



**COMMISSION STAFF WORKING DOCUMENT**

### *Accompanying the document*

# 2026 Rule of Law Report

## The rule of law situation in the European Union

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| {COM(2026) 900 final} | - {SWD(2026) 901 final} | - {SWD(2026) 902 final} | - |
| {SWD(2026) 903 final} | - {SWD(2026) 904 final} | - {SWD(2026) 905 final} | - |
| {SWD(2026) 906 final} | - {SWD(2026) 907 final} | - {SWD(2026) 908 final} | - |
| {SWD(2026) 909 final} | - {SWD(2026) 910 final} | - {SWD(2026) 911 final} | - |
| {SWD(2026) 912 final} | - {SWD(2026) 913 final} | - {SWD(2026) 914 final} | - |
| {SWD(2026) 915 final} | - {SWD(2026) 916 final} | - {SWD(2026) 917 final} | - |
| {SWD(2026) 919 final} | - {SWD(2026) 920 final} | - {SWD(2026) 921 final} | - |
| {SWD(2026) 922 final} | - {SWD(2026) 923 final} | - {SWD(2026) 924 final} | - |
| {SWD(2026) 925 final} | - {SWD(2026) 926 final} | - {SWD(2026) 927 final} | - |
| {SWD(2026) 928 final} | - {SWD(2026) 929 final} | - {SWD(2026) 930 final} | - |
|                       | {SWD(2026) 931 final}   |                         |   |

## **ABSTRACT**

In Malta, a new Commissioner for Standards of the Judiciary has taken office. While political debate continued on the appointment of the Chief Justice, reforms to involve the judiciary in the process are still pending. Reforms to strengthen the independence of specialised tribunals are advancing. Notwithstanding the ongoing recruitment of staff and expansion of court premises, the need for an increase in resources for the judiciary remains. Recruitment of prosecutors continued, with the number of prosecutions increasing. A reform of the Lawyers' Act remains pending. The framework for judicial training could be improved. Investments in the digitalisation of justice are advancing at a limited pace, and a number of systems are still to be implemented. Reforms have been adopted to improve the specialisation of courts, including the establishment of a Commercial Court and a reform of the Family Court. Initiatives to expedite court procedures are pending. The length of proceedings remains a concern.

Most actions under the National Anti-Fraud and Corruption Strategy have been completed, and the authorities are preparing a new strategy. The Police and the Attorney General continued to increase their resources and launched new investigations and prosecutions into corruption cases, while a robust track record of final judgments remains to be achieved. The capacity of the Permanent Commission against Corruption to effectively contribute to the investigation and prosecution of corruption cases remains limited. Integrity training for the public service continued to be delivered and the police adopted a corporate strategy for the years 2025 to 2030. Action remains to be taken to improve the overall ethics framework of the public administration. A reform of asset and interest declarations for Members of Parliament and Ministers remains outstanding. A digital portal to process whistleblowing reports has become operational. Malta has adopted legislative amendments on the granting of citizenship, following the judgment of the Court of Justice of the EU. Resources for audit institutions further increased and officials in charge of tenders are now required to declare any conflict of interest, while action remains to be taken to effectively mitigate corruption in high-risk sectors such as public procurement.

Legislation was adopted providing the media regulator with new competences and enhancing certain aspects of the independent governance of public service media, while challenges persist. An integrated e-management system, designed to enhance the processing, accessibility and transparency of access to documents requests, became operational. While certain safeguards have been introduced in relation to protection of sources and confidential communications, protection against surveillance and a ban on intrusive surveillance software, legislative reforms remain pending to improve the protection of media freedom and the working environment of journalists.

Limited steps were taken towards establishing a formal framework for public participation in the legislative process. A National Human Rights Institution, as well as a regulatory framework for civil society, remain to be established; the Government announced both reforms would be treated as a policy priority in the new Legislature.

## **RECOMMENDATIONS**

Overall, based on the recommendations in the 2025 Rule of Law Report, considering other developments that took place in the period of reference and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, and the country-specific recommendation under the European Semester on the efficiency of the justice system, the Commission concludes the following:

- There has been no further progress on the tabled reform to involve the judiciary in the procedure for the appointment of the Chief Justice, as the political debate continued. As the reform is still pending, it is recommended to Malta to *take forward reforms with a view to involve the judiciary in the procedure for the appointment of the Chief Justice, taking into account European standards on judicial appointments.*
- No further progress has been made on stepping up efforts to improve the efficiency of justice, particularly to reduce the length of proceedings, which remains a concern. Therefore, it is recommended to Malta to *take forward initiatives to increase resources, reform court procedures, and advance digitalisation with a view to improve the efficiency of justice.*
- Limited progress has been made to address challenges related to the length of investigations of high-level corruption cases, as the Police and the Attorney General continued to increase their resources and launched new investigations and prosecutions. No progress has been made on establishing a robust track record of final judgments given the high backlog of pending court cases, judges' workload and the limited team of four magistrates handling preliminary inquiries. Therefore, it is recommended to Malta to *step up efforts to address challenges related to the length of investigations of high-level corruption cases, and to establish a robust track record of final judgments.*
- Limited progress has been made on adopting further legislative and other safeguards to improve the working environment of journalists, including on access to official documents, in light of a public consultation having been carried out and an e-management system having become operational. Since challenges persist, it is recommended to Malta to *adopt legislative safeguards to improve the working environment of journalists and access to documents, taking into account European standards on the protection of journalists and on access to official documents.*
- Limited progress has been made on introducing a formal framework for public participation in the legislative process, as the Government established a Department of Public Consultation. Since legislative reforms remain pending, it is recommended to Malta to *introduce a formal framework for public participation in the legislative process.*
- No progress has been made on taking forward measures to establish a National Human Rights Institution taking into account the UN Paris Principles, as a bill remains under preparation. Therefore, it is recommended to Malta to *establish a National Human Rights Institution taking into account the UN Paris Principles.*

As regards the other 2025 recommendations, the Commission concludes that:

- Some progress has been made on strengthening the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media, in light of the enactment of legislation addressing certain aspects of this issue. Given that the topics of this recommendation are covered by the provisions of the European Media Freedom Act (EMFA), while the Rule of Law Report will continue to monitor significant developments and report on their impact, further follow-up will be ensured as part of the Commission's support to Member States and enforcement of the EMFA.

## I. JUSTICE SYSTEM<sup>1</sup>

### Independence

**The level of perceived judicial independence in Malta is now average among the general public and continues to be high among companies.** Overall, 47% of the general population and 65% of companies perceive the level of independence of courts and judges to be ‘fairly or very good’ in 2026<sup>2</sup>. The perceived judicial independence among the general public has significantly decreased in comparison with 2025 (69%), as well as in comparison with 2022 (67%). The perceived judicial independence among companies has slightly increased in comparison with 2025 (63%) and it has slightly decreased in comparison with 2022 (68%).

