

# 2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with \* are mandatory.

## Introduction

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The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024<sup>[1]</sup> and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

<sup>[1]</sup> Unless the information was already submitted in the input for the previous Rule of Law Reports.

### **Type of information to be included:**

Under each of the four pillars, the replies should include references to the following types of information:

#### **A) Legislative developments**

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

## B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

## C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

## D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

## About you

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\* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

\* Organisation name

250 character(s) maximum

The Daphne Caruana Galizia Foundation

Main Areas of Work

- ☐ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☐ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

<https://www.daphne.foundation/en/>

The Foundation's mission can be summarised as 'Memory, Journalism and Justice'. Its objectives are to ensure full justice for Daphne Caruana Galizia's murder and guardianship of her work, support and protect investigative journalists, promote public interest litigation, and support independent, non-partisan media.

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

481066842274-13

\* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☒ Malta
- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Martina

Surname

Urso

Email Address of the organisation

tina@daphne.foundation

**\* Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

## Questions on horizontal developments

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In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could

be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

*5000 character(s) maximum*

#### Anti-corruption framework

Horizontal change is minimal. High-level corruption cases are still not being prosecuted and the government continues to fail to implement anti-corruption recommendations made by European institutions. The authorities in charge of fighting corruption lack capacity, expertise and resources. The culture of impunity in which they operate dulls their ability to carry out their work and weakens their public standing. The FIAU and the Asset Recovery Bureau have reported an increase in capacity but human resources in other authorities (e.g. Attorney General and the Financial Crime Investigations Department of the police) are being depleted.

Improvement in independence of authorities has been insignificant. Major corruption scandals involving public officials punctuated 2023 but the PM has repeatedly downplayed the level of corruption, its impact, and the measures that should be taken.

The government has failed to implement the anti-corruption recommendations set out by GRECO and the OECD. And there has been no transparency in the achievement of the milestones set out in the National Anti-Corruption Strategy. The government continues to refuse to implement the rule of law recommendations made in the report of the public inquiry into the circumstances of the assassination of Daphne Caruana Galizia.

Public sector decision-making is opaque because it is governed by rules that are unclear and unenforced so policy on lobbying, revolving doors, conflicts of interest, and gifts are often ignored by public officials. No laws have been introduced to regulate lobbying.

Whistleblower protection is substandard and the channels through which persons can speak out are muddled with political influence. The public is becoming increasingly apathetic to reporting corruption because of the lack of protection and fear that they will become targets.

The passport sales scheme, use of EU funds, elections, the benefits system and driving licensing are the five areas that are most susceptible to corruption and the infiltration of organised crime in the government remains high.

The government has taken little action against the main players in the multiple corrupt schemes exposed this year. The major obstacles that hinder corruption investigations are the continued culture of impunity; the lack of resources, capacity, accountability, and enforcement; the polarised environment within which the authorities operate; and public perception. Administrative sanctions imposed by the FIAU have repeatedly been found to be unconstitutional by the Maltese courts but the authority will not change its procedures until it is mandated by the outcome of court appeals. 60% of the fines imposed remain unpaid.

Malta ranked 55 out of 180 countries on Transparency International's Corruption Perceptions Index for 2023 <https://www.transparency.org/en/countries/malta> . It is not expected that its ranking will improve for 2024.

#### Media pluralism and freedom

The environment and independence of the media have been stagnant in 2024 and progress in the area of media reform has been a box-ticking exercise. The Freedom of Information process is still resistant to public disclosure and access to ministers is problematic. Independent newsrooms are underfunded and increasingly dependent on public funds.

The Broadcasting Authority is politically-biased and there has been no effort to increase its independence, despite it repeatedly being found by the courts to have failed to be impartial. The public broadcaster continues to lose money, even with millions of Euro in injections of public money. Its governance has also been criticised for favouring the narrative of the governing party.

State advertising is an opaque process because the government and political parties are not mandated to provide detailed information on how funds are allocated for advertising. This lack of transparency and independent media's reliance on advertising contributes to the government having political influence over what is published by withholding campaign budgets. Transparency in media ownership is not a legal obligation.

The beneficial ownership register remains closed to journalists and civil society.

The proposed media reform falls short of protecting journalists and the government has not taken any steps to provide any specialised assistance to journalists.

Malta had the highest number of SLAPPs per capita of any country in Europe in 2023 and the government's transposition of the Anti-SLAPP Directive does little to reduce the problem, due to its cross-border nature.

## Questions for contribution

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Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission<sup>[3]</sup>. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

<sup>[3]</sup> Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

**If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.**

- ☐ Albania
- ☐ Austria
- ☐ Belgium

- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

## I. Justice System

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Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

*5000 character(s) maximum*

### A. Independence

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

*(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)*

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

Promotion of judges and prosecutors (incl. judicial review)

*5000 character(s) maximum*

Allocation of cases in courts

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

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)

*5000 character(s) maximum*

Independence/autonomy of the prosecution service

*5000 character(s) maximum*

Independence of the Bar (chamber/association of lawyers) and of lawyers

*5000 character(s) maximum*

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

*5000 character(s) maximum*

## B. Quality of justice

*(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)*

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

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

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

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

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

## C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section 2)

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

5000 character(s) maximum

## Any other developments related to the justice system - please specify

5000 character(s) maximum

## II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

Throughout 2024, the government continued to delay the implementation of the Public Inquiry recommendations into Daphne Caruana Galizia's assassination <https://shorturl.at/cRkAD> (courtesy translation <https://shorturl.at/2Jk6d>), the recommendations in the European Commission's Rule of Law Report <https://shorturl.at/gnwH9> and the Venice Commission <https://shorturl.at/Voygj>; <https://shorturl.at/xpVFS> and GRECO <https://rm.coe.int/grecoeval5rep-2018-6-fifth-evaluation-round-preventing-corruption-and-168093bda3>; <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i-1680a69ed2>; <https://rm.coe.int/0900001680aef0f5> recommendations related to fighting corruption in Malta.

No effective measures have been introduced to address the length of investigations into and proceedings concerning high-level corruption.

There have been no successful prosecutions of high-level, large scale corruption-related offences and therefore no robust track record of final judgments.

### 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 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

5000 character(s) maximum

Police

Police salaries have been increased, but not enough to attract skilled police workforce. Unwillingness to invest in the police force has seen increased resignations. The annual salary of a police constable is being advertised at €20,439: <https://shorturl.at/AJtNg>, and that of a lawyer in the Attorney General (AG)'s office at €27,178.77: <https://bit.ly/4awtpuN>, both significantly lower than for roles within the private sector for similarly skilled persons <http://bit.ly/4he8ZIQ>

The repeat appointment of Angelo Gafà as Police Commissioner was met with public outcry: <https://bit.ly/42bBuCJ> Gafà had faced several calls to resign for failure to investigate corruption in the hospitals case - <https://bit.ly/40fufHd> A magisterial inquiry commenced by NGO Repubblika, has seen former PM Joseph Muscat and members of his cabinet charged: <https://bit.ly/4hejM5M> It recently emerged that Gafà's salary had been doubled from his previous term: <https://shorturl.at/Gitae>

AG

The AG law should be revised in order to fully implement the recommendations of the Venice Commission.

