook.com.mt/en/government-unveils-media-reform-proposals-but-rules-out-public-consultation/>

¹¹⁰

https://www.maltatoday.com.mt/news/national/125715/press_reform_critics_say_committee_proposals_weak_on_pbs_and_slap

¹¹¹ <https://cadmus.eui.eu/entities/publication/5be98015-6ec1-4269-90a3-580b235ea5a5>

still very common in the Maltese media market”; “self regulation is extremely weak and unable to prevent political influence”; “coverage of elections are biased and unbalanced”; “the public service media is unable to operate independent from government”.

While we may see some progress in terms of transparency through EMFA, we fear the issues around political and commercial interference will remain, even following implementation of EMFA.

- Information about the allocation of indirect state subsidies for media outlets by the government, in the form of advertising or sponsorship is not publicly available and there is no legislation that regulates the process.
- In May 2025, the Standards Commissioner found that Prime Minister Robert Abela breached ethics when he breached ethics when he failed to separate his official role from his political role in a complaint regarding a government advert. The advert was sponsored Facebook video which appeared on the official MaltaGov Facebook page. The commissioner concluded that the video and sponsored post did breach articles 4.9, 4.10, 5.3, and 7.4 of the Code of Ethics. Given the minor nature of the breach, the commissioner proposed closing the case by asking the Prime Minister for a written apology. However, the Prime Minister responded by stating that his position was the same as in a previous case where he did not provide an apology.¹¹²

Safeguards against state / political interference, in particular:

safeguards to ensure editorial independence of media (private and public) specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions [single market relevance] information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

1. Safeguards to ensure editorial independence of media (private and public) - No measures have been taken by the Government.
2. Specific safeguards for the independence of heads of management and

¹¹²

https://www.maltatoday.com.mt/news/national/134831/abela_refuses_to_apologise_after_breaching_ethics_by_appearing_in_government_ad

members of the governing boards of public service media (e.g. related to appointment, dismissal) - The CEO of PBS is now to be appointed by means of a public call. However, in and of itself, this does not guarantee an independent, transparent process. The exact process, and who will choose the CEO, are unclear. Nothing was done to ensure the independence and transparency of the appointment of the chairperson of PBS and the management board.

3. Safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) - No measures have been taken by the Government.
4. Safeguards for plurality of information and opinions [single market relevance] information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance - No measures have been taken by the Government.

The different categories of media are as follows:

Broadcasting (3 types):

1. Public service media (PBS):
 - Members of editorial and directorial boards are all politically appointed.
 - The editorial line of PBS is not free of political interference, with much of its reporting being tinged with a bias towards the party in government. Important news stories are sometimes pushed to the bottom of the news website, and headlines are often chosen in a way that favours the government.
2. Party-owned media:
 - Editorial and operational decisions are taken depending on what the party's requisites. Strong influence on news content and discussion programmes.
3. Privately owned media:
 - Internal independence and editorial autonomy with government influence through advertising and grants.

The BA regulates all content on radio and TV that originates from Malta and is tasked with issuing broadcasting licensing under conditions the BA deems fit. The BA issues licences:

1. For nationwide radio and TV broadcasting services, applicants must first be assigned a channel by one of two commercial service providers, Melita or GO plc, and then apply to the BA for a licence. Applications for a nationwide sound broadcasting licence must be accompanied by a non-refundable fee of €5,823. The annual licence fee payable to the BA is €11,646.
2. For digital radio broadcasting service, applicants must first be assigned a new channel by the licensed digital radio broadcasting service provider Digi B

Network Limited, and then apply to the BA for a broadcast licence and pay a fee of €1,160. An annual licence fee is also applicable. Unless a licence is lawfully terminated or abridged, it is valid for up to four years and is renewable every four years against a fee of €3,000.

3. For community radio stations, the prospective licensee must first obtain frequency allocation from the Malta Communications Authority. Applications for a community sound broadcasting licence (including for one-off events) must be accompanied by a non-refundable application fee of €116. The annual fee payable to the BA for a community sound broadcasting licence is €349; for community sound broadcasting services for one-off events it is €116 per event.
4. For nationwide teleshopping broadcasting service, a prospective applicant must first make arrangements with Melita or GO, the two incumbent cable TV distribution networks, for the provision of a new teleshopping channel.
5. For a satellite television broadcasting service, a prospective applicant must first submit an application for a Satellite Earth Station Licence with the MCA. The applicable licence fees are:
 - for each station, for the transmission of communications, depending on the radio frequency bandwidth:
 - a. stations using up to 10MHz radio frequency bandwidth, per 1MHz radio frequency bandwidth, the fee is €650 p.a.; and
 - b. stations using more than 10MHz radio frequency bandwidth, annual fee is €6,500; and
 - each station, for the transmission of communications, used for any event:
 - a. of 30 days or part thereof, per 1MHz radio frequency bandwidth, the fee is €110; and
 - b. exceeding 30 days or part thereof, monthly fee, per 1MHz radio frequency bandwidth, the fee is €110. As soon as the uplink services are approved by the MCA, an application for a licence for a satellite television broadcasting service may then be submitted.

[single market relevance] Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

Measures taken:

- The Office for Advertising and the Media has been established by law since August 2025, as part of Malta's implementation of the EMFA. The Office's role as a watchdog is to oversee state advertising and media transparency. This Office can compel media operators to hand over ownership details, contracts, financial records and any other documents needed to ensure compliance with

the EMFA. It can also investigate on site, inspect records, and levy fines of up to €2,500 for non-cooperation, with criminal penalties running as high as €10,000 for repeat offenders. It is not clear whether such details would be made publicly available.