**While political debate continued on the appointment of the Chief Justice, there was no further progress yet on the recommendation to involve the judiciary in the process<sup>3</sup> due to a lack of political consensus.** In June 2025, Parliament discussed a constitutional reform providing, among others, for the Prime Minister to consult the outgoing Chief Justice and the President on the appointment of a Chief Justice, and to inform the opposition leader<sup>4</sup>. As the proposed nomination by the Prime Minister did not gather the required two-thirds majority in Parliament in March 2026, the outgoing Chief Justice has remained in office past the statutory retirement date. Stakeholders raised concerns about the appointment process of the Chief Justice and its impact on the perception of independence<sup>5</sup>. In a survey conducted between April and May 2026, the level of perceived independence among the general public significantly decreased.<sup>6</sup> The Government has announced a constitutional reform to introduce a mechanism to prevent deadlock in the appointment process of the Chief Justice<sup>7</sup>. As reforms to involve the judiciary in the appointment of the Chief Justice are still pending there has been no further progress on the recommendation made in the 2025 Rule of Law Report.

**A new Commissioner for Standards of the Judiciary has taken office.** In June 2025, the Parliament established this post with the power to investigate complaints about members of the judiciary and report to the Chief Justice and the Minister of Justice who may, on that basis, initiate disciplinary action<sup>8</sup>. The Commissioner was appointed in December 2025 for a

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

<sup>2</sup> Figures 48 and 50, 2026 EU Justice Scoreboard and Figures 51 and 53, 2024 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

<sup>3</sup> The 2025 Rule of Law Report recommended to Malta to “[t]ake forward the ongoing reform to involve the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments”. Some progress was previously assessed on this recommendation in 2025 and 2024, and no progress in 2023.

<sup>4</sup> House of Representatives (2025), Bill 134 - An Act to amend the Constitution of Malta, available [here](#). In absence of cross-party support, the reform was not put to a vote.

<sup>5</sup> Stakeholders expressed concerns at what they considered a politicisation of the process risking in their view to undermine the perception of impartiality of the judiciary. Country visit Malta, Repubblica. Chamber of Advocates (2026a; 2026b); Repubblica (2026b; 2026c); Aditus and Daphne Foundation (2026a).

<sup>6</sup> See the first paragraph above.

<sup>7</sup> The Chief Justice is the head of the judiciary, presides over the superior courts including the Constitutional Court, is the deputy chair of the Commission for the Administration of Justice (Malta’s judicial council) and plays a key role in safeguarding judicial independence and ensuring the proper administration of the courts. The Venice Commission had suggested that the Chief Justice is elected by judges themselves, or by the judges of the supreme courts in case of prolonged stalemate in Parliament. Venice Commission (2018) paras. 41, 44; (2020b), para. 41 onwards; and (2020a), para. 41 onwards.

<sup>8</sup> Act XVI of 2025.

renewable three-year term by the Commission for the Administration of Justice<sup>9</sup>. While broadly welcoming a structured avenue for such complaints<sup>10</sup>, stakeholders called to ensure clear procedures and guarantees for the independence and impartiality of investigations<sup>11</sup>. The Commission for the Administration of Justice (Malta's judicial council) and its Committee for Judges and Magistrates continued to exercise its responsibility for disciplinary procedures against judges and magistrates<sup>12</sup>. Disciplinary procedures are confidential, and stakeholders called for more transparency about the composition and activities of the Commission<sup>13</sup>. Following retirements and promotions, the Commission had become inoperative in early 2026; elections of new members have taken place in April<sup>14</sup>.

**Stakeholders raised concerns regarding certain critical statements by politicians about judges.** Stakeholders considered that certain critical remarks towards individual members of the judiciary by top Government officials risked undermining public confidence in the integrity of decisions on judicial appointments<sup>15</sup>. According to European standards, while criticising judicial decisions is a normal aspect of democratic discourse, the executive and legislative powers should avoid criticism that undermines the independence of or public confidence in the judiciary<sup>16</sup>. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) also documented recurring critical remarks by political figures against lawyers<sup>17</sup>.

**Reforms to strengthen the independence of specialised tribunals are advancing.** In the context of the Recovery and Resilience Plan (RRP) of October 2021, Malta committed to a review of the independence of specialised tribunals, including as regards the involvement of the executive in the appointment of their members<sup>18</sup>. The Venice Commission had raised concerns regarding the operation of specialised tribunals, considering that they do not enjoy the same level of independence as ordinary courts<sup>19</sup>. The European Court of Human Rights has also called on the Maltese Government to ensure proper appointment procedures and merit-based selection criteria for one of Malta's specialised tribunals, guaranteeing the required standards of independence and impartiality<sup>20</sup>. The Government is yet to table draft

<sup>9</sup> President of the Republic (2025).

<sup>10</sup> Repubblica (2026), written input, p. 12.

<sup>11</sup> Aditus and Daphne Foundation (2026), written input, p. 7-8. Repubblica (2026), written input, pp. 10, 12.

<sup>12</sup> In 2025, a magistrate was suspended from duty for one month following administrative breaches.

<sup>13</sup> The names of the elected members of the Commission are not published and no regular activity reports are made public. Country visit Malta, Chamber of Advocates, Aditus Foundation, Repubblica.

<sup>14</sup> Country visit Malta, Chief Justice. Maltese Government (2026a), additional written input.

<sup>15</sup> These remarks referred to the suitability of certain identifiable candidates during a procedure for judicial appointments. Stakeholders considered that these remarks risked exerting pressure on the Commission for the Administration of Justice, tasked with evaluating the candidates. Aditus and Daphne Foundation (2026), written input, p. 6. Repubblica (2026), written input, pp. 10-13, 20.

<sup>16</sup> Committee of Ministers of the Council of Europe (2010), Recommendation CM/Rec(2010)12, para. 18.

<sup>17</sup> OSCE/ODIHR (2025). Chamber of Advocates (2026), written input via CCBE, p. 177.

<sup>18</sup> See the 2025, 2024 and 2023 Rule of Law reports. According to RRP milestone 6.4, 'A review of the independence of specialised tribunals shall be carried out by the Maltese authorities, which shall include at least (i) an assessment of the guarantees of independence for appointments of members to said specialised tribunals, (ii) an assessment of the guarantees which provide for the tribunals' decisions to be reviewed by the ordinary courts of appeal, and (iii) measures to address the independence of specialised tribunals. The legal act(s) shall enter into force, taking into account the recommendations included in the opinion of the Council of Europe's Venice Commission on both the draft legal act(s) and the review carried out by the Maltese authorities'. The assessment related to the topic of Milestone 6.4 in the Rule of Law report does not prejudice the assessment of the fulfilment of the measures in the framework of the Malta's RRP.

<sup>19</sup> Venice Commission (2020a), paras. 97-98; see also (2020b), paras. 97-98; and (2018), paras. 80-83.

<sup>20</sup> European Court of Human Rights, judgment of 22 October 2024, *J.B. and Others v. Malta*, [case 1766/23](#) related to the Immigration Appeals Board.

legislation announced in early 2025<sup>21</sup>. In May 2026, the Government submitted a draft bill to the Venice Commission<sup>22</sup>. In line with RRP commitments, the adoption of legislative amendments would be expected by August 2026, after consulting and taking into account the recommendations of the Venice Commission on the mentioned internal review and on the draft amendments.

