



RULE OF LAW



January 2023



Contents

I.	Justice System	3
A.	Independence	8
B.	Quality of Justice	16
C.	Efficiency of the Justice System	19
II.	Anti-Corruption Framework.....	21
A.	The Institutional Framework Capacity to Fight Against Corruption.....	23
B.	Prevention	34
C.	Repressive Measures.....	37
III.	Media Freedom and Pluralism	39
A.	Media Authorities and Bodies	42
B.	Safeguards against Government or Public Interference and Transparency and Concentration of Media Ownership	43
C.	Framework for Journalists’ Protection, Transparency and Access to Documents	44
IV.	Other Institutional Issues Related to Checks and Balances	47
A.	The Process for Preparing and Enacting Laws	49
B.	Independent Authorities	51
C.	Accessibility and Judicial Review of Administrative Decisions	53
D.	The Enabling Framework for Civil Society	54
E.	Initiatives to Foster a Rule of Law Culture	55

I. Justice System

Significant Developments

As already communicated in the national input of previous Rule of Law Reports, the Maltese authorities have undertaken various initiatives to strengthen the national justice system. Moreover, various measures in the context of the Recovery and Resilience Plan (RRP) for Malta have either been completed or are still ongoing. Developments on the relevant milestones and targets are being reported via the dedicated channels.

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

Recommendation 1: Address the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.

Article 96(3) of the Constitution of Malta on the appointment of the Chief Justice provides that:

The Chief Justice shall be appointed by the President acting in accordance with a resolution of the House supported by the votes of not less than two-thirds of all the members of the House:

Provided that notwithstanding the provisions of article 97(1), if the Resolution is not supported by the votes of not less than two-thirds of all the members of the House, the person occupying the office of Chief Justice shall, in any circumstance, remain in office until the Resolution is supported by the votes of not less than two-thirds of all the members of the House.

The Maltese authorities wish to highlight that this provision has been recently amended following the introduction of the [Constitution of Malta \(Amendment\) Act, 2020](#) (Act No. XLIII of 2020) on 7 August 2020. Given that an amendment to this provision required the vote of two-thirds of the members of the House of Representatives, the current text represents a compromise between Government and Opposition that was agreed upon unanimously.

In this regard, the Maltese authorities trust that the current appointment process requiring a two-thirds majority of the House of Representatives has led to depoliticization due to the requirement of a cross-party consensus in Parliament. Moreover, the process provides for an anti-deadlock mechanism which ensures that there is no vacuum in terms of the position.

The Maltese authorities consider that given the above recent developments, no further legislative changes to implement this recommendation are foreseen. This is moreover so given the fact that this provision has, to date, not yet been utilised, although it must be stated that the sitting Chief Justice was approved unanimously by the House of Representatives, following a motion tabled jointly by the Prime Minister and the then Leader of Opposition.

Recommendation 2: Strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.

The Maltese authorities are committed to ameliorate the overall efficiency of the justice system through a sustained effort by *inter alia* digitalising the justice process, enacting legislative reforms that shorten procedural timeframes and increasing the judicial complement.

Increase in the Number of Members of the Judiciary

Following the enactment of the [Constitution of Malta \(Amendment\) Act, 2020](#), a call for applications for the appointment of four judges was published in the Government Gazette on 12 February 2021. Four Judges were appointed to the Bench on 15 April 2021, resulting in an increase in the headcount of Judges by three, a percentage increase of 15%. Moreover, another call for applications for the appointment of four Magistrates was published on 20 April 2021. Four Magistrates were appointed to the Bench on 27 May 2021, resulting in an increase in the headcount of Magistrates by two, a percentage increase of 9.5%. This resulted in the net increase of five members of the judiciary.¹

A subsequent call for appointment of another two judges was issued on 11 October 2022. Two members who were sitting as Magistrates were selected by the Judicial Appointments Committee to be appointed to the Bench as Judges on 21 December 2022. In view of the fact that these two new Judges were previously occupying the post of Magistrates, a call for the appointment of another four Magistrates was issued in the Government Gazette of Malta on 20 December 2022. The deadline for application of this call elapsed on 10 January 2023 and the Judicial Appointments Committee concluded the selection process on 24 January 2023.

Length of Proceedings

Reducing the length of proceedings across both civil and criminal courts is a commitment that the Maltese authorities, together with the judiciary, are taking very seriously. Length of proceedings result from an inherited caseload compounded by the age factor, an increase in the complexity of new cases and the judicial complement. Furthermore, the onset of the Covid-19 pandemic resulted in the closure of the Courts of Justice for most of 2020 and part of 2021, and invariably this left its mark on the efficiency of the justice system.

Overall, the length of proceedings of the civil courts increased when compared to 2019 (pre-Covid) data. The overall disposition time for all the civil courts and tribunals was 845 days and this increased to 972 days by 2021. However, the civil courts embraced technological advancement and in 2020, introduced both electronically and legislatively, the possibility of holding virtual sittings. This made a marked improvement particularly in the second instance civil courts, namely the Courts of Appeal in their Inferior and Superior jurisdiction and the Constitutional Court. Thus, for example, the length of proceedings for the Civil Court of Appeal, Superior Jurisdiction decreased from 1291 days in 2019 to 843 days in 2021, whilst the Court of Appeal, Inferior Jurisdiction decreased from 407 days in 2019 to 285 days in 2021. There were also some first instance civil courts and tribunals which registered a reduction in length of proceedings between 2019 and 2021, such as the Civil Court (Family

¹ Meanwhile one Judge had retired and two Magistrates were appointed as Judges, hence the increase by five members.

Section), the Court of Magistrates and the Rural Leases Control Board. Unfortunately, the improvements in these courts were offset by an increase in the length of proceedings in other civil courts and tribunals, and hence the overall increase in the disposition time of the civil courts.

Whilst the civil courts managed to address the negative impact of the pandemic through recourse to technology, there was disagreement on the use of virtual technology and the rights of the accused within a criminal context. Hence, the efficiency of the criminal courts was more drastically impacted. In this regard, there was an overall increase from 372 days in 2019 to 565 days in 2021. The length of proceedings in 2020, during the pandemic was of 777 days, and hence in actual fact, by 2021 one can see a reversal in the increase in the length of proceedings. Furthermore, on closer inspection, the actual length of proceedings of the Courts of Appeal, and the Criminal Court improved between 2019 and 2021. The length of proceedings of the Criminal Court of Appeal, Superior Jurisdiction in 2019 was of 316 days whilst in 2021 it went down to 256 days. Similarly, the disposition time of the Criminal Court decreased from 4119 days in 2019 to 2320 days in 2021. Only the Court of Magistrates retained in 2021 (563 days) a disposition time higher than that in 2019 (361 days), but the 2021 data testify to the effort of the courts to address the spike in the disposition time registered in 2020.

Therefore, the data trends following the disruption in the level of efficiency caused by the pandemic, are effectively encouraging.

Digitalisation

The Maltese authorities are fully committed to facilitate the transition to a more digitalised justice environment, in order to continue enhancing the quality, as well as the efficiency of the national justice system. This is being done through the recently launched Digital Justice Strategy, which Strategy shall be achieved through the gradual redesign of the business processes in the justice sector by means of a digital by default architecture, whilst ensuring that all citizens and legal professionals have access to justice and legal information irrespective of one's level of IT literacy.

The [Digital Justice Strategy for the years 2022 to 2027](#), was launched on 3 December 2021 and co-drafted by the Ministry for Justice alongside experts from the Council of Europe's CEPEJ group. It provides a consolidated roadmap towards the further transition to digital justice, whilst promoting the use of secure and high-quality distance communication technology to facilitate the interconnection of national databases and registers and to promote the use of secure electronic transmission channels between competent authorities at the EU level. A Digital Justice Strategy Steering Committee was set-up in line with the targets of the Strategy, and regular meetings have been held aimed at guiding the implementation of the Strategy.

At the same time, the Court Digital Transformation Project Team has been set up to channel the digitalisation efforts within the Courts Services Agency. Currently, a preliminary review of current legislation is being carried out in order to identify the legislative and regulatory amendments that need to be affected. Works are also ongoing to issue the new Court Information Management System tender and to prepare for the introduction of the e-signature.

The online filing of cases across most civil courts was also introduced and a new legislation website that translated Maltese legislation into machine-readable format enhancing the searchability of legal texts was also launched.

Other Procedural Legislative Reforms

Other procedural legislative reforms have also been undertaken in order to address the efficiency of the national justice system.

These include legislative reforms to the appeals procedure which were aimed at reducing the backlog facing our Courts of Appeal in their superior jurisdiction, introduced on 18 June 2021 by virtue of the [Justice Reform \(Civil Procedure\) Act, 2021](#) (Act No. XXXII of 2021). These amendments within the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta), inter alia rendered audiences before the Courts of Appeal have been the exception as opposed to the rule. The said audiences are now only to be undertaken in cases where the Court of Appeal considers that further clarifications and submissions are required. Therefore, the cases before Court of Appeal (Superior Jurisdiction) are now to proceed immediately to judgment, where the stage of the written procedure in the appeal is closed, unless the Court of Appeal itself considers it appropriate to hear the submissions of the parties.

These were undertaken following a study titled 'Supporting the Efficiency of Justice in Malta', which Malta invited the Council of Europe to undertake, following the attainment of funds through the EU Structural Reform Support Program (Technical Support Instrument).

Further legislative reforms in the context of the national criminal justice system, more specifically on the compilation of evidence procedure (committal proceedings), are currently being drafted and will be presented to the Cabinet of Ministers and subsequently tabled to Parliament in the coming months. The draft amendments, which are the result of recommendations made by the 2019 SRSS project entitled 'Enhancing the efficiency of justice in Malta', will provide reforms of the current procedure that will ensure that the length of the compilation of evidence is drastically shortened, and that the new process respects more fully the rights of victims and vulnerable persons who have to unwillingly go through the justice process.

The aforementioned procedural legislative amendments have also been supplemented by other institutional reforms, which are also intended to assist in enhancing the efficiency of national judicial procedures. From the historical split between the Office of the Attorney General, acting as a separate and autonomous service, from the Office of the State Advocate, acting as the Government's main counsel; to the phased transition transferring all non-summary cases from the Executive Police to the Attorney General, rendering the respective Offices specialized in their respective tasks and more efficient within the whole context of the national justice system.

A. Independence

2. Appointment and selection of judges, prosecutors, and courts presidents (including judicial review)

Judiciary

Appointments to judicial posts for the reporting period have been communicated in the context of the response to Recommendation 2 under Section 1.

Reference is made to the case of *Dr Anna Mallia vs Il-Kumitat dwar il-Ħatriet tal-Ġudikatura et*, which was referred to in our last contribution and which case involved a lawyer who was challenging the selection procedure adopted by the Judicial Appointments Committee before the Civil Court, First Hall (Constitutional Jurisdiction). On 10 January 2023, the Court delivered its judgement wherein it rejected the plaintiffs' pleas. Parties have the possibility to appeal to the Constitutional Court.

Prosecutors

The major reform in the Office of the Attorney General which vested the Attorney General with prosecutorial functions continues to be complemented by the recruitment of additional prosecutors as well as the continuous training for all prosecutors within the Office. This recruitment seeks to ensure that the Office of the Attorney General has the additional staff required to take on the increased workload at the Office.

The RRP target concerning the recruitment within the Office of the Attorney General is expected to be reached as attested by way of the ongoing recruitment effort.

Other: Specialised Tribunals

As previously communicated, the method of appointment and governance of specialised tribunals differs from that of the judiciary.

