

2025 Rule of Law Report - additional consultation on single market dimension

Fields marked with * are mandatory.

Introduction

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 announced in the Political Guidelines for the 2024-2029 Commission, a Single Market dimension will be added to the Rule of Law Report to report to address rule of law issues affecting companies, especially SMEs, operating across borders.

Therefore, in addition to the regular stakeholder consultation for the 2025 Rule of Law report which was launched on 29 November 2024 (available [here](#)), **the Commission is now launching an additional targeted stakeholder consultation on the single market dimension of the rule of law**. This short questionnaire covers additional topics that are not yet included in the Report's scope which the Commission considers of particular relevance under this angle. The questionnaire is in particular directed to business stakeholders, but all interested parties are invited to contribute. The deadline for contributions is on 24 January (midnight Brussels time).

Under the questions below, you are invited to provide information both on the **relevant legal framework** as well as information on any relevant developments since January 2024. Under each question, the following types of information may be relevant:

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 questionnaire)

D) Any other relevant developments

About you

* I am giving my contribution as

Civil society organisation/NGO

* Organisation name

250 character(s) maximum

The Daphne Caruana Galizia Foundation

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

Malta

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](#)

Topics for input on the single market dimension of the Rule of Law Report

* Country covered in your contribution [only one choice possible]

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

Malta

Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases.

This question complements the questions in the original questionnaire related to quality and efficiency of justice

5000 character(s) maximum

The 2024 Budget saw the announcement of plans to establish a Commercial Court, to which a judge will be assigned Commercial, Court alongside the rest of the necessary infrastructure: <https://www.independent.com.mt/articles/2023-10-30/local/Budget-2024-Appointing-more-judges-magistrates-and-establishing-a-new-Commercial-Court-6736256036>

The previously existing Commercial Court was reportedly eradicated due to its inefficiency which resulted primarily from a lack of clarity within the Commercial Code around the jurisdiction of the court: <https://gtg.com.mt/proposed-changes-to-maltese-courts-commercial-family/> ; <https://timesofmalta.com/article/plan-reopen-commercial-court-gains-support.1099707>

Alternative dispute resolution and mediation

This question complements the questions in the original questionnaire on quality and efficiency of justice

5000 character(s) maximum

Mediation

In Malta, mediation is regulated by the Mediation Act (Chapter 474 of the Laws of Malta) which came into force on the 21st December, 2004. The Malta Mediation Centre was set up on the 7th July, 2005 when the first Board of Governors of the Centre was appointed: <https://mediation.mt/en/>

The Centre, which is a body corporate with distinct legal personality, was set up for the purpose of providing a forum where two or more parties in dispute or in litigation may voluntarily refer or be referred by the Court or other adjudicatory authority, in order to resolve their dispute by mediation.

Disputes may be referred to the Centre for mediation:

voluntarily, that is following a decision made by the disputing parties; or

following a decree or order by the Court or other adjudicatory authority at the request of the parties or on its own initiative; or

by law, that is to say by any authority not being an adjudicatory authority or through the execution of a clause in a contract requiring the parties to submit to mediation any dispute arising under or out of the terms of the contract.

A mediator is jointly selected by the disputing parties from the list of mediators accredited by the Centre. If the parties do not agree, the Centre will appoint as mediator the person whose name is next on the list of approved mediators.

Mediation parties may be assisted by legal counsel before or during the mediation proceedings.

Arbitration

The Malta Arbitration Centre is a body corporate having a distinct legal personality. It was established in 1996 through the enactment of Chapter 387 of the Laws of Malta, however it began its operations in 2000: <https://www.arbitration.mt/>

The functions of the centre are:

To promote Malta as a centre for international commercial arbitration;

To provide for the conduct of international arbitration in Malta;

To encourage domestic arbitration as a means of settling disputes;

To provide the necessary facilities for the conduct of arbitration;

To advise the Government on any matters mentioned in the foregoing;

To perform such other function assigned to it by The Act or any other law; and

To perform any other function supplementary or ancillary to the above.

The policy and general administration of the affairs and business of the centre is entrusted to a Board of Governors, which Board shall consist of not less than three and not more than five members, appointed by the President of Malta acting on the advice of the Prime Minister.

Measures for the prevention of corruption in relation to the issuing of official permits (e.g. related to environment, energy and various types of construction)

This question complements the questions in the original questionnaire on the prevention of corruption

5000 character(s) maximum

We are not aware of any measures which have been effective in the prevention of corruption relating to the issuing of official permits.