## Quality

**Notwithstanding the ongoing recruitment of staff and expansion of court premises, the need for an increase in resources for the judiciary remains.** The Government increased the justice sector budget by 11% in 2026 to finance infrastructural upgrades, recruitments, training, and digital transformation<sup>23</sup>. While the number of court employees has increased<sup>24</sup>, shortages of judicial staff remain. Stakeholders acknowledged staff shortages as a factor of delays in courts<sup>25</sup>, potentially affecting also businesses and economic activities<sup>26</sup>. Additional judicial appointments covered for retirements and resignations<sup>27</sup>, but the number of judges per inhabitant remains among the lowest in the EU<sup>28</sup>. The Chief Justice called for judicial appointments to be carried out on a regular basis, beyond the timely replacement of outgoing judges, in order to ensure the required human resources to tackle the backlog and the length of proceedings<sup>29</sup>. The increased number of prosecutions also put pressure on the courts<sup>30</sup>. The Government invested in new premises in Valletta for the inquiring magistrates, the Commercial Court and the Family Court, to mitigate the lack of space in the Law Courts. A new court hall allowed holding two jury trials in parallel<sup>31</sup>, helping address the backlog of over 100 criminal trials by jury<sup>32</sup>.

**Recruitment of prosecutors continued, with the number of prosecutions increasing.** The number of prosecutions reached 578 in 2025 (up from 492 in 2024), including 74 indictments for trial by jury (72 in 2024)<sup>33</sup>. Recruitment of prosecutors continued<sup>34</sup>, and a retention strategy mitigated staff turnover to allow the build-up of specialised expertise and case ownership<sup>35</sup>. A new code of ethics for prosecutors is in place since September 2025<sup>36</sup>. The transfer of responsibility for the prosecution of non-summary cases from the Police to the

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<sup>21</sup> Country visit Malta, Maltese Government.

<sup>22</sup> Venice Commission (2026).

<sup>23</sup> Ministry for Justice (2025).

<sup>24</sup> 598 employees, including 41 court attorneys and 51 judicial assistants. Chamber of Advocates (2026), written input via CCBE, p. 182.

<sup>25</sup> Chief Justice (2025). Repubblica (2026), written input, p. 15. IMF (2026), pp. 19-20.

<sup>26</sup> Country visit Malta, Malta Business Bureau and Malta Chamber of Commerce. IMF (2026), p. 19-20.

<sup>27</sup> From July 2025 till April 2026, two judges retired and one magistrate resigned, while six new members joined the judiciary. A call was issued in April 2026, and two more magistrates were appointed in June.

<sup>28</sup> In 2024, Malta had 9.4 judges per 100 000 inhabitants, the third lowest rate in the EU. By comparison, in 2024 Malta had 328.8 lawyers per 100 000 inhabitants, one of the highest rates in the EU. Figures 36 and 38, 2026 EU Justice Scoreboard. By May 2026, Malta had 61 judges and magistrates, i.e. some 11 per 100 000.

<sup>29</sup> Chief Justice (2025).

<sup>30</sup> Country visit Malta, Attorney General, Maltese Government.

<sup>31</sup> In 2025, 18 jury trials were held, compared to 8 on average in previous years. Ministry for Justice (2025).

<sup>32</sup> Chief Justice (2025).

<sup>33</sup> Country visit Malta, Attorney General.

<sup>34</sup> The Attorney General employed 77 prosecutors by March 2026. Country visit Malta, Attorney General.

<sup>35</sup> Country visit Malta, Attorney General.

<sup>36</sup> Country visit Malta, Attorney General.

Attorney General continues. The transfer of summary cases<sup>37</sup> would require additional time and resources<sup>38</sup>.

**A reform of the legal profession remains pending.** The Chamber of Advocates regretted the delay in tabling in Parliament a reform of the Lawyer's Act and called for more resources and self-regulatory powers, as well as mandatory training for lawyers<sup>39</sup>. The Attorney General and the State Advocate institutionalised continuous professional development in late 2025<sup>40</sup>. The framework for judicial training could be improved. The resources for training courses provided by the Government to the Judicial Studies Committee (a committee of the Commission for the Administration of Justice) have increased but remain limited<sup>41</sup>.

**Investments in the digitalisation of justice are advancing at a limited pace and a number of digital systems are still to be implemented.** Tenders for case management systems (CMS) advanced slowly<sup>42</sup>, as a follow-up to the digital justice strategy 2022-2027<sup>43</sup> which faces delays. The tender for a court information management system, launched in September 2024, was awarded in February 2026 and is pending appeals. Online communication and filing cover only certain procedures, and core judicial functions remain paper-based. The Chamber of Advocates regretted the lack of consultation on the conception of online judicial platforms<sup>44</sup>. Digitalisation of justice thus has exerted only a modest impact so far and has not substantially reduced delays, according to court users<sup>45</sup>.

**Reforms have been adopted to improve the specialisation of courts and support for legal aid has been increased.** Reforms to set up a Commercial Court and to reform the Family Court were adopted in March 2026, following public consultations<sup>46</sup>. The Chamber of Advocates welcomed the preliminary results of this institutional specialisation<sup>47</sup>. The online legal aid platform is operational, and the budget and staff of the legal aid agency was increased<sup>48</sup>. The budget of the Mediation Centre was increased, while a legislative reform of mediation and arbitration is pending<sup>49</sup>.

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<sup>37</sup> An independent study pursuant to RRP milestone 6.5 recommended to prioritise the transfer of non-summary offences to the Attorney General's office, which should be absorbed by October 2027. Before the transfer of summary cases, the Attorney General's office should take measures to prepare for the increase in workload. Fieldfisher (2025). The assessment related to the topic of Milestone 6.5 in the Rule of Law report does not prejudice the assessment of the fulfilment of the measures in the framework of the Malta's RRP.

<sup>38</sup> Country visit Malta, Attorney General, Maltese Government.

<sup>39</sup> Chamber of Advocates (2026), written input via CCBE, pp.178, 182. Repubblika (2026), written input, p.13.

<sup>40</sup> Council of Europe (2025). Chamber of Advocates (2026), written input via CCBE, p. 182.

<sup>41</sup> EUR 70 000 in the 2026 budget. Ministry for Finance (2026). Repubblika (2026), written input, p. 16.

<sup>42</sup> Country visit Malta, Maltese Government. The CMS tender for the State Advocate was awarded in February 2026. The CMS tender for the Office of the Attorney General was republished in May 2026.

<sup>43</sup> The digital justice strategy is partly financed by the RRF.

<sup>44</sup> Chamber of Advocates (2025a). Chamber of Advocates (2026), written input via CCBE, p. 183.

<sup>45</sup> Repubblika (2026), written input, p.16.

<sup>46</sup> Bill 133, adopted as Act IV of 2026 on 11 March; and Bill 165, adopted as Act VII of 2026 on 25 March.

