



EUROPEAN
COMMISSION

Strasbourg, 8.7.2025
SWD(2025) 918 final

COMMISSION STAFF WORKING DOCUMENT

2025 Rule of Law Report Country Chapter on the rule of law situation in Malta

Accompanying the document

**Communication from the Commission to the European Parliament, the Council, the
European Economic and Social Committee and the Committee of the Regions**

2025 Rule of Law Report The rule of law situation in the European Union

{COM(2025) 900 final} - {SWD(2025) 901 final} - {SWD(2025) 902 final} -
{SWD(2025) 903 final} - {SWD(2025) 904 final} - {SWD(2025) 905 final} -
{SWD(2025) 906 final} - {SWD(2025) 907 final} - {SWD(2025) 908 final} -
{SWD(2025) 909 final} - {SWD(2025) 910 final} - {SWD(2025) 911 final} -
{SWD(2025) 912 final} - {SWD(2025) 913 final} - {SWD(2025) 914 final} -
{SWD(2025) 915 final} - {SWD(2025) 916 final} - {SWD(2025) 917 final} -
{SWD(2025) 919 final} - {SWD(2025) 920 final} - {SWD(2025) 921 final} -
{SWD(2025) 922 final} - {SWD(2025) 923 final} - {SWD(2025) 924 final} -
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{SWD(2025) 928 final} - {SWD(2025) 929 final} - {SWD(2025) 930 final} -
{SWD(2025) 931 final}

ABSTRACT

The level of perceived judicial independence in Malta continues to be high among the general public and is now high among companies. Discussions are ongoing in the Parliament on a comprehensive constitutional reform relating to the justice sector which would provide for the involvement of the judiciary in the procedure for appointment of the Chief Justice. The transfer of prosecutions of non-summary cases from the Police to the Office of the Attorney General is completed. The Government is proposing to remove the involvement of the executive from the appointment of members of the specialised tribunals to address concerns over their independence. Despite substantial recruitment and proposals to expand court premises, the need to increase resources remains, with business stakeholders reiterating concerns over delays of legal proceedings. Steps have been taken to improve the level of digitalisation of justice. While length of proceedings remains a concern, certain groundwork was set in motion to enhance the efficiency of the justice system.

The implementation of the National Anti-Fraud and Corruption Strategy continues. Work remains to be done in order to ensure appropriate follow-up of the anti-corruption recommendations issued following the public inquiry into the assassination of journalist Daphne Caruana Galizia. Investigative and prosecution authorities increased their human resources. New tools were developed to reduce the length of investigations of high-level corruption cases, but a robust track record of final judgments has not yet been achieved. The capacity of the Permanent Commission Against Corruption to achieve concrete results still has to be demonstrated. Integrity measures for the public service and the police force continue. Action to improve integrity measures for politicians and high-level officials remains to be taken. New tools for whistleblowing continue to be under preparation. Auditing institutions indicated weaknesses on the use of public funds and changes of public procurement procedures. On 29 April 2025, the European Court of Justice found that the Maltese investor citizenship scheme is contrary to EU Law.

The Government is preparing legislation aimed at providing the media regulator with new competences, including as regards scrutiny over mergers in the media market and the allocation of state advertising. There were no new measures to enhance the independent governance and editorial independence of public service media, and limited steps were taken to reinforce safeguards to improve access to official documents. Apart from a law on cross-border strategic lawsuits, additional legislation in the area of the protection of journalists and media freedom remains pending.

There have been no further steps taken to introduce a formal framework for public participation in the legislative process, and draft legislation to set up a National Human Rights Institution has yet to be presented in Parliament. Legislation establishing a regulatory framework for civil society is under preparation. A legislative reform increasing the threshold for citizens to directly petition a magisterial inquiry has given rise to strong criticism from some stakeholders about its potential impact on the prosecution of high-level offences.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2024 Rule of Law Report, Malta has made:

- Some further progress on pursuing the draft reform endorsed by the Government to involve the judiciary in the procedure for appointment of the Chief Justice.
- Some further progress on further strengthening efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Some further progress on continuing efforts to address challenges related to the length of investigations of high-level corruption cases and no progress in stepping up efforts to establish a robust track record of final judgments.
- No progress in adopting legislative and other safeguards to improve the working environment of journalists and limited progress on access to official documents, taking into account European standards on the protection of journalists and on access to official documents.
- No progress in strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- No progress in stepping up measures to establish a National Human Rights Institution taking into account the UN Paris Principles.
- Limited progress in introducing a formal framework for public participation in the legislative process.

On this basis, and considering other developments that took place in the period of reference, in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Malta to:

- 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.
- Step up efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.
- Step up efforts to address challenges related to the length of investigations of high-level corruption cases, and to establish a robust track record of final judgments.
- Adopt further legislative and other safeguards to improve the working environment of journalists including on access to official documents, taking into account European standards on the protection of journalists and on access to official documents.
- Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.
- Take forward measures to establish a National Human Rights Institution taking into account the UN Paris Principles.
- Introduce a formal framework for public participation in the legislative process.

I. JUSTICE SYSTEM¹

Independence

The level of perceived judicial independence in Malta continues to be high among the general public and is now high among companies. Overall, 69% of the general population and 63% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2025². The perceived judicial independence among the general public has increased in comparison with 2024 (65%), and it remains at the same level in comparison with 2021 (69%). The perceived judicial independence among companies has increased in comparison with 2024 (57%) although it has decreased in comparison with 2021 (68%).

There has been some further progress on the involvement of the judiciary in the process of appointing the Chief Justice, as discussions are ongoing in Parliament on a comprehensive constitutional reform relating to the justice sector³. On 13 May 2025, the Government tabled a comprehensive constitutional reform before Parliament concerning the justice sector. Among other provisions, the reform requires that before the Parliament votes on appointing the Chief Justice, the Prime Minister consults with the sitting or acting Chief Justice (who bears statutory obligations in representing the judiciary) and the President and updates the Leader of the Opposition on the outcome of this process. The Bill also revises the framework governing disciplinary proceedings against members of the judiciary and establishes the post of Commissioner for Standards of the Judiciary⁴, who is expected to investigate allegations against judiciary members, and reports findings to the Chief Justice and Minister responsible for justice, recommending disciplinary action when prima facie evidence exists. The Bill is currently at its second reading stage in Parliament. In view of these developments, there has been some further progress on the recommendation made in the 2024 Rule of Law Report.