Driving Licenses

In January 2024, the Standards Commissioner declared that he will not investigate the former Transport Minister (now Deputy Prime Minister) Ian Borg's connection with a driving licence racket which was revealed over the course of 2022 and 2023, claiming that such events are 'time-barred' and that such an investigation may prejudice ongoing court proceedings into the matter. In 2023, the Times of Malta revealed WhatsApp chats that show how Ian Borg and his aides regularly pressured Transport Malta official Clint Mansueto to "help" candidates with different stages of the licensing process: <https://timesofmalta.com/article/ian-borg-driving-license-racket-timebarred-investigation.1077744>

In March 2024, the whistleblower on this racket gave an account in court of how he had been made to choose between complying with illegal orders or dismissal: <https://www.independent.com.mt/articles/2024-03-04/local/Whistleblower-testifies-on-Transport-Malta-driving-test-corruption-racket-6736259114>

Construction permits

The recent re-appointment of Johann Buttigieg as CEO of the Planning Authority, whose career has been beset with controversy (including the questionable hiring of a private jet referenced below; undeclared conflicts of interest; and an inappropriate business relationship with the suspected mastermind behind Daphne Caruana Galizia's murder) is a cause for concern: <https://timesofmalta.com/article/johann-buttigieg-return-planning-authority-ceo.1103373>

In 2017 the Government granted DB Group a concession to build a mega complex, including a hotel and shopping centre, on the public land formerly housing the Malta Institute of Tourism Studies (ITS). The terms of the concession were unjustifiably favourable to the concessionaire, and, as a result of the concession, ITS was hastily moved to a less appropriate temporary location. Jacqueline Gili, a then member of the Planning Authority Board, was, at the behest of Buttigieg, flown to and from Malta by private jet on the eve of the board meeting set to determine whether the project can go ahead. Gili voted in favour and the project was approved by the Planning Authority despite unprecedented opposition from local councils, residents and environmental groups.

Fort Chambray is a site of immense historical and cultural significance on the island of Gozo. In 2005 the Government granted a concession for this site for the development of a complex, including hotel and/or residential units, to a well-known developer on inexplicably favourable terms. Despite the failure of the concessionaire to develop the site in accordance with the terms of the contract, the Government failed to terminate the concession, and instead allowed the developer to transfer the site to a new concessionaire, presumably at a hefty profit. In December 2024, despite public outrage, the Planning Authority approved the demolition of the historical British barracks as part of a wider redevelopment project, including a luxury hotel and apartments: <https://timesofmalta.com/article/pa-approves-plans-demolish-fort-chambray-barracks.1102344>

Reporting on the use of digital technologies to enhance transparency and oversight in public procurement

This question complements the questions in the original questionnaire on the prevention of corruption

5000 character(s) maximum

We do not have any information on this point at this time.

Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

This question complements the question in the original questionnaire on rules and use of fast-track and emergency procedures, linked to the overall process for preparing and enacting laws

5000 character(s) maximum

We do not have any information on this point at this time.

Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators

This question complements the questions in the original questionnaire on the independence, resources and powers of national human rights institutions, ombudspersons, equality bodies and supreme audit institutions

5000 character(s) maximum

We do not have any information on this point at this time.

Respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

This question complements the question in the original questionnaire on transparency of administrative decisions

We do not have any information on this point at this time.

Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies

This question complements the question in the original questionnaire on judicial review of administrative decisions

5000 character(s) maximum

Certain administrative decisions can in certain cases be appealed to specialised tribunals, however the independence of such tribunals has repeatedly been called into question.

For example, decisions of the Planning Authority can in certain cases be appealed to the Environment and Planning Review Tribunal. However it should be noted that the Tribunal is made up of panels, the members of which are all appointed by the President on the advice of the Prime Minister: <https://www.eprt.org.mt/about-eprt/>

One veteran lawyer writes that “[m]ore than one tribunal in Malta has not achieved complete independence and impartiality. Executive control and interference remain”: https://www.maltatoday.com.mt/comment/blogs/132373/an_indictment_of_the_maltese_government_

Other examples of such tribunals are the Small Claims Tribunal, the Industrial Tribunal and the Information and Data Protection Appeals Tribunal.

Any other points you would like to raise related to the single market dimension in the context of the Rule of Law Report

5000 character(s) maximum

N/A

If you would like to upload any supplementary document(s), please do so here

Contact

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