<sup>47</sup> Chamber of Advocates (2026), written input via CCBE, p. 184.

<sup>48</sup> Chamber of Advocates (2026), written input via CCBE, p. 181. With the reform of the Family Court, Legal Aid Malta carries new responsibilities as Children's Advocate. Country visit Malta, Maltese Government. Stakeholders continued to call to widen access to and quality of legal aid. Aditus and Daphne Foundation (2026), written input, pp. 10-11. Repubblika (2026), written input, p.14.

<sup>49</sup> Country visit Malta, Maltese Government.

## Efficiency

**There has been no further progress on the recommendation to improve the efficiency of the justice system, particularly to reduce the length of proceedings<sup>50</sup>.** Disposition time and clearance rate indicators for 2024 remained a concern and often showed further deterioration, although preliminary data for 2025 suggest some improvement. The disposition time for first instance civil and commercial cases remains the fourth lengthiest in the EU, and is worsening, with 491 days in 2024, after four years of improvement<sup>51</sup>. In 2024, the disposition time for first instance criminal cases reached 862 days, showing a significant degradation for the second year<sup>52</sup>. For severe criminal cases, the disposition time almost doubled to 3 977 days (almost 11 years), the lengthiest in the EU<sup>53</sup>. The disposition time of first-instance administrative cases declined for the third year in a row in 2024, reaching 1 681 days (over 4.5 years), the lengthiest in the EU<sup>54</sup>. The backlog of pending cases also continued to increase. The clearance rate in first-instance litigious civil and commercial cases was 94% in 2024<sup>55</sup>, remaining below 100% since 2016. Administrative cases saw a particularly low, and decreasing, clearance rate of 60%. In first-instance criminal cases, the clearance rate worsened to 66% in 2024<sup>56</sup>. First-instance severe criminal cases are of particular concern, with a mere 22.4% clearance rate<sup>57</sup>. On appeal, the clearance rate was of 87.4% in 2024<sup>58</sup>. The Government's data from 2025 show improvements, with a marked reduction of disposition time (335, 729 and 864 days for civil, criminal, and first-instance administrative cases respectively), and an increase of clearance rates (106%, 150% and 81% respectively), including for first-instance severe criminal cases (up to 46%)<sup>59</sup>. The number of constitutional cases has increased in recent years, with over 300 cases pending by October 2025<sup>60</sup>. Delays and inadequate efficiency of courts are also a concern for business confidence<sup>61</sup>. Overall, there has been no further progress on the recommendation made in the 2025 Rule of Law Report.

**The reform of the compilation of evidence, intended to expedite criminal court procedures, is still pending.** The Government announced it would table in Parliament a reform of the compilation of evidence, on the basis of a public consultation held in 2023, increasing reliance on written evidence with the aim to shorten pre-trial proceedings<sup>62</sup>. Separately, in July 2025, the Government tabled in Parliament bills on development planning

<sup>50</sup> The 2025 Rule of Law Report recommended to Malta to '[s]tep up efforts to improve the efficiency of justice, particularly to reduce the length of proceedings'. Some progress was previously assessed on this recommendation in 2025, 2024, and 2023. In the context of the European Semester, the Commission has proposed that the Council recommend Malta to "improve the efficiency of the justice system by addressing the case backlog and reducing the length of proceedings". European Commission (2026) 218 final, CSR 3.

<sup>51</sup> Figure 5, 2026 EU Justice Scoreboard. Previous figures (in days): 454 (2023), 491 (2022), 529 (2021).

<sup>52</sup> CEPEJ (2026), Table 3.13.4, p. 461. Previous figures (in days): 713 (2023), 527 (2022), 566 (2021).

<sup>53</sup> CEPEJ (2026), Table 3.13.6, p. 461. Previous figures (in days): 2 160 (2023), 2 506 (2022). In homicide trials, the accused persons may have to wait on average 3 years for a trial date. Daphne Foundation (2025).

<sup>54</sup> Figure 7, 2026 EU Justice Scoreboard. Previous figures: 1 350 (2023), 1 081 (2022), 1 356 (2021).

<sup>55</sup> Figure 10, 2026 EU Justice Scoreboard. Previous figures: 95% (2023), 87% (2022)... 107.3% (2016).

<sup>56</sup> CEPEJ (2026), Table 3.13.7, p. 460. Previous figures: 74.1% (2023), 92.8% (2022), 87.7% (2021).

<sup>57</sup> CEPEJ (2026), Table 3.13.5, p. 460. Previous figures: 38.1% (2023), 38.5% (2022).

<sup>58</sup> CEPEJ (2026), Table 3.17.3, p. 503. Previous figures: 145.8% (2023), 90.6% (2022), 94.6% (2021).

<sup>59</sup> Country visit Malta, Maltese Government.

<sup>60</sup> The lack of *erga omnes* effect of constitutional rulings leads to repetitive litigation. The Chief Justice called again for reforms to allow constitutional cases to be heard by different sections of the Civil and Commercial Court of Appeal. A constitutional reform in that sense was discussed but not adopted by Parliament in June 2025. Chief Justice (2025). ConstitutionNet (2025). Chamber of Advocates (2026), written input, p. 180.

<sup>61</sup> Country visit Malta, Malta Business Bureau and Malta Chamber of Commerce. IMF (2026), pp. 19-20.

<sup>62</sup> Maltese Government (2026), written input, p. 5.

and appeals with the stated aim to improve efficiency and reduce delays<sup>63</sup>, which prompted significant public debate and criticism from civil society and professional bodies for their potential impact on access to justice and public participation<sup>64</sup>. These bills expired upon the dissolution of Parliament in view of early elections in May 2026.

## II. ANTI-CORRUPTION FRAMEWORK

**The perception among experts, citizens and business executives is that the level of corruption in the public sector remains high.** In the 2025 Corruption Perceptions Index by Transparency International, Malta scores 49/100 and ranks 22<sup>nd</sup> in the European Union and 60<sup>th</sup> globally<sup>65</sup>. This perception has deteriorated over the past five years<sup>66</sup>. The 2026 Special Eurobarometer on Corruption shows that 87% of respondents consider corruption widespread in their country (EU average 71%) and 48% of respondents feel personally affected by corruption in their daily lives (EU average 30%). As regards businesses, 69% of companies consider that corruption is widespread (EU average 65%) and 41% consider that corruption is a problem when doing business (EU average 37%). Furthermore, 25% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 38%), while 38% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)<sup>67</sup>.

**Most actions under the National Anti-Fraud and Corruption Strategy are reported to be completed, and the authorities are preparing a new strategy.** Preparations have started to update the National Anti-Fraud and Corruption Strategy (NAFCS), as most of its actions have been completed<sup>68</sup>. The Internal Audit and Investigations Department (IAID), which leads the implementation of the strategy, highlights as key achievements the high number of training courses provided and attended, the creation of a central documentary repository, as well as the substantial number of financial investigations and internal audits closed<sup>69</sup>. At the same time, stakeholders continue to criticise the lack of publicly available implementation reports, making it difficult to assess the strategy's results and impact<sup>70</sup>. GRECO also noted

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<sup>63</sup> Bills 143 and 144. In the Government's view, the proposed reform strengthened access to the courts in planning matters, preserved the right to challenge decisions, and harmonised procedural requirements, with the overall aim to improve efficiency and reduce delays. Country visit Malta, Maltese Government.