The transfer of certain types of prosecutions to the Office of the Attorney General is completed. The final phase of the gradual transfer of prosecutions of non-summary cases from the Police to the Office of the Attorney General (i.e. offences which carry a punishment exceeding 2 years imprisonment) was concluded in September 2024 – marking the completion of the corresponding milestone under the Recovery and Resilience Plan (RRP)⁵. This development allows the Attorney General to exclusively take prosecutorial decisions of all serious offences⁶. As a result of this transfer, the total number of prosecutions initiated by

¹ An overview of the institutional framework for all four pillars can be found [here](#).

² 2025 EU Justice Scoreboard, Figures 50 and 52 and 2023 EU Justice Scoreboard, Figures 49 and 51. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

³ The 2024 Rule of Law Report recommended to Malta to “[p]ursue the draft reform endorsed by the Government to involve the judiciary in the procedure for appointment of the Chief Justice”.

⁴ The Commission for the Administration of Justice is responsible for appointing the Commissioner for Standards of the Judiciary for a renewable three-year term and may also dismiss the Commissioner, based on specified reasons.

⁵ 2024 Rule of Law Report, Malta, p. 4. See RPP C6.R.2, milestone 6.8.

⁶ Thereby, effective from October 2024, in addition to previously transferred offences, the Office of the Attorney General has been granted the authority to prosecute (i) offences against the Medical and Kindred Professions Ordinance; (ii) offences against the Dangerous Drugs Ordinance; (iii) offences of money laundering as provided for in article 3 of the Prevention of Money Laundering Act including; (iv) attempts or conspiracy to commit or complicity in the offences mentioned in paragraphs (i), (ii), and (iii).

the Office of the Attorney General has significantly increased in recent years: in particular, the prosecutions which were 11 in 2020, reached 492 in 2024⁷. An independent study is underway to assess whether to transfer all types of prosecutions, namely also those which carry an offence punishable with less than 2 years imprisonment, to the Office⁸. From July 2024 to February 2025, 8 additional prosecutors joined the Office⁹.

The Government is proposing to remove the involvement of the executive from the appointment of members of the specialised tribunals to address concerns over their independence. As indicated in the 2024 Rule of Law Report, in the context of the RRP, Malta committed to pursue a review of the framework of specialised tribunals, and to consult the Venice Commission on possible amendments aimed at strengthening their independence¹⁰. While the authorities completed public procurement procedures for the selection of an independent contractor, no further steps were taken. In the absence of further progress on the review, the Government has formalised a draft Bill, which proposes that the executive will no longer be involved in the appointment of members of these administrative tribunals. In a judgment of October 2024, the European Court of Human Rights highlighted shortcomings in the guarantees of independence of one of the Maltese specialised tribunals (i.e. the Immigration Appeals Board). Key findings included the lack of a proper appointment procedure of its members and the absence of selection criteria based on merit. The Court found that Malta will need to enact legislation to bring the Immigration Appeals Board in conformity with the standards of independence and impartiality as stipulated by the European Convention on Human Rights¹¹. Against this background, concerns about the independence of specialised tribunals have been reiterated by stakeholders¹².

Quality

Despite the substantial recruitment of staff and proposals to expand court premises, the need to swiftly increase resources in the judiciary remains. While since July 2024, the number of judges and magistrates has increased¹³, it remains among the lowest per inhabitant in the EU¹⁴. Since July 2024 107 new members were recruited. There is a need to swiftly increase human resources in order to improve the length of proceedings¹⁵. Stakeholders

⁷ Maltese Government (2025), written input, pp. 11-14.

⁸ Reported by the Attorney General. Pursuant to RRP milestone C.6.R2-MT6.5.

⁹ Country visit Malta, Attorney General. In the context of the country visit, the Maltese authorities clarified that the discussions for the renewal of the disciplinary regime for prosecutors (expired at the end of 2024) are still ongoing and are part of a broader discussion which includes also salaries. The new regime is expected to be adopted by end-2025. Maltese Government (2025), country visit to Malta.

¹⁰ According to RRP milestone 6.3, 'An independent contractor shall be engaged through public procurement procedures, in order to assess the independence of the specialised tribunals at national level. This assessment shall be carried out in communication with the Council of Europe's Venice Commission'. Milestone 6.4 then provides that the legislative amendments shall take into account the outcome of the assessment.

¹¹ European Court of Human Rights, judgment of 22 October 2024, *J.B. and Others v. Malta*, case 1766/23.

¹² Repubblika (2025), written input, p. 6. Aditus Foundation (2025), written input, p. 8.

¹³ Two new Magistrates were appointed by the President of the Republic of Malta on 15 April 2025.

¹⁴ In 2023, Malta had 9.1 judge per 100 000 inhabitants – the third lowest figure in the European Union. 2025 EU Justice Scoreboard, Figure 37.

¹⁵ There is a need to hire more judges, as well as court personnel, including clerks, bailiffs, court assistants, transcribers, plus experts qualified in the assessment and adjudication of financial crimes, in addition to specialised equipment. Chief of Justice (2024).

highlighted that staff shortages are a cause of delays in judicial proceedings, adversely affecting businesses since delays undermine legal certainty and hamper economic activities¹⁶.

Steps have been taken to improve the level of digitalisation of justice. Following up on the Digital Justice Strategy (2022-2027)¹⁷, in September 2024, the authorities launched a tender for the development of a Court Information Management System, which will digitalise the courts' processes. The offers that were submitted are under evaluation. Further tender documents are being drafted to set-up new case management systems for the Office of the Attorney General and for the Office of the State Advocate, with the public tenders expected to be launched in the second quarter of 2025¹⁸.

The regulation of the activities of lawyers is still pending. In Malta, the legal profession is regulated across different legislative acts¹⁹. The Bar of Malta confirmed that discussions are still ongoing with the Government regarding the Lawyers' Act, which aims to streamline the existing regulatory framework for the legal profession²⁰.