Issues remain:

- There are no specific legal obligations for media companies to publish their ownership structures on their website or in documents that are easily accessible to the public. However, all companies in Malta are obliged to submit a Memorandum of Association with the Registrar of Companies which will display the details of the company shareholders on the Malta Business Registry website. These will be made available to journalists, as the rules on access to such information have changed.
- With regard to the cross-ownership of media, there are currently no rules in place to limit the extent of media ownership by one owner. Whilst the Broadcasting Act imposes some restrictions on the private industry with regard to media concentration, these only apply to radio and television services and not for other media such as the press and newer forms of media. It is pertinent to note that both of the largest cable TV providers in Malta are owned and controlled by non-Maltese interests.¹¹³

The structure and control of the media in Malta is enshrined in the socio-political situation of the country, according to the country report on Media Ownership Monitor. Seven out of 15 registered printed news outlets are politically controlled or controlled by political affiliations such as labour unions (In-Nazzjon, L-Orizzont, Kullhadd, Il-Mument, It-Torċa and Illum) or by the Catholic Church (Il-Leħen). In the case of broadcast media, each party has its own channel (television and radio), namely the PL controls One Radio and One TV, while the Nationalist Party has Net Radio and Net TV. The Catholic Church does not own a television station, but it does own a radio station (103 Malta's Heart) and an electronic media outlet (Newsbook). The Times of Malta is Malta's largest independent media outlet.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

Safety protection measures currently in place are ineffective.

¹¹³ <https://www.lexology.com/library/detail.aspx?g=0803daea-1beb-461a-8641-c5ea879208ec>

- No journalist in Malta is truly protected until all the recommendations of the public inquiry into Daphne's murder are properly implemented. This was also highlighted in the 2025 World Press Freedom Index, in which Malta ranked quite low - fifth from the bottom in the EU - partially attributable to the failure to implement all the recommendations of the public inquiry.¹¹⁴
- The Media Freedom Rapid Response (MFRR) monitor, by the end of December 2025, had logged 13 alerts of legal, verbal and physical attacks on local journalists and newsrooms for the current year. There were two cases where private companies threatened legal action or blocked distribution of journalistic content through legal means; four cases where members of Government, including the PM, or persons associated with the Government, attempted to discredit journalists for their work; three cases where Government or authorities blocked access to information to journalists and three cases of intimidation/harassment of journalists.¹¹⁵
- A hostile environment towards journalists continues to be fostered by the governing party, with Government members attacking journalists for doing their job. In January 2025, the Prime Minister lashed out against independent news outlet The Shift News, saying that "90% of what they report contain falsehoods", after several of his Ministers were investigated because of news reports by this media house. Abela described the newsoutlet as "forces of darkness" and "fake news blogs," specifically targeting The Shift News. Abela vowed that critics would have to pass "over my dead body" to reach the said ministers.¹¹⁶

Labour Party firebrand Jason Micallef has faced accusations of harassment after launching a personal attack on an independent newsroom journalist who was investigating a project Micallef came under fire for. Micallef accused her of being partisan and amateur, and attached multiple images of the reporter to the post, prompting a slew of attacks from his partisan supporters. His attack was condemned by the IGM and PEN Malta, among others.¹¹⁷

- A media security committee has been operating without regulatory oversight. Bill No. 17 of 2022, which has been sitting in the first reading stage in Parliament for over three years, proposed the creation of a committee that would recommend measures for the protection of "journalists, other media actors and persons in public life" and, in the justice minister's own words a

¹¹⁴ <https://rsf.org/en/country/malta>

¹¹⁵ <https://www.mfrr.eu/monitor/>

¹¹⁶

https://www.maltatoday.com.mt/news/national/133165/watch_abela_vows_to_protect_underfire_ministers_they_have_to_pass_over_my_dead_body

¹¹⁷

<https://timesofmalta.com/article/jason-micallef-attack-newsbook-reporter-puts-journalists-risk-union.1121339>

few months ago, “also intervene and take measures whenever necessary.”¹¹⁸ However, the committee is operational without any legislation that ensures the committee’s work is accountable.

In August 2025, the Government launched a public consultation on media reform.¹¹⁹ Our submission to the consultation calls for reforms to create an environment that protects journalists, guarantees the public’s right to know, and rebuilds trust in Malta’s democracy.¹²⁰ In a statement, 18 International NGOs urged the Maltese government to adopt a National Action Plan on Media Freedom and Journalist Safety, making several recommendations.¹²¹

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

The Malta Police Force has a unit that acts as the point of contact and liaison with journalists and the media, but it is *not* a specialised investigative unit *solely* for journalists’ safety, such as protection as gatherings or demonstrations. This protection unit is tasked with assessing risk to life and is also tasked with assessing risks to journalists. In a reply to our questions, the Police said that since 2022, the Malta Police Force has conducted a total of 155 Threat to Life (TTL) assessments, including 20 assessments relating specifically to journalists. The information does not indicate how many reports prompted only preliminary checks or a full TTL assessment. The Police does not seem to have taken any legal action against any individuals who have threatened or abused journalists in these instances, as no reply was given on this particular point.