In accordance with one of the milestones provided in the context of the RRP, by the end of 2024, an independent contractor shall be engaged through public procurement procedures, in order to assess the independence of the specialised tribunals at national level. This assessment shall be carried out in communication with European Commission for Democracy through Law (Venice Commission).

This reform shall be implemented by 31 March 2026.

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

Irremovability

There are no new developments to report.

Transfers

There are no significant developments to report. The system on subrogation of judges and magistrates and the assignment of duties of judges and magistrates remains regulated by Article 101A(13) of the Constitution as amended by the [Various Laws \(Removal from Office\) \(Amendment\) Act](#) (Act No. XVI of 2020) which was published on 7 August 2020, as well as, the respective articles within the Code of Organization and Civil Procedure. It is also to be noted that the strengthening of the independence of the judiciary is also reflected in the composition of the Commission for the Administration of Justice which is composed of a clear majority of members of the judiciary.

Dismissal

There are no new developments to report.

Retirement

There are no new developments to report.

Judicial Review

There are no new developments to report.

4. Promotion of judges and prosecutors (including judicial review)

Judiciary

There are no new developments to report other than what was communicated in the context of the response to Recommendation 2 under Section 1, in so far as the judicial appointments of 21 December 2022 are concerned.

Prosecutors

As previously communicated, once a post within the Office of the Attorney General becomes vacant, a public call is issued, and a Selection Board to interview the candidates is appointed. A ranking is subsequently published. In so far as internal progression / promotion of prosecutors is concerned, internal calls are issued for prosecutors to progress from one grade to the next. There is an Agency agreement with Government which defines the eligibility requirements for prosecutors in different grades.

A new [collective agreement](#) was signed on 16 December 2022 between the Office of the Attorney General and the trade union representing the legal staff, which revised the remuneration packages and conditions of employment within the Attorney General's Office. This is yet another measure to retain experienced staff and to render employment within the Attorney General's Office more attractive.

Judicial Review

There are no new developments to report.

5. Allocation of cases in courts

There are no new developments to report. The assignment of cases to the judiciary remains regulated by Article 11(3) of the Code of Organization and Civil Procedure. The registrar assigns cases as directed by the Chief Justice.

6. 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)

There are no new developments to report following the legislative changes in the Constitution of Malta and the [Commission for the Administration of Justice Act](#) (Chapter 39 of the Laws of Malta) introduced by virtue of the Constitution of Malta (Amendment) Act, 2020 (Act No. XLIII of 2020) and the Various Laws (Removal from Office) (Amendment) Act, 2020 (Act No. XLV of 2020) published on 7 August 2020.

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

Judiciary

There are no significant developments to report other than the amendments referred to under Section 6.

As previously communicated, it is moreover pertinent to highlight that the said amendments removed the role previously attributed to the House of Representatives in the dismissal of judges and magistrates. The Commission for the Administration of Justice is now in charge of judicial discipline including the removal of judges and magistrates, subject to a right of appeal to the Constitutional Court. In its Opinion of 8 October 2020, the Venice Commission acknowledged that this appears to be in line with existing standards.² In addition, it is apt to highlight that there are no laws granting immunity from criminal or civil liability to members of the judiciary.

Prosecutors

As previously communicated, in addition to the [Code of Ethics and Conduct for Advocates](#), all prosecutors within the Office of Attorney General are bound by the Code of Ethics for Advocates and Legal Procurators at the Office of the Attorney General, as published in the [Government Gazette of Malta on 27 December 2019](#). In addition, the Office of the Attorney General has revised the contracts of employment for recruits in order to ensure that public prosecutors do not enter into any negotiations on their terms of retention as lawyers by a private client and to ensure that public

² Opinion on the Ten Acts and Bills implementing Legislative Proposals subject of Opinion (CDL-AD(2020)006) adopted by the Venice Commission at its 124th Plenary Session (8-9 October 2020), paragraph 48.

prosecutors do not prior to tendering their resignation make any preparations to act on behalf of any private client.

Moreover, the collective agreement of 16 December 2022 (referred to under Section 4), also deals with the element of discipline to ensure high standards of performance and behaviour, whilst always maintaining the highest levels of integrity. The levels of disciplinary offences are established as well as the procedure to be followed when misconduct is detected (including the setting up of a Disciplinary Board in the case of serious offences and an appeal procedure.

Judicial Review

There are no new developments to report.

8. Remuneration/ bonuses/ rewards of judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

Judiciary

As previously communicated, the salaries of the judiciary continued to be revised upwards following amendments to the [Judges and Magistrates \(Salaries\) Act](#) (Chapter 175 of the Laws of Malta), introduced by virtue of the [Judges and Magistrates \(Revision of Salaries\) Order, 2023 \(Legal Notice 11 of 2023\)](#) on 20 January 2023. Apart from salaries, members of the judiciary also receive allowances and other benefits during their tenure.

Prosecutors

Salaries in the prosecution service are also kept at a high level in relation to public service salaries. As communicated under Section 4, the remuneration packages and conditions of employment for prosecutors within the Office of the Attorney General were revised by virtue of the collective agreement.

9. Independence/ autonomy of the prosecution service

The RRP milestone C6.R.2 requires the transfer of all non-summary cases to the Office of the Attorney General by the end of 2024. The third phase of the transition, which started in 2020, was concluded following amendments to the Prosecution of Offences (Transitory Provisions) Regulations (Subsidiary Legislation 90.01 of the Laws of Malta) introduced on 27 September 2022 by virtue of the Prosecution of Offences (Transitory Provisions) (Amendment) Regulations, 2022 (Legal Notice 241 of 2022).

In this regard, with effect from 1 October 2022, the Office of the Attorney General was empowered to take the decision to prosecute in front of the inferior courts the following offences:

- i. forgery of Government debentures, forgery of Government, judicial or official acts and counterfeiting of the public seal of Malta under sub-title I of Title V of Part II of Book First of the Criminal Code;
- ii. forgery of acts by public officer under sub-title II of Title V of Part II of Book First of the Criminal Code and forgery or uttering of currency under sub-title III of Title V of Part II of Book First of the Criminal Code;
- iii. prostituting of descendant under age by ascendant, of spouse under age or of minor by husband or wife or tutor, of descendant or spouse of age, by ascendant or husband or wife under sub-title I of Title VII of Part II of Book First of the Criminal Code;
- iv. instigation with violence of persons under age to prostitution or to participate in a pornographic performance, inducing persons under age to prostitution or to participation in a pornographic performance, participation in sexual activities with persons under age of sixteen (16) years, unlawful sexual activities, compelling or inducing a person of age to prostitution, non-consensual act of a sexual nature, meeting a child following sexual grooming etc., advertisement of sexual tourism under sub-title II of Title VII of Part II of Book First of the Criminal Code;
- v. female genital mutilation, enforced sterilization, forced marriage, luring of a person to the territory of another State to marry forcefully under sub-title IX of Title VIII of Part II of Book First of the Criminal Code;
- vi. causing explosion likely to endanger life or property, discharge etc. of lethal device, possession, use etc. of nuclear material, use of radioactive material, lethal device or nuclear facility with intent to cause death, unlawful possession of radioactive material or making or possession of a lethal device, setting on fire of arsenals, etc., arson endangering life, arson to the common danger, arson without danger of life, arson of vineyards, etc., destruction by the springing of a mine, exhibition of false lights et., with danger to navigation and setting on fire of one's own property under sub-title IV of Title IX of Part II of Book First of the Criminal Code;
- vii. illicit importation of radioactive waste under article 39 of the Nuclear Safety and Radiation Protection Act; and
- viii. attempts or conspiracy to commit or complicity in the offences mentioned in paragraphs (a), (b), (c), (d), (e), (f) and (g).

The below tables show the relevant statistical information in relation to prosecution by the Office of the Attorney General from 1 October 2020 to 30 September 2022:

- Table 1 shows information on the total number of prosecutions initiated by the Office of the Attorney General;
- Table 2 shows the accompanying offences to money laundering cases; and
- Table 3 shows the number of natural and legal persons involved in these prosecutions.

As outlined in the below tables, these statistics clearly show that the reforms are having a significant impact.

Table 1

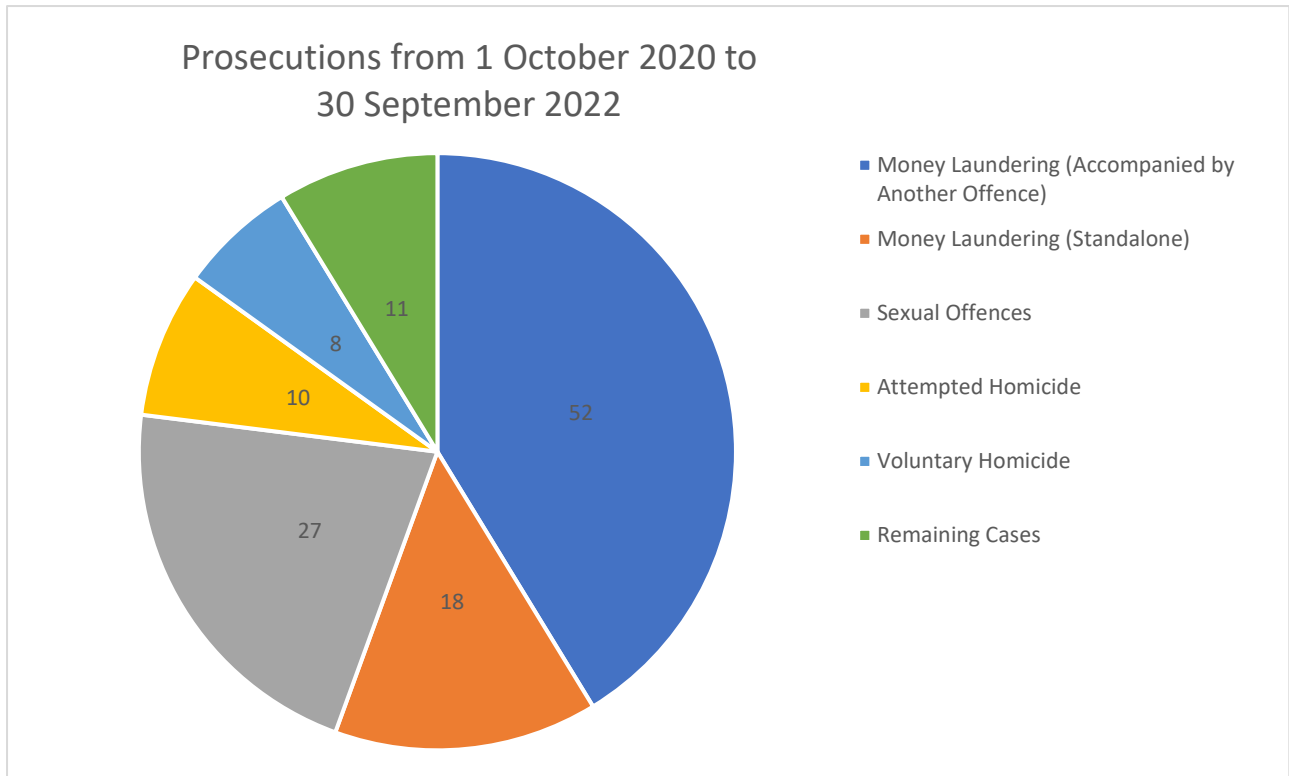


Table 2



Table 3



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

There are no new developments to report. The Chamber of Advocates remains a private self-regulated independent entity.