Prosecutors are often inexperienced and lack the skills to properly prosecute corruption cases: <https://bit.ly/3Ci9cff>

### Magisterial Inquiries

Magisterial inquiries are the means by which evidence of serious crime is collected and preserved. They can be commenced on application by the police or, crucially, by private individuals. They represent a vital legal recourse for private individuals to initiate investigations into serious crimes, especially in cases where official investigations appear compromised or delayed: <https://bit.ly/42djhF6>

Inquiring magistrates are under-resourced, often engaging independent experts to carry out investigative work which should have been carried out by the police (but was not due to lack of capacity and/or expertise): <https://shorturl.at/qXCcf> Proceedings are often lengthy, prejudicing the results of the inquiry due to loss of evidence/witness testimony. Evidence presented by experts is subject to attacks on the basis of perceived lack of independence and/or quality: <https://shorturl.at/f3T3w>

In 2023, 1,700 magisterial inquiries were pending, one since 1979: <https://shorturl.at/odlwv> As at September 2024, 1,625 magisterial inquiries were pending: <https://shorturl.at/V1gsv>

Recently, magisterial inquiries initiated by private individuals have led to the investigation of major corruption scandals in Malta where the police had failed to act - as in the case of Electrogas - <https://bit.ly/3WeHsik> and the Vitals/Steward hospitals deal: <https://bit.ly/3WhvmoZ> - resulting in criminal charges being brought against several former members of the Labour government.

Days ago the magisterial inquiry report into '17 Black', a company owned by the suspected mastermind behind the murder of Daphne Caruana Galizia, was presented to the AG with a recommendation for criminal action to be taken against members of former PM Muscat's cabinet and others: [https://www.maltatoday.com.mt/news/court\\_and\\_police/132995/magistrate\\_concludes\\_17\\_black\\_inquiry\\_keith\\_schembri\\_konrad\\_mizzi\\_to\\_be\\_charged](https://www.maltatoday.com.mt/news/court_and_police/132995/magistrate_concludes_17_black_inquiry_keith_schembri_konrad_mizzi_to_be_charged) . This inquiry was also initiated by private individuals.

In a recent Facebook post, PM Abela stated that he has "asked the Justice Minister to finalise a reform of magisterial inquiries without delay" to curb "abuse". The Justice Minister suggested that private citizens be restricted from directly requesting magisterial inquiries which would strip citizens of this most vital legal recourse: [https://www.maltatoday.com.mt/comment/editorial/132821/a\\_dangerous\\_kneejerk\\_reaction](https://www.maltatoday.com.mt/comment/editorial/132821/a_dangerous_kneejerk_reaction) ; <https://timesofmalta.com/article/justice-minister-dodges-questions-magisterial-inquiry-reform-plans.1103563>

During a Labour party rally PM Abela announced that "[i]n the coming days we will give [civil service and government entity workers] legal protection from being taken to court in their personal capacity": <https://timesofmalta.com/article/pm-public-officers-protected-prosecution-personal-capacity.1103597>

## Courts

The Chief Justice expressed concern about the lack of specialised court staff and repeated his plea for a dedicated building for inquiring magistrates <https://bit.ly/3WjfSAz> There is a dissonance between high expenditure and deterioration of the efficiency of the justice system: <https://bit.ly/40v22NZ>

### The Permanent Commission Against Corruption (PCAC)

Judge Lawrence Quintano was approved as Chair of the PCAC for a third term: <https://bit.ly/4h6BOaN> Since 1988, there has only been one investigation by this office that has seen a prosecution, shedding doubt on the office's effectiveness: <https://bit.ly/3C9y7lb>

The PCAC has reportedly received EU funds as part of Malta's Recovery and Resilience Funds to create a digital register of corruption cases for public access to be launched at the end of 2024, yet there is no sign of such a register.

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

*5000 character(s) maximum*

### Police

The method of appointment of the Police Commissioner remains politicised. He is selected by the PM from a shortlist prepared by the Public Service Commission, the members of which are appointed by the PM: <https://bit.ly/4gNxaOw>

The Opposition presented a bill proposing that police commissioners be appointed by the President with a 2/3 majority of votes by Parliament. It also seeks to entrench this revised method of appointment into the Constitution, to prevent any current or future government from reverting to the existing selection process through a simple majority vote: <https://bit.ly/3DLHpnR>

### Magisterial Inquiries

To widespread public outrage, the PM has made repeated verbal attacks on the inquiring magistrate and the results of the magisterial inquiry into the corrupt Vitals/Steward hospitals deal which recommended criminal charges against his predecessor Joseph Muscat and members of his cabinet, and has persisted in defending the individuals implicated [https://www.maltatoday.com.mt/news/national/129054/ngos\\_protest\\_malta\\_prime\\_ministers\\_hostile\\_speech\\_on\\_vitals\\_inquiry\\_magistrate](https://www.maltatoday.com.mt/news/national/129054/ngos_protest_malta_prime_ministers_hostile_speech_on_vitals_inquiry_magistrate) . He went as far as to claim that the inquiring magistrate forms part of the so-called "establishment", and was enabling partisan retribution on the Labour Party.

### AG

The AG (public prosecutor) is appointed by the President on advice of the PM, making the role highly politicised. Despite reforms in 2019, the appointment of the AG remains under the control of the PM: <https://bit.ly/3Wgsd8M> While reforms introduced the Appointment Commission, members of the Commission are handpicked by the Justice Minister as persons who "in his opinion are respected and trusted by the public and are technically qualified to examine whether candidates for the office of AG have the appropriate qualifications and other merit and suitability": <https://bit.ly/3Wgsd8M> The law provides no definition of "technically qualified" or any criteria for someone to be considered "respected and trusted by the public", leaving much to the Minister's discretion.

The removal of the AG by a 2/3 majority in Parliament, as required by Article 91(5) of the Constitution, is inadequate. The Venice Commission recommends the establishment of an expert body or an appeal to the Constitutional Court against the decision for removal, before Parliament takes a final decision by 2/3 majority: <https://bit.ly/40wuvDa>

#### PCAC

Following an FOI request sent by the Daphne Caruana Galizia Foundation to the PCAC - <https://bit.ly/4jcKihP>, the FOI officer directed the Foundation to the Justice Ministry. The law establishing the PCAC specifically states that information on investigations into corruption should be kept confidential, thus the office should enjoy complete independence from any Ministry. However, when asked, the PCAC confirmed that the office falls under the remit of the Justice Ministry.

#### Courts

Despite the setting up of the Judicial Appointments Committee - <https://bit.ly/3DTpJa5> - the appointment system for judges and magistrates remains politicised, as the President, who is appointed by Parliament, continues to be responsible for appointment.

Information such as that relating to candidates applying for judicial positions, the number of applications received, shortlisted candidates, appointment criteria, ranking systems, etc. remains unavailable to the public, despite calls by the Venice Commission - <https://bit.ly/4jf1e7f> - and civil society - <https://bit.ly/4fUt1Hw> - for increased transparency within the judicial appointment system.

The Chief Justice is appointed by the President acting in accordance with a resolution of Parliament, supported by 2/3 majority in Parliament: <https://bit.ly/3DPVeSu> Despite a recommendation to this effect from the European Commission in its Rule of Law Report 2024, there has still been no move to depoliticise the appointment of the Chief Justice.

In an attempt to defend his party ahead of judicial proceedings against former members recommended by the recently published Vitals/Steward magisterial inquiry, the PM has publicly denounced the inquiring magistrate, taken apart the inquiry findings, and carried out inexcusable attacks on the judiciary, undermining judicial independence, posing a threat to the separation of powers and thus to democracy <https://timesofmalta.com/article/watch-robert-abela-slams-vitals-inquiry-defends-joseph-muscat.1080432> ; <https://timesofmalta.com/article/hands-off-judiciary.1092062>

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

*5000 character(s) maximum*

The National Anti-Fraud and Corruption Strategy action plan has 4 main objectives: capacity building, communications strategy, maximisation of national cooperation, and maximisation of EU and International Cooperation. It spans 36 months with regular milestones. Nine were meant to be completed by the end of 2023 but there are no relevant published reports: <https://bit.ly/40bUuP3>

Since there is no transparency standard within the public sector, there has been no public follow-up on the progress of the Government in reaching these milestones and, as a result, a lack of accountability on completing the activities on time.

In 2023 GRECO's Second Addendum to the Second Compliance Report concluded that Malta had not

implemented five of the nine recommendations of the Fourth Round Evaluation Report in 2015.