<sup>64</sup> Aditus and Daphne Foundation (2026), written input, p. 9. Repubblika (2026), written input, pp. 10-11, 13. The Chamber of Advocates and a coalition of over 70 NGOs (under the *Gustizzja għal Artna* campaign) protested against the planning reform bills in August and October 2025 and in April 2026. Civicus Monitor (2025). Birdlife Malta (2025). Din l-Art Helwa (2025). Kevin Aquilina (2025a, 2025b). Moviment Graffiti (2026). For the Chamber of Architects (2025a), while a reform of the planning appeal process is long overdue, a number of provisions in the bills are objectionable. Lawyers and architects also criticised the proposal of heavy non-reviewable fines for appeals deemed frivolous. Chamber of Advocates (2026), written input via CCBE, pp. 178, 180-181. Chamber of Advocates (2025). Chamber of Architects (2025b).

<sup>65</sup> The level of perceived corruption is categorised as follows: low (above 79); relatively low (between 79-60), relatively high (between 59-50), high (below 50).

<sup>66</sup> In 2021, the score was 54, while, in 2025, the score is 49. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points) and is relatively stable (changes from 1-3 points) in the last five years.

<sup>67</sup> Data from Special Eurobarometer 573 (2026) and Flash Eurobarometer 582 (2026).

<sup>68</sup> Country visit Malta, IAID, Ministry of Justice. 18 out of 23 actions of the NAFCS have been completed. IAID (2026), written input, pp. 3-5.

<sup>69</sup> Country visit Malta, IAID. In 2025, IAID conducted 31 financial investigations and 14 internal audits, of which 19 and 10, respectively, were concluded. Maltese Government (2026a), additional written input.

<sup>70</sup> Repubblika (2026), written input, p. 23. Civil society also argues that all but one of the eight anti-corruption recommendations made by the public inquiry into the assassination of Daphne Caruana Galizia in 2021 (available [here](#)) remain unimplemented. Aditus and Daphne Foundation (2026), written input, p. 17.

that Malta has not yet adopted a specific integrity strategy to address the corruption risks of persons with top executive functions, as previously recommended<sup>71</sup>.

**While efforts continue to increase investigative capacity, there has been limited further progress on addressing challenges related to the length of investigations of high-level corruption cases, and no progress as regards establishing a robust track record of final judgments<sup>72</sup>.** The Financial Crimes Investigation Department (FCID) of the Police and the Attorney General have further increased their human resources<sup>73</sup>. In 2025, the Police launched 11 new investigations in corruption cases, the Attorney General initiated 12 prosecutions, and the Courts delivered 2 judgments<sup>74</sup>, while four magistrates conduct magisterial inquiries in criminal matters. The average length of corruption investigations has started to decrease in 2025, while the backlog of pending court cases initiated before 2025 remains high<sup>75</sup>. According to the Government, improving the track record remains difficult in the short term; challenges include the high workload of relevant experts and the complexity of some cases<sup>76</sup>. The private sector and civil society organisations continue to criticise the length of court proceedings for corruption cases, pointing to the lack of specialised courts for corruption and financial crime and to limited prioritisation of such cases<sup>77</sup> and to training gaps in the prosecution service<sup>78</sup>. At the same time, the Government highlights measures to close the training gap as prosecutors benefit from continuous specialised training<sup>79</sup>. Stakeholders also maintained their views that the reform of magisterial inquiries<sup>80</sup> introduced additional procedural hurdles for citizens to initiate proceedings<sup>81</sup>. According to the Government, the reform is expected to increase the efficiency of the court system, as the new framework introduced dedicated magistrates for inquiries, a clearer procedural structure, statutory deadlines, strengthened disclosure obligations and more structured rules on expert

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<sup>71</sup> GRECO (2025), p. 4.

<sup>72</sup> The 2025 Rule of Law Report recommended to Malta to '[c]ontinue efforts to address challenges related to the length of investigations of high-level corruption cases and step up efforts to establish a robust track record of final judgments'. Some progress was previously assessed on the length of investigations of high-level corruption cases in 2025, 2024 and 2023; and no progress on establishing a robust track record of final judgments in 2025, 2024 and 2023.

<sup>73</sup> FCID reached a total of 110 officers in 2026 (96 in 2024). Country visit Malta, FCID. While human resources increased, the Maltese Police Force still cannot make use of special investigative tools such as wiretaps which, according to GRECO, weakens the ability to investigate complex corruption cases. GRECO (2025), p. 15. The Office of the Attorney General hired 5 prosecutors bringing the total number of prosecutors to 77, out of which 24 are specialised in financial crime. While there is no team dedicated to corruption, 4 prosecutors have expertise in corruption offences. Country visit Malta, Attorney General.

<sup>74</sup> Attorney General (2026), written input, p. 6. In 2024, there were 20 investigations, 18 prosecutions and 3 judgments for the broader category of financial crimes (not for corruption specifically).

<sup>75</sup> 36 corruption cases are pending in court, out of which 28 have been initiated before 2025. Country visit Malta, Maltese Government.

<sup>76</sup> Country visit Malta, Maltese Government. Maltese Government (2026a), additional written input. The Government also flagged the impact on timelines of magisterial inquiries initiated by private individuals.

<sup>77</sup> Aditus and Daphne Foundation (2026), written input, p. 26. Repubblika (2026), written input, p. 22. Country visit Malta, Chamber of Commerce.

<sup>78</sup> According to stakeholders, such training gaps also hinder the development of the specialised expertise required to prosecute corruption, fraud and financial crime, including cross-border cases. Repubblika (2026), written input, pp. 16, 18.

<sup>79</sup> The prosecutors specialising in corruption receive specialised training on corruption organized by the Chartered Institute of Public Finance and Accounting (CIPFA). Maltese Government (2026a), additional written input.

<sup>80</sup> Act VIII of 2025, amendments to the Criminal Code. 2025 Rule of Law Report, Malta, p. 7.

<sup>81</sup> In particular, stakeholders expect that the reform will result in fewer new investigations into corruption cases. Aditus and Daphne Foundation (2026), written input, p. 14. Repubblika (2026), written input, p. 21.

appointment and oversight<sup>82</sup>. As a result of the new statutory deadlines, the Attorney General's office faced an increased workload, which it considers having an impact on its prosecutorial capacities<sup>83</sup>. In view of the above, there has been limited progress in addressing challenges related to the length of investigations of high-level corruption cases and no progress in establishing a robust track record of final judgments.