Efficiency

There has been some further progress on the recommendation to reduce the length of proceedings and to enhance the efficiency of the justice system²¹. In the last quarter of 2024, the Government took steps to open a new Commercial Court and a Family Court to alleviate capacity issues. The House of Representatives started discussing a Bill relating to the establishment of a Commercial Court, with the aim of its adoption by the second quarter of 2025. In September 2024, the Government launched a public consultation to engage citizens in the reform of the Family Court, with the aim of tabling legislative proposals²². As regards the increase of court premises, the Government informed that deliberations have started²³. In 2023, the disposition time for first instance civil and commercial cases, even though it decreased by 37 days compared to 2022, remained among the lengthiest in the EU; in 2023, it still took 454 days²⁴. In 2023, the disposition time for first instance criminal cases recorded a significant increase, equal to 713 days against 527 days in 2023²⁵. Administrative justice has also recorded a considerable deterioration of the disposition time of first instance cases, which in 2023 reached 1 350 days (an increase of 268 days vis-à-vis 2022)²⁶. Also, the backlog of pending cases continues to increase. Malta's rate of resolving civil, commercial, administrative and other cases (first instance) in 2023 was equal to 89%²⁷. In 2023, the clearance rate saw a significant backslide with regard to criminal cases (first instance)

¹⁶ Country visit Malta, Malta Business Bureau and Malta Chamber of Commerce.

¹⁷ The Digital Justice Strategy is partly financed by the RRF.

¹⁸ Maltese Government (2025), reply to targeted questions, p. 3.

¹⁹ As noted by CCBE (2025), written input, p. 141, without a law regulating the legal profession there can be no implementation of continuous training of lawyers.

²⁰ Country visit Malta, Chamber of Advocates.

²¹ The 2024 Rule of Law Report recommended to Malta to "[f]urther strengthen efforts to improve the efficiency of justice including by providing additional resources, particularly to reduce the length of proceedings".

²² Maltese Government (2025), written input, p. 8.

²³ Maltese Government (2025), written input, p. 15. Concerns on the level of human and logistical resources have been expressed during the country visit by the Association of Judges and Magistrates.

²⁴ 2025 EU Justice Scoreboard, Figure 6.

²⁵ See CEPEJ (2025).

²⁶ 2025 EU Justice Scoreboard, Figure 8.

²⁷ 2025 EU Justice Scoreboard, Figure 10.

amounting to 74.1 % (against 92.8 % in 2022²⁸. These percentages indicate that, on an annual basis, the number of resolved cases across all jurisdictions remains well below the number of new cases. Stakeholders report that delays and inadequate efficiency of courts are a concern for business confidence²⁹. Some preliminary consultations took place regarding reforms which are in the making, and which are aimed at ensuring a better allocation of cases and more expedited procedures, including the Commercial Court, the Family Court Reform, and the reform of compilation of evidence³⁰. Based on the above, there has been some further progress on the recommendation made in the 2024 Rule of Law Report.

II. ANTI-CORRUPTION FRAMEWORK

The perception among experts, citizens and business executives is that the level of corruption in the public sector remains high. In the 2025 Corruption Perceptions Index by Transparency International, Malta scores 46/100³¹ and ranks 24th in the European Union and 65th globally. This perception has significantly decreased over the past five years³². The 2025 Special Eurobarometer on Corruption shows that 83% of respondents consider corruption widespread in their country (EU average 69%) and 52% of respondents feel personally affected by corruption in their daily lives (EU average 30%). As regards businesses, 69% of companies consider that corruption is widespread (EU average 63%) and 51% consider that corruption is a problem when doing business (EU average 35%). Furthermore, 32% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 36%), while 27% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 33%)³³.

The implementation of the National Anti-Fraud and Corruption Strategy continues and work remains to be done in order to ensure appropriate follow-up of the anti-corruption recommendations issued following the public inquiry into the assassination of journalist Daphne Caruana Galizia³⁴. Almost half of the actions foreseen under the National Anti-Fraud and Corruption Strategy were completed in 2024 (including communication strategies, training programme), and the Co-ordinating Committee reported improvements across four categories of risk (i.e. unlawful use of resources, public

²⁸ See CEPEJ (2025).

²⁹ Country visit Malta, Malta Business Bureau and Malta Chamber of Commerce.

³⁰ Reforms include (i) The Commercial Court would be a specialised court with competence to hear commercial and maritime disputes (draft legislation was submitted to Parliament in December 2024, Maltese Government (2025), p. 8; (ii) Reform of the Family Court, aiming at providing families with a more supportive and effective access to justice. A public consultation concluded in November 2024 with a number of submissions from the general public, NGOs, professional bodies and other Government entities. The Government is assessing the feedback received to develop concrete legislative proposals for the reform. Maltese Government (2025), p. 8; (iii) A reform of the compilation of evidence is aimed at accelerating the process and no longer requiring every witness to testify in person. A public consultation was launched in 2023 informing the preparation of draft legislation Maltese Government (2025), p. 8.

³¹ The level of perceived corruption is categorised as follows: low (above 79); relatively low (between 79-60), relatively high (between 59- 50), high (below 50).

³² In 2020 the score was 53, while, in 2024, the score is 46. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

³³ Data from Special Eurobarometer 561 (2025) and Flash Eurobarometer 557 (2025).

³⁴ The public inquiry into the assassination of journalist Daphne Caruana Galizia issued anti-corruption recommendations - on asset declaration, whistleblower protection and codes of ethics. Board of Inquiry (2021). 2024 Rule of Law Report, Malta, p. 11.

procurement, conflicts of interest, and other fraud)³⁵. For the full implementation of the anti-corruption recommendations, key actions remain to be taken, in particular with regard to lobbying and the code of conduct³⁶. The Government is considering a reform of the asset declaration system, following a recommendation by the OECD³⁷.