Malta has not revised the Code of Ethics for Members of Parliament ('MPs') and the standing orders related to integrity, ethics, asset declarations and conflicts of interest and has only partly implemented the recommendations related to: the supervision and enforcement of the rules on asset declaration, financial interests, ethical standards and conflicts of interest applicable to MPs; confidential counselling for parliamentarians and awareness raising activities for MPs covering issues of ethics, gifts, personal business interest, prevention of corruption and maintaining integrity; judicial accountability; and compulsory induction training programme, mentoring arrangements for new judges and in-house training on the prevention of corruption: <https://bit.ly/3C5kjZ2>

According to GRECO's 2nd Fifth Evaluation report, Malta failed to fully implement 21 out of 23 recommendations: <https://bit.ly/3Px0BIP> These cover the legal situation of persons of trust, review of the FOI Act to improve public disclosure, appropriate public consultation and disclosure of draft legislation, guidelines for disclosure of conflicts of interest, provisions on incompatibilities and side-activities, extension of asset declaration to persons of trust and spouses, reform of criminal investigations of top executives, disclosure by the police on its work, adoption of an anti-corruption strategy in the police force, transparent criteria for recruitment and promotion in the police, regulations on parallel activities, and the setting up of mechanisms for complaints and whistleblowing within the force.

There have been no reforms to the FOI act. A report by the Media Pluralism Monitor published in 2024 found that freedom of information requests in Malta need 'urgent reform': <https://cadmus.eui.eu/handle/1814/77010> It cited a letter sent to PM Robert Abela in 2023 where Council of Europe Commissioner for Human Rights Dunja Mijatović criticised Malta's "unwarranted secrecy within state institutions". The report said authorities' refusal to release information wasted journalists' time by reducing the news value of the information: <https://shorturl.at/juP5x>

Action taken to foster transparency in the preparation of draft laws is insignificant.

## B. Prevention

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

*5000 character(s) maximum*

### Police

In 2024, Svetlana Muscat, Head of Strategy at Malta's prison, allegedly facilitated illicit meetings in her office for the alleged mastermind in Caruana Galizia's murder: <https://shorturl.at/iL7Qq> Although she has been put on forced leave, she was cleared of any criminal charges. Prison regulations require all visits to prisoners to take place in approved visiting areas. Visits must also be monitored by CCTV cameras, save for conjugal visits. Muscat's appointment appeared to violate Council of Europe prison rules 76 and 77 on the need for prison staff to be carefully selected, properly trained, and have the professional capacity and personal suitability for their role: <https://shorturl.at/TZb> PM Muscat's LinkedIn profile showed that her longest professional experience was as producer and presenter at the governing party's broadcasting media and a ministerial aide.

Several police officers from the traffic section who were suspended in 2020 on half pay and charged in court over their alleged involvement in an overtime racket are expected to rejoin the force soon. This decision follows a directive from the Office of the Prime Minister: <https://theshiftnews.com/2025/01/14/gafa-overruled-as-overtime-racket-police-officers-to-be-reinstated/>

## AG

There have been many instances of total impunity in cases where prosecutors move from the AG's office to the private defence of the accused: <https://shorturl.at/EAEvg> The proposals resulting from an independent inquiry into the case of Charles Mercieca (who had resigned from the AG's office and appeared in court as defence lawyer of a suspected murderer the next day) - <https://shorturl.at/LJeZj> - including that public prosecutors should be barred from appearing for persons or companies against whom proceedings were instituted during their period of employment - <https://shorturl.at/obrbe> - have not been taken up. This same lawyer was later charged with attempted bribery of a journalist, but was acquitted on a technicality: <https://shorturl.at/CPyqg> There is no publicly available information of any disciplinary measures having been taken against the lawyer involved and he continues to practise law at the time of writing: <https://shorturl.at/2C0Cp>

## Magisterial Inquiries

Inquiring magistrates must often engage independent experts to carry out investigative work which should have been carried out by the police (but was not due to lack of capacity and/or expertise): <https://shorturl.at/ufGVP> There currently exists no college of experts, nor regulations establishing necessary qualifications or disciplinary measures. This exposes evidence presented by experts to attacks on the basis lack of independence and/or quality: <https://shorturl.at/UFuhe> ; <https://shorturl.at/DkG47>

## Ministries

Last month, the Standards Commissioner concluded that two ministers had abused their power by giving a fake position within the Ministry to the then girlfriend of one of them <https://shorturl.at/l2r8t>. This position provided her with a substantial salary and allowances. PM Robert Abela defended the ministers. A single resignation only came after pressure from civil society: <https://shorturl.at/oANIS>

## Courts

There have been instances of evidence in criminal cases suspiciously disappearing. In the case of a former parish priest charged with fraud, misappropriation and money laundering, his confiscated laptop could not be found in the room where exhibits are kept: <https://shorturl.at/Fq2hX>

A phone owned by Keith Schembri, disgraced former PM Joseph Muscat's Chief of staff who is currently facing criminal charges, went missing for weeks only to be found in a separate file: <https://bit.ly/3PvZ6KW>

There is no publicly available information about any disciplinary procedures carried out by the CAJ or the Committee for Judges and Magistrates in relation to members of the judiciary.

The limitations posed by the fact that only the Chief Justice or Minister for Justice may initiate disciplinary procedures against members of the judiciary are apparent in the case of a magistrate who breached procedure by reportedly taking case files home, causing undue delays in court proceedings. The Minister did not ask the Commission for the Administration of Justice to investigate this misbehaviour and consequently no disciplinary action was taken: <https://bit.ly/4aiQ7Gp>

In September 2024, a magistrate ordered the Police Commissioner to initiate criminal proceedings against the Commissioner for Justice Alessandro Lia after declaring that there is enough evidence to suggest that he is complicit in fraud and the making of false declarations: <https://shorturl.at/co4dq> There are reports of a reluctance on the part of the police to charge Mr Lia: <https://shorturl.at/Gon0c> To date the latter retains his post and the Minister for Justice has not made public mention of any planned disciplinary action: <https://shorturl.at/oEqHq>

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)

5000 character(s) maximum

#### MPs

The OECD recommended in 2022 the improvement of the system of verification and collection of data of asset and interest declarations of MPs, by establishing a system of electronic submission and extending it to persons of trust - this was never implemented: [https://www.oecd-ilibrary.org/governance/public-integrity-in-malta\\_c39511b6-en](https://www.oecd-ilibrary.org/governance/public-integrity-in-malta_c39511b6-en)

In 2023, The Council of Europe said that Malta still lacks the tools to sanction its MPs and was urged to improve transparency. There have been no developments in this regard: <https://timesofmalta.com/article/malta-still-lacking-tools-sanction-mps-council-europe-says.1035962>

While the Commissioner for Standards in Public Life does enjoy independence and neutrality, he is not empowered to act beyond requesting an apology. Even when the Commissioner finds that MPs have behaved unethically, the case is 'resolved' by the Commissioner requesting an apology from the guilty party. This is not an effective deterrent.

The Commissioner also takes a very narrow view of those who fall under the definition of a 'person of trust', excluding political appointees and politically exposed persons: <https://standardscommissioner.mt/wp-content/uploads/annual-report-2023.pdf>

#### Political party financing

Malta has a significant transparency deficit when it comes to political finance, increasing the risks of money laundering and corruption, as well as abuse of power and political favours.