This improvement was noted last year during the arraignment of former Prime Minister Joseph Muscat where police were assigned to journalists, ensuring their protection after Muscat supporters verbally abused journalists and cameramen outside courts. Additionally, in February 2025, when journalists were attacked for covering the arraignment of four accused in a big drug theft case, the Police immediately provided protection to journalists outside the Courts. While this protection was not preplanned, the police acted swiftly and IGM urged the police to take legal action against those responsible for the intimidation against the journalists doing their job.

¹¹⁸

<https://cap.mt/2025/05/06/secretive-media-security-committee-operating-without-regulatory-oversight/>

¹¹⁹ <https://www.gov.mt/en/publicconsultation/Pages/2025/L-0018-2025.aspx>

¹²⁰

https://www.daphne.foundation/documents/submissions/20251030_public-consultation-media-reform_submissions.pdf

¹²¹

<https://www.ifj.org/media-centre/news/detail/category/press-releases/article/malta-press-freedom-and-journalists-groups-call-for-national-action-plan-in-memory-of-daphne-caruana>

While progress is noted, improvements can still be made. Our above mentioned position paper recommends more effective and well-resourced investigative units within the police as well as proper training for the police.

- As systemic risk needs to be addressed by systemic solutions, an ad hoc structure within the Malta Police Force should identify points of failure within the force which place journalists at risk, e.g. a lack of swift action following a journalist's exposure of high level corruption and other serious crimes increases the journalist's risk. Currently, a formal structure within the Police (VIP protection unit) is tasked with identifying persons - not just journalists - who are exposed to real and imminent risk to life; however, the office of the OSCE Representative on the Freedom of the Media has identified shortcomings.¹²² The unit needs to include an element tasked with identifying and focussing on journalists who may be at serious risk, able to assess the risk in virtue of the quality of the journalist's investigation, what they are publishing, the effect on the subjects of their reporting, and the potential risks a reaction could generate. Effort needs to be made to build awareness of and trust in the unit among journalists. The unit may serve as liaison between the police and the journalist, who therefore will feel safe and protected to exercise their duty freely.

OPM head of customer care, Neville Gafa, destroyed the protest memorial in Valletta that calls for justice for Daphne Caruana Galizia on the 8th anniversary of her assassination.¹²³ Three EU MS (NL, DE, IE) embassies published statements condemning the destruction. Prime Minister Robert Abela defended the action, claiming it was done "in a personal capacity" and that it is an "act of free expression".¹²⁴ OPM parliamentary secretary Andy Ellul defended the action as 'free expression'.¹²⁵ The perpetrator himself admitted his intended destruction of the protest memorial is motivated by antipathy towards Caruana Galizia.¹²⁶ Gafa' was eventually asked to resign over his comments concerning homosexuality in a separate case.¹²⁷ Gafa was later supposed to be questioned by the Police about the removal of the flowers, however, according to Gafa, just minutes before he was due

¹²² <https://www.osce.org/files/f/documents/f/e/518019.pdf>

¹²³

<https://timesofmalta.com/article/watch-neville-gafa-filmed-clearing-daphne-embassies-condemn-move-1118058>

¹²⁴

<https://timesofmalta.com/article/gafa-acting-personal-capacity-opm-say-cite-freedom-expression-1118071>

¹²⁵

https://www.maltatoday.com.mt/news/national/137666/watch_neville_gafa_has_a_right_to_express_himself_too_andy_ellul

¹²⁶

https://www.facebook.com/permalink.php?story_fbid=pfbid0csSzE3y6E29wki9TbU6txvJvH6WH1nxjKFcFw9BHi45Bv8d7CSz3v25K8dMecxAI&id=61576909646795

¹²⁷

<https://www.independent.com.mt/articles/2025-10-25/local-news/Neville-Gafa-submits-resignation-letter-to-OPM-from-person-of-trust-role-following-blog-post-6736284280>

to appear at the Police Station, officers called to tell him not to come, citing “urgent work.” There is no publicly available information on whether he was later questioned.¹²⁸

Access to information and public documents by the public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Measures taken:

- In October 2025, access to Malta’s prison and detention centres was given to an independent journalist, after the Court ruled that the authorities’ refusal to grant him entry violated his freedom of expression under the ECHR. Delia filed constitutional proceedings in September 2020, after eight formal requests for access to the prison and detention centres were rejected. He wanted to investigate claims of torture and inhuman and degrading treatment of detainees.¹²⁹
- Companies’ Beneficial Ownership information is now accessible to some journalists. To obtain access, journalists must show evidence of previous research in anti-corruption or money-laundering, leaving out new journalists. The BO registry is also inaccessible for international journalists as access can only be given through a Maltese ID card. Also, the granting of access is slow. The Foundation’s monitoring of access requests to the BO registry of 8 local journalists, who submitted a request of access, were approved on average after 2 months - a process which slows down an investigation.

Issues remain:

- There has been no effort to improve Malta’s Freedom of Information Act, which is deficient. Government entities often limit journalists’ access to information, saying they have no such information, which in many cases was found to be false by the Data Protection Commissioner. They also delay the process unnecessarily, requesting extensions at the last moment, only to reject the request after the second deadline has expired.¹³⁰

¹²⁸

<https://lovinmalta.com/malta/watch-neville-gafa-to-be-questioned-by-police-after-removing-daphne-memorial/>

¹²⁹

https://www.maltatoday.com.mt/news/court_and_police/137663/court_upholds_decision_recognising_manuel_delias_right_to_access_ccf_detention_centres

¹³⁰ <https://www.mfrr.eu/wp-content/uploads/2025/09/Monitoring-FOI-in-Europe.pdf>

This year a new report by the Commonwealth Human Rights Initiative urged Malta to repeal its FOI law, as FOI requests are “often denied on arbitrary grounds.”¹³¹ The report calls on Malta to adopt recommendations made by the Data Protection Commissioner to amend such laws.