There has been some further progress in addressing challenges related to the length of investigations of high-level corruption cases, but no progress in establishing a robust track record of final judgments³⁸. Both the Financial Crimes Investigation Department (FCID) and the Attorney General office increased their human resources and developed new tools to facilitate investigations and prosecutions³⁹. This is expected to contribute to reducing the length of proceedings, also in high-level cases. In 2024, there were new investigations and prosecutions, although the number of final judgments in corruption cases remains low⁴⁰. However, proceedings are pending in a number of cases involving high-level officials⁴¹. The EPPO investigated 10 corruption cases, which accounts for around a fifth of the total number of EPPO cases in Malta⁴². According to the Government, the complexity of the corruption cases, as well as the workload and the limited number of experts, impact the duration of investigations⁴³. Furthermore, the lack of judges affects the adjudication of corruption cases⁴⁴. Stakeholders continue to criticise the capacity of public authorities to speedily and effectively investigate corruption cases, accentuating concerns over the recent reform, which in their view limits the scope for citizen-prompted magisterial inquiries⁴⁵. In view of the

³⁵ The Co-ordinating Committee (led by IAID) that is responsible for monitoring the implementation of the National Anti-Fraud and Corruption Strategy (NAFCS) confirmed that 11 out of 23 actions of the NAFCS were implemented. IAID (2024). The coordinating committee met twice in 2024, and also communicated through written procedure, and the reports of the meetings are not published. Country visit Malta, IAID. Stakeholders regret the lack of transparency in the implementation of the actions set out in the NAFCS. Daphne Caruana Galizia Foundation (2025), written input, p.13.

³⁶ According to the Government, once the reform for asset declaration is fully concluded, the other recommendations issued by both the public inquiry and by the OECD (on lobbying, code of conduct, as well as on the Commissioner and the Act for Standard in Public Life), will be dealt with. Country visit Malta, Ministry of Justice. Country visit Malta, Repubblika, Daphne Caruana Galizia Foundation and Aditus. Civil Liberties Union for Europe (2025).

³⁷ OECD (2022), p.31.

³⁸ The 2024 Rule of Law Report recommended to Malta to “[c]ontinue efforts to address challenges related to the length of investigations of high-level corruption cases and step up efforts to establish a robust track record of final judgments”.

³⁹ FCID hired 18 officers, including the deputy commissioner, while 8 went on retirement. Country visit Malta, FCID. The Attorney General office hired 17 prosecutors, updated its standard operating procedure, and a new case-management program as well as an action plan for effectiveness were being developed. Attorney General office (2025), written input, p. 3-6.

⁴⁰ In 2024, there were 57 new cases on financial crimes (including corruption), 20 investigations (involving 30 individuals and 20 legal persons), and 18 prosecutions. For 2 cases adjudicated, the sentences (to 2 and 3 years of imprisonment) were suspended. In a third case, an individual was convicted of corruption and trading in influence and sentenced to four years and eight months of imprisonment. The judgment is under appeal. Attorney General office (2025), written input, p. 9.

⁴¹ Around 51 individuals and 50 legal persons are involved in these proceedings. Attorney General office (2025), written input, p. 8. NGOs raised concerns on the targeted media campaign allegedly aimed at discrediting and intimidating judiciary experts. Repubblika, Daphne Caruana Galizia Foundation and Aditus (2025), common written input, p.5.

⁴² EPPO (2024) p. 45.

⁴³ Maltese Government (2025), written input, p. 20.

⁴⁴ See above, pp. 4-5.

⁴⁵ Magisterial inquiry procedures had triggered prosecution in a number of corruption cases. NGOs argue that restricting the scope for individuals to ask for magisterial inquiry would impede future convictions in high-

above, there has been some further progress in addressing challenges related to the length of investigations of high-level corruption cases and no progress in establishing a robust track record of final judgments.

The capacity of the Permanent Commission Against Corruption (PCAC) to achieve concrete results is still to be demonstrated. The PCAC continues to operate with only three Commissioners employed on a part-time basis, supported by one administrative officer, although international standards require anti-corruption agencies to have adequate and reliable specialised staff⁴⁶. The case-management system is not in place yet, and a standard operating procedure is still under preparation⁴⁷. While the PCAC presents its annual activity report to the President of Malta, there is no other oversight mechanism in place⁴⁸. The PCAC did not receive any reports of corruption for the past two years⁴⁹ and, after examination, it forwarded two cases received in 2022 to the Ministry of Justice with no allegations of corruption⁵⁰. Since it was established, the PCAC has never transmitted any case to the Attorney General office for prosecution⁵¹.

Integrity measures for the public service and the police force continue.. The Public Service Commission (PSC) plans to deliver a training on integrity addressed to heads of public entities, and it issued an increased number of decisions (about +18% in 2024 compared to 2023)⁵², following the appointment of a new Executive Director. The mandate of the Police Commissioner was renewed for another four years in June 2024⁵³. A continuation Strategy, building on the Malta Police Transformation Strategy 2020-2025 and integrity measures already implemented, is scheduled for adoption in 2025⁵⁴. Members of the

profile corruption cases, undermine ongoing prosecutions and prevent new ones from starting. Aditus (2025). Repubblika, Daphne Caruana Galizia Foundation and Aditus (2025), common written input, p. 3-6.

⁴⁶ See UNDP/UNODC (2012) as well as UNODC (2003).

⁴⁷ PCAC planned to hire 2 technology support officers to develop a digital case-management system. Country visit Malta, PCAC.

⁴⁸ In accordance with the UNDP/UNODC supported Jakarta Statement, it is essential that anti-corruption agencies comply with auditing standards, which strengthen the accountability of their top managers.

⁴⁹ Written contribution from PCAC in the context of the country visit to Malta.

⁵⁰ Closed cases continue to be sent to the Minister of Justice. PCAC, Country visit Malta, and written input, p. 5.

⁵¹ 2024 Rule of Law Report, Malta, p. 14.

⁵² PSC has a personnel of 16 officers, with a budget of around EUR 728 000. The new Executive Director was nominated in July 2024 (for a 4-year mandate), one manager returned to the PSC (after a period of secondment), and one senior manager plus one administrative officer have been hired in 2025. The 5 members of the Commission will end their 3-year renewable mandate in July 2025. In 2024, PSC issued 351 recommendations and 70 disciplinary sanctions. The PSC noticed a decrease in the number of cases addressed to its examination since 2023, when the permanent secretaries acquired the power to redress cases directly at their institutional level. Country visit Malta, PSC.