The Daphne Caruana Galizia Foundation, together with Transparency International conducted a study - <https://iw.daphne.foundation/> - on political finance in Malta from 2016 until 2019, where we found that the source of 99% of Malta's largest two political parties remains undisclosed to the public and known only to the political parties themselves: <https://lovinmalta.com/malta/millions-in-unattributed-donations-new-database-of-maltas-political-party-funds-launched/>

A second investigation by Follow the Money was carried out to cover the years 2020 until 2022, which led to the same statistic of 99% of anonymous donations to the public, making it impossible for the journalists to trace who the biggest donors to the parties are: [https://www.maltatoday.com.mt/news/ewropej/129501/we\\_dont\\_know\\_where\\_99\\_of\\_political\\_party\\_donations\\_come\\_from](https://www.maltatoday.com.mt/news/ewropej/129501/we_dont_know_where_99_of_political_party_donations_come_from)

Political financing in Malta comes only from the private sector since the state does not provide financial support to political parties. This increases the risk that politicians disproportionately favour wealthy individuals or corporate entities. Without public knowledge of the donor's identity, these interested parties could gain significant influence over political decisions without any oversight or public scrutiny, weakening the integrity of the democratic process.

This is all the more alarming when, regardless of Malta's seemingly adequate legislation on political parties' audited accounts, both of Malta's largest political parties, year after year, fail to submit their audited accounts to the Commission. Last submitted audited accounts of Partit Nazzjonalista was 2019: <https://timesofmalta.com/article/pn-financial-reports-2021-2022-remain-unpublished.1077771> The Last submitted audited accounts of Partit Laburista was 2022.

While the Electoral Commission is empowered to act on wrongdoing by political parties, it has not taken any steps towards ensuring transparency and rule of law in political party financing.

#### Lobbying

Government has missed its own deadline to introduce a package of reforms to strengthen transparency by the end of 2024, which could have included a lobbying register [https://www.maltatoday.com.mt/news/national/133114/government\\_reticent\\_on\\_lobbying\\_register](https://www.maltatoday.com.mt/news/national/133114/government_reticent_on_lobbying_register)

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)

*5000 character(s) maximum*

Rules on conflict of interest in the public sector remain weak, as does enforcement.

In December, an independent candidate asked the Auditor General to investigate how a 30-year-old lawyer, a close acquaintance of the PM, has been awarded eleven separate jobs in the public sector:

<https://timesofmalta.com/article/investigation-requested-government-granting-11-jobs-abela-lawyer.1102285>

There is an urgent need for depoliticisation of the roles of Police Commissioner and AG.

Full and proper implementation of a robust anti-revolving doors policy at the AG's office is needed.

The law relating to the recusal of judges and magistrates requires amendment, as it is currently up to the judge or magistrate concerned whether to recuse themselves or not.

--> For the three previous points, **please also provide information and figures on their application/enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

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

*5000 character(s) maximum*

#### Whistleblower Act

In 2021, NGO Repubblika published a report on recommendations to ensure safety on whistleblower protection for individuals and NGOs, however none of these recommendations were implemented:

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

Civil society organisation Repubblika issued a report on whistleblower protection in Malta:

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

In its report, Repubblika notes that since adopting amendments to the Protection of the Whistleblower Act in November 2021, Malta has improved its legal framework. However, the government has ignored several key requirements of the Directive and - most seriously - made no attempt to address the core issue and fundamental flaw at the heart of both the original legislation and the law now as it has been amended, the extent of the influence of government on whether a potential witness is granted whistleblower status. According to Repubblika, the failure of Malta to address this fundamental flaw in the legal framework 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.

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.

*Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*

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Close ties between government and businesses exist across the board. There is a recurrent revolving door problem which sees former ministers, top officials and political advisers taking up senior roles in private companies once they leave public office, particularly in sectors such as construction, energy, or finance. These sectors are often the focus of government policy decisions.

There is a deficit in transparency in all public sectors with many FOI requests dragging on for 12 months or more.

The sectors with a high risk of corruption include the following:

Healthcare  
Land Administration  
Construction  
Public Procurement  
Financial Services: Gaming  
Energy Sector  
Transport/infrastructure  
Citizen/residence schemes

Some recent examples of alleged or proven corruption and/or relevant updates in these areas are provided below:

Golden Passports Latest Scandal

Questions continued to be raised on the ‘due diligence’ process conducted by the Community Malta Agency prior to the acquisition of a Maltese and European Passport.

A 24-year-old Russian, Semen Kuksov, who became a Maltese citizen ran a “professional banking service for criminals across the world” as part of a billion-dollar money laundering network, the National Crime Agency in the UK has said: <https://timesofmalta.com/article/maltese-russian-jailed-uk-scheme-launders-14-million.1091337> He was jailed in the UK this year for five years. Semen Kuksov’s father also bought a Maltese passport. Following an investigation by The Daphne Caruana Galizia Foundation, Semen Kuksov’s Maltese passport was revoked <https://www.occrp.org/en/news/malta-may-revoke-passport-from-russian-who-launders-money-in-uk> ; <https://timesofmalta.com/article/russian-banker-criminals-set-stripped-maltese-passport.1102471>

Alleged fraud at Identity Malta

This year, a magisterial inquiry was launched into Malta's identity data regulator filed by an ex opposition MP over allegedly fraudulently issuing identity cards for foreign nationals <https://theshiftnews.com/2024/08/02/request-for-magisterial-inquiry-reveals-new-racket-at-identity-malta/> ; <https://theshiftnews.com/2024/08/21/identity-malta-scandal-exposes-misuse-of-multiple-addresses-for-fake-id-cards/>

#### Benefits Racket

In March 2024, Doctor Silvio Grixti - a former Labour Member of Parliament (MP) - and four others had been charged with setting up and forming part of a criminal organisation, defrauding the Department of Social Security and forging official documents. Investigations revealed that the funds involved in the racket ran up to about 6 million Euro: [https://www.maltatoday.com.mt/news/court\\_and\\_police/131121/grixti\\_kept\\_record\\_of\\_amounts\\_he\\_received\\_from\\_disability\\_benefits\\_racket\\_](https://www.maltatoday.com.mt/news/court_and_police/131121/grixti_kept_record_of_amounts_he_received_from_disability_benefits_racket_)

#### Malta Planning Authority

Johann Buttigieg, whose career has been beset with grossly unethical behaviour, is set to return as CEO of the Malta Planning Authority six years after stepping down: <https://timesofmalta.com/article/johann-buttigieg-return-planning-authority-ceo.1103373>

#### Customs Fraud

In July 2024 an investigation into customs fraud and corruption led by the European Public Prosecutor's Office (EPPO) led to 11 suspects being charged, including nine individuals and two companies. The charges include customs fraud, active and passive corruption of public officials, participation in a criminal organisation and money laundering: <https://www.eppo.europa.eu/en/media/news/malta-eleven-charged-investigation-customs-fraud-and-corruption-public-officials>

## C. Repression

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

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The criminalisation and sanctions for corruption and related offences is provided for, inter alia, by the Criminal Code [Cap 9 Laws of Malta] (sections dealing with fraud, corruption, bribery), the Public Finance Management Act [Cap 601 Laws of Malta], and the Prevention of Money Laundering Act [Cap 373 Laws of Malta]: [https://parlament.mt/media/112436/national-anti-fraud-and-corruption-strategy\\_en.pdf](https://parlament.mt/media/112436/national-anti-fraud-and-corruption-strategy_en.pdf) However, due to the lack of a functional police force and effective justice system, implementation remains unsatisfactory.

Legislation requiring the quantification of assets in the case of asset freezing orders has been introduced by legal notice: <https://theshiftnews.com/2024/01/16/pn-calls-for-reigning-in-of-governments-proposed-asset-freeze-law-changes/> As a result of this introduction, the failure by the AG to quantify assets resulted in the complete cancellation of the same freezing order over the assets of the suspected murder mastermind in the assassination of Daphne Caruana Galizia. The introduction of this requirement was heavily criticised by the opposition as being rushed and likely to weaken institutions, benefitting only criminals: <https://newsbook.com.mt/en/judge-quintano-reappointed-to-helm-anti-corruption-commission-for-third-term/>

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

*5000 character(s) maximum*

Official data on the matters described above is not freely available which is in itself evidence of a concerning lack of transparency.