**The capacity of the Permanent Commission against Corruption (PCAC) to effectively contribute to the investigation and prosecution of corruption cases remains limited.** The PCAC continues to operate with three part-time members<sup>84</sup>. The institutional setup of the PCAC, holding investigative powers alongside the police, leads to situations in which both institutions investigate the same case in parallel while not being able to exchange information due to the PCAC's legal requirement of secrecy<sup>85</sup>. As in previous years<sup>86</sup>, the PCAC did not receive any reports on corruption, nor did it establish that there had been a corrupt practice and hence did not transmit any findings to the Attorney General for prosecution<sup>87</sup>.

**Integrity training for the public service continued to be delivered and the police adopted a corporate strategy for the years 2025 to 2030.** In 2025, integrity and awareness learning courses were delivered to public officials in senior management positions<sup>88</sup>. Malta has implemented six out of seven GRECO recommendations on the prevention of corruption in law enforcement agencies, including with regard to the management of conflicts of interest, and merit-based promotions<sup>89</sup>. The Malta Police Force adopted a corporate strategy for 2025-2030. While the strategy does not identify the fight against corruption as a strategic objective, it aims to enhance technological capabilities in the area of financial crime and fraud<sup>90</sup>.

**Action remains to be taken to improve the overall ethics framework of the public administration**<sup>91</sup>. A detailed framework is in place to detect and manage conflicts of interest among public employees, including for senior officials and with regard to side activities, revolving doors as well as financial and non-financial interests<sup>92</sup>. At the same time, it remains unclear which parts of the framework also apply to persons of trust<sup>93</sup>. Stakeholders regret that

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<sup>82</sup> Maltese government (2026), written input, p. 18. Country visit Malta, Maltese Government.

<sup>83</sup> In October 2025, the Attorney General received a large number of incomplete inquiries (due to the newly introduced time-limit of two years), which were analysed and returned to magistrates and the Police for further investigation. Country visit Malta, Attorney General.

<sup>84</sup> Two administrative officers (tasked to support the digitalisation and transcription of testimonies) and one manager have been hired, with RRP support. PCAC (2026), written input, p. 2.

<sup>85</sup> This is due to the fact that the police cannot use the evidence collected by the PCAC due to very strict non-disclosure obligations of the PCAC, vis-à-vis the police, the Attorney-General and in Court. PCAC (2026), written input, p. 8. Country visit Malta, PCAC, Attorney General.

<sup>86</sup> 2025 Rule of Law Report, Malta, p. 8.

<sup>87</sup> PCAC (2026), written input, pp. 6-7.

<sup>88</sup> Maltese Government (2026), written input, p. 37.

<sup>89</sup> According to GRECO, a risk assessment-based anti-corruption strategy is still missing, and the operational independence of the police remains insufficient. GRECO (2025), p. 23.

<sup>90</sup> Malta Police Force (2025), p. 56.

<sup>91</sup> 2025 Rule of Law Report, Malta, pp. 8-9.

<sup>92</sup> The key legal documents are the Public Administration Act, the Code of Ethics for public employees and board members, Directive No. 16 of 2023, and the Framework for preventing and managing conflicts of interest in the public sector, effective from February 2024. GRECO (2025), p. 10-12.

<sup>93</sup> A person of trust is a politically appointed adviser or staff member directly appointed by the government. While the authorities state that the framework fully applies to persons of trust, the Commissioner for Standards in Public Life (2026a, p. 4) argues that Directive 16, which includes more detailed provisions on conflicts of interest and additional enforcement possibilities, cannot be applied to persons of trust, as they are not public employees. Also see GRECO (2025), p. 11.

the system is only based on self-reporting by public officials without sufficient verification mechanisms<sup>94</sup>. Rules remain to be introduced on post-employment restrictions for Ministers, the receipt of gifts and lobbying transparency<sup>95</sup>. The enforcement of rules on political party financing remains weak, and civil society continues to call to strengthen transparency<sup>96</sup>.

**A reform of the asset and interest declaration system for Members of Parliament and Ministers remains outstanding.** The asset declarations of Ministers have not been published online since 2024, given the intention of the government to create a single asset declaration system for Members of Parliament and Ministers<sup>97</sup>. In March 2026, the government proposed to reform the asset and interest declaration system and the Code of Ethics for Members of the House of Representatives by introducing definitions of key integrity principles, creating a separate register of interests for Members of Parliament (MPs) and harmonising the rules on asset declarations for MPs and Ministers<sup>98</sup>. Under the proposal, MPs, including Ministers, would additionally be obliged to declare their income and intangible assets, while spouses' properties and financial interests would no longer need to be declared. The latter has been criticised by stakeholders<sup>99</sup>. The draft motion expired following the dissolution of Parliament in April; the Government stated its intention to pursue the reform in the new legislature<sup>100</sup>. The overall integrity framework, in particular for persons with top executive functions such as Ministers, shows gaps that remain to be addressed, notably on enforcement<sup>101</sup>, as also recommended by the OECD and GRECO<sup>102</sup>.

**A digital portal to process whistleblowing reports has become operational.** The new digital portal allows Whistleblower Reporting Officers to access internal reports submitted by whistleblowers within the public service and to provide feedback to them<sup>103</sup>. The overall number of whistleblowing reports received, both via internal and external reporting channels, remains very low<sup>104</sup>. Both authorities and stakeholders explain this with a fear of retaliation in professional contexts and the general lack of anonymity in a small country like Malta<sup>105</sup>. While the authorities highlight that relevant information about potential 'improper practices'

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<sup>94</sup> Civil Liberties (2026), p. 566. Repubblika (2026), written input, p. 29.

<sup>95</sup> GRECO (2025), p. 9. Country visit Malta, Maltese Government.

<sup>96</sup> OSCE (2022), pp. 9, 13. Repubblika (2025).

<sup>97</sup> Commissioner for Standards in Public Life (2026), written input, p. 14. Ministers have continued to submit declarations of assets in their capacity as Members of Parliament, which are however less detailed than the current rules for Ministers. Maltese Government (2026a), additional written input.

<sup>98</sup> Draft amendments to the Code of Ethics for Members of the House of Representatives, and to the Code of Ethics for Ministers and Parliamentary Secretaries. Standards in Public Life Act (Second Schedule) (Amendment) Order, 2026. The Government underlined that the changes to the Code of Ethics for MPs would also set higher ethical standards and extend to all parliamentary duties, including parliamentary questions and committees, the obligations related to the disclosure of conflicts of interest. Maltese Government (2026a), additional written input.

<sup>99</sup> Commissioner for Standards in Public Life (2026), written input, p. 14. Country visit Malta, Chamber of Commerce, Repubblika, Commissioner for Standards in Public Life.

<sup>100</sup> Maltese Government (2026a), additional written input.

<sup>101</sup> The Parliament's Committee for Standards has so far not managed to establish a track record to sanction integrity breaches. OECD (2022), pp. 31-41. 2025 Rule of Law Report, Malta, p. 9.

<sup>102</sup> OECD (2023) and GRECO (2025) recommended in particular to strengthen the oversight and enforcement role of the Commissioner for Standards, regulate lobbying, and fully apply existing rules to persons of trust.

