

2026 Rule of Law Report - targeted stakeholder consultation

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, six 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 2026 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 2026 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) developments and measures taken in relation to the recommendations in the 2025 report,
(2) developments related to topics covered in the 2025 country chapters, as well as any other new developments related to the rule of law.

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.

This questionnaire also integrates the separate questionnaire on the single market from last year. In addition to these specific questions, respondents to the questionnaire are invited to consider the Single Market dimension, including any relevant cross-border issues, in all their answers.

Where questions of particular relevance under the single market dimension, this is indicated before the relevant question.

[1] 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 and enforcement 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.

Where relevant, please also indicate whether the developments reported are linked to the implementation of reforms and investments under the national Recovery Resilience Plan. 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.

* 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

Office of the Commissioner for Standards in Public Life

Main Areas of Work

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

If "Other", please specify

Investigation of breaches of ethics by ministers, members of Parliament and persons of trust

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

500 character(s) maximum

www.standardscommissioner.mt

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

* 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

Surname

Email Address of the organisation

office@standardscommissioner.mt

* 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 as we will not be able to guarantee anonymisation of these elements.**
- ☒ 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 2026 rule of law report.pdf](#)

Questions on horizontal developments

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 for contribution.docx](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2025 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2025 Rule of Law Report and any other significant developments since January 2025 and up to the date of submission^[3]. 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.

^[3] 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

Please provide information on measures taken to follow-up on the recommendations received in the 2025 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)

[single market relevance] 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

[single market relevance] 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

[single market relevance] Specialisation (of judges/specific courts/chambers within courts) and training for the judiciary to deal with commercial cases, as well as alternative dispute resolution mechanisms and mediation as regards commercial 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 in the introduction)

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

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 2025 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

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

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

5000 character(s) maximum

The Office of the Commissioner for Standards in Public Life consists of a Director General; a Senior Investigator; an Assistant Director (Administration); and two support staff. In addition, the Commissioner has engaged a legal consultant on a retainer basis. This level of staffing is considered sufficient for the workload of the office.

The funds provided to the office in the national budget have increased from €500,000 in 2025 to €600,000 in 2026. In 2026, as in previous years, the Commissioner was given all the funds he requested. The amount of €600,000 is considered sufficient for the needs of the office in 2026. The office also has a cash reserve which can be used to fund additional expenditure should the need arise.

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

5000 character(s) maximum

Article 4 of the Standards in Public Life Act (chapter 570 of the laws of Malta) requires the Commissioner for Standards in Public Life to be appointed by the President of Malta on the basis of a resolution of Parliament that is supported by at least two thirds of all members of Parliament. This is designed to ensure that the Commissioner has cross-party support. As a deadlock-breaking mechanism, however, article 4 also provides that if the parliamentary resolution does not obtain a two-thirds majority after two votes, a third vote can be held in which a simple majority is enough for the resolution to pass.

In addition, article 5 of the Act precludes the Commissioner from holding positions which are incompatible with his impartiality and independence.

Under article 6(1), the Commissioner is appointed for a single term of five years which cannot be renewed. Under article 7(1), the Commissioner can be removed during his term of office only by the President of Malta on the basis of a parliamentary resolution supported by at least two thirds of all MPs and calling for the Commissioner's removal on the grounds of proven inability to perform the functions of his office or proven misbehaviour.

Article 11 of the Act empowers the Commissioner to engage staff and consultants in his office without the need to obtain clearance from other authorities, provided only that he does not exceed the maximum of expenditure set out in the annual financial plan for his office as approved by Parliament.

Furthermore, article 13(5) states that in the exercise of his functions the Commissioner is not subject to the direction or control of any other person or authority, although article 15 empowers Parliament to make "general rules for the guidance of the Commissioner" in the form of subsidiary legislation issued under the Act. To date no such rules have been made.

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

B. Prevention

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

5000 character(s) maximum

Following recommendations made by the OECD and this Office, the government has taken no action to implement comprehensive reforms to strengthen the framework of public ethics in Malta.

The recommendations derive from a report titled “Public Integrity in Malta: Improving the Integrity and Transparency Framework for Elected and Appointed Officials”, which was published by the OECD in October 2023. It was the outcome of a two-year study conducted by the OECD at the request of the Commissioner for Standards in Public Life, with funding from the EU through its TSI mechanism.

Among other things, the report included recommendations to strengthen the Standards in Public Life Act; to regulate lobbying; to introduce revised codes of ethics for ministers and members of Parliament; and to strengthen the asset declaration system for ministers and MPs. The recommendations concerning the codes of ethics and asset declarations were based on recommendations to the same ends that appeared in a report issued by the first Commissioner in 2020.