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

The implementation of reforms and the support of key stakeholders have an important bearing on the perception of the general public. Such reforms feature extensively in the news and contribute to raise awareness as well as expectations. It should also be appreciated that the reforms mentioned in this Chapter are not minor changes and span over a number of years. Implementation of the next batch of reforms in conjunction with the efforts undertaken so far (including the appointments undertaken in the last two years) will continue to improve the overall efficiency of the justice process, which, in turn, will enhance the perception of the public with respect to the judiciary and the justice system.

B. Quality of Justice

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

Court/ Legal Fees

Information on the cost structure is summarised [here](#).

It is apt to highlight that in Bill No. 19 (referred to in the response to Recommendation 4 under Section 33 of this national input), the Government presented an amendment to the Code of Organization and Civil Procedure which waives the court fees due by defendants when filing their replies in libel or defamation cases. The Court may subsequently order the collection of such fees in accordance with the judgment upon the termination of the lawsuit.

Legal Aid

In November 2021, the Legal Aid Malta Agency ('the Agency') had proposed the updating of the net asset value for legal aid eligibility in order to enable more people a fairer, more reasonable means testing law which would reflect the current cost of living of poorer people in society. Amendments in this regard were subsequently introduced in the Code of Organization and Civil Procedure by virtue of [Act No. VIII of 2022](#), which was published in the Government Gazette of Malta on 18 February 2022.

The Maltese authorities recognise the need that vulnerable and indigent citizens' rights need to be protected and action taken as soon as possible. In this regard, on 11 January 2022, the Agency has launched a new online referral system, namely the [Legal Aid Referral System \(LARS\)](#). This enables people to show interest to apply for legal aid services by filling the online form and uploading the necessary documents for the officers within the Agency to view whether they can process further their application. It can be accessed by e-ID on a 24/7 basis from the comfort of the client's home or through the professionals (such as social workers, youth workers, carers etc) who might be assisting the said individuals. The referral system also allows NGOs and other entities to apply on behalf of their clients thus allowing faster communication between the Agency and the clients or their representatives.

Furthermore, the Agency embarked on an information campaign to promote further legal aid services. Following a call for quotations, a media company was hired to design and produce the graphics of the information campaign for billboards around the Islands, adverts on the national television station during peak hours, and social media posts. This information campaign started to be broadcasted from end of October 2022 and shall continue for a couple of months. The Facebook page of the Agency is constantly uploading short video clips about the services and how a person can apply for same.

As part of Malta's commitments under the RRP, a tender for the digitisation project of legal aid services was launched and the contract was subsequently signed with the winning bidder in November 2022. Discussions ensued immediately to start working on the project, which will be completed within 24 months.

Moreover, the Agency continuously guides its contracted legal aid lawyers regarding their duties and obligations vis-à-vis their respective clients by issuing various internal memos throughout the year.

Finally, during the last quarter of 2022, the Agency embarked on a series of meetings with various other entities to seek feedback on how to improve its services with relevance to the variety of client's needs. The aim is to seek information on the services provided by other entities and establish if specific legal services can be provided in the future.

Language

There are no new developments to report.

13. Resources of the judiciary (human/ financial/ material)

The recruitment of deputy registrars and clerical staff is still ongoing. The Court Services Agency is finalising the selection procedure intended to recruit clerks and deputy registrars, which recruitment should be finalised by the beginning of February 2023.

Developments concerning the Family Court

There are no new developments to report.

A working group will be set up this year to review the procedures and efficiency of the Family Courts in their civil and criminal jurisdiction. Over a span of 2 years, the working group will study the Family Court processes such as mediation, parental alienation, efficiency and possible legislative bottlenecks in order to make targeted recommendations that are implementable, cost-effective and that will translate into a meaningful improvement in the functioning and performance of the Family Court.

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

Judiciary

The Judicial Studies Committee (JSC) is the body responsible for the ongoing training of the members of the judiciary and is composed of 4 members, 2 members are appointed by the Chief Justice and 2 members appointed by the Minister responsible for justice. The Committee acts under the general direction of the Chief Justice.

The Judicial Studies Committee has been allocated a specific budget for seminars. Over the span of one year, the Committee has managed to organise well over 40 training sessions and/or events for individual or for an aggregate number of members of the judiciary.

Court Staff

Training for court staff is organised periodically by the Court Services Agency. The Agency has allocated a yearly budget for the training of court staff. Training of court staff during 2022 included:

- Customer care for staff members with direct/indirect contact with customers;
- The GDPR, data protection and privacy for staff members with direct/indirect contact with customers and staff with direct/indirect access to sensitive documents;
- AED (Automated External Defibrillator) First Aid Training; and
- Induction courses for newly recruited staff members.

Moreover, the standard practice is for newly recruited Deputy Registrars to be assigned with an experienced Deputy Registrar as a mentorship experience during their first weeks of employment.

Prosecutors

Continuous training is provided to the prosecutors within the Office of the Attorney General, covering a multitude of topics both with in-house and foreign trainers and speakers. A specific budget is allocated for training.

During 2022, 44 courses were organised or attended by the prosecutors within the Office of the Attorney General. These courses were attended by 244 prosecutors and included various topics such as:

- Initial training of justice professionals serving the rule of law;
- Judicial ethics;
- Money laundering and tax evasion;
- Investigating and preventing corruption;
- VAT fraud;
- Cryptocurrencies;
- Cybercrime;
- Femicide; and
- Trafficking in human beings.

Moreover, the Office of the Attorney General is in the process of recruiting a Manager (Training, Librarian and Archivist). A public call was issued and interviews were held on 30 November 2022. The selected candidate will be joining the office in the coming weeks. The tasks of the Manager include the establishment of a training needs analysis vis a vis every prosecutor as well as the planning of induction courses for prosecutors which need to be followed by individual training programmes.

In 2022, the Office of the Attorney General set up its own library with specific resources, publications and materials addressing the needs of prosecutors in conducting their own research.

Assistance by the World Bank in relation to the strengthening of the Office of the Attorney General and the Office of the State Advocate

As part of a Structural Reform Support Service Programme, World Bank experts are assisting the Maltese authorities in addressing specific reforms particularly with regard to the strengthening of the functioning of Office of the Attorney General and the Office of the State Advocate. This phase of reforms includes strengthening internal structures, enhancing administrative procedures and improving the organisation of the respective Offices.

Throughout 2022, various deliverables were achieved according to plan, such as, the carrying out of a training needs analysis, the formulation of a cost-benefit analysis, and the drafting of the final report that would include a 5-year action plan for the government to implement. These activities were accompanied by a large number of meetings with both internal stakeholders and stakeholders working with both Offices. Furthermore, in September 2022, a study visit to Dublin was organised by the World Bank in order to provide an opportunity to learn from good practices and introduce new management concepts to both the State Advocate and the Attorney General. The project will draw to an end on 15 February 2023 at which point the final report and action plan will be presented to the Ministry for Justice.

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

Reference should be made to the information on the Digital Justice Strategy in the context of the response to Recommendation 2 under Section 1.

16. Use of assessment tools and standards

There are no new developments to report, although as communicated in the context of the response to Recommendation 2 under Section 1, discussions are taking place through the Digital Justice Strategy Steering Committee.

17. 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

There are no new developments to report other than the increase in the members of the judiciary as communicated in the context of the response to Recommendation 2 under Section 1.

C. Efficiency of the Justice System

18. Length of proceedings

Reference should be made to the response to Recommendation 2 under Section 1.

In addition, the [Justice Reform \(Civil Procedure\) Act, 2021](#) (Act No. XXXII of 2021), published on 18 June 2021, is another step in the wide-scale justice reform in view of the endeavour to strengthen the judicial system. As previously communicated, this established the Third Chamber of the Court of Appeal which hears appeals from judgments and decrees of the Civil Court (Family Section) and appeals from judgments and decrees in causes for the eviction from immovable property and from decisions of the Land Arbitration Board.

The Third Chamber differs from the other two Chambers of the Court of Appeal in that it is not presided by the Chief Justice, but by another Judge who also sits on the Court of Appeal.

Other

Administrative Penalties

There are no new developments to report.

The cases challenging the compatibility of administrative penalties with the Constitution are still ongoing before the competent national courts. The Government will monitor the outcome of the said cases before assessing the way forward, also in light of the Venice Commission's Opinion on such matter.

Role of the Commissioners for Justice

The decriminalisation of a number of minor offences, more specifically contraventions such as the disturbance of public peace, affecting other persons or others' property, have entered into force following the publication of the Commissioners for Justice Act (Schedule) (Amendment No. 3) Regulations, 2022 (Legal Notice 82 of 2022) on 15 February 2022. This is another step taken to further enhance the efficiency of the justice system by allowing the Court of Magistrates to focus on the more serious criminal offences without burdening the system with petty offences.

II. Anti-Corruption Framework

Significant Developments

As already communicated under Section I, various measures on the fight against corruption have already been reported by the competent national authorities in the context of the RRP and have either been completed or are still ongoing. Developments on the relevant milestones and targets are being reported via the dedicated channels.

Moreover, work is currently ongoing to strengthen the institutional anti-corruption framework, including in the fields of prevention, investigation and prosecution, thereby addressing the gaps identified GRECO in Malta's Compliance Report in relation to the '[Fifth Evaluation Round - Preventing corruption and promoting integrity in central governments \(top executive functions\) and law enforcement agencies Evaluation Report](#)'. Further developments following the submission of second Situation Report, due to be submitted to GRECO on 31 March 2023, will be communicated in due course.

In addition, the Office of the Attorney General has developed and adopted its Anti-Money Laundering Strategy covering the years 2021–2023. The strategy testifies that the Office is fully committed to ensuring the effective prosecution of money laundering offences and depriving criminals of the proceeds from their criminal activities. The principal aim of this strategy is to effectively ensure that:

- i. investigations are translated into a number and type of prosecutions and convictions in line with Malta's risk profile;
- ii. better quality of investigations and prosecutions that effectively combat high-level and complex money laundering cases;
- iii. professional enablers who facilitate the offence of money laundering are likewise prosecuted;
- iv. assets of the accused and the relative criminal proceeds are not dissipated during the proceedings to ensure their confiscation; and
- v. cooperation and coordination take place with other authorities, including foreign judicial authorities, involved in the fight against money laundering.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

Recommendation 3: Address challenges related to the length of investigations of high-level corruption cases, including by establishing a robust track record of final judgments

The Maltese authorities wish to reiterate that the length of investigations is very much contingent on the complexity of the case. As previously communicated, the relevant national competent authorities in charge with prevention, detection, investigation, and prosecution of corruption have been strengthened and equipped with the necessary resources.

On the other hand, it is important to highlight those final judgments do not depend on prosecution or investigation, but rather on the judiciary.

A. The Institutional Framework Capacity to Fight Against Corruption (prevention and investigation/prosecution)

20. 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 relevant) including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable).

There are no new developments to report in terms of the relevant authorities in charge with prevention, detection, investigation, and prosecution of corruption.

It is pertinent to highlight that the competent national authorities in charge of cooperation with EPPO have established clear SOPs to ensure timely and effective cooperation. Communication lines between the national competent authorities have been streamlined and each authority communicates immediately suspected offences falling under the remit of EPPO. The Financial Crimes Investigations Department within the Malta Police Force have also established a dedicated investigative team coordinating with EPPO.

Cooperation with OLAF by the national Anti-Fraud Coordination Service (AFCOS) continued in line with the obligations emanating from Regulation No. 883/2013.

Permanent Commission Against Corruption (PCAC)

The implementation of a measure relating to the Permanent Commission Against Corruption is ongoing in the context of Malta's RRP. The said aid reforms are to be implemented by the end of 2024 and involve *inter alia* the creation of a digital registry of information of corruption cases.