- A new FOI case management system was “anticipated to be operational by the end of the first quarter of 2025 (RoL report, Government submission, p.39). It has been implemented, however, the website often glitches. To file an FOI request, while before it was a self-declaration, now you need to log in with your e-ID card, proving you are a resident for the past five years. This system counters the judgement handed down in favour of Access Info, whereby the Information and Data Protection Appeals Tribunal decided that all EU citizens have a right to submit information requests. This decision contradicts the Freedom of Information Act, which states that persons eligible to file an FOI Act must be both citizens of Malta or another EU Member State and have been resident in Malta for five or more years. The Appeals Tribunal found that while the wording of the legislation leaves scope for interpretation, “the intention of the legislator was never to withhold such information from the EU citizens.”¹³²

The law has not been adapted to the court’s ruling, so every non-resident must go through the same process as Access Info to get a decision, which could take years.

- Journalists are impeded from contacting Ministry spokespersons by phone, as their phone numbers are no longer public.¹³³ Journalists often don’t get a response or acknowledgement from Ministries to their questions. Journalists, even international ones, especially struggle to obtain information on igaming, as there is resistance from all stakeholders to respond to their questions, often receiving no reply from both commercial and state actors, including the Ministry for Economy and the Malta Gaming Authority.
- The Shift News reported that PM Robert Abela ordered ministers and parliamentary secretaries to stop providing information to parliament and the media about who they employ as advisors or consultants on a ‘position of trust’ basis.¹³⁴

¹³¹

https://timesofmalta.com/article/malta-urged-revise-foi-laws-scrap-sedition-law-commonwealth-report_1115990

¹³² <https://www.access-info.org/2022-03-30/malta-tribunal-case-in-favour/>

¹³³

<https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Pages/Government-Spokespersons.aspx>

¹³⁴

<https://theshiftnews.com/2025/05/16/prime-minister-orders-blackout-on-information-on-ministers-advisors/>

- The Planning Authority has taken a case to court regarding an information request by The Daphne Caruana Galizia Foundation for disclosure of a landowner's name. Rather than acting in the public interest and releasing the information, it is asking for the appeal tribunal's decision to be annulled and for the court to order the Foundation to pay the costs.¹³⁵

Recommendations to make information accessible by default are needed. The public spending system needs to become more traceable, as journalists should not be forced to file hundreds of FOI requests for information on public spending.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Issues remain:

- Nearly 1 in 10 SLAPP cases filed in European courts in 14 years targeted people in Malta, most of whom were journalists, a report by the Coalition Against SLAPPs (CASE) revealed in 2024.¹³⁶ Of the 1,049 SLAPP cases filed in the years spanning from 2010 and 2023, a total of 91 (9%) targeted defendants in Malta. Most of these were filed against slain journalist Daphne Caruana Galizia.
- While Malta did transpose the Anti-SLAPP Directive, issues remain, as the law came with a number of limitations which would have failed to protect most of the SLAPP targets Malta has had to date. These shortcomings include:
 1. The transposition was carried out by Legal Notice, bypassing Parliamentary scrutiny;
 2. The published legislation is limited to the bare minimum standards outlined in the directive;
 3. It does not provide protection against domestic SLAPPs, the Council of Europe Recommendation of 5th April 2024 - <https://shorturl.at/g8h99> - setting a negative precedent for other Member States;
 4. Article 2 of Malta's anti-SLAPP legislation repurposes the indicative qualities stated in paragraph 4(3) of the EU anti-SLAPP Directive (i.e. the indications of purpose) as being examples of claims which may be unfounded. This could be interpreted by the court as stating the preconditions of early dismissal, rather than the features that enable the court to infer the purpose of the plaintiff;
 5. The maximum penalty that may be imposed on a plaintiff is capped at €10,000, which would not dissuade a large corporation or wealthy

¹³⁵ <https://www.daphne.foundation/en/2025/10/20/planning-authority-appeal>

¹³⁶ https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf

individual, whereas Article 15 of the EU anti-SLAPP Directive requires penalties for plaintiffs to be effective, proportionate, and dissuasive;

6. No measures have been announced to raise awareness and develop expertise, nor to ensure that support is available for targets or to support enhanced monitoring, as provided for in the EU Recommendation referred to in point 3;
7. No measures have been announced to strengthen anti-SLAPP policy frameworks, as envisaged by the Council of Europe Recommendation referenced in point 3.

In August 2024, The Daphne Caruana Galizia Foundation together with a number of civil society organisations wrote to the PM and Ministry of Justice highlighting these shortcomings, however, we received no response nor were we consulted prior to or following transposition of the Directive.¹³⁷ The Institute for Journalists in Malta warned this was only part of a much-needed wider reform.¹³⁸

In January 2025, a commitment was made by the government to “imminently launch a wide national public consultation” on extending rights under national anti-SLAPP legislation to domestic cases, such as early dismissal of cases, which is a key tool of anti-SLAPP legislation, however this has not happened.

We strongly urge the Commission to recommend that Malta revises its anti-SLAPP legislation to meet or exceed the human rights standards set by the Council of Europe anti-SLAPP Recommendation, broaden the legislation’s scope to cover domestic cases too, and implement the non-legislative measures outlined in the EU anti-SLAPP Recommendation. The process of reforming Malta’s anti-SLAPP law could be led by the Ministry of Justice, which was originally tasked with transposing the anti-SLAPP law.