⁵³ In July 2024, a group of MPs filed a proposal seeking to revise the procedure to appoint or remove the Police commissioner, proposing a requirement for a two-thirds majority vote within the House of Representatives. Motion No. 278 (2024).

⁵⁴ In 2024, 32 police officers were sanctioned administratively by the Public Service Commission (none on corruption). The Professional Standards Office investigated 179 cases (5 cases remained pending before local courts; 6 cases were referred to the PSC; 40 cases resulted in minor disciplinary actions), and the Police Disciplinary Appeals Board issued 121 decisions (compared to 197 in 2023), and held 9 hearings (compared to 10 in 2023). Maltese Government (2025), written input, p. 21. Country visit Malta, FCID.

judiciary attended anti-corruption training⁵⁵, and the Chief Justice suggested improving integrity and transparency measures of the judiciary⁵⁶.

Action to improve integrity measures for high-level politicians and officials remains to be taken. While measures are in place addressing prevention and management of conflicts of interest in the public administration, their scope remains limited as Members of Parliament (MPs) are not covered by these rules⁵⁷. Based on the recommendation made by the Commissioner for Standards in Public Life, the Parliamentary Standards Committee issued a warning to two sitting Ministers for abuse of power⁵⁸. Stakeholders still consider inadequate the parliamentary integrity mechanism, and the sanctions which would apply⁵⁹. Members of Parliament, including Ministers and Parliamentary Secretaries, are required to file their annual asset and interests' declarations to the Speaker of the House of Representatives for examination⁶⁰. These declarations are accessible for public inspection in accordance with the provisions of the Code of Ethics and are subject to scrutiny and verification by the Commissioner for Standards in Public Life. After a delay of a few months, Ministers filed their declarations in March 2025, although they remain unpublished⁶¹. In light of the recommendations received⁶², the Government is in the process of reforming the asset and interests' declaration system. Action to improve other integrity measures (including stronger codes of ethics, rules on lobbying, and standards in public life, especially for persons of trust) remains to be taken⁶³.

New tools for whistleblowing continue to be under preparation. Work is ongoing to develop a digital portal to process whistleblowing reports⁶⁴. In August 2024, the UN Human Rights Committee asked Malta to improve, in law and in practice, the regime for the protection of whistleblowers, going further than the Protection of the Whistleblower Act of 2021, and to ensure that perpetrators of corruption are prosecuted and punished appropriately⁶⁵. The Ombudsman office is designated by law as one of the external reporting channels for persons working in the private sector⁶⁶. While there are no indications of general

⁵⁵ An exchange visit with the US counterparts took place in 2024, and a seminar on anti-corruption is planned for July 2025. Country visit Malta, Chief of Justice.

⁵⁶ Chief of Justice (2024). Members of the judiciary are bound to the Code of Ethics (of 2010), focused on impartiality, integrity, and independence.

⁵⁷ GRECO (2024), pp. 9-10. 2024 Rule of Law report, Malta, pp.15-16.

⁵⁸ The Commissioner dealt with 11 complaints and examined 2 cases of ethical misconduct. Country visit Malta, Commissioner for Standard in Public Life.

⁵⁹ Repubblika (2025), written input, p. 16.

⁶⁰ After examination by the Commissioner, the declarations from MPs are kept by the Standard Committee of the Parliament, and those from Ministers are kept by the Prime Minister's office. The declarations are publicly accessible, in person only, after request. Country visit Malta, Commissioner for Standards in Public Life.

⁶¹ Last year the Commissioner addressed a written request to the Prime Minister (urging Ministers to file their declaration of asset) and to Parliament (invoking the reform of the asset declaration system, in line with the recommendations from the OECD). Commissioner for Standard in Public Life (2024 and 2025). This situation raised concerns from stakeholders. Country visit Malta, Daphne Caruana Galizia Foundation, Repubblika and Aditus Foundation.

⁶² Board of Inquiry (2021), OECD (2023) and GRECO (2024). 2024 Rule of Law Report, Malta, pp. 11-15.

⁶³ Country visit Malta, Ministry of Justice. Media report concerns the lack of Government action on lobbying. Malta Today (2025a).

⁶⁴ 2024 Rule of Law Report, Malta, p. 17.

⁶⁵ UN Human Rights Committee (2024).

⁶⁶ The Ombudsman office is designated under the Protection of the Whistleblower Act as the external reporting channel for persons working in the private sector who want to report on breaches relating to (i)

deficiencies of this mechanism, one stakeholder highlighted that the Ombudsman's mandate would only allow for investigations within the public sector, not within the private sector⁶⁷. No whistleblower reports concerning corruption have been identified by public authorities and notified to the PCAC in 2024⁶⁸.

Auditing institutions indicated weaknesses on the use of public funds and changes of public procurement procedures. Businesses' attitudes towards corruption in the EU shows that 38% of companies (EU average 25%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years⁶⁹. 70% perceive the level of independence of the public procurement review body (The Public Contracts Review Board) as very or fairly good⁷⁰. The Single Market and Competitiveness Scoreboard on access to public procurement in Malta reports 15% of single bids for 2023 (EU average 29%). In 2024, both the National Audit Office (NAO) and the Internal Audit and Investigations Department (IAID) increased their personnel⁷¹. NAO indicated weaknesses in the use of public funds, also by municipal authorities, including instances of bypassing public procurement regulations⁷². Companies that are members of the Chamber of Commerce are committed to apply anti-corruption measures⁷³, also to favour a system of incentives in public tenders for companies that implement integrity programs⁷⁴.

The European Court of Justice found that Malta's investor citizenship scheme is in breach of EU Law. In 2023, the European Commission referred Malta to the Court of Justice of the European Union for its investor citizenship scheme in light of the scheme's incompatibility with EU law on EU citizenship and the principle of sincere cooperation⁷⁵. On 29 April 2025, the CJEU confirmed these violations, stating that the investor citizenship scheme amounts to the "commercialisation" of Union citizenship⁷⁶.

III. MEDIA PLURALISM AND MEDIA FREEDOM

The Government is preparing legislation aiming to provide the media regulator with new competences. The legislation under preparation is intended to align Maltese legislation

conduct involving substantial risk to public health or safety or the environment that would if proved, constitute a criminal offence; and (ii) all matters which constitute improper practices and which are not designated to be reported to any other authority.