According to the news reports, since 1988, there has only been one investigation by the PCAC that has seen a prosecution in court, which raises alarms around the effectiveness of this office: <https://newsbook.com.mt/en/judge-quintano-reappointed-to-helm-anti-corruption-commission-for-third-term/> Earlier this year, the Minister of Justice announced that the Commissioner's office has received EU funds as part of Malta's Recovery and Resilience Funds to create a digital register of corruption cases for public access, a platform he said would be launched at the end of 2024. This has not yet been launched.

Statistics published in September 2024 62 pending money laundering cases before the Court of Magistrates, with none introduced or decided this year: <https://courts.gov.mt/wp-content/uploads/2024/10/09.-Statistika-Settembru-2024-Qrati-Kriminali.pdf>

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)

*5000 character(s) maximum*

The main obstacles (which are described in detail in previous sections) include a reluctance to implement the recommendations of the public inquiry into the assassination of Daphne Caruana Galizia; a lack of resources within the Police Force and the AG's office; the politicised method of appointment of the Commissioner of Police and of the AG; a lack of resources and severe delays in the courts; the time-proven inertia of the PCAC.

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

*5000 character(s) maximum*

Whilst the criminal code provides for the penalisation of corruption and corruption-related offences, delays and ineffectiveness in detection, investigation and prosecution of these crimes, due to the obstacles described in previous sections, has resulted in a situation of rampant, unchecked corruption.

According to a Eurobarometer report entitled 'Citizens' Attitudes Towards Corruption in the EU in 2024' one in four people in Malta knows someone who took or accepted a bribe, and the main reason why people in Malta do not report corruption is the belief "it would be pointless" as those reported would not get into trouble: <https://europa.eu/eurobarometer/surveys/detail/3217>

Non-criminal measures (such as being compelled to deliver a public apology) have very limited effect, with offenders often being simply moved to other positions within the public service.

There is no publicly available information on disciplinary measures undertaken by the Commission for the Administration of Justice against lawyers, judges and magistrates for unethical behaviour.

In July 2024, a court effectively crippled the ability of the Financial Intelligence Analysis Unit to issue fines, after a number of previous court cases had struck down these penalties or seriously reduced them: <https://bit.ly/3WGSPVB> However in November the Constitutional Court overturned this judgement: <https://timesofmalta.com/article/fiau-fines-unconstitutional-top-court-rules-landmark-judgment.1101233>

### **Any other developments related to the anti-corruption framework - please specify**

*5000 character(s) maximum*

As evidenced in previous sections, the Government has failed to implement and enforce measures to address corruption in Malta.

We therefore request the Commission to recommend to the government of Malta to, inter alia:

1. Fully implement the recommendations made by the Venice Commission, GRECO (including MONEYVAL's), EP Legal Affairs Committee (JURI), PACE Legal Affairs and Human Rights Committee Report, of which the board of public inquiry into the murder of Daphne Caruana Galizia took ownership, without further delay. Kindly refer to the attached document entitled "Briefing note on the implementation of the recommendations of the public inquiry into Daphne Caruana Galizia's assassination" dated 10th January 2025.
2. Introduce Unexplained Wealth Orders to fight financial crime, including bribery and corruption. This should be implemented through public consultation and independent studies on potential effectiveness of the tool if properly administered.
3. Criminalise public officials' attempted or actual hindrance of police or other authorities in their duties including crime investigations.
4. Criminalise mafia-style association (similar to Article 416 bis of the Italian Criminal Code). This potential legal tool may be less effective than updating anti-racketeering laws combined with more effective and well-resourced investigative units within the police, and a more efficient court system. At least, a public consultation on this recommendation should be held along with the other recommendations.
5. Criminalise abuse of office by a public official or a person in charge of a public service in the execution of their duty or in the exercise of their functions.
6. Revise AG 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. This has only been partially implemented. Full implementation is vital.
7. Introduce the crime of the obstruction of justice in criminal law, including appropriate sentences which also cover attempted perversion of justice.
8. Introduce legislative provisions, including in the Code of Ethics, intended to safeguard against improper conduct of public officials in the execution of their duties. OECD reports on the lobbying framework and standards in public life have not been acted upon, despite a formal recommendation made by the Commissioner for Standards in Public Life under article 13(1)(f) of the Standards in Public Life Act (letter to the PM, 11 July 2022).
9. Improve the system of verification and collection of data of asset and interest declarations of MPs, by establishing a system of electronic submission and extending it to persons of trust - OECD recommendation

from 2022 that was never implemented: [https://www.oecd-ilibrary.org/governance/public-integrity-in-malta\\_c39511b6-en](https://www.oecd-ilibrary.org/governance/public-integrity-in-malta_c39511b6-en)

10. Update of the Freedom of Information Act (Chapter 496) to limit the instances where public administration may arbitrarily refuse to provide information which is of public interest and to which the public has a right.

11. Increase in training and resources (human and financial) to the Police and AG's office to ensure they are well equipped to investigate high level corruption and can confidently defend such cases in court against highly skilled and experienced criminal lawyers defending criminals.

12. Reduce the threshold of anonymous donations to political parties to ensure a well informed public and increase public trust in political parties. This will also reduce the risk of political favours and influence from the private sector.

### III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

*5000 character(s) maximum*

#### Journalists' working environment

The systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have not been addressed. Malta ranked second to last in the EU in the 2024 World Press Freedom Index partially due to such failure. No journalist in Malta is truly protected until all the recommendations are fully implemented.

Malta's transposition of the anti-SLAPP directive is the bare minimum, dealing only with cross-border cases and neglecting defendants in Malta in cases lacking a cross-border element: <https://shorturl.at/X7D3T> The transposition ignores the EU and Council of Europe's respective complementary anti-SLAPP Recommendations. This is significant, as Malta has the highest number of SLAPPs per capita in the EU: <https://shorturl.at/FHf2V> In a letter to the Prime Minister (PM) and Justice Minister, we and other NGOs noted that Malta missed the opportunity to provide comprehensive anti-SLAPP protection, setting a negative precedent for Europe: <https://shorturl.at/ufj8N>

There has been no effort to improve Malta's Freedom of Information Act. Government entities often limit access to information to journalists, saying they have no information. Over 40 legal challenges were initiated by government entities against FOI requests by the newsroom The Shift: <https://shorturl.at/6uSWz> The Shift won all 40 cases at the IDPC Appeals Tribunal, and 18 cases in court, but ministries and government agencies have yet to provide the information: <https://shorturl.at/qYqYG> UNESCO joined a string of international calls on Malta to reform its FOI law, all of which government ignored: <https://shorturl.at/yMPjn>

Journalists are consistently denied access to information on companies' beneficial owners, despite showing legitimate interest. This follows a ruling by the European Court of Justice, which said that both the press and civil society organisations connected with preventing and combating money laundering and terrorist financing have a legitimate interest in accessing information on beneficial ownership: *WM and Sovim SA v Luxembourg Business Registers* (C-37/20 and C-601/20). One year after this ruling, Transparency International found that Malta "consistently denied access, even if journalists and civil society demonstrate their legitimate interest": <https://shorturl.at/zhq13> Media and civil society must be included as bearers of legitimate interest with access to the UBO register, as the current framework breaches EU law and the ECJ ruling.

A sitting magistrate and an outgoing governing party president recently called for the return of criminal libel and harsher penalties, after it was removed by the government in 2018 in the wake of Daphne Caruana Galizia's assassination. The PM called on society to "stand up to... a small clique of people who pretend to be journalists but aren't", who he said are abusing the decriminalisation of criminal libel: <https://shorturl.at/uy2D1> The Institute of Maltese Journalists urged the government not to do so: <https://shorturl.at/eCadS>

The government continues to delay publication of media reforms promised in 2023: <https://shorturl.at/uULbE>  
The only public consultation conference on implementation of reforms was a box-ticking exercise. No other form of consultation has taken place before or since: <https://shorturl.at/Qy9Vy>

Safety protection measures currently in place are ineffective. Journalists most in need of protection are not aware of them and no steps have been taken to raise awareness of them.