Any other developments related to media pluralism and freedom - please specify

The governing party whip tabled private member’s motion to “condemn the Opposition” for attempting to “undermine the government of the day”, in reaction to the rule of law debate held in the European Parliament on Tuesday, which focused on Malta’s progress on Rule of Law since Daphne Caruana Galizia’s murder eight years previously. The Labour party has tried to frame the EP debate as “an attack on Malta” by Nationalist MEPs, branding them as traitors of the nation.¹³⁹

¹³⁷ <https://www.daphne.foundation/documents/letters/letter-on-anti-SLAPP-Directive-transposition.pdf>

¹³⁸

<https://timesofmalta.com/article/antislapp-measures-part-needed-reform-journalists-institute.1096190>

¹³⁹ <https://parlament.mt/en//14th-leg/motions/motion-no-421/>;

<https://parlament.mt/media/135988/motion-421-private-members-motion-govt.pdf>;

https://www.maltatoday.com.mt/comment/editorial/137706/labours_motion_to_censure_opposition_is_a_sign_of_panic

There has been no attempt to improve whistleblower protection in Malta. Last year we outlined Repubblika's report on whistleblower protection in Malta.¹⁴⁰ The report said that while the amendments to the Protection of the Whistleblower Act were adopted in November 2021, the government has ignored several key requirements of the 2019 EU Directive on whistleblowing and - most seriously - has made no attempt to address the core issue and fundamental flaw at the heart of both the original legislation and the newly amended law, that is, the extent of the influence of government on whether a potential witness is granted whistleblower status. This has led to whistleblower protection experts labelling the transposition law a "trojan horse." Furthermore, it seems clear that any whistleblowers who are perceived as hostile to the government's interests will not be able to rely on this new law to protect them.

¹⁴⁰ <https://whistleblowingnetwork.org/WIN/media/pdfs/WB-ram-final-with-WIN-addition.pdf>

IV. Other Institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2025 Report regarding the system of checks and balances (if applicable)

Recommendation: Take measures to establish a National Human Rights Institution taking into account the UN Paris Principles

This recommendation was first introduced by the Commission in 2022 and subsequently noted NO PROGRESS in the Rule of Law report of 2023, 2024 and 2025. Malta remains without an independent national human rights institution (NHRI) in line with the UN Paris Principles, in spite of repeated recommendations to do so by the European Commission Annual Rule of Law reports¹⁴¹ and other bodies¹⁴². The Maltese government had launched a human rights reform, which included the consolidation of equality laws and the setting up of a proper NHRI, over a decade ago in 2014 and to date there has been no concrete progress¹⁴³. The situation was also described by the Ombudsman, in the 2025 Ombudsplan, as a legal stalemate¹⁴⁴.

In an ODIHR stakeholder meeting held in December 2025 focusing on human rights defenders in Malta, a public body informed the participants that a draft bill on the setting up of an NHRI was at an advanced stage however both the Ombudsman and the CSOs present were not previous informed about nor consulted on the contents of such draft¹⁴⁵.

In spite of the Government's 2025 Rule of Law Input¹⁴⁶ highlighting that it is in advanced internal discussions to finalise the bills by January 2026 no such bills were tabled in Parliament at the time of writing.

Recommendation: Introduce a framework for public participation in the legislative process

This recommendation was first introduced by the Commission in 2023 and subsequently noted SOME PROGRESS in the Rule of Law Report 2024 and LIMITED PROGRESS in the Rule of Law Report of 2025. Whilst the Commission has noted some progress in 2024 and limited progress in 2025 with a proviso that no formal framework has been established, no progress at all on the ground has been

¹⁴¹ European Commission, [2025 Rule of Law Report Country Chapter on the rule of law situation in Malta](#), SWD(2025) 918 final, 2025.

¹⁴² Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, [Sixth Opinion on Malta](#), November 2025.

¹⁴³ Ibid., aditus foundation, [2025 Rule of Law Submission Malta](#), January 2025; European Network of National Human Rights Institutions, [NHRIs reveal key developments and challenges impacting rule of law across the European Union](#), 13 May 2025; Office of the Ombudsman, [The Proposal: The Office of the Parliamentary Ombudsman as the National Human Rights Institution for Malta](#), February 2025.

¹⁴⁴ Ombudsman, [Ombudsplan 2025](#), 2025.

¹⁴⁵ The drafts, if in existence, are not public.

¹⁴⁶ Malta Government, [Malta's Input to the 2025 Annual Rule of Law Report](#), 2025.

noted. In the Government's 2025 Rule of Law Input¹⁴⁷ it noted that it carried out 58 public consultations, almost half the amount it reported in 2021.

In 2025 government introduced at law a Department of Public Consultation with the aim to facilitate discussion by establishing a structure through which the public may contribute significantly on issues and assist the administration in public consultations to strengthen social dialogue¹⁴⁸. This was done through a Legal Notice in October 2025 which simply included the name and designation of the new Department in the Second Schedule of the Public Administration Act¹⁴⁹. The legal notice did not contain any other accompanying legal provisions, measures or guidelines on when and how such consultations should take place. The process remains that of being at the whim of the minister or ministry proposing the law¹⁵⁰ with no legal provisions obligating a consultation process and no procedural rules regulating such consultations when and if launched.