<sup>103</sup> Maltese Government (2026), written input, p. 38. The assessment related to the topic of Milestone 6.14 in the Rule of Law report does not prejudice the assessment of the fulfilment of the measures in the framework of Malta's Recovery and Resilience Plan.

<sup>104</sup> In 2025, two reports were submitted via internal channels and 18 via external channels (for all cases, not only corruption-related ones). Country visit Malta, Maltese Government.

<sup>105</sup> Country visit Malta, Maltese Government, PCAC. OSCE (2025), p. 17. Repubblika (2026), written input, p. 31.

reaches them anyway via other channels<sup>106</sup>, stakeholders point to a lack of confidence in the system, also due to insufficient protection from retaliation for whistleblowers<sup>107</sup>. The Malta Police Force has improved internal reporting mechanisms and strengthened the protection of whistleblowers<sup>108</sup>. No further initiative was taken to improve, in law and in practice, the regime for the protection of whistleblowers beyond the 2021 Whistleblowers Protection Act, as recommended by UN Human Rights Committee in 2024<sup>109</sup>.

**Malta has adopted legislative amendments on the granting of citizenship, following the judgment of the Court of Justice of the EU.** Following the findings of the Court of Justice that the Maltese investor citizenship scheme was incompatible with EU law on citizenship and the principle of sincere cooperation<sup>110</sup>, Malta adopted several legislative amendments on the granting of citizenship<sup>111</sup>.

**Resources for audit institutions further increased and officials in charge of tenders are now required to declare any conflict of interest, while action remains to be taken to effectively mitigate corruption in high-risk sectors such as public procurement.** Businesses' attitudes towards corruption in the EU shows that 49% of companies in Malta (EU average 30%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years<sup>112</sup>. 41% of businesses perceive the level of independence of the public procurement review body (the Public Contracts Review Board) as very or fairly good<sup>113</sup>. The Single Market and Competitiveness Scoreboard on access to public procurement in Malta reports 19% of single bids for 2025 (EU average 27%). Public procurement, in particular in the construction sector, remains at high risk of corruption. Since 2025, officials drafting procurement documents are required to declare any conflict of interest<sup>114</sup>. The resources of the National Audit Office and the Government's Internal Audit and Investigations Department continued to increase<sup>115</sup>. While the Government does not envisage to take any targeted measures<sup>116</sup>, stakeholders continue to ask for structural changes, in particular more transparency of procurement data, independent contract review, standard operating procedures as well as effective oversight mechanisms<sup>117</sup>. Another sector at high risk of corruption is urban and spatial planning<sup>118</sup>. According to some

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<sup>106</sup> PCAC (2026), written input, p. 6. Country visit Malta, Maltese Government.

<sup>107</sup> Repubblika (2026), written input, pp. 31-32. OSCE (2025), p. 17.

<sup>108</sup> GRECO (2025), p. 22.

<sup>109</sup> 2025 Rule of Law Report, Malta, p. 9.

<sup>110</sup> Court of Justice of the European Union, judgment of 29 April 2025, *Commission v Malta (Citizenship by investment)*, case C-181/23.

<sup>111</sup> Maltese Citizenship (Amendment) Act (Act XXI of 2025) amending the Maltese Citizenship Act, and Granting of Citizenship for Exceptional Services (Amendment) Regulations, 2025 as well as Legal Notices 159 and 276 of 2025 and Legal Notices 58, 59 and 60 of 2026.

<sup>112</sup> Flash Eurobarometer 582 on Businesses' attitudes towards corruption in the EU (2026). This is 19 percentage points above the EU average.

<sup>113</sup> Figure 59, 2026 EU Justice Scoreboard.

<sup>114</sup> Maltese Government (2026), written input, p. 38. The Government underlined that members of tender evaluation committees remain bound by a declaration of impartiality and confidentiality. Maltese Government (2026a), additional written input.

<sup>115</sup> NAO's budget increased from EUR 4 000 000 in 2024 to EUR 5 950 000 in 2025; IAID's budget increased from EUR 2 559 700 to EUR 3 215 900 in 2025. Maltese Government (2026), written input, p. 35.

<sup>116</sup> Country visit Malta, Maltese Government.

<sup>117</sup> Chamber of Commerce (2026), written input, p. 19. Repubblika (2026), written input, p. 33. The 2025 Rule of Law Report, Malta, p. 10, noted instances of public procurement regulations being bypassed.

<sup>118</sup> Chamber of Commerce (2026), written input, p. 7. Repubblika (2026), written input, p. 33. Country visit Malta, National Audit Office.

stakeholders, corruption risks in this sector might be exacerbated by the proposed reforms of development planning<sup>119</sup>.

### **III. MEDIA PLURALISM AND MEDIA FREEDOM**

**Legislation was adopted providing the media regulator with new competences.** With a view to alignment with the European Media Freedom Act, in August 2025, the Government adopted Legal Notice 175<sup>120</sup>. The legislation bestows new responsibilities on the Broadcasting Authority, Malta's media regulator, including scrutiny of mergers in the media market and an enhanced monitoring role over public service media. The legislation also establishes a separate Office for Advertising and Media which will, among other tasks, ensure that the relevant public authorities or entities make available to it information on state advertising expenditure on an annual basis. It also tasks the Media Registrar, an entity established under the Media and Defamation Act, with developing a national media ownership database. While awaiting implementation of the above-mentioned provisions, the Media Pluralism Monitor (MPM) 2026 concludes medium-low risk in relation to the independence of the media regulator<sup>121</sup>, medium-high risk in relation to the transparent allocation of state advertising<sup>122</sup> and very high risk in the area of media ownership transparency<sup>123</sup>.

**Legislation has been enacted to enhance certain aspects of the independent governance of public service media, while various challenges persist<sup>124</sup>.** The final report of the Committee of Media Experts had recommended setting up an *ad hoc* committee to propose measures to ensure the objectivity, independence, impartiality, and accountability of public broadcasting<sup>125</sup>. The Government has introduced provisions to directly regulate the matter through Legal Notice 175<sup>126</sup> with a view to aligning with EMFA, including safeguards relating to the appointment and dismissal procedures of the chief executive officer of the public service media provider and the dismissal of the members of the management board. The procedures for the appointment of members of the management board and the financing of public service media remain unregulated. Furthermore, safeguards to ensure editorial independence have not been put in place<sup>127</sup>. The MPM continues to consider the independence of public service media to be an area presenting very high risk in Malta - which it confirms again, highlighting political appointments, financing and spending issues and the

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<sup>119</sup> Bills 143 and 144, see pp. 6-7. House of Representatives (2025a, 2025b). According to stakeholders, the reforms would further expand administrative discretion and reduce judicial oversight, increasing the risk of undue influence on planning decisions. Repubblica (2026), written input, p. 33. Moviment Graffiti (2026). Bills 143 and 144 expired following the dissolution of Parliament in April 2026.

<sup>120</sup> The European Media Freedom Act (Measures for Implementation) Order (Legal Notice 175 of 2025), which among others amends the Broadcasting Act (Cap. 350), and the Media and Defamation Act (Cap. 579). The legal nature of legal notices is explained at footnote 150.