⁶⁷ Repubblica (2022), p. 28.

⁶⁸ PCAC (2025), written input, p. 4.

⁶⁹ Flash Eurobarometer 557 on Businesses' attitudes towards corruption in the EU (2025). This is 13 percentage points above the EU average.

⁷⁰ 2025 EU Justice Scoreboard, Figure 59.

⁷¹ NAO hired 12 auditors, and it now has a staff of 55 officers, for a budget EUR 4 450 000. On average, almost 85% of recommendations issued by the NAO to public authorities are complied with. NAO (2025), written input, p. 2. NAO (2024a, b and c). In 2024, the IAID hired 17 officials, with a plan to recruit 5 more in 2025. Maltese Government (2025), written input, p. 23, and Country visit Malta, IAID.

⁷² In its reports of 2024, NAO indicated the following weaknesses: information for audit purposes not submitted; weak internal controls; bypassing of public procurement regulations; shortcomings in payments; unsatisfactory project management; incomplete and inaccurate compilation of accrual accounting returns. NAO (2024a, b and c).

⁷³ Anti-corruption measures are part of the Good Governance Manifesto. Chamber of Commerce (2020).

⁷⁴ With a system of incentives in public tenders for companies that implement integrity programs. Country visit Malta, Chamber of Commerce.

⁷⁵ 2024 Rule of Law Report, Malta, p.18.

⁷⁶ Court of Justice of the European Union, Grand Chamber, case C-181/23, *Commission v Malta (Citizenship by investment)*.

with the European Media Freedom Act by amending the Broadcasting Act⁷⁷. The amendments would bestow on the Broadcasting Authority, the country's media regulator, further responsibilities, including scrutiny of mergers in the media market and oversight over the allocation of state advertising. While awaiting the adoption of this legislation, the Media Pluralism Monitor (MPM) 2025 has raised its risk analysis from low-risk to medium-high risk in relation to the independence of the media regulator because of certain decisions taken by the Broadcasting Authority and the lack of implementation of the reforms suggested by the Caruana Galizia public inquiry report in this respect⁷⁸. The Monitor confirms its high-risk score in the area of market plurality and its medium-risk score in relation to transparency of state advertising⁷⁹.

There has been no progress to enhance the independent governance and editorial independence of public service media⁸⁰. While the final report of the Committee of Media Experts specifically recommended the setting up of an *ad hoc* committee to propose measures to ensure the objectivity, independence, impartiality, and accountability of public broadcasting⁸¹, the Government's position is that Malta's constitutional and legal framework safeguards the independence of public service media in a democratic society⁸². The MPM has consistently considered the independence of public service media to be an area presenting very high risk in Malta, which it confirms again this year highlighting political appointments, opaque finances and the significant number of instances where political bias was proven in the broadcaster's coverage⁸³. Therefore, no progress has been made on the recommendation.

There has been limited progress with regard to adopting safeguards to improve access to official documents⁸⁴. The integrated e-management system designed to enhance the processing, accessibility and transparency of access to documents requests has not yet been set up, but the Government expects it to be operational in 2025⁸⁵. In the meantime, there still appear to be no plans to adopt safeguards to improve access to documents either via a review of the Freedom of Information Act itself or via an analysis of its implementation in practice. Civil society organisations confirm that while civil society and journalists face numerous obstacles when requesting public information, the Data Protection and Information Commissioner continues to provide a reliable review mechanism when complaints are lodged with this office⁸⁶. For these reasons, MPM 2025 confirms its high-risk score for this area, referring to the various unanswered calls for legislative reform, the numerous obstacles

⁷⁷ The Broadcasting Act, Cap 350 of the Laws of Malta.

⁷⁸ Centre for Media Pluralism and Media Freedom (2025), p.17.

⁷⁹ Centre for Media Pluralism and Media Freedom (2025), p. 19 and pp. 28-29 respectively.

⁸⁰ The 2024 Rule of Law Report recommended to Malta to “[s]trengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media”.

⁸¹ The Committee of Experts on Media was established by the Government on 3 January 2022 and delivered its Final Report on 24 July 2023. The recommendation in relation to public broadcasting is found on page 15 of the report.

⁸² Written contribution from the Government of Malta in the context of the country visit to Malta.

⁸³ Centre for Media Pluralism and Media Freedom (2025), pp. 29-30.

⁸⁴ The 2024 Rule of Law Report recommended to Malta to “[a]dopt legislative and other safeguards to improve ... access to official documents, taking into account European standards on access to official documents”.

⁸⁵ Written contribution from the Government of Malta in the context of the country visit to Malta.

⁸⁶ Written contributions from Daphne Caruana Galizia Foundation (p. 31) and Repubblika (p. 24) in the context of the country visit to Malta. Information received from Reporters Without Borders (Malta) in the context of the country visit to Malta.

journalists and citizens experience to access public information and the numerous appeals lodged by Government when the right to access is upheld by the Data and Information Commissioner⁸⁷. Overall, limited progress has been made on this part of the recommendation.

Apart from a law on cross-border strategic lawsuits, additional legislation in the area of the protection of journalists and media freedom remains pending⁸⁸. The Committee on Media Experts' Final Report, presented in July 2024, had suggested that various areas of media freedom and aspects of journalists' working conditions in Malta required reform. Since then, only the Strategic Lawsuits Against Public Participation Order was enacted⁸⁹ in July 2024. Civil society organisations and the Institute of Maltese Journalists have criticised the fact that the Government did not include amendments which would have extended protection to lawsuits not involving a cross-border element⁹⁰. Some stakeholders also point out that the use of strategic lawsuits against journalists remains an issue⁹¹. Whereas the White Paper on media issues announced by the Government in October 2023⁹² has not been tabled, the Government is preparing the alignment of Maltese legislation with the European Media Freedom Act. In that context, the Government has indicated that amendments will provide safeguards for journalists in relation to protection of sources and confidential communications, protection against surveillance and a ban on spyware⁹³. For these reasons MPM 2025 maintains its medium risk score for this area highlighting that there have been no tangible reforms⁹⁴. Though various judicial processes are ongoing, there have been no convictions, to date, for the mastermind behind the assassination of Daphne Caruana Galizia⁹⁵. The Council of Europe Platform to promote the protection of journalism and the safety of journalists has reported no new alerts relating to the safety of journalists since the publication of the last rule of law report⁹⁶. The Media Freedom Rapid Response mechanism registered ten new alerts relating to criticism for the above-mentioned anti-SLAPP legislation; a controversial fine imposed by the media regulator on a radio station; government calls for the re-introduction of criminal libel; a ban on photographers for a court ceremony; the Prime Minister labelling certain outlets as 'fake news'; threats to a news crew by a crowd and government decisions to reject certain freedom of information requests⁹⁷.