#### Independence of public service media

The problems outlined in last year's report remain, including the lack of transparency of state advertising and public funding to media organisations, and the lack of progress in enhancing independent governance and editorial independence of the Public Broadcasting Services ('PBS').

The allocation of state-financed advertising remains opaque and the criteria are not publicly known.

PBS still lacks independent governance and editorial independence, and its Board of Directors is still appointed by the PM. The appointment of the Editorial Board and Board of Directors of the PBS is detailed in the National Broadcasting Policy that has not been updated since April 2004: <https://shorturl.at/cMQqx> PBS' editorial board often fails to intervene on important issues: <https://shorturl.at/lksOD>

Appointment procedures of the PBS are opaque, with no public calls being issued for three new high-ranking appointments in September 2024: <https://shorturl.at/5qBNd> It is difficult to see how the PBS is run, as there is no clear process on how officials are appointed or dismissed. PBS's editorial board has failed to publish its annual report since 2016.

PBS has been taken to court on multiple occasions for lack of impartiality, for promoting the governing party's propaganda, and for muting any opinion from other political parties: <https://shorturl.at/o6mfe>

## A. Media authorities and bodies

*(Cf. Article 30 of Directive 2018/1808)*

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

*5000 character(s) maximum*

Political appointments into multiple government roles, appointments of persons affiliated with the governing party, government control and a bipolar monopoly of public service media are factors affecting the independence of media authorities.

No measures have been introduced to bring about change. The Media Pluralism Monitor in the Digital Era 2024 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”: <https://shorturl.at/h7TxD> It also called for enhanced independence of the Broadcast Authority.

The public broadcaster, PBS, still lacks independent governance and editorial independence, and its Board of Directors is still appointed by the PM. The appointment of the Editorial Board and Board of Directors of the PBS is detailed in the National Broadcasting Policy that has not been updated since April 2004:

<https://shorturl.at/cMQqx> PBS’ editorial board often fails to intervene on important issues: <https://shorturl.at/lksOD>

PBS has lost a total of €5,000,000 over the last ten years despite being given €40,000,000 in direct subsidies over the same period (not including millions of Euro obtained by it through state advertising. An analysis of PBS’s audited financial statements by The Shift News that was published in 2024 shows that the state entity registered massive losses in seven out of the ten audited years, despite the Labour Party (PL) government doubling its annual subsidies from €3 million in 2013 to €6 million in 2022: <https://shorturl.at/6H4Kd> 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: <https://shorturl.at/hQzxH> The audit found that, despite an annual government subsidy of €6 million and despite registering a revenue of €7.5 million from commercial ads, the broadcaster is losing money in every division except radio. There are no published audited accounts on PBS’s website beyond 2020.

The independence of the PBS is questionable, as it often acts as a propaganda machine of the government, frequently omitting news stories that do not suit the government’s agenda. In May 2024, the Civil Court in its Constitutional Jurisdiction ordered the Broadcasting Authority (BA) and PBS to pay compensation of €2,000 each, after it found them guilty of violating the fundamental rights of the Nationalist Party. In November 2024, PBS was fined twice by the BA after airing budget-related spots on consecutive days without the necessary regulatory approval, to the favour of the party in government: <https://shorturl.at/o6mfe> In four recent decisions by the BA, PBS was once again found guilty of broadcasting partisan political advertising, violating its obligation to impartiality, and breaching a BA directive regarding Budget advertisements: <https://shorturl.at/Z02XY>

In October 2024, the audio from the Budget broadcast was muted for a full 10 minutes before the stream was suspended altogether, after activists stormed parliament and interrupted the Finance Minister in the first few minutes of his Budget 2025 speech: <https://shorturl.at/yU8Dq> In November 2024, a member of PBS’s board of directors, in his other government-paid job as Communications Director at the Water Services Corporation (WSC), instructed his team to remove an Opposition MP from an image posted on the public entity’s social media channels: <https://shorturl.at/GZItF>

A possible case of conflict of interest was quickly brushed off by the BA in January 2024, after the BA fined a radio station which had declared it would censor a right-wing politician, Normal Lowell. The BA’s secretary was involved in the political movement headed by Lowell: <https://shorturl.at/pQT9B>

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

*5000 character(s) maximum*

PBS is a government-owned company. The Board of Directors of PBS is appointed by the government of the day and it is mainly answerable to the relevant minister. 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: <https://parlament.mt/media/77214/03470.pdf> The role of PBS’ editorial board has been called into question

on a number of occasions for its lack of intervention on important issues and its existence has been questioned: <https://timesofmalta.com/article/changes-media-impartiality-laws-could-impact-church-stations>. 1017714

Appointment procedures of the PBS are opaque, with no public calls being issued for the 2024 appointments of the new CEO, non-executive chairperson, and chairperson of the editorial board. 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.

In September 2024, the CEO and simultaneously executive chairman of PBS, Mark Sammut, was dismissed, with no information provided by the authorities. Sammut's dual role had been criticised also for getting paid two separate salaries for the jobs, totalling more than €130,000 per year, including €8,666 per board meeting, and for having other ties to and roles within State entities (including the chairmanship of a state-owned 'phantom' airline company registered in 2018, presumably to give the false impression that the national airline, Air Malta, was turning a profit; and multiple direct orders from the Ministry of Health for services from his IT business, worth tens of thousands of euros annually). On the contrary, calls for lower-ranking jobs are issued on the PBS's website: [https://www.maltatoday.com.mt/news/national/131270/government\\_announces\\_three\\_appointments\\_within\\_pbs](https://www.maltatoday.com.mt/news/national/131270/government_announces_three_appointments_within_pbs)

According to the Constitution, members of the BA are appointed by the President following their nomination by the PM. The BA, although it is the broadcasting regulator, fails to comply with its own constitutional and legal obligations. Two members are nominated by the government and another two by the opposition. The chair is appointed by the President on the advice of the PM after consulting the Opposition. Appointees are affiliated to the party appointing them and are perceived as being loyal to that party. There is no consultation with civil society. The two main parties own their own broadcast, print, and online media to promote their messages. The BA interprets the concept of impartiality as the political party media balancing out each other. This reasoning is flawed. Meanwhile, a court found the BA to have failed to maintain impartiality: <https://timesofmalta.com/article/court-confirms-judgement-pn-case-pbs-broadcasting-authority>. 1016157

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

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The Institute of Maltese Journalists (IGM), founded in 1989, is the only nation-wide association of journalists. It does not function as a union and not all practising journalists are members. Members of the Malta Sports Journalists Association are automatically members of the IGM. The Executive Council of the IGM takes up their positions on a voluntary basis and includes journalists that are politically-affiliated, often leading to criticism that their work can be viewed more as propaganda rather than journalism.

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.

The declared objectives 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.

According to the organisation's website, its greatest achievement is its contribution to the Malta Press Act to

include Confidentiality of the Source, Qualified Privilege, the Right for Information and the Right of Reply. The IGM contributed towards the PM freezing the media reform initiated without public consultation by threatening to pull out of the reform process: <https://timesofmalta.com/article/pm-agrees-freeze-media-reform-consultation.987416>

The PM 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. The members of the committee, including four IGM members, refused to publish the report. The claim that they were bound by non-disclosure agreements is false as no such agreements existed. In any case, any NDA agreements would not be relevant after the committee was disbanded: <https://newsbook.com.mt/en/government-unveils-media-reform-proposals-but-rules-out-public-consultation/> The Media Reform Initiative, a newly formed group of journalists who took it upon themselves to observe the media reform process, criticised the Committee of Experts' attempt at protecting people's right to freedom of expression: [https://www.maltatoday.com.mt/news/national/125715/press\\_reform\\_critics\\_say\\_committee\\_proposals\\_weak\\_on\\_pbs\\_and\\_slapp](https://www.maltatoday.com.mt/news/national/125715/press_reform_critics_say_committee_proposals_weak_on_pbs_and_slapp)

Members questioned the lack of transparency of the IGM, which has displayed an unwillingness to divulge any information (including to stakeholders) relating to its contribution to the Committee of Experts report, its recommendations to the government on anti-SLAPP legislation, the timeframe for the legislation to be passed or opened up for consultation, and other significant developments. The IGM delayed its threat to withdraw its support for the government's proposed legislation in 2022. It was only after there was uproar from more than 100 journalists and media freedom organisations that the IGM threatened to pull support for the media reform bills.