Malta Police Force (MPF)

The Internal Audit Office (IAO) within the Malta Police Force, set up in 2021, has continued its work to further enhance good governance within the internal structures, as well as with key stakeholders.

The updated Code of Ethics and Anti-Fraud and Corruption Policy (POL-AFC) in line with GRECO's recommendations continue to be implemented by the Malta Police Force. Moreover, since the launch of the anonymous '*Break the Silence*' reporting procedure, 19 officers made use of the mechanism. This system allows officers to report circumstances without divulging their identity through a secure email service (proton mail) where the communication is encrypted in such a way as the sender is never identified. It is important to notice a concrete shift in police culture. Indeed, the three officers who are currently being charged with abuse of power – all of which were suspended from their respective duties immediately – were reported by fellow police officers.

Furthermore, the Disciplinary Board, introduced in the [Police Act](#) (Chapter 164 of the Laws of Malta) by virtue of Act No. LVII of 2021 continues to hear and determine appeal cases following the finding of guilt and the imposition of a corresponding penalty by the Commissioner of Police in relation to minor offences set out in the Second Schedule to the Police Act, or where an officer can prove that

there has been a gross disregard of the procedures which prejudiced his interests. The number of sittings and cases decided by the Disciplinary Board in recent years is being reproduced below:

Year	Number of Sittings Held	Number of Cases Decided
2020	6	101
2021	3	48
2022	15	156

Financial Crimes Investigations Department (FCID)

The Financial Crimes Investigations Department within the Malta Police Force continued to be strengthened. The Department is divided into two main areas: the Anti-Money Laundering and Terrorism Financing Section (incorporating, amongst others, a Fiscal Crime Unit delving into tax crime); and the Economic Crimes Section (incorporating, amongst others, a recently set up Online Fraud Unit). Both areas are supported by a centralised Financial Crime Analysis Unit, a Blockchain Analysis Unit and an International Relations Unit.

FCID staff are qualified in various areas and have a solid educational background, including, but not limited to, law, criminology, leadership and management, business administration, accounting and business, money laundering asset tracing and recovery and transnational crimes. Officers are specialised in thematic areas, such as, corruption, complex money laundering, terror financing, asset discovery and recovery, organised criminal groups, fiscal crimes including MTIC, serious fraud, virtual financial assets and other areas.

Experienced officers act as mentors to the new officers assigned to this department. Furthermore, continuous training, particularly in thematic areas, is provided to all officers to improve their level of expertise. Moreover, during 2021, officers within the FCID held country visits with their Belgian and Irish counterparts with the aim of establishing a working relationship and exchanging best practices. Investigations are prioritised according to the National Risk Assessment (NRA), where tax evasion and local criminal groups are the highest threat drivers of money-laundering identified by the national risk assessment. Corruption and bribery, drug trafficking and fraud are ranked as 'medium-high' money-laundering threats.

The following table provides an overview of the increase in Staff complement and related costs:

Date	FCID Staff complement	Percentage increase in staff complement	Yearly total FCID Gross Pay in (in €)	Percentage increase in expenditure
31 December 2018	53	-	1,151,227	-
31 December 2022	96	81%	3,356,850	191%

The Department’s staff complement as at 31 December 2022, represents an increase of around 96% in capacity since the 2018 MONEYVAL onsite visit.

FCID	2018	2019	2020	2021	2022
Operational expenditure (including Emoluments)	€894,718	€1,414,994	€2,295,138	€3,518,331	€3,269,367
Capital expenditure	NA	NA	€1,253,482 ³	€134,093	€101,030.90

Internal Audit and Investigation Department (IAID)

As previously communicated, following suggestions by the Coordinating Committee (established in line with Article 23 of the [Internal Audit and Investigations Act](#) (Chapter 461 of the Laws of Malta), IAID had taken the initiative to initiate the necessary procedures to update the National Anti-Fraud and Corruption Strategy ([NAFCS](#)), which was adopted and subsequently tabled in the Maltese Parliament on 31 May 2021. In addition, as chair of the Co-ordinating Committee, the IAID coordinated the drafting and publication of the National Risk Assessment (NRA), which was published in December 2022. Further information on both documents is reported under Section 22 of this national input.

The Financial Investigations Directorate (FID) within IAID, as the Maltese Anti-Fraud Coordination Service (AFCOS), cooperated with and assisted OLAF in an investigation carried out by the latter in Malta. FID also provided assistance and exchange of information with respect to investigations carried out by OLAF on Maltese beneficiaries.

National Coordinating Committee on Combating Money Laundering and Funding of Terrorism (NCC)

As previously communicated, the Financial Action Task Force (FATF) has provided an evaluation of Malta’s Anti-Money Laundering Framework. The Maltese authorities remain committed to implement, all recommended actions by end of 2023.

Moreover, the implementation of milestone 6.25 ‘Completed implementation of the Action Plan on the [National Anti-Money Laundering/ Combating Terrorist Financing/ Targeted Financial Sanctions \(AML/CFT/TFS\) Strategy and Action Plan for 2021 to 2023](#)’ is underway.

³ The 2020 capital expenditure was extraordinary since it included one-off major expenses related to the relocation to the current FCID premises such as new furniture, software and IT equipment, hence the difference between 2020-2021.

The following are certain elements achieved thus far in relation to the Policy Goals.

Policy Goal I:

- Use of cash where transactions exceed €10,000 has been restricted for the purchase of certain commodities following the entry into force of the [Use of Case \(Restriction\) Regulations](#) (Subsidiary Legislation 373.04 of the Laws of Malta);
- Transposition of Directive (EU) 2019/1153 which improves the access to financial information for law enforcement authorities; and
- Transposition of Directive (EU) 2018/1673 which deals with the penalties to be imposed upon natural and legal persons and with the aggravating circumstances to be attached to the offence of money laundering, respectively.

Policy Goal II:

- [Directive 19](#) on the use of cheques and bank drafts which was issued by the Central Bank of Malta on 7 July 2021. This Directive entered into force on 1 January 2022 and brought some changes in the use of cheques mainly to curb abuses;
- An improved understanding of tax-related money laundering risks in Malta as a financial centre through the establishment of a tax-dedicated task force that facilitates the criminal investigations of tax-related money laundering cases considered to be particularly complex and serious; and
- The publication of a National Strategy on the Detection, Prevention and Investigation of Tax Crimes and associated money laundering. The intention behind this strategy was to improve Malta's ability to prevent tax crimes and associated money laundering, while also enhancing the ability to detect and effectively investigate these crimes.

Policy Goal III:

- Better coordination between the FIAU and the MPF through access to the GoAML system,⁴ regular meetings and involvement in task forces such as the Financial Crime Task Force (FCTF) and the Inter-Agency Committee for the Countering of Funding of Terrorism (ICOFT);
- Training sessions were provided by the NCC and the OCfR to officers from the Financial Crimes Investigations Department of the MPF on tax evasion;
- Closer cooperation at a national and international level with competent authorities regarding Asset Recovery Practices – MoUs were signed between the Asset Recovery Bureau (ARB), MPF and Office of the Attorney General;
- A Police officer was assigned to the ARB to ensure that all information from police investigations supports the Bureau's investigations and actions. The Police officer is assisting and advises on what further enquiries are necessary to facilitate the Bureau in targeting the proceeds of crime;
- The work of the Financial Crimes Taskforce and the Inter-Agency Committee for Countering funding of terrorism has been enhanced through the involvement of foreign counterparts;
- Supervisory authorities have been given direct access to data held by the MBR to facilitate investigations and checks; and
- Several MoUs have been signed between supervising authorities and government entities to facilitate the sharing of information.

⁴ GoAML was introduced in 2020 and is an automated software system that facilitates the submission of Suspicious Transaction Reports (STRs) and is developed by the United Nations Office on Drugs and Crime (UNODC).

Policy Goal IV:

- The Malta Business Registry (MBR) was recognized as a supervisory authority following amendments to the [Prevention of Money Laundering and financing of Terrorism Regulations](#) (Subsidiary Legislation 373.01 of the Laws of Malta) which entered into force by virtue of Legal Notice 199 of 2021;
- Enhanced risk-based AML/CFT supervision by the MBR, and to improve risk understanding brought by beneficial ownership, a risk assessment was carried out in August 2021 on commercial partnerships with a specific emphasis on Beneficial Ownership;
- Throughout 2021, the FIAU and the MFSA intensified their level of supervision with regard to Company Service Providers, including accountants and lawyers who would be providing such services. Enforcement or remedial actions was taken in a number of these cases;
- The establishment of a whistleblowing reports unit within the legal affairs section of the FIAU; and
- Practical guidance and outreach provided to the private sector on AML/CFT, and ML and TF trends and typologies by supervising authorities and the NCC, such as:
 - Webinar on the Regulatory Requirements for Tied Insurance Intermediaries (MFSA: 05 February 2021);
 - Seminar on Typologies & Red Flags: Indicators of Tax-Related Money Laundering (FIAU 15 November 2021); and
 - Seminar on Identifying the Beneficial Owner and AML/CFT Obligations (NCC: 20 July 2022).

Policy Goal V:

- An increase in AML related training to supervisory authorities and law enforcement agencies:
 - Training to prosecutors of the Office of the Attorney General;
 - Training to officers from the Financial Crimes Investigations Department (FCID);
 - Training to Tax auditors and officials from the OCfR;
 - Training to Dealers on Precious Metals and Stones (DPMS) and Real Estate Licensing Sector;
 - Training to the Judiciary;
 - Training on Crypto Assets, Blockchain Analysis, and Open-Source Intelligence;
 - Training on the Proceeds of Crime Act, Asset Freezing, and Non-Conviction Based Confiscation;
 - Training on tax evasion, VAT fraud, and complex tax structures;
 - Training mainly to customs but also to FIAU, MFSA, OCfR, OAG, Police and SMB on Trade-Based Money Laundering;
- The International Unit was set up within the MPF in June 2021 with the objective to render assistance to foreign counterparts including the mutual recognition of freezing orders, relaying back information and evidence to foreign jurisdictions;

- An increase in results in investigations and prosecutions of money laundering;
- Various Standard Operating Procedures (SOPs) have been created by the MPF to assist with investigations and prosecution of money laundering cases; and
- An increase in parallel financial investigations.

Policy Goal VI:

- The powers and duties of the ARB have been enhanced following the enactment of the Proceeds of Crime Act in March 2021 – MoUs have been signed and the ARB has increased its resources. New policy and procedural documents have been compiled and access has also been granted to the SIENA platform;
- The ARB is also involved in the Camden Asset Recovery Interagency Network (CARIN) which is an inter-agency network of law enforcement and judicial practitioners in the field of asset tracing, freezing, seizure and confiscation;
- The ARB also prepared and launched an Implementation Strategy for 2021 to 2023, part of which includes efforts to increase the number of staff. The ARB is still working to achieve the goals mentioned in its strategy;
- In November 2021, Customs established the Customs Investigations Unit with one of its main objectives to focus on trade-based money laundering, and an Export Supervision Unit has also been established within the Compliance and Systems Directorate of Customs

Policy Goal VII:

- Several authorities and entities held a number of outreach sessions with topics related to TF, sanctions, and screening obligations;
- In April 2021, the NCC and the Office of the Commissioner for Voluntary Organisations (OCVO) organised an outreach event to raise awareness on how to recognize and mitigate terrorism financing risks in non-profit organisations (NPOs);
- Malta has now an increased understanding with regard to supervision of voluntary organisations and is updating the VO risk assessment.
- A Proliferation financing and targeted financial sanctions risk assessment is also in progress and is feeding into the Update of the NRA; and
- There is increased focus and record keeping on mutual legal assistance requests by the Office of the Attorney General. Prosecutors have been assigned to specifically deal with these requests.