Furthermore, we note that several controversial Bills were tabled and/or passed with surprising speed and efficiency without any public consultation sought¹⁵¹. In a recent FRA report, it was noted that no examples of human rights impact assessments or legal scrutiny activities/documents mentioning the Charter were found in Malta which increases the risk that it might violate EU fundamental rights when legislating within the scope of EU law¹⁵².

A. Process for preparing, enacting and implementing laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'*/public consultations and transparency and quality of the legislative process in the preparatory, the parliamentary and implementation phase

See the above Follow-up on the recommendations received in the 2025 Report, and also the aditus 2025 Rule of Law Submissions on the extensive use of legal notices in law making.¹⁵³

Regime for constitutional review of laws

A long-standing point of legal and institutional disagreement concerns the effect of Constitutional Court judgments. The Venice Commission has consistently recommended that when the Constitutional Court declares a law unconstitutional, its

¹⁴⁷ Malta Government, [Malta's Input to the 2025 Annual Rule of Law Report](#), 2025.

¹⁴⁸ [Administration Act \(Amendment of Second Schedule\) \(Amendment No. 2\) Order, 2025](#).

¹⁴⁹ [Public Administration Act](#), CAP 595 of the Laws of Malta.

¹⁵⁰ Public Consultation [portal](#).

¹⁵¹ aditus foundation, [Bill 125 – In Genere Inquests](#), 2025; Chamber of Commerce, [Quest for Truth and Justice](#), 2025; aditus foundation, Daphne Caruana Galizia Foundation, Repubblika, [Bill 134: Rushed Judicial Constitutional Amendments without Consultation](#), May 2025; Chamber of Advocates, [PA Bills Statement from the Chamber of Advocates](#), August 2025; Chamber of Advocates, [Public Statement on the Protection of Agricultural Leases Regulations](#), August 2025.

¹⁵² Fundamental Rights Agency, [Better legislation – Human rights impact assessments in lawmaking](#), December 2025.

¹⁵³ aditus foundation, [2025 Rule of Law Submission](#).

judgment should have *erga omnes* (universal) effect, thereby striking the law from the statute books for all citizens. The Maltese government has consistently rejected this principle, arguing that such a change would be incompatible with the national legal tradition, which does not recognize the principle of *stare decisis* (binding precedent). This has been defined in 2025 as an “... *idiotically pernicious home-brewed doctrine states that when the Constitutional Court finds laws to be incompatible with the constitution, the judgment only benefits the plaintiff but the anti-constitutional law remains binding on everyone else. So, magically, exactly the same law is constitutional and unconstitutional at the same time.*¹⁵⁴” This stance necessitates that Parliament must actively amend or repeal a law that the Constitutional Court has already found to be unconstitutional, a process for which there is no stipulated timeframe. The number of times the Prime Minister took action to remove any inconsistency with the Constitution of Malta or with fundamental rights and freedoms as intended by Article 242(2) is not known.

The European Commission continues to identify this as an ongoing issue requiring follow-up, as the current system allows unconstitutional laws to remain in force and creates friction between judicial findings and legislative prerogative. This is also particularly relevant considering that it is not known what type of scrutiny is adopted internally when bills and legal notices are drafted: whether the laws are checked vis-a-vis the Constitution, the ECHR or the Charter of Fundamental Rights¹⁵⁵.

B. Independent Authorities

See the above Follow-up on the recommendations received in the 2025 Report with regards to the NHRI and our 2025 Rule of Law Submissions¹⁵⁶.

C. Accessibility & judicial review of administrative decisions

Judicial review of administrative decisions

Due to no legislative or policy changes in the sector please refer to our 2023 and 2024 Rule of Law Submission¹⁵⁷

Rules and practices related to the application by all courts of the preliminary ruling procedure

No changes have been noted in 2025 and we refer to our 2025 Rule of Law Submissions¹⁵⁸.

Follow-up by the public administration and State institutions to final court decisions

¹⁵⁴ Times of Malta, [When judges binge on impunity for the powerful](#), December 2025.

¹⁵⁵ Malta, Government of Malta, Ministry for Foreign and European Affairs, [2022 Rule of Law Report - input from Member States – Malta](#), July 2022. Daphne Caruana Galizia Foundation & aditus foundation, [Joint submission to the Malta Rule of Law Report](#), 2023.

¹⁵⁶ aditus foundation, [2025 Rule of Law Submission](#).

¹⁵⁷ Ibid.; and aditus foundation, [2024 Rule of Law Submission](#), January 2024

¹⁵⁸ aditus foundation, [2025 Rule of Law Submission](#).

In 2025, Malta had 14 leading judgments that are still pending implementation; these had been pending implementation for an average of 6 years and 6 months¹⁵⁹. At the end of December 2024, there were 56 cases pending execution, of which four were leading cases classified under enhanced procedure, and ten were leading cases classified under standard procedure¹⁶⁰. Furthermore, six judgments of the ECtHR are under enhanced supervision and three under standard supervision by the Committee of Ministers of the Council of Europe¹⁶¹.

The Committee of Ministers examined and adopted decisions in respect of four leading cases/ groups of cases under enhanced procedure for the following issues (i) Refusal of the applicant's asylum requests without an assessment of the risk faced upon return to Bangladesh and lack of access to an effective remedy. **S.H. case / J.B case**; (ii) Excessive length of criminal proceedings and of constitutional redress proceedings and lack of effective remedies. Galea and Pavia group of cases; Unlawfulness of detention pending deportation, in poor conditions, and interference with correspondence between the applicant and the Court. Feilazoo case / A.D. case; (iv) Various deficiencies in the Maltese rent control legislation and lack of effective remedy.