The under-resourced IGM has however shown its public support for journalists by calling out the PM's hostile remarks towards journalists for being unacceptable in a democratic society. The PM accused some journalists of working for the so-called 'establishment' and implied they are enemies of the State: <https://www.mapmf.org/alert/31502>

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, which, we understand, has reached an advanced stage.

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

### Measures taken to ensure the fair and transparent allocation of state advertising

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The government has not made any attempt to create a fairer and more transparent environment in the allocation of state advertising and continues to ignore the proposals made by the Commissioner of Standards in Public Life in 2021: <https://standardscommissioner.mt/wp-content/uploads/guidelines-government-advertising-promotional-material.pdf> 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.

During October and November 2022, the government budgeted and spent €115,000 in promotions over a period of three weeks but did not provide any additional information about how the money was spent or

which newsrooms it was allocated to, despite requests from journalists: <https://timesofmalta.com/article/government-spent-least-115000-promote-budget-measures.998361>

The lack of transparency and due process according to pre-set criteria means that the government can allocate public funds preferentially to favoured media outlets, such as media owned by the governing party, when allocating funds for State advertising. For example, 18 ministers and parliamentary secretaries paid €16,700 in public funds for advertisements in a single edition of governing party-owned Sunday newspaper *Kulhadd* in January 2022: <https://lovinmalta.com/media/transparent-state-advertising-a-step-closer-for-malta-as-european-commission-adopts-media-freedom-act/>

Independent newsrooms, such as *The Shift News*, *Times of Malta*, *MaltaToday*, and *The Malta Independent*, operate in a financially precarious environment and rely heavily on advertising. As public authorities, including the government, are among the main advertising clients for nation-wide media organisations, the government is in a position to apply pressure directly by withholding campaign funds that are integral to keeping the newsrooms afloat.

This financial hold on media organisations through advertising can be seen as a case of the Government wielding an “iron fist in a velvet glove” and can lead to journalists and their newsrooms to be subjected to commercial or political influence: <https://theshiftnews.com/wp-content/uploads/2023/06/Monitoring-Media-Pluralism-in-the-Digital-Era-Malta-2023-Report.pdf>

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
- 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

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The different categories of media are as follows:

Broadcasting:

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. The reporting frequently lacks depth, with articles sometimes being one or two sentences long. 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.

Party-owned:

Closer to propaganda and editorial and operational decisions are taken depending on what the party's requisites. Strong influence on news content and discussion programmes.

Privately owned:

Internal independence and editorial autonomy with government influence through advertising and grants Owned and managed by persons whose income is derived from government consultancies. Saviour Balzan who owns Malta Today news platform also dabbles in public relations consultancies to government ministries and agencies: <https://theshiftnews.com/2023/12/12/idpc-tribunal-rules-in-favour-of-the-shift-throws-out-remaining-foi-appeals/> He also engages in marketing consultancies for businesses and companies that his own newsroom investigates: <https://theshiftnews.com/2024/02/21/saviour-balzan-got-direct-order-to-market-film-commissioner-johann-grech/> . Balzan also has an ongoing contract with Gozo Minister Clint Camilleri for the publication of Gozo Today, a newspaper that “must conform with whatever instruction is issued by the minister”: <https://theshiftnews.com/2024/12/15/saviour-balzan-obliged-to-promote-gozo-minister-in-new-deal/> This opens the door for government and private influence in editorial decisions. Balzan was also a consultant to the Justice Minister while serving as a member of the media experts committee and a media campaign consultant and communications strategy adviser to the same minister: <https://theshiftnews.com/2023/03/07/balzan-was-justice-ministry-paid-adviser-while-on-media-experts-committee/>

There has been a lack of progress in enhancing independent governance and editorial independence of public service media (PBS).

Government appoints heads of management and governing bodies within the public service media (PBS and BA).

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 these licences:

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.

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.

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.

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.

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: stations using up to 10MHz radio frequency bandwidth, per 1MHz radio frequency bandwidth, the fee is €650 p.a.; and 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: of 30 days or part thereof, per 1MHz radio frequency bandwidth, the fee is €110; and 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

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

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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: <https://media-ownership.eu/findings/countries/malta/>

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

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-Lehen). 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). A large proportion of independent media is privately-owned and the largest among these (with the largest overall in terms of market shares) are legacy outlets, including Times of Malta and the Malta Independent.

## 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

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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 2024 World Press Freedom Index, in which Malta ranked quite low - second-to-last in the EU - partially attributable to the failure to implement the recommendations of the public inquiry: <https://shorturl.at/BTXGq> Malta has also not implemented the European Commission's 2021 Recommendation on the protection, safety and empowerment of journalists: <https://shorturl.at/2FKla>

The Media Freedom Rapid Response (MFRR) monitor, by mid-December 2024, had logged 15 alerts of

verbal and physical attacks from Malta for the current year: <https://www.mfrr.eu/monitor/>

A hostile environment towards journalists continues to be fostered by the governing party, with the PM and other PL officials attacking journalists for doing their job. In May 2024, PM Abela accused some journalists and their media houses of working for the so-called “Establishment”. During this period, the Institute of Maltese Journalists (IGM) felt the need to twice issue a statement to defend the profession stating that the PM was “clearly implying [that the journalists] are enemies of the State and of the people”: <https://shorturl.at/Tlkqn> and insisted that Abela should lead by example and “not instigate hate towards journalists and the media”: <https://shorturl.at/24h2n>

Abela’s words likely encouraged former PL Secretary General Jason Micallef, who targeted an individual journalist in the following days, taking pictures of her personal chats on her open laptop while she was following a press conference, and publishing them on social media: <https://shorturl.at/0HHAk> Micallef claimed that the journalist had been “given questions” to ask by a former Nationalist MP and members of NGO Repubblika. The claims were then amplified in the PL’s media outlets, which labelled independent media ‘sabotage groups’: <https://shorturl.at/euU3O>

In May 2024, reporters covering the historic arraignment of former PM Joseph Muscat and his former associates in connection with a huge hospital scandal, received insults from hecklers who gathered in support of those charged outside the courthouse. The IGM condemned the name-calling of journalists by members of the public and thanked the Malta Police Force for ensuring that members of the media covering the cases worked in a safe environment and were afforded the utmost protection during the course of their duties: <https://shorturl.at/A51jg>

In August 2024, former minister Chris Cardona claimed his testimony during a court hearing had been misreported: <https://shorturl.at/pyM4i> The Institute of Maltese Journalists decried his “irresponsible comments”, saying that “[t]he news reports reflected his testimony and as a former politician, he should know better than sounding the dog whistle to instigate hate against journalists.”

ONE News, the media branch of the governing party recently singled out a Times of Malta journalist by publishing his face in their news bulletin. ONE News was reporting on an article by French news outlet Mediapart about the OCCRP. Mediapart strongly condemned the way ONE News “manipulated” their article, and used its investigation to focus on the investigative journalist: <https://shorturl.at/mFOhy>

The government has been promising a media law reform for a number of years. In May 2024, journalists called on the government “to wake up from its slumber” and implement laws that protect the press. The government, the IGM said, has sat on the promised media law reform for almost a year: <https://shorturl.at/oxDNC>

In October 2023, the government said it would issue a White Paper after the PM tabled the final report drawn up by a committee of media experts: <https://shorturl.at/cXQL4> However, there are no indications of the existence of this White Paper.