In relation to target 6.26, the information on the number of annual AML/CFT training, which was completed throughout 2022, it is apt to highlight that information was provided through the dedicated channels.

Financial Intelligence Analysis Unit (FIAU)

As Malta's Financial Intelligence Unit (FIU) and Malta's single AML/CFT supervisor responsible for the supervision of all subject persons (obliged entities), during the past years the FIAU saw an exponential increase in both its allocated annual budget and its staff complement.

The FIAU's annual budget has been steadily on the increase from €1.34 million allocated in 2017 to €8.5 million in 2021 to €10.90 million in 2022. The budget is projected to further increase to €11.5 million in 2023.

The FIAU's overall staff complement have more than tripled from 43 in 2018 to 138 in 2022 (that is, a 220% increase). Plans are in place to further increase the total of 174. To accommodate this growth, the FIAU is in the process of moving into new state-of-the-art larger premises by the end of April 2023, situated at Trident Park at the Central Business District.

The increases in the FIAU's budget and HR have contributed to improved performance in carrying out its functions at law in a more effective and efficient manner, which led to very encouraging results, as explained in more detail below.

The total of AML/CFT examinations (on-site, and off-site examinations) conducted on subject persons has increased from 41 in 2019, 206 in 2020, 152 in 2021 and a further 135 examinations conducted by end of 2022. Enforcement action also increased, from 23 enforcement actions in 2019, to 186 in 2020 and 224 in 2021. In 2022, the FIAU's enforcement section has imposed 199 administrative measures. The quantum of administrative fines for non-compliant subject persons between 2019 and 2022 is depicted below:

Year	Total administrative pecuniary fines in €
2019	€3.9 million
2020	€4.6 million
2021	€12.3 million
2022	€3.3 million

Likewise, the FIAU's Intelligence Analysis Section saw more than a four-fold increase in suspicious reports (STRs/SARs) received, from 1,679 reports received in 2018, to 2,778 reports received in 2019, 5,175 reports received in 2020 and 7,218 reports received in 2021. Up till the 31 December 2022, the FIAU received 8,500 suspicious reports.

Disseminations to foreign counterpart FIUs also increased from 749 disseminations in 2018 to 7,295 disseminations in 2021 to 6,404 disseminations as at 31 December 2022. Internal disseminations, that is, to the Malta Police and the Commissioner for Revenue (CfR) is also on the increase, as depicted below:

Year	Disseminations to Malta Police	Disseminations to CfR
2018	79	198
2019	102	186
2020	173	199
2021	328	703
2022	342	401

More detailed information on the FIAU's work during the past years can be found in the FIAU's annual reports, which reports can be accessed online, on the FIAU's [website](#).

Prosecution

Reference should be made to the information on the Office of the Attorney General in the context of the response to Chapter I, particularly Sections 2,4,7,8,9 and 14.

Auditor General and National Audit Office

There are no new legislative developments to report following the amendments to the Auditor General and National Audit Office Act (Chapter 396 of the Laws of Malta) introduced by virtue of Act No. XI of 2021 on 18 March 2021.

Commissioner for Standards in Public Life

As previously communicated, there were various amendments to the Criminal Code (Chapter 9 of the Laws of Malta) and the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) which were introduced by virtue of Act No. XLI of 2020 and to the Standards in Public Life Act (Chapter 570 of the Laws of Malta) which were introduced by virtue of Act No. XVI of 2021. These amendments significantly strengthened the Office of the Commissioner for Standards in Public Life, by *inter alia*, granting the Commissioner the power to refer the findings of his investigation where it appears *prima facie* that a criminal offence or a corrupt practice has been committed.

Reference should be made to the response under Chapter IV of this national contribution regarding ongoing amendments to the Standards in Public Life Act.

The project 'Improving the Integrity and Transparency Framework in Malta' which was launched by the Commissioner for Standard on 15 September 2021 is still ongoing. As part of this project, on 11 July 2022, the Organisation for Economic Cooperation and Development (OECD) published three reports dealing with integrity standards in Malta, One report reviews the operations of the Commissioner for Standards in Public Life; another report addresses the Standards in Public Life Act; and the third report presents proposals for the regulation of lobbying. On 27 September 2022, a fourth

[report](#) recommending changes to the codes of ethics for ministers, parliamentary secretaries and members of Parliament in Malta was issued.

All four reports were formally presented to the Honourable Prime Minister and are currently being assessed.

Asset Recovery Bureau

There were no new legislative developments to report following the amendments to the [Proceeds of Crime Act](#) (Chapter 621 of the Laws of Malta) introduced by virtue of Act No. LXVIII of 2021 on 12 March 2021.

Moreover, as already communicated administrative reforms are being carried out within the Asset Recovery Bureau (ARB) in the context of Malta's RRP. In this regard, in accordance with the Asset Recovery Bureau Strategy (2021-2023), the ARB will employ a total of at least 45 officers, intended to fulfil various roles, spanning from legal, research, investigative and asset management officers to administrative and support staff. The complement will also include managerial level staff.

During 2021 and 2022, a number of officers have been recruited, and the ARB is in the process of issuing calls for additional new staff members to join the team. During 2023, the ARB shall continue to issue calls to engage more staff (both at managerial level and in other positions).

A new Director whose role also encapsulates the role of Executive Head of the Bureau, was appointed on 25 January 2022.

The project relating to the new specialised premises to house the ARB offices and various types of confiscated items (such as works of art, boats, vehicles etc.) has now been re-estimated and will cost around €6 million. The Government granted a concession of land of 1,312 square metres for this project. While the geological survey has been concluded, the tender for clearance and excavation works is in the final stages for adjudication and works should start during the first quarter of 2023. In the meantime, the tender document for the actual building is being finalised and will eventually be published for bidding. This new ARB compound is expected to be completed by 2024. In the meantime, the ARB is working on an interim solution for office space and warehousing facilities until this compound is functional. A tender to this effect has already been issued.

Other - Statistical Data in Relation to Various Entities

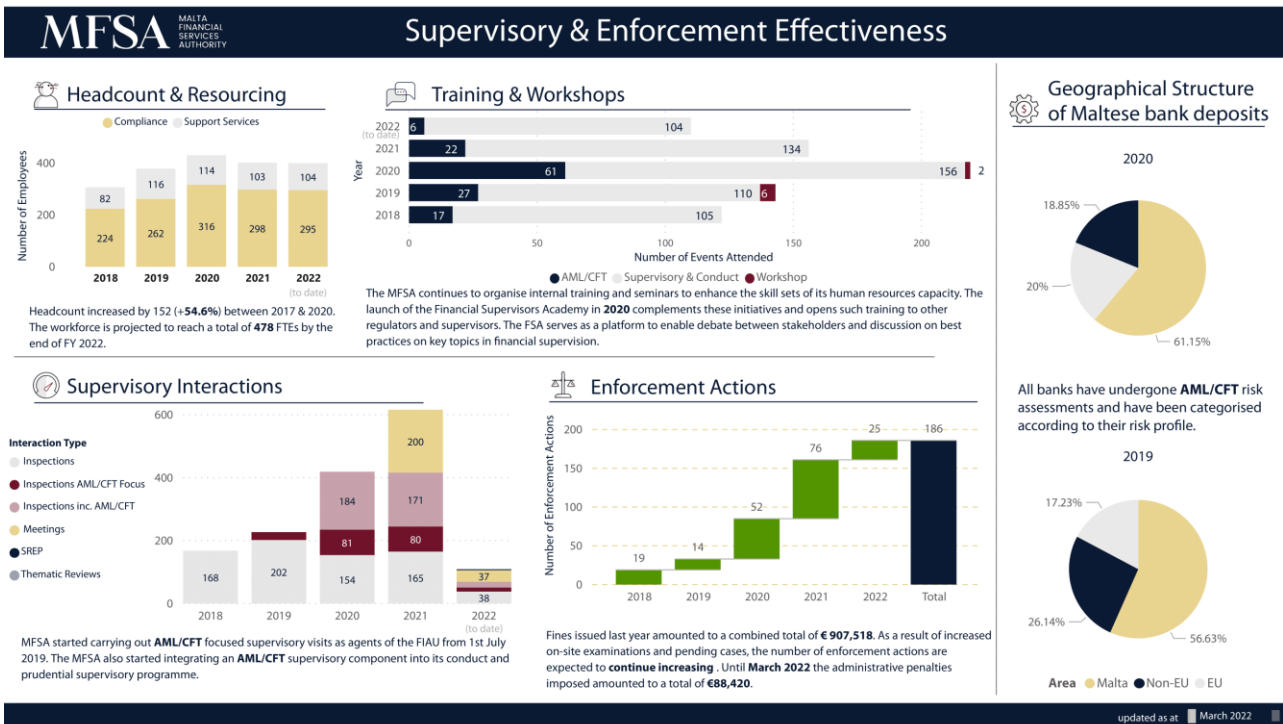
Despite the economic difficulties, the Government has reiterated its commitment to increase and enhance the capacity, authority and accountability of the respective institutions entrusted with regulatory and control functions.

The following data sets out the allocated budgets to the Office of the Ombudsman, the National Audit Office (NAO), the Internal Audit and Investigations Department (IAID), and the Commissioner for Standards in Public Life (CSPL).

Increase in the allocated budget over a five (6) year term (between the year 2016 and 2022):

	2016	2022	Percentage increase in the allocated budgets between 2016 and 2022
	Allocated Budget	Allocated Budget	
	€	€	
Ombudsman	1,140,000	1,420,000	25
NAO	2,900,000	3,900,000	34
IAID	1,206,000	2,860,100	137
CSPL	N/A	759,000	N/A

Below please find the Supervisory and Enforcement Effectiveness dashboard published by the MFSA, updated as at March 2022, which provides the latest information available:



Other – EU Funding

The EU Funding System in Malta is committed to maintain high legal, ethical and moral standards, to adhere to the principles of integrity, objectivity and honesty. In this regard, the [national Anti-Fraud Strategy](#), which outlines the approach of the competent authorities to tackle fraud and corruption in line with the provisions of the EU regulatory framework and national rules, has been updated on 4 November 2022.

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

Reference should be made to the information reported under Section 20 of this national contribution.

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

As previously communicated, the National Anti-Fraud and Corruption Strategy ([NAFCS](#)) was adopted and subsequently tabled in the Maltese Parliament on 31 May 2021. Implementation of the NAFCS is expected to continue on the basis of the action plan and timeline contained therein. The reform, which shall be completed by 31 December 2024, implements three action points which address specified capacity building related measures under objective. The milestones and targets include: the online publication of the National Risk Assessment (completed by quarter 4 of 2022); two training programmes for appointed officials from the National authorities (quarter 1 of 2024); and the creation of a Central Documentary Depository (quarter 4 of 2024).

In line with Action Point 2 of the updated NAFCS, the following Sub-Committees to the Co-ordinating Committee have been set up, primarily to ensure the effective implementation of the NAFCS Action Plan:

- Sub-Committee responsible for communications;
- Sub-Committee responsible for the identification of Software Tools and the development of a Central Documentary Repository System;
- Sub-Committee responsible for Training Needs Analysis and Development;
- Sub-Committee responsible for legal matters; and
- Sub-Committee responsible for the management and safeguarding of European Union Funds.