⁸⁷ Centre for Media Pluralism and Media Freedom (2025), pp. 14-15.

⁸⁸ The 2024 Rule of Law Report recommended to Malta to 'adopt legislative and other safeguards to improve the working environment of journalists, taking into account European standards on the protection of journalists'.

⁸⁹ Subsidiary Legislation 460.40 of the Laws of Malta.

⁹⁰ Written contributions from Daphne Caruana Galizia Foundation (p. 32) and Repubblika (p.20) in the context of the country visit to Malta. Information received from the Institute of Maltese Journalists (IGM) in the context of the country visit to Malta. See also: Times of Malta (2025a).

⁹¹ Written contributions from Daphne Caruana Galizia Foundation (p. 22).

⁹² See 2024 Rule of Law Report, Malta, pp. 18-19.

⁹³ Written contribution from the Government of Malta in the context of the country visit to Malta.

⁹⁴ Centre for Media Pluralism and Media Freedom (2025), p. 11 and pp. 14-16.

⁹⁵ On 5 June 2025 a jury found two members of a criminal gang guilty of complicity in Ms Caruana Galizia's murder for having supplied the explosives that killed the journalist.

⁹⁶ Council of Europe, Platform to promote the protection of journalism and safety of journalists.

⁹⁷ European Centre for Press and Media Freedom, Media Freedom Rapid Response – Malta.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

There has been limited progress on the recommendation to introduce a formal framework for public participation in the legislative process⁹⁸. While there were no developments regarding the introduction of a formal framework for public participation in the legislative process, the Government declared its intention to establish a new Public Consultation Department⁹⁹. The Department would be responsible for consultations on national and EU affairs, serving as the Government's primary channel for public engagement, facilitating dialogue on a wide array of issues relevant for citizens and stakeholders. The Government declared its intention to submit a draft law by June 2025. While business stakeholders admit they are usually consulted on some relevant legislation, they also point out that slow law-making processes or sudden changes in legislation affect businesses¹⁰⁰. Based on the above, limited progress has been made to implement the recommendation to introduce a formal framework for public participation in the legislative process.

Draft legislation to set up a National Human Rights Institution has yet to be introduced in Parliament¹⁰¹. The Government is continuing working on two draft Bills aiming at establishing a National Human Rights Institution, with a view to submit it to Parliament by June 2025¹⁰². The UN Paris Principles should be a central element in this work. In November 2024, the Parliamentary Ombudsman presented a Bill to the Maltese Government in order to be designated as the National Human Rights Institution, however this proposal remained unanswered¹⁰³. Based on the above, no progress has been made to implement the recommendation to establish a National Human Rights Institution.

On 1 January 2025, Malta had 14 leading judgments of the European Court of Human Rights pending implementation, a decrease of 1 compared to the previous year¹⁰⁴. At that time, Malta's rate of leading judgments from the past 10 years that had been implemented was at 43% (unchanged from 2024; 57% remained pending), and the average time that the judgments had been pending implementation was 6 years and 6 months (compared to 6 years in 2024)¹⁰⁵. The oldest leading judgment, pending implementation for 16 years, concerns disproportionate restrictions to property rights¹⁰⁶. As regards the respect of payment deadlines, on 31 December 2024 there was 1 case in total awaiting confirmation of

⁹⁸ The 2024 Rule of Law Report recommended to Malta to “[i]ntroduce a formal framework for public participation in the legislative process”.

⁹⁹ Country visit Malta, Office of the Prime Minister.

¹⁰⁰ Country visit Malta, Malta Business Bureau and Malta Chamber of Commerce.

¹⁰¹ The 2024 Rule of Law Report recommended to Malta to “[s]tep up measures to establish a National Human Rights Institution taking into account the UN Paris Principles”.

¹⁰² Maltese Government (2025), written input, p. 42. Country visit Malta, Maltese Government.

¹⁰³ Parliamentary Ombudsman (2025), written input. In the context of the country visit, Aditus Foundation expressed doubts about the appointment of the Ombudsman as National Human Rights Institution, highlighting that it would miss the necessary expertise to cover this role. On the other hand, Repubblika declared its support to the Ombudsman's proposal. On a first review, the Government observed that the Ombudsman lacks alignment with the Paris Principles, and that it should not be entrusted with excessively broad judicial powers. Maltese Government (2025), reply to targeted questions, p. 20.

¹⁰⁴ For an explanation of the supervision process, see the [website](#) of the Council of Europe.

¹⁰⁵ All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2025. EIN (2025), written input, pp. 6-7.

¹⁰⁶ Judgment of the ECtHR, judgment of 2006 *Ghigo v. Malta*, case 31122/05, pending implementation since 2006.

payments (compared to 6 in 2023)¹⁰⁷. On 16 June 2025, the number of leading judgments pending implementation had increased to 16¹⁰⁸.

Over two thirds of the companies surveyed in Malta express confidence in the effectiveness of investment protection¹⁰⁹. 77% of companies are very or fairly confident that investments are protected by law and courts¹¹⁰. As regards authorities relevant for economic operators, 82% perceive the level of independence of the national competition authority (Malta Competition and Consumer Affairs Authority) as very or fairly good¹¹¹. A number of judicial mechanisms are in place at the level of the Court of Appeal to ensure the implementation of administrative court judgments, including fines for responsible officials for non-compliance, the possibility to quash administrative decisions for continued non-compliance with the court's instructions, and to award direct damages and compensation¹¹².