There is also fear of backsliding in this area, after a sitting magistrate and an outgoing governing party (PL) president, called for the return of criminal libel and harsher penalties for libel cases: <https://shorturl.at/hkqi1> While PM Abela has refused to say whether the removal of criminal libel was a mistake, he called on society to “stand up to” what he called “a small clique of people who pretend to be journalists but aren’t”, who are abusing the decriminalisation of criminal libel. Criminal libel was removed by the Labour government in 2018 as part of a media law reform in the wake of the assassination of Daphne Caruana Galizia. The Institute of Maltese Journalists has urged the government not to turn back the clock, due to its chilling effect on free speech and journalists: <https://bit.ly/4hdiNmC>

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

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The report of the public inquiry into Daphne Caruana Galizia's association recommends the timely and effective investigation by an ad hoc structure within the police force of the cause of risk/s to journalists, which has not been implemented, as explained in the 'Recommendations of the Public Inquiry into the Assassination of Daphne Caruana Galizia - the Foundation's position', annexed below. The public inquiry report also recommends that the police should investigate serious allegations reported by journalistic investigations (open source) in a timely manner, however, this recommendation has not been fully implemented. The report also recommends the proper training of the Police corps. The abovementioned Foundation's position paper recommends more effective and well-resourced investigative units within 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: <https://www.osce.org/files/f/documents/f/e/518019.pdf> 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.

Access to information and public documents by 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)

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There has been no effort to improve Malta's Freedom of Information Act, which has long been considered deficient. Government entities frequently limit access to information to journalists with the excuse that they had no such information, which in many cases was found to be untrue by the Data Protection Commissioner. Over 40 legal challenges were initiated by government entities against FOI requests by the newsroom The Shift News: <https://theshiftnews.com/2022/08/03/government-launches-new-attempt-to-cripple-the-shift-with-foi-appeals/> After two years, The Shift won all 40 cases at the Information and Data Protection Commissioner Appeals Tribunal, and 18 cases in court, but ministries and government agencies have yet to provide the information: <https://theshiftnews.com/2024/01/21/goverment-still-refusing-to-detail-payments-to-saviour-balzan-despite-the-shift-winning-all-cases/> UNESCO was the latest in a string of international calls on Malta to reform its FOI law, all of which the government has ignored: <https://theshiftnews.com/2024/03/16/unesco-joins-growing-list-of-international-organisations-calling-on-malta-to-reform-its-foi-act/>

Journalists are also struggling to obtain information on beneficial owners of companies, as they are consistently denied access to such information, despite showing legitimate interest. This follows a judgement by the European Court of Justice, which ruled that "both the press and civil society organisations that are connected with the prevention and combating of money laundering and terrorist financing have a legitimate interest in accessing information on beneficial ownership": *WM and Sovim SA v Luxembourg Business Registers* (C-37/20 and C-601/20): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62020CJ0037>

In November 2023, one year after this ruling, Transparency International carried out research on how the ruling had affected access to beneficial ownership registers by journalists. Malta is mentioned as having “consistently denied access, even if journalists and civil society demonstrate their legitimate interest”. This is in clear contravention of the ECJ judgement, and of EU law, and also raises serious questions of compatibility with the principle of freedom of the press. Changes to the law are urgently needed so as to include the media and civil society as bearers of a legitimate interest with access to the UBO register by default. No progress has yet been made in this regard.

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

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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 this year: [https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf\\_compressed-1.pdf](https://www.the-case.eu/wp-content/uploads/2024/12/CASE-2024-report-vf_compressed-1.pdf) 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, 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:

The transposition was carried out by Legal Notice, bypassing Parliamentary scrutiny;

The published legislation is limited to the minimum standards outlined in the directive;

It does not provide protection against domestic SLAPPs, overlooking the EU Recommendation of 27th April 2022 - <https://shorturl.at/vXrha> - and the Council of Europe Recommendation of 5th April 2024 -

<https://shorturl.at/g8h99> - setting a negative precedent for other Member States;

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;

The maximum penalty that may be imposed on a plaintiff is capped at €10,000, which would not dissuade a large corporation or wealthy individual, whereas Article 15 of the EU anti-SLAPP Directive requires penalties for plaintiffs to be effective, proportionate, and dissuasive;

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;

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: <https://www.daphne.foundation/documents/letters/letter-on-anti-SLAPP-Directive-transposition.pdf> Therefore it is our opinion and that of other civil society organisations that no effective progress has been made in terms of protecting journalists and activists in Malta against SLAPPs.

The Institute for Journalists in Malta welcomed the government's transposition of the EU's anti-SLAPP directive, however, it warned the measure was only part of a much-needed wider reform: <https://timesofmalta.com/article/antislapp-measures-part-needed-reform-journalists-institute.1096190>

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

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Civil society organisation Repubblika issued a report on whistleblower protection in Malta: <https://whistleblowingnetwork.org/WIN/media/pdfs/WB-ram-final-with-WIN-addition.pdf> In its report, Repubblika notes that since adopting amendments to the Protection of the Whistleblower Act in November 2021, Malta has improved its legal framework. However, the government has ignored several key requirements of the Directive 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. According to Repubblika, the failure of Malta to address this fundamental flaw in the legal framework 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.

There is an ongoing trend of public officials delegitimising media's democratic role by ignoring media questions and not acting on media reports. In April 2024, Social Policy Minister Michael Falzon refused to reply to a Times of Malta journalist's request for a comment following the revelation that a social benefits fraud racket involved a "person of trust" in his ministry: <https://www.mapmf.org/alert/31462>

On 12 April 2024, Edward Montebello, the Maltese government's head of communications, reportedly refused to answer MaltaToday journalist Matthew Agius's questions related to the case filed to remove the lead investigator in the murder of Daphne Caruana Galizia from the case: [https://www.maltatoday.com.mt/news/court\\_and\\_police/121584/yorgen\\_fenechs\\_request\\_to\\_remove\\_lead\\_investigator\\_in\\_caruana\\_galizia\\_murder\\_rejected#](https://www.maltatoday.com.mt/news/court_and_police/121584/yorgen_fenechs_request_to_remove_lead_investigator_in_caruana_galizia_murder_rejected#) In his email exchange with the journalist and MaltaToday's editor Kurt Sansone, Montebello reportedly dismissed Agius's questions, ultimately accusing the journalist of "attacking and lying" about him. Montebello has been criticised several times in the past for his reluctance to answer journalists' questions and obstructing their work: <https://www.mapmf.org/alert/31415>

In September 2024, the court, citing article 517 of the Criminal Code, decreed that until the trial of the alleged mastermind of Daphne Caruana's assassination is concluded, any declaration or public discussion - in favour or against the accused - is prohibited. The ban does not extend to reports on hearings in open court where media presence is allowed. During a pre-trial hearing on September 5, the judge had voiced concern about the possible prejudice such comments could cause to Fenech's trial: <https://timesofmalta.com/article/comments-murder-suspect-yorgen-fenech-outside-court-hearings-banned.1098303>

## IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

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## A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

## B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

## C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

*5000 character(s) maximum*

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

*5000 character(s) maximum*

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

*5000 character(s) maximum*

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

*5000 character(s) maximum*

## D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

*5000 character(s) maximum*

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

*5000 character(s) maximum*

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

*5000 character(s) maximum*

## E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

*5000 character(s) maximum*

### **Any other developments related to the system of checks and balances - please specify**

*5000 character(s) maximum*

## Supporting document upload

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If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here  
**40663ee5-f406-468a-89cc-45cef12c9be1/25\_01\_10\_Advocacy\_brief\_public\_inquiry\_implementation.pdf**

## Contact

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