The Terms of Reference defining the authority, purpose, specific objectives, responsibilities and governance structure of the above-mentioned Sub-Committees to the Co-ordinating Committee have been established and circulated with the Committee members. In addition, the members of the Co-ordinating Committee nominated representatives from their entities to form part of these Sub-Committees to the Co-ordinating Committee. It is planned that the first meeting of the Sub-Committees to the Co-ordinating Committee (as applicable and based on the tasks of the NAFCS Action Plan) will be convened during of the third week of February 2023.

Moreover, the first National Risk Assessment on Fraud and Corruption was prudently compiled through a collaborative approach involving all the members of the Co-ordinating Committee in order to co-ordinate the activities of, and to facilitate the exchange of information between, different entities charged with the protection and safeguarding of public funds, including funds that Malta is required to manage as part of its international obligations.

The [Results of the National Risk Assessment on Fraud and Corruption](#) was published on IAID's website in December 2022. The main potential risk categories identified by the members of the Co-ordinating Committee were corruption, public procurement, unlawful use of information, unlawful use of resources, misappropriation of funds, conflict of interest and other fraud. In terms of Section 6 of the NRA, a Sub-Committee will be set up to monitor and facilitate the reviews required in the present NRA, in order to further mitigate fraud and corruption risks.

B. Prevention

23. Measures to enhance integrity in the public sector and their application including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.

Public Administration

Directive 15 on the 'Governing Policy for integrity promotion, awareness and assessment for public employees' issued in terms of the Public Administration Act (Chapter 595 of the Laws of Malta) was adopted on 20 April 2021. The Government launched its Integrity Awareness Programme via this Directive, which is applicable to those posts listed in the Sixth Schedule of the Public Administration Act and prospective candidates for Senior Management positions (Category A- Headship Positions Scales 1-5).

The Integrity Awareness Programme has been integrated in the [Achieving a Service of Excellence: 5-year Strategy for the Public Service](#), which was launched in November 2021. The Strategy provides for an initiative called 'Leadership Upskilling Programme', which will address the current skills gap as well as the identification of succession planning and preparation for future leaders. The Programme, which will replace the existing Management Toolkit, will include a revised and updated an Integrity Training and Assessment Programme amongst other things, as well as refresher sources in subsequent years. The Programme will become mandatory for all positions appointed through Senior Advisory Appointments Committee (SAAC) and will be open to all prospective leadership candidates (these include for example, Director Generals, Directors and Assistant Directors). At present to ensure a wider capture on the understanding of integrity across the Public Administration, a study is being conducted to create online training or mobile application. The Owner of this initiative is the IPS supported by the Employees Support Programme.

Asset Disclosure rules

As previously communicated, Directive 14 on the 'Governing Framework for the Management of the Revolving Door for Public Policy Employees' was adopted by the Principal Permanent Secretary on 18 June 2020 and updated on 22 March 2021 and 14 September 2021. This Directive is currently being reviewed and an updated version will be published.

The Directive applies to those public employees in posts/ positions within the Public Administration that involve regulatory or inspectorate functions and which are identified as designated posts or

positions by the Revolving Door Policy Governance Board established under the [Public Administration Act](#) (Chapter 595 of the Laws of Malta).

Please refer to the section related to the Commissioner for Standards in Public life for developments in relation to Members of Parliament, Ministers, Parliamentary Secretaries and persons of trust.

24. General transparency of public decision-making including rules on lobbying and their enforcement, asset disclosure rules and their enforcement, gifts policy, transparency of political party financing)

Freedom of information

As previously communicated, a contractor was engaged in order to undertake an independent assessment of the [Freedom of Information Act](#) (Chapter 496 of the Laws of Malta). Concurrently, the Ministry for Justice sought feedback from the Committee of Experts on Media, as well as other stakeholders, on the same legislation.

The Maltese authorities are currently conducting an internal evaluation of the various recommendations made by different parties, whilst still awaiting feedback from the Committee of Experts on Media.

Lobbying

Reference should be made to the information in relation to the project launched by the Commissioner for Standards in Public life (see section 20 above).

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned, etc...)

To further enhance the current provisions in relation to conflicts of interests provided within the Public Administration and the Code of Ethics, a Framework for Preventing and Managing Conflicts of Interest is currently being drafted.

This Framework, which shall be applicable to all public employees within the Public Administration, will strive to promote high standards in the public sector, ensure integrity and transparency in the public sector; and to provide public employees with guidelines, policies, and procedures to ensure the effective identification, reporting, management, and resolution of conflict-of-interest situations.

26. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption

There are no new legislative developments to report following the enactment of the amendments to the [Protection of the Whistleblower Act](#) (Chapter 527 of the Laws of Malta) which entered into force by virtue of Act LXVII of 2021.

27. List the sectors with high risks of corruption in your Member State and list the relevant measures taken/ envisaged for monitoring and preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other) and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector).

Reference should be made to the National Risk Assessment on Fraud and Corruption referred under Section 22 of this national contribution.

28. Any other relevant measures to prevent corruption in the public and private sector

Training within the Malta Police Force

Reference should be made to the response relating to the Malta Police Force under Section 20 of this report.

The amendments introduced to the Police Act by virtue of Act LVI of 2021 include:

- i. the obligation for every member of the Malta Police Force to undergo continuous professional development; and
- ii. the possibility for tests to be carried out on officers in order to appraise the efficiency and professional skill of members, which may include routine medical and physical tests and urine drug screening, or alcohol, or any other similar test to ascertain their respective suitability.

In relation to point (i), a new in-service model training was established and is composed of two parts, namely Theory-in-Service and Practical-in-Service. This training is intended as a refresher course, provided on a rotational basis, to all serving Police Constables and Sergeants.

The Theory-in-Service training includes the following subjects: Fundamental Rights; Policies and Procedures; Police Ethics; Transformation Strategy; Computer Crime; Employees Support Programme (in 2023 this module is to be replaced with 'Policing in Intercultural Contexts: Challenges and Opportunities' to be given in collaboration with the Human Rights Directorate); Breaking Bad News; Updates in Legislation; Community Policing; Supporting Individuals with Mental Health Issues; National Police System; Data Protection; Customer Care; Media Relations; Hate Crime; Domestic Abuse and Vulnerable Victims; Financial Crime; and International Relations. The training commenced on 26 September 2022 and till the end of December 2022, it catered for 152 attendees.

The Practical-in-Service training include the following subjects: Tactical Weapon Handling; Taser Practical; C&R Defence technique, Handcuffing; Judgmental Simulator; Range practice; and Basic House Entry. The training commenced on 13 October 2022 and till the end of December, it catered for 361 attendees.

Prior to the commencement of the new in-service model training (September 2022), the following training courses were provided:

Name of Training	Number of attendees
Inservice (January - September)	92
Safety Weapon Handling	977
13 Officer Cadets	17
43 Basic Training Course	56
44 Basic Training Course	27
Course Leading to Promotion of Police Sergeants	64
Course Leading to Promotion of Reserve Police Constables	26

To ensure uniformity across the Force, this training is supplemented by Standard Operating Procedures (SOPs) which are either issued or updated by the Malta Police Force from time to time. The newly introduced SOPs include:

1. SOP-WHD on the Wellbeing of Detainees and Police Bail (released on 7 February 2022);
2. SOP-FRM on the Use of Firearms (released on 11 November 2022); and
3. SOP- BTN on the Use of Baton (released on the 27 November 2022).

In relation to point (ii), 201 drug screening tests were performed during 2022. There were 4 positive cases and 1 refusal to perform the test. The five officers involved (positive and refusal cases) voluntarily resigned from the Malta Police Force and therefore no further disciplinary actions could be instituted against them given that they were no longer deemed as civil servants. Having said that, these disciplinary proceedings would be held in abeyance and should any of these former police officers opt to join the Malta Public Service in the future, these disciplinary proceedings would be reignited.

C. Repressive Measures

29. Criminalisation, including the level of applicable sanctions, of corruption and related offences including bribery

There are no new developments to report.

30. Data on investigation and application of sanctions (criminal and non-criminal) for corruption offences, (including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU Funds

The below table provides the data on corruption cases investigated by FCID for the period from 2020 till 2022.

Corruption Cases investigated by the FCID between 2020 and 2022
--

Year	2020	2021	2022
Total amount of investigations initiated as corruption	38	32	33

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

The Criminal Code was amended by virtue of the [Criminal Code \(Amendment No. 4\) Act](#), 2022 (Act No. XII of 2022), which was published on 18 October 2022. Article 575 of the Criminal Code now provides for the suspension of the time limits for release on bail in the case that the accused stops the hearing of the case through the infliction of self-harm and in the event that a case appointed for hearing is impeded from proceeding for a reason exclusively attributable to one or more of the accused.

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

Reference should be made to the response relating to administrative penalties imposed by the FIAU under Section 20 of this report.

III. Media Freedom and Pluralism

Significant Developments

Reference should be made to the response to Recommendation 4 under Section 33 of this national contribution.

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

Recommendation 4: Advance with the introduction of legislative and other safeguards to improve the working environment of journalists, including on access to official documents, taking into account European standards on the protection of journalists

The [Report](#) of the Board of Public Inquiry into the assassination of Daphne Caruana Galizia was published on 29 July 2021. Following the publication of this Report, consultations with key stakeholders were held, including the Caruana Galizia family and their legal representatives, the Institute of Maltese Journalists (IGM) and members of international organisations like Article 19. The Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the European Commission, the European Parliament LIBE Democracy, and the Rule of Law and Fundamental Rights Monitoring Group (DFRMG) were also kept abreast of developments.

As recommended by the Board of Public Inquiry, a [Committee of Experts on Media](#) was established on 11 January 2022. The function of the Committee was two-fold:

- to analyse the journalism and media sector in Malta and to make recommendations thereon; and
- to give its reactions on the draft legislative amendments drafted by Government on this subject-matter.

The Committee is chaired by Judge Michael Mallia, who also acted as Chair of the Public Inquiry Board. The other experts appointed to this Committee also have a wide knowledge and experience in Malta's media industry, including academics and other media professionals. Some of these experts are also members of the Institute of Maltese Journalists (IGM).

The Government had submitted draft legislative amendments to the Committee for its consideration. The proposed amendments address a number of issues highlighted in the Public Inquiry recommendations and a number of other issues which came to the fore in its context.

The draft amendments were the following:

1. An amendment on the protection of journalists against strategic lawsuits against public participation (an anti-SLAPP provision);
2. An amendment to the Media and Defamation Act which addresses the situation where an author or an editor dies when civil proceedings for defamation have been commenced against the author or editor, or may be commenced or continued against the heirs;

3. An amendment to the Criminal Code, to provide for an increase in punishment for offences against a journalist attributable to the execution of the journalist's functions;
4. A proposed amendment to provide that in actions for defamation filed in terms of the Media and Defamation Act, payment of Court Registry fees will not be due upon the filing of the reply by the defendant but when the final judgment is delivered and only when the case is decided against the defendant; and
5. An amendment to Article 41 of the Constitution on the right to freedom of expression to together with other amendments to the Constitution to ensure that freedom and pluralism of the media and the importance of the role of journalists are respected and to bring the level of recognition of the right to privacy in line with that afforded by article 8 of the ECHR.

On 1 June 2022, the Committee of Experts presented the Government of Malta with its views and recommendations on the Bills, which recommendations are also available to the public. The Committee informed Government that in drawing up its recommendations, they had consulted academia, authors, publications, journals and also consulted publicly. It is important to also note that the Government took up 87 percent of all recommendations made by the Committee of Experts and incorporated them into the three Bills.