In December 2025 the Commissioner for Standards in Public Life issued decisions on two complaints alleging that opposition MPs had made untrue statements in public. The Commissioner felt compelled to dismiss both complaints since the code of ethics for MPs does not include a provision against making untrue statements. In both cases, the Commissioner noted that had the OECD recommendations been implemented, this shortcoming in the code of ethics for MPs would have been resolved.

During the same month, the Cabinet Secretary informed the Commissioner for Standards that the government intended to amend the code of ethics for MPs in the light of the first Commissioner’s recommendations of 2020, and to introduce the obligation of honesty. However, the Cabinet Secretary did not give a timeframe for these changes.

On 6 January 2026, the Commissioner wrote to the Prime Minister to draw his attention once again to the OECD report of October 2023, since the Cabinet Secretary did not make any reference to it. The Commissioner pointed out that this report also recommended changes to the code of ethics for ministers. He stated that it was particularly important for ministers to be regulated by a solid ethical framework, given their powers and the resources they controlled. The Commissioner published his letter to the Prime Minister, and it is available from <https://standardscommissioner.mt/other-documents/>.

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

There is no longer a separate asset declaration system applying specifically to ministers. Ministers now declare their assets in the same manner as ordinary members of Parliament. As a result they are declaring less information, and their declarations are less accessible to the public.

By way of background, members of Parliament submit an annual declaration of assets to the Speaker. These declarations are not published, although individual members of the public can view them at the Speaker’s office. Copies are provided on a confidential basis to the Commissioner for Standards in Public Life, since the Commissioner is bound by law to examine them.

Ministers used to submit a second declaration of assets to the Cabinet Secretary. These declarations were more detailed than those by MPs. Ministers were obliged to state their annual income, and to list financial

investments and bank accounts held by their spouses if they had a community of acquests. MPs do not have to state their income, and they have to list only immovable property held by their spouses under a community of acquests.

It was longstanding practice for ministerial declarations of assets to be tabled in Parliament, as a result of which they would be published online. However, ministers' declarations for the year 2023 (as submitted to the Cabinet Secretary in 2024) were not tabled.

In January 2025 the Prime Minister wrote to the Commissioner for Standards in Public Life proposing that there should be one common asset declaration form for both MPs and ministers, and declarations made using this form should be tabled in Parliament within a timeframe to be set by law. The Prime Minister requested the Commissioner's views on these proposals.

The Commissioner replied on 30 January 2025 saying that the introduction of a common form should not lead to a reduction in the information which ministers were required to declare. The Commissioner referred to the OECD recommendations on asset declarations (see reply to previous question), as well as a recommendation by GRECO that the public should be given easier and more systematic access to asset declarations. The Commissioner recommended that ministers' declarations of assets for 2023 should be tabled in Parliament forthwith. The Commissioner published his letter.

The Commissioner did not receive a response, but in March 2025 he was given copies of ministers' declarations of assets for 2023 for examination purposes under the law.

This is being stated in order to clarify the information provided in the 2025 rule of law report.

In late 2025 the Commissioner sought copies of ministers' asset declarations for 2024. In December 2025 the Cabinet Secretary informed the Commissioner that, by virtue of a decision of the Cabinet of Ministers, ministers had declared their assets for 2024 using only the declaration form for MPs, and the separate ministerial declaration form had been eliminated.

In his letter of 6 January 2026 to the Prime Minister (see reply to previous question), the Commissioner stated that these developments represented a setback for transparency in public life and sent a very negative message. He noted that the Cabinet Secretary made no reference to the Prime Minister's proposal of January 2025 that declarations by MPs should be tabled in Parliament.

The Commissioner also noted that ministers were obliged by their code of ethics to declare their assets to the Cabinet Secretary on the relevant form. The elimination of this form meant that all ministers were in breach of their ethical obligations, even if the Commissioner could take no action against this breach since he did not have the power to investigate Cabinet decisions.

In comments to the media after the Commissioner published his letter, the Office of the Prime Minister reiterated the government's intention to introduce a common declaration form. However, it gave no further details concerning the new form, and no timeframe for its introduction.

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

--> For the three previous points, **please also provide information and figures on their application/enforcement if available to you**, 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

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

- *Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, investor residence schemes, large-scale investments of national interest and the spending of EU funds, urban planning.*
- *In particular, measures to mitigate high risks of corruption in the area of public procurement, such as enhancing transparency and oversight (for example through digital technologies) and promoting fair competition and accountability in public procurement (e.g. targeted actions to address the high share of single bids) and measures to guarantee the effective and independent functioning of the public procurement review bodies.*

5000 character(s) maximum

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

5000 character(s) maximum

C. Repression

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

5000 character(s) maximum

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

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

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

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

5000 character(s) maximum

III. Media pluralism and media freedom

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

5000 character(s) maximum

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

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

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

5000 character(s) maximum

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

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

5000 character(s) maximum

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to

appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- **[single market relevance]** information on specific legal provisions and procedures applying to media service providers, including as regards granting /renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

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)

5000 character(s) maximum

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

5000 character(s) maximum

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

5000 character(s) maximum

On 12 January 2026, Parliament's Standing Committee on Standards in Public Life, which considers cases of breaches of ethics that are referred to it by the Commissioner for Standards in Public Life, rejected two reports by the Commissioner concerning government advertisements that constituted personal publicity for ministers. The background to these cases is as follows.