Out of the 138 cases received by the ECtHR since ratification of the European Convention, 88 were considered to be repetitive cases.

Furthermore, there is disagreement¹⁶² between Environmental NGOs and the Maltese Government as to whether the opening of season for the trapping of 7 species of songbirds went against the recent decision by the European Court which found Malta in breach Directive 2009/147/EC in Case C-23/23 Commission v Malta decided in September 2024¹⁶³. The opening of the season was allowed via the publication of Legal Notice Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024) Regulations, 2024¹⁶⁴.

D. The enabling framework for civil society

Measures regarding framework for civil society organisations and human rights defenders

A new **National Volunteering Strategy 2025–2030**¹⁶⁵ was published in December 2025. This document is primarily aimed at those organisations that provide volunteering services and whilst its aim was to modernize the legal landscape and provide financial resources for volunteering organisations, the document reads more like a list of general aims as it lacks detail and concrete actions and outputs.

¹⁵⁹ European Implementation Network, [Malta](#).

¹⁶⁰ Council of Europe, [Annual Report 2024 of the Committee of Ministers](#), 2025.

¹⁶¹ Council of Europe, [Main Issues before the Committee of Ministers - Malta](#), 2025.

¹⁶² Times of Malta, [Government allows trapping for songbirds under 'research programme'](#), October 2024; Times of Malta, [Bird trapping defiance shows 'electoral interest put before rule of law'](#), October 2024.

¹⁶³ Case C-23/23 [Commission v Malta](#) decided in September 2024.

¹⁶⁴ Legal Notice 270 of 2024 on the [Conservation of Wild Birds \(Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024\) Regulations](#), 2024.

¹⁶⁵ Ministry For Inclusion and The Voluntary Sector, [National Volunteering Strategy 2025–2030](#), 2025.

Furthermore, the document does not make a distinction between different forms of civil society organisations that do not provide volunteering services¹⁶⁶.

No further developments were noted in relation to the public consultation on the reform of the third sector launched in February 2024¹⁶⁷. Whilst the results were published in December of 2024¹⁶⁸, no further actions were noted throughout 2025.

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders

The context in which civil society organisations (CSOs) and human rights defenders (HRDs) work remains strained and actors in the field have reported being targets of verbal attacks, threats and intimidation. The work of CSOs and HRDs is often portrayed negatively and is subject to smear campaigns by political figures and other persons in authority¹⁶⁹. However, the ODIHR noted that some steps have been taken by Malta to protect human rights defenders and journalists, whilst also noting that there are serious concerns of the lack of implementation of the recommendations from the Inquiry on the murder of Daphne Caruana Galizia¹⁷⁰. On the 8th anniversary of Daphne Caruana Galizia's assassination, an official employed in the Office of the Prime Minister discarded tributes left on her memorial by activists, family members and various embassies¹⁷¹. After shocked reactions by the public, the Office of the Prime Minister stated that the employee acted in his personal capacity but that he had the right to freedom of expression¹⁷². This is not the first time the clearing of the memorial was subject of controversy and in 2020, the Constitutional Court found that continued cleaning of the memorial site by state entities breach the right to freedom of expression of civil society activists¹⁷³. Like every year no government representative attended any of the memorial services, meetings or events.

Organisation of financial support for civil society organisations and human rights defenders

Civil Society actors face challenges in access to funding under national and European Union programmes as they are often project-based and require CSO's to

¹⁶⁶ aditus foundation, [2025 Rule of Law Submissions – Malta](#), January 2025.

¹⁶⁷ Commissioner for Voluntary Organisations, [The Reform of the Voluntary and Not for Profit Sector “Bl-Ohla Dawl Libbist”](#) 2024.

¹⁶⁸ Ministry For Inclusion and The Voluntary Sector, [Government response to the consultation on Bl-Ohla Dawl Libbist - The Reform of the Voluntary and Not for Profit Sector](#), 2024.

¹⁶⁹ OSCE Office for Democratic Institutions and Human Rights, [The Situation of Human Rights Defenders in Malta: Good Practices and Protection Gaps](#), September 2025.

¹⁷⁰ Ibid., also noted by the European Commission, [2025 Rule of Law Report Country Chapter on the rule of law situation in Malta](#), SWD(2025) 918 final, 2025.

¹⁷¹ Times of Malta, [Watch: Neville Gafà filmed clearing Daphne memorial as embassies condemn move](#), 17 October 2025.

¹⁷² MaltaToday, [Office of the Prime Minister: Neville Gafà acting in personal capacity](#), but we don't mind, 17 October 2025.

¹⁷³ Times of Malta, [Manuel Delia wins case against government over Caruana Galizia memorial](#), January 2020; [Delia Emanuel vs L-Onorevoli Ministru tal-Gustizzja Kultura u Gvern Lokali Et](#), 30/01/2020.

contribute financially with high co-financing rates. Core funding for CSOs in Malta is generally not available and with national funds staff salaries are usually excluded. Furthermore, the administrative obligations that came with funding were burdensome¹⁷⁴ and particularly difficult for smaller CSOs which are the majority in Malta.

There was nothing in the 2024 CSO Consultation that addressed sustainability of CSOs, core funding and/or co-financing being made available and/or accessible to CSOs, although it was noted that lack of funding was one of the key issues facing CSOs in Malta¹⁷⁵. This was highlighted to the Commission as one of the core issues facing CSOs in Malta and in specific the problems relating to high-cofinancing rates for EU projects.