On 4 October 2022, the Minister for Justice tabled to the House of Representatives three Bills, namely the:

- [Media Actors and Persons in Public Life \(Establishment\) Bill \(Bill No. 17\)](#);
- [Constitution of Malta \(Amendment\) Bill \(Bill No. 18\)](#); and
- [Protection of the Media and Journalists \(Various Laws\) \(Amendment\) Bill \(Bill No. 19\)](#).

These Bills will complement the existing legal framework with the aim of further strengthening the fourth pillar of democracy. The Bills will *inter alia* introduce provisions intended to further protect the democratic way of life and the rule of law; to strengthen the fundamental rights of freedom of expression, privacy and media freedom; and to safeguard journalists and other media professionals against strategic lawsuits against public participation. These measures form part of the Government's holistic plan to strengthen journalism and enhance democracy and freedom of expression as part of a just, fair and equitable society.

Following demands to submit the Bills to a wider consultation process, the Government kept these bills at First Reading stage in Parliament and the [Prime Minister requested the Committee of Experts to consider the initiation of another consultation process on the three Bills](#). Subsequently, the Committee requested and was granted a 6-month extension until 30 June 2023 to conduct this wider public consultation. In this regard, the Government is awaiting the result of this public consultation and will consider it during the next phases of the legislative process.

Recommendation 5: Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media

The Government acknowledges the importance of independence of public service media in a democratic society.

Indeed, the Government's programme includes a pledge for a wider representation in the Broadcasting Authority, which is secured by experience and competence, as well as a pledge that the Broadcasting Authority includes persons from outside the political sphere.

A. Media Authorities and Bodies

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

As previously communicated, the Broadcasting Authority, which is the regulatory body for broadcasting media, established under Article 118 of the Constitution of Malta, monitors the local media and investigates complaints accordingly. The Broadcasting Authority works autonomously from other Government bodies. Moreover, as communicated in the context of Recommendation 5 under Section 33 of this national contribution, the Government's programme includes a pledge for a wider representation in the Broadcasting Authority.

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

There are no new developments to report. The conditions and procedures for appointment and dismissal of the Broadcasting Authority are regulated by the Constitution of Malta and the Broadcasting Act (Chapter 350 of the Laws of Malta).

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

There are no new developments to report.

B. Safeguards Against Government or Public Interference and Transparency and Concentration of Media Ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

As previously communicated, on 2 August 2021, the Commissioner for Standards in Public Life had issued Guidelines on government advertising and promotional material.

The Principal Permanent Secretary had revised the Cabinet's Manual, which includes provisions on state advertising. These are in line with the Guidelines issued by the Commission for Standards in Public Life. Prior to any advert by any Government Ministry, a thorough exercise is performed in order to establish the appropriate platform for the advert in question. Adverts are equally distributed between all the national media houses. If the Ministry concerned is constrained with a particular budget, it is to respect the suitable medium: social media, portals, printed papers, or televised promotions. The Manual is monitored by Cabinet Office.

38. Safeguards against the state/ political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of governing bodies heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their 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 licences, company operation, capital entry requirements, concentration and corporate governance

These functions and other regulatory matters are held by the Broadcasting Authority in accordance with its functions in the implementation of the relevant provisions of the Constitution of Malta and the Broadcasting Act (Chapter 350 of the Laws of Malta).

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as regulating the matter.

Information on all media houses established in Malta is gathered in line with Article 19 of the Media and Defamation Act (Chapter 579 of the Laws of Malta). Information in relation to registered media is accessible [here](#). Information in relation to the ownership of the respective media companies is accessible [here](#).

It is moreover pertinent to point out that full transparency of ownership and beneficial ownership is mandatory for media service providers and regulated under the Broadcasting Act, whereas the Media

and Defamation Act provides for registration on a voluntary basis. The main providers of written media and particularly of newspapers are registered.

In addition, the Broadcasting Act prohibits the Government from being involved in the ownership or control of the broadcasting media other than in the public service broadcaster and limits the number and type of broadcasting media which the same person organisation or company may own or control. The concentration of media ownership is moreover regulated by general Competition Law.

C. Framework for Journalists' Protection, Transparency and Access to Documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

Reference should be made to the response to Recommendation 4 under Section 33 of this national contribution.

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

The relevant provisions of the Criminal Code and the Police Act continue to apply.

The Malta Police Force (MPF) continued to give due regard to its relations with the media. As explained in the response to Section 28 of this contribution, Media Relations is one of the topics covered as part of the continuous professional development for officers. A total of 226 officers attended training in Media Relations during 2022, in collaboration with the Institute of Maltese Journalists (IGM). The aim of this training was to highlight the contents of the Malta Police Media Relations Policy (POL-MER) as well as to enhance awareness amongst police officers of the role and work of journalists and media actors, including the legitimacy of their presence during protests and assemblies and measures that can be taken to enhance the protection of their rights. These sessions seek to highlight the risks to journalists and problems they encounter in their practice, as well as the potential threats and attacks they face, both in a physical and digital space. The ultimate aim of this joint training program is to improve police-media relations through the upholding of police values, particularly accountability, fairness, openness and respect.

Kindly find below information on the Threat to Life (TTL) assessment Registry for 2022 by the Police:

Type	Quantity
Full TTL Assessment	32
Preliminary Checks Only	5
Total Assessments	37

Sub-Categories	Quantity
Journalists	5
Activists and/or Concerned Citizens	7
Judiciary Members	10
Members of Parliament	3
Disciplined Forces	5
Prosecutors	2
Private Citizens	5
Total Assessments	37

Concurrently, in January 2023, the MPF issued an SOP titled ‘Managing and Responding to Threats to Life’. This SOP established a protection provision process flow, as well as a proposal to set up an Oversight Committee responsible for the overall governance of this SOP and for the review all the threat assessments carried out by the Threats to Life Manager and the protective measures implemented by the Protective Services. This Committee, which will be composed of the Commissioner of Police, or his representative, the Head of the Malta Security Service, or his representative and the Commander of the Armed Forces of Malta, or his representative, will be formalized following the enactment of the [Media Actors and Persons in Public Life \(Establishment\) Bill \(Bill No. 17\)](#). Thereby, the Committee is expected to be formally set up following the enactment of the same legislation.

Moreover, the Memorandum of Understanding with the Institute of Maltese Journalists (IGM) has been drafted by the Malta Police Force and submitted to IGM for feedback.

42. Access to information and public documents (including transparency authorities where they exist, procedures, costs/fees, timelines, administrative / judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Reference should be made to Section 24 of this contribution in relation Freedom of Information.

43. Lawsuits (including SLAPP – strategic lawsuits against public participation) and convictions against journalists (including defamation) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

As already communicated, the Maltese Government had tabled in Parliament the [Protection of the Media and Journalists \(Various Laws\) \(Amendment\) Bill \(Bill No. 19\)](#). The Bill intends to introduce an anti-SLAPP provision to the Media and Defamation Act, which in view of the pending discussions in this field, will be without prejudice to the application of European Union law and of any Treaty to which Malta is a party.

The provision will regulate situations where the execution of a judgment on defamation delivered by a court outside Malta is demanded in Malta and the judgment is executable in Malta under the other legal provisions on the enforcement of foreign judgments in Malta. It will provide that the Court shall, if it considers that the action which gave rise to the judgment was substantially based on claims related

to Malta and that the action could have been filed in Malta, but was probably not so filed as part of a strategy intended to inflict an undue financial burden on the defendant, limit the execution of the judgment to such amount which the Court considers as an amount which would have been due as damages and, or costs, under the Media and Defamation Act had the action been filed in Malta. Based on this amendment, the Court will also be empowered to refuse the execution of such judgment if it considers that the execution of the judgment would violate the right to freedom of expression as protected under the Maltese legal system.

The Bill also provides for an amendment to the Media and Defamation Act which addresses the situation where an author or an editor dies when civil proceedings for defamation have been commenced against the author or editor or may be commenced or continued against the heirs. The amendment provides that in deciding the case on the merits, the Court shall not award any damages against the heirs of the deceased editor or author. The Court shall also be empowered to order that the proceedings be discontinued upon the demand of the heirs under such conditions as it may determine. The Court will also be empowered to order the discontinuance of the proceedings where it considers that legal responsibility for the alleged defamation cannot be determined after the death of the author or editor in their absence.

The status of this Bill is outlined under Section 33.

Other

Lovin Malta Limited (C75368) et vs L-Avukat tal-Istat

The case instituted by *Lovin Malta Limited* is still ongoing. The case is adjourned for 17 February 2023 for conclusion of plaintiff's evidence.

As previously communicated, the lawsuit contests the constitutionality of the proviso to Article 13 of the Broadcasting Act. The plaintiff, as a media house, contends that the Broadcasting Act, insofar as the Broadcasting Authority is tasked in providing balance in political broadcasts, is in contradiction with Article 119 of the Constitution, which provides for impartiality of broadcasts containing controversial political content or content regarding matters of public policy.

IV. Other Institutional Issues Related to Checks and Balances

Significant Developments

As already communicated, various initiatives to improve the resilience, capacity and security of the government digital backbone, access to digital technology, range and quality of e-government services, uptake of those services by citizens and businesses, and digitalisation of the private sector have already been reported by the competent national authorities in the context of the RRP and have either been completed or are still ongoing. Developments on the relevant milestones and targets are being reported via the dedicated channels.

These reforms include Malta's Digital Strategy 2021-2027, which aims at reducing the digital divide, to promote digital skills, and to improve digital public services; and a reform to facilitate the seamless delivery of public services across mobile and web, by fostering the use of emerging technologies, provide open access to public government databases and cultivate an ecosystem conducive to digitalisation. Moreover, Malta's Public Service has been certified first in Europe in terms of eGovernment services. Malta obtained first place with an average score of 96%, followed by Estonia (90%) and Luxembourg (87%), as emerged from the [eGovernment Benchmark Reports 2022](#) released by the European Commission on 28 July 2022.

Finally, in accordance with a Eurobarometer survey published by the European Commission, four out of five Maltese citizens are satisfied with the [Malta Public Service](#). Malta also placed third in relation to the provision of public services. Asked about their level of satisfaction with the provision of public services, 79% of Maltese people replied they are happy and that the services are being provided well.

Appointments of Ombudsman and Commissioner for Standards in Public Life

In relation to the appointments of the Ombudsman and the Commissioner for Standards in Public Life, the Maltese authorities submit that following informal discussions between Government and Opposition, there was an agreement on two individuals which were accepted by both sides to be appointed in the respective roles. In this regard, on 19 November 2022, the Prime Minister has tabled two motions in Parliament nominating Judge Emeritus Joseph Zammit McKeon as [Ombudsman](#) and Chief Justice Emeritus Joseph Azzopardi as [Commissioner for Standards in Public Life](#). Whereas the Opposition voted in favour of the appointment of the Ombudsman, it changed its course of action in relation to the Commissioner for Standards in Public Life, proposing alternative names to be appointed in such role.

Given this lack of agreement, on 23 November 2022, the Prime Minister tabled a motion proposing a Bill to amend the [Standards in Public Life Act](#) (Chapter 570 of the Laws of Malta), proposing the introduction of an anti-deadlock mechanism. Indeed, such a mechanism was also proposed by the Opposition way back in 2017 and by the Venice Commission in the context of discussions related to the 2020 rule of law reforms. The Government augurs that the Standards in Public Life (Amendment) Bill (Bill No. 37) will unblock the current situation. All Readings in Parliament were concluded on 30 January 2023, and these amendments are in the process of publication.

44. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)

Recommendation 6: Re-launch efforts to establish a National Human Rights Institution taking into account the UN Paris Principles

Malta's commitment to equality is evident in the number of reforms that have been implemented over the past few years. The introduction of new civil rights for the LGBTIQ community, the launch of the country's first national [Gender and Equality Mainstreaming Strategy and Action Plan 2022-2027](#), the establishment of [Malta's first Anti-Racism Strategy 2021-2023](#) are amongst some of the measures that demonstrate the Government's pledge to achieve equality in all aspects of life.

In this spirit, the National Commission for the Promotion of Equality (NCPE) will be further strengthened and tasked with new responsibilities in line with the United Nations Paris Principles. Government will be tabling the Equality Bill and the Human Rights and Equality Commission Bill in Parliament in the coming months. The two Bills had already been tabled in Parliament by the Government during the previous legislature as Bills 96 and 97, but the process was stalled since no agreement could be reached between Government and Opposition.

The Equality Act will prohibit discrimination in various spheres of life whilst promoting equality and preventing discrimination. The Act will provide major advances in equality of access to goods and services to include the prohibition to discriminate against people on a host of protected characteristics – creed or religion, gender identity, political opinion, amongst others. It will also protect employees from indirect discrimination – that is, exclusion or differential treatment of prospective or current employees based on their private or family life.

The Human Rights and Equality Commission Act will provide for the setting up of the Commission for Human Rights and Equality, which will be Malta's first National Human Rights Institution (NHRI) in full line with the United Nations Paris Principles. This will replace the existing equality body: the National Commission for the Promotion of Equality.

A. The Process for Preparing and Enacting Laws

45. Framework, policy and use of impact assessments and evidence-based policymaking, stakeholders'/public consultations (particularly consultation of judiciary and other stakeholders on judicial reforms), and transparency and quality of the legislative process

In line with the [Small Business Act](#) (Chapter 512 of the Laws of Malta), all national legislation, whether primary or secondary, must be accompanied an Impact Assessment Framework, before they are transmitted to the Cabinet Office for onward transmission and subsequent approval by the Cabinet of Ministers.

Moreover, newly proposed legislation which (in accordance with the Impact Assessment Framework) is likely to have effect on small and medium-sized enterprises (SMEs) shall be accompanied by a report

on the SME Test. Should the result of such test identify an impact on the business sector, the Ministry responsible must also prepare Explanatory Notes which are subsequently published in the Government Gazette.

46. 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).

Emergency and Fast Track procedures

As previously communicated, the [Emergency Powers Act](#) (Chapter 178 of the Laws of Malta) was amended by virtue Act X of 2020 to provide for public health situations; however, this provision has not yet been used. Moreover, Article 27 of the [Public Health Act](#) (Chapter 465 of the Laws of Malta) has been used 29 times during the course of 2022 to address situations related to the COVID-19 pandemic.

47. Regime for constitutional review of laws

The Strengthening of the Office of the Law Commissioner

As previously communicated, the Government had strengthened the Office of the Law Commissioner by providing it with additional resources to work with. For instance, the expenditure for 2022 was more than double of that of the year 2020. This is pertinent if one is to ensure that the Law Commissioner has all tools at his disposal to present clear and concise reports which may in turn lead to important legislative amendments to the dispositions of the law.

Year	Allocated Budget	Actual Expenditure
2020	€55,000	€107,892
2021	€150,000	€184,267
2022	€150,000	€253,369

48. COVID 19: update on significant developments with regard to emergency regimes/ measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic
- oversight (including ex-post reporting / investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic
- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

There are no new developments to report. As previously communicated, a state of emergency in the context of public health and in terms of the Emergency Powers Act (Chapter 178 of the laws of Malta) was not declared, although Parliament had amended this Act to provide a legal basis.

Parliamentary work carried on ‘business-as-usual’ during the pandemic.

B. Independent Authorities

49. 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

In line with the Government's commitment and strategy to increase the capacity, authority and public accountability of national institutions entrusted with regulatory or control functions, the budget allocations for these national institutions have progressively increased. These institutions are the Office of the Ombudsman, the National Audit Office, the Internal Audit and Investigations Department, the Permanent Commission against Corruption and the Office of the Commissioner for Standards in Public life. Information about the budget allocations of these respective entities has been communicatee under Section 20 of this national contribution.

National Commission for the Promotion of Equality (NCPE)

As communicated in the context of the response to Recommendation 6 under Section 44, the National Human Rights Institution is yet to be established and the role of the national equality body is currently entrusted in the National Commission for the Promotion of Equality.

The NCPE is Malta's national equality body and works to ensure that Maltese society is a society free from any form of discrimination based on:

- sex/gender and family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, and gender identity, gender expression or sex characteristics in employment; banks and financial institutions, as well as education;
- racial / ethnic origin and gender in the provision of goods and services and their supply; and
- freedom of movement for workers in the EU.

During 2022, besides the national allocated budget amounting to €550,000, the NCPE received an additional budget with respect to the funding of two EU-funded projects. The NCPE received an additional budget for the Malta share (20% + VAT) of the EU co-funded project 'Empowerment for Diversity' (E4D). The amount of €19,777 was received in the first quarter of the year which covered the expenditure of the project's first year of implementation. The project was completed in November 2022 so a second and final request for payment to cover the 2nd half of project expenditure is to be made upon closure of the financial accounting in the first quarter of 2023. This remaining balance of the Malta share (20% + VAT) is of circa €17,000. Additionally, in November 2022, the NCPE commenced the EU co-funded project 'Strengthening Knowledge on Integration and Non-Discrimination' (SKIN) that will end in October 2024. The estimate budget committed with respect to the project SKIN amounts to circa €38,000 which includes 20% MT share and VAT for the duration of the project.

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

Follow up of Ombudsman Recommendations

The Parliamentary Ombudsman, Mr. Anthony C. Mifsud, presented the [Ombudsplan 2023](#) to the Speaker of the House of Representatives, the Hon. Anglu Farrugia on 29 September 2022.

The Ombudsplan 2023 highlights the urgent need for an anti-deadlock mechanism to unblock situations where the required agreement of two-thirds of parliamentary support for certain appointments is not reached and makes recommendations to this effect.

As in previous years, the Ombudsplan 2023 also highlights issues that the Ombudsman considers that deserve particular discussion.

Follow up of recommendations by the National Audit Office

On 16 November 2022 the Office of the Principal Permanent Secretary, issued its publication on [Governance Action on the NAO's Annual Report on Public Accounts 2020 and other NAO Reports 2021](#). More than 85% of the Auditor General's recommendations were implemented by the Public Service. This implementation rate is greater than the average of the last 7 years. From 45 audits carried out by the NAO, 537 recommendations were issued, of which the Public Service accepted 527. These led to the formulation of 1,171 actions, of which 85.4% were carried out.

C. Accessibility and Judicial Review of Administrative Decisions

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

As previously communicated, Article 469A of the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) provides for the judicial review of administrative actions. The definition of what is considered to be administrative action is found in sub-article (2). It is pertinent to point out that there is also the possibility of an *ad hoc* review by specialized Boards and Tribunals where an administrative decision may be challenged for example before the Immigration Appeals Board in the case of decisions taken by the Principal Immigration Officer. Apart from the said provisions, the courts of civil jurisdiction retained a residual power to conduct the examination of legality of official acts and decisions which are not subject to judicial review under any specific provision of law. This is done through an interpretation of the general jurisdiction of such courts in Article 32 (2) of the Code of Organisation and Civil Procedure. An unprecedented review was introduced in 2020 relative to decisions not to prosecute by the Attorney General. A new provision was added to Chapter 12 of the Laws of Malta - Article 469B. There were no further developments for this reporting period.

52. 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)

As previously communicated, Article 469A of the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) provides for the judicial review of administrative actions by the courts of justice of civil jurisdiction. The definition of what is considered to be 'administrative action' and a 'public authority' is found in sub-article (2). The provisions of this article shall not apply where the mode of contestation or of obtaining redress, with respect to any particular administrative act before a court or tribunal is provided for in any other law.

It is pertinent to point out that there is also the possibility of an *ad hoc* review by specialized Boards and Tribunals where an administrative decision may be challenged for example before the Immigration Appeals Board in the case of decisions taken by the Principal Immigration Officer.

Moreover, Article 469B provides for the judicial review of the Attorney General who takes a decision:

- (a) not to prosecute in accordance with the powers conferred upon him by any law;
- (b) not to allow the inspection or the issuing of copies of a *procès-verbal* or of any depositions or documents filed therewith in terms of the proviso to article 518 of the Criminal Code.

53. Follow-up by the public administration and State institutions to final (national / supranational) court decisions, as well as available remedies in case of non-implementation

Public entities and authorities, wherever party to judicial proceedings instituted before the Courts of Law, ensure to follow and respect the final and definitive judgement delivered in such proceedings between the parties to the case, regardless as to whether such judgement is delivered in favour of the respective public entity/authority or otherwise.

D. The Enabling Framework for Civil Society

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

The Office of the Commissioner for Voluntary Organizations (OCVO) continued its effective and comprehensive dialogue with the Malta Council for the Voluntary Sector (MCVS), which is the official recognised representative body of the Voluntary Sector and the voluntary organisations.

As part of the VO Plus Convention, launched under the patronage of the President of Malta, the OCVO continued with its national consultative process that together with all major stakeholders and various regulatory bodies to address the current legislative framework to ensure that there is a sustainable voluntary sector. Research was carried by the Malta's University Faculty for Social Wellbeing, to understand the main challenges and also start to address them.

In view of this, the Government tasked the Commissioner to spearhead the necessary changes in consultation with the sector. The reform has three facets. One of the facets required a redefined purpose and structure so that the Office of the Commissioner acts as an enabler and regulator of the sector. This meant that OCVO now has a function where organisations are supported where required while also understanding the operational realities they face. Part and parcel with this is the exercise of categorising the over 1750 organisations enrolled, in a way that reflects the operational aspect of these organisations. This categorisation exercise will serve as the basis to identify the main building blocks of the legal structure and create a regulatory framework which enables organisations, while respecting governance.

55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection 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.

Reference should be made to the explanations provided under Chapter III of this national contribution.

56. 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)

Funding opportunities for enrolled and compliant voluntary organisations are issued regularly through the Malta Council for Voluntary Sector. These public funding opportunities include co-financed and EU funded projects. During the past year, the Malta Council for Voluntary Sector has tapped into various EU funds under the European Regional Development Fund and the European Social Fund, as well as co-financed funds such as EEA Grants and Norway Grants.

In this regard, it is also pertinent to highlight that the role of [Servizzi Ewropej f' Malta \(SEM\)](#) has been further reinforced and serves as support and a gateway to EU funds in Malta by making it easier for civil society organisations to access EU funds.

In addition, the Government also engages with a number of not-for-profit service providers, through a public-social-partnership service agreements in the field of social work for the provision of services by such mentioned organisations. Organisations which are enrolled and compliant with the law can also benefit from fiscal and other incentives.

57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

As previously communicated, the national legislative process involves various stages, including three readings in the House of Representatives and a Committee Stage. During this latter stage, the House of Representatives resolves into a Committee for the Consideration of Bills, whereby each individual clause of the Bill is examined. At this stage, apart from members of Government and Opposition, the general public, including members of civil society organisations and human rights defenders, may attend, contribute to the discussions and also suggest any legislative amendments.

E. Initiatives to Foster a Rule of Law Culture

58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)

Debates

The Government has continued to implement various legislation which shows respect towards the principle of the Rule of Law. Public debates have continued almost daily on national television and radio programmes which involve rule of law matters. Countless number of articles continue to be freely published online and on newspapers.