In 2021 the then-Commissioner referred a case to the Standards Committee in which he concluded that a government advertisement served no legitimate public purpose and was intended as personal publicity for a minister. However, the Committee did not endorse the Commissioner's report. The Speaker of Parliament, in his capacity as chairperson of the Committee, took the view that the ministerial code of ethics did not indicate what kind of content was acceptable in government advertisements. The Speaker called for the development of guidelines on this matter.

This led the then-Commissioner to draw up guidelines on government advertising and promotional material. He stated that these guidelines were not intended as new rules in their own right, but as an indication of how he would interpret the ministerial code of ethics in relevant cases. The guidelines were issued in August 2021.

In 2022 the then-Commissioner referred another case concerning government advertisements to the Standards Committee. However, the Committee rejected his report on the grounds that his conclusions were based on guidelines that had no legal standing.

As a result, the current Commissioner wrote to the Committee in July 2023 to recommend that the guidelines should be recast as rules and incorporated in the code of ethics for ministers, which is set out in a schedule to the Standards in Public Life Act. This would give the guidelines a legal basis and eliminate any doubts about their validity. The Commissioner published his letter.

The current Commissioner referred another case concerning government advertising to the Committee in 2024. The Committee again rejected the report on the grounds that the guidelines lacked legal standing, even though the report stated that in this case it was not necessary to refer to the guidelines to determine that a breach of ethics had taken place.

During 2025 the current Commissioner referred two more cases concerning government advertising to the Committee. Both were rejected by the Committee on 12 January 2026, as indicated above. The Committee has not acted on the Commissioner's recommendation to address the legal status of the guidelines, yet it continues to use this issue as a pretext to dismiss cases involving the abuse of government advertising.

In his report on one of the 2025 cases, the Commissioner referred to Regulation (EU) 2024/900 on transparency in political advertising. This regulation requires political advertisements to be clearly identified as such, and to display certain information. The Commissioner stated that government advertisements could fall under the regulation if they were used as personal publicity for ministers, and in such a case questions might arise concerning Malta's adherence to the regulation. This made it all the more important to give the guidelines a legal basis with a view to eliminating doubts about the true purpose of government advertising.

In future, the Commissioner may share jurisdiction over such cases with the body that is designated as the competent authority in Malta for the purposes of the regulation. For this reason the Commissioner has been following developments with regard to the regulation. It is understood that the Office for Advertising and the Media, which is the competent authority for the European Media Freedom Act, will also be designated as the competent authority for Regulation (EU) 2024/900. As far as the Commissioner is aware, however, national legislation to this end has yet to be published.

IV. Other institutional issues related to checks and balances

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

5000 character(s) maximum

A. The process for preparing, enacting and implementing laws

[single market relevance] Framework, policy and use of impact assessments and evidence based policy-making, stakeholders*/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 in the preparatory, the parliamentary and implementation phase (including guidance on how to implement legislation)

** This includes also the consultation of social partners*

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards to ensure legal certainty, the stability of the legal framework and non-discrimination.

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 (including effective access to relevant data) 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 year

5000 character(s) maximum

[single market relevance] Safeguards to ensure the effective independence of supervisory and regulatory authorities with a direct impact on economic operators such as national economic oversight, enforcement and competition authorities

C. Accessibility and judicial review of administrative decisions

[single market relevance] Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and respect of the good administration principle (including the obligation of the administration to give reasons for decisions)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] Safeguards (other than judicial review) regarding decisions or inaction of administrative authorities, including remedies (e.g. administrative review)

5000 character(s) maximum

[single market relevance] 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

[single market relevance] 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

Oversight, including by courts, of the use of intrusive surveillance software by national authorities

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

Cross-pillar elements: cross-border rule of law issues related to the Single Market

If there are any significant challenges concerning the Single Market you have been facing in a cross-border context relating to any of the four pillars of the report, including for example issues with market access and the conditions for economic activities, that you would like to highlight, please do so here.

Given the cross-cutting nature of this question, it is included as a separate section in the questionnaire. Information collected under this question will however be integrated under the relevant existing pillar(s) of the Report.

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

d087f443-a745-4d9a-a197-dfe9cd8492c2/2026-01-14a_Supporting_document_OCSPL_Malta.pdf

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