The Government has not addressed this shortfall in the availability of funds globally and has not stepped-up contributions to fill in any funding gaps being felt on the ground. Furthermore, we have not seen any Government initiatives or measures that foster a rule of law culture in Malta, and we therefore believe that funding for CSOs to carry out this work nationally is of even more importance.

E. Initiatives to foster a rule of law culture

There are no government related initiatives to foster a rule of law culture.

A two-year EU funded project “Rule Of Law for Lawyers (ROLL)” project was led by the International Commission of Jurists (ICJ) in close cooperation with Helen Duffy from Human Rights in Practice and in collaboration with national partner organizations: aditus foundation (Malta), Forum for Human Rights (Czechia and Slovakia), and Free Courts (Poland), supported by the Romanian Institute for Human Rights. The ICJ and its partners organized 3 transnational workshops and 5 mentoring or exchange sessions with lawyers and judges across the EU to facilitate experience-exchange and foster the effective use of strategic litigation to promote independent and effective judicial systems. The following report is the culmination of the project, while focused on the independence of the judiciary, the report may be relevant to challenges to the independence of the prosecution service, individual prosecutors and other legal professionals and human rights defenders¹⁷⁶.

The EU for Global Project is another two-year project funded by the EU Citizens, Equality, Rights and Values Programme. aditus foundation, together with Democracy International as lead and another 5 CSO from across the EU, are organising 17 national and transnational events to explore democracy, solidarity, the Charter, climate action and disinformation¹⁷⁷. The Malta events focused on the political participation of the underrepresented from elections to beyond¹⁷⁸.

¹⁷⁴ Office for Democratic Institutions and Human Rights, [Situation of human rights defenders in Malta: Good Practices and Protection Gaps](#), June 2025.

¹⁷⁵ Commissioner for Voluntary Organisations, [The Reform of the Voluntary and Not for Profit Sector “Bi-Ohla Dawl Libbist”](#) 2024.

¹⁷⁶ International Commission of Jurists, [Justice Under Pressure: Strategic Litigation of Judicial Independence in Europe](#), 2025

¹⁷⁷ EU4Global Website.

¹⁷⁸ Aditus, [Politics of the Under Represented](#), 2025.

Any other developments related to the system of checks and balances – please specify

In 2025 the Government rushed through a crucial amendment to the Criminal Code that would amend Article 546 of the Criminal Code¹⁷⁹ that had allowed private individuals to request the opening of an investigation into serious crimes by an inquiring magistrate. This procedure has been key in leading to the investigation of major corruption scandals¹⁸⁰ in Malta where the police had failed to prosecute in recent years. In response to a number of reports filed by one lawyer and ex-Opposition MP under Article 546 in relation to claims of corruption by public officials, the Government announced a plan to reform the inquiry procedures to avoid “political persecutions”¹⁸¹ and “extremist factions”¹⁸². In January 2025, without any public consultation, the Minister for Justice tabled a motion to introduce a bill to amend the criminal code parliament’s agenda. By February the text of the Bill was made public and it had already passed on to the 2nd reading stage in Parliament. The amendment crucially removed the right for citizens to directly petition for a magisterial inquiry. This process has now been replaced by a requirement to file a report with the executive police, requesting the initiation of the inquiry resulting in a higher threshold for a petitioner to prompt an inquiry. It was exactly the lack of police action to investigate major corruption cases that had pushed activists to use Article 546 in the past. In spite of a huge public outcry¹⁸³, the Bill was made law with fascinating efficiency by the first week of April¹⁸⁴. It is still too early for there to be an analysis of the effects that this amendment had on magisterial inquiries and the investigation and prosecution of corruption cases.

In September 2025 ODIHR published its findings on the situation of human rights defenders (HRDs) in Malta. The report found that HRDs especially those on anti-corruption, migration, environment, and reproductive rights, face hostile rhetoric from politicians labelling them as traitors or criminal enablers, alongside online threats, smears, and physical attacks, often underreported due to distrust in police response. Protection mechanisms like police risk assessments are limited to imminent threats, exclude HRD input, and fail broader needs; consultation processes lack inclusivity, and migrant search-and-rescue NGOs face closed spaces. The report concludes with a number of recommendations to enhance the protection of HRDs.

¹⁷⁹ [Criminal Code](#), CAP 9 of the Laws of Malta.

¹⁸⁰ Times of Malta, [Electrogas partner company, Nexia BT bosses set to face 17 Black charge](#), 2025, Times of Malta, [Vitals inquiry: AG files charges against Muscat, Mizzi, Schembri and others](#), 2024.

¹⁸¹ Times of Malta, [Minister warns of 'fishing expeditions' as inquiry reform remains under wraps](#), 2025.

¹⁸² Times of Malta, [PM reacts to Jason Azzopardi claims by ordering reform of magisterial inquiries](#), 2025.

¹⁸³ Chamber of Advocates (2025), press release of 8 February 2025. Repubblika, Memorandum on the Right of Individual Petition for Magisterial Inquiries of 4 February 2025. Malta Chamber of Commerce, ‘Quest for Truth and Justice’, 10 February 2025. European Commission Rule of Law Report 2025.

¹⁸⁴ aditus foundation, [Bill 125 - In Genere Inquests - Key Aspects](#), February 2025; Repubblika, [Detailed Response to Bill 134 To Amend the Constitution](#), May 2025.