A legislative reform increasing the threshold for citizens to directly petition a magisterial inquiry has given rise to concerns among some stakeholders about its potential impact on prosecutions of high-level offences. In April 2025, Parliament approved a bill, reforming the mechanism of magisterial inquiries¹¹³. This procedure had allowed citizens to trigger investigations on serious offences where law enforcement authorities (in particular, the Police) had not acted, triggering prosecution in a number of emblematic cases¹¹⁴. The most controversial change relates to the right of 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. and some other conditions, resulting in a higher threshold for a petitioner to prompt an inquiry¹¹⁵: Based on the new provisions, citizens will only have the right to request the opening of a magisterial

¹⁰⁷ Council of Europe (2025), p. 157.

¹⁰⁸ Data according to the online database of the Council of Europe (HUDOC).

¹⁰⁹ The level of perceived investment protection is categorised as follows: very low (below 30% of respondents fairly and very confident that investments are protected by laws and courts); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%). The same categories analogously apply to the perception of independence of procurement and competition authorities.

¹¹⁰ 2025 EU Justice Scoreboard, Figure 54. Only 10% and 9% of the surveyed investors respectively perceive the frequent changes in legislation or concerns about the quality of the law-making process, and the quality, efficiency or independence of justice, respectively, as a reason for the lack of confidence in investment protection.

¹¹¹ 2025 EU Justice Scoreboard, Figure 60.

¹¹² EU Justice Scoreboard 2025, Figure 49. The data presented reflects exclusively the mechanisms in place at the level of the highest administrative jurisdictions; the same or other mechanisms may be in place at lower instance administrative courts.

¹¹³ Bill No. 125. A magisterial inquiry is an investigation carried out by a magistrate, acting as an impartial officer for justice seeking to delve deeper upon the receipt of any report, information or complaint received by the Police, the Attorney General or individuals, regarding any offense liable to the punishment of imprisonment exceeding three years.

¹¹⁴ Recent magisterial inquiries initiated by individual petitions include 11 corruption cases, also involving high-level government officials (among others, a former Prime Minister and former Chief of Staff). Open letter to EU entities regarding Bill 125 (2025), Repubblika, Daphne Caruana Galizia Foundation and Aditus (2025), common written input, p. 3-6.

¹¹⁵ Among others, the Bill introduced: (i) a stricter requirement on the evidence to be provided by citizens; (ii) the possibility for the Magistrate to condemn the petitioner to pay the costs of the inquest if the complaint was unfounded; (iii) a retroactive application to pending (at the time of the adoption of the Bill) magisterial inquiries in respect of which there was no final decision yet as to whether the inquiry should have commenced or not; (iv) a two-year deadline, after which all collected evidence would be passed on to the Attorney General, regardless of the inquiry's status. Stakeholders furthermore highlighted the lack of meaningful consultation on the Bill.

inquiry after six months from making the initial report, information or complaint.¹¹⁶ The Government explained that the amendment to the Criminal Code aims at avoiding vexatious claims and abuses of this procedural instrument¹¹⁷. The legislative amendment drew strong criticism from some stakeholders, who see this reform as effectively closing off an important avenue for accountability and justice in Malta¹¹⁸.

Legislation establishing a regulatory framework for civil society is under preparation. The civic space continues to be assessed as ‘narrowed’¹¹⁹. Following a public consultation, a draft law aimed at establishing a regulatory framework for the civil society sector is under preparation, with a view to have it submitted to Parliament by July 2025¹²⁰. The Office of the Commissioner for Voluntary Organisations continued its comprehensive dialogue with key stakeholders, including the Malta Council for the Voluntary Sector, which is the officially recognised representative body of the voluntary sector and voluntary organisations¹²¹. Stakeholders welcomed the launch of public consultations, while stressing the need to see concrete advancements and awaiting the presentation of the draft legislation¹²².

¹¹⁶ In an Open letter to EU entities regarding Bill 125 (2025), Maltese CSOs quoted a report showing that 25 magisterial inquiries were launched by private individuals since 2017.

¹¹⁷ See the contribution of the Minister of Justice of 2 February 2025, ‘Enhancing the magisterial inquiry process’, published on Times of Malta (2025b).

¹¹⁸ 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. Country visit Malta, Aditus Foundation, The Daphne Caruana Galizia Foundation, Reporters sans Frontières.

¹¹⁹ See the rating given by CIVICUS. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

¹²⁰ Country visit Malta, Commissioner for Voluntary Organisations.

¹²¹ Maltese Government (2025), written input, p. 48.

¹²² Country visit Malta, Repubblika, Daphne Caruana Galizia Foundation and Aditus. Civil Liberties Union for Europe.

Annex I: List of sources in alphabetical order*

The list of contributions received in the context of the consultation for the 2025 Rule of Law report can be found at https://commission.europa.eu/publications/2025-rule-law-report-targeted-stakeholder-consultation_en.

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Annex II: Country visit to Malta

The Commission services held virtual meetings in March 2025 with:

- Office of the Prime Minister
- Ministry for Foreign and European Affairs and Trade
- Ministry for Justice and Reforms for the Construction Sector
- Ministry for Home Affairs, Security, Reforms and Equality
- Court Services Agency
- Police: Financial Crimes Investigations Department
- Internal Audit and Investigations Department
- Permanent Commission Against Corruption
- Attorney General
- Secretariat of Parliament
- Chamber of Advocates
- Commissioner for Voluntary Organisations
- Chief Justice
- Association of Judges and Magistrates of Malta
- Malta Business Bureau
- Malta Chamber of Commerce
- Association of Media Owners
- Institute of Maltese Journalists
- Broadcasting Authority
- Information and Data Protection Commissioner
- National Audit Office
- Repubblika
- Daphne Caruana Galizia Foundation
- Aditus Foundation
- Reporters Sans Frontieres
- State Advocate
- Commissioner for Standards in Public Life
- Public Services Commission
- Office of Parliamentary Ombudsman

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International
- Araminta
- Civil Liberties Union for Europe
- Civil Society Europe
- European Civic Forum
- European Partnership for Democracy
- European Youth Forum,
- International Commission of Jurists
- International Federation for Human Rights (FIDH)
- JEF Europe
- Philea – Philanthropy Europe Association.
- Transparency International