<sup>121</sup> Media Pluralism Monitor (2026), pp. 21-24.

<sup>122</sup> Media Pluralism Monitor (2026), pp. 41-42.

<sup>123</sup> Media Pluralism Monitor (2026), pp. 26-27.

<sup>124</sup> The 2025 Rule of Law Report recommended to Malta to '[s]trengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media'. No progress was previously assessed on this recommendation in 2025, 2024 and 2023.

<sup>125</sup> The Committee of Experts on Media set up by the government delivered its final report on 24 July 2023. The final report contains a specific recommendation in relation to public service broadcasting.

<sup>126</sup> Articles 11-13 of Legal Notice 175 of 2025.

<sup>127</sup> Stakeholders have pointed out that a key role in this respect is played by the head of news at the Public Broadcasting Services. Country visit Malta, Repubblica.

broadcaster's failure to cover various issues of wide public interest<sup>128</sup>. Therefore, given that legislation has addressed some aspects but various challenges persist, some progress has been made on the recommendation to enhance the independent governance and editorial independence of public service media.

**There has been limited progress with regard to the recommendation to adopt safeguards to improve access to official documents in the light of the coming into operation of an online management system<sup>129</sup>.** An integrated e-management system, designed to enhance the processing, accessibility and transparency of access to documents requests, became operational in August 2025<sup>130</sup>. The Information and Data Protection Commissioner confirmed that, following the resolution of initial technical interface problems also highlighted by stakeholders<sup>131</sup>, the system presents advantages for users in terms of clearer follow-up to requests as well as for monitoring purposes<sup>132</sup>. However, there are still no plans to adopt safeguards to further improve access to documents either via a review of the Freedom of Information Act or by means of a review of its implementation in practice. Civil society and journalists continue to report that they face numerous obstacles in accessing public information<sup>133</sup>. In the light of these remaining challenges and the persistent lack of transparency and ongoing attempts to further diminish transparency, MPM has raised its risk score for this area from high risk to very high risk<sup>134</sup>. Overall, limited progress has been made on this part of the recommendation.

**While certain safeguards have been introduced, there has been limited progress on adopting legislative and other safeguards to improve the working environment of journalists, as broader legislative reforms remain pending<sup>135</sup>.** No new strategic lawsuits against public participation (SLAPP) cases have been reported in 2025<sup>136</sup>, although stakeholders continue to flag the threat of SLAPPs for journalists<sup>137</sup>. Malta has previously adopted legislation aiming to transpose the anti-SLAPP Directive, covering cross-border cases<sup>138</sup>. The Government had announced it would examine the possibility of extending protection against SLAPPs also to domestic cases<sup>139</sup>, but this was not taken forward by the end of the legislature<sup>140</sup>. After lengthy delays<sup>141</sup>, a public consultation on media reform was

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<sup>128</sup> Media Pluralism Monitor (2026), pp. 42-44.

<sup>129</sup> The 2025 Rule of Law Report recommended to Malta to '[a]dopt legislative and other safeguards to improve [...] access to official documents, taking into account European standards on access to official documents'. Limited progress was previously assessed on this in 2025, and no progress in 2024 and 2023.

<sup>130</sup> <https://foi.gov.mt/en/>. Maltese Government (2026), written contribution, p. 47.

<sup>131</sup> Country visit Malta, Daphne Foundation.

<sup>132</sup> Country visit Malta, Information and Data Protection Commissioner.

<sup>133</sup> Aditus and Daphne Foundation (2026), Repubblica (2026), written input, pp. 42-44 and p. 42 respectively.

<sup>134</sup> Media Pluralism Monitor (2026), pp. 17-18.

<sup>135</sup> The 2025 Rule of Law Report recommended to Malta to 'adopt legislative and other safeguards to improve the working environment of journalists [...], taking into account European standards on the protection of journalists'. No progress was previously assessed on this in 2025, and some progress in 2024 and 2023.

<sup>136</sup> Country visit Malta, Court Services Agency.

<sup>137</sup> Civil Society Europe (2026), written input, p. 8. Civil Liberties (2026), pp. 533, 568, 570-571.

<sup>138</sup> Strategic Lawsuits Against Public Participation Order (Subsidiary Legislation 460.40) which entered into force on 31 July 2024 by virtue of Legal Notice 177 of 2024.

<sup>139</sup> The Ministry for Justice (2023) had stated that the Government "is examining the possibility of extending protection to cases that are exclusively domestic in nature," with the aim to strengthen safeguards.

<sup>140</sup> Civil Liberties (2026), pp. 56-57, 570, 574.

<sup>141</sup> 2025, 2024 and 2023 Rule of Law Reports on Malta.

conducted between August and October 2025<sup>142</sup>. On that basis, in March 2026, the Government brought back on the Parliament's agenda a number of bills, which however were not discussed by the end of the legislature<sup>143</sup>. In the meantime, Legal Notice 175 introduced certain safeguards for journalists in relation to protection of sources and confidential communications, protection against surveillance and a ban on intrusive surveillance software<sup>144</sup>. MPM 2026 considers this to be an area still presenting medium-high risk in the light of, among others, the Government's failure to implement the recommendations proposed by the Caruana Galizia public inquiry report and the continued vilification of the journalist after her death<sup>145</sup>. There has been no conviction to date for the presumed mastermind in the case of the assassination of Daphne Caruana Galizia<sup>146</sup>. The Council of Europe Platform to promote the protection of journalism and the safety of journalists reported no new alert<sup>147</sup>. The Media Freedom Rapid Response mechanism registered five new alerts, including a defamation lawsuit, hostile rhetoric against a journalist by public officials, and threats against a journalist<sup>148</sup>. Overall limited progress has been made on this part of the recommendation.

#### IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

**There has been limited progress on the recommendation to introduce a formal framework for public participation in the legislative process<sup>149</sup>.** Most legislation is adopted by Government through legal notices<sup>150</sup>. No legal notice was amended by Parliament during the 2022-2026 legislature<sup>151</sup>. Frequent legislative changes and *ad hoc* executive measures continue to challenge legal stability and predictability, which can affect the business environment<sup>152</sup>. The OECD has invited Malta to systematically seek public input before rules are drafted and to make use of *ex post* evaluations<sup>153</sup>. Several bills were tabled by Government and rapidly brought to a vote in Parliament without public input<sup>154</sup>; some were reconsidered due to public criticism after being tabled in Parliament without prior

<sup>142</sup> Stakeholders were invited to present their written contributions, but no process permitting discussion or feedback has been possible. The government confirmed that deliberations based on stakeholder input will not be made public. Country visit Malta, Repubblika, Daphne Foundation, and Maltese Government.

<sup>143</sup> Bills 17, 18 and 19, originally tabled in 2022, were brought back on the Parliament's agenda in March 2026. They expired upon the dissolution of Parliament in view of early elections in late May 2026.

<sup>144</sup> Articles 7-10 of Legal Notice 175 of 2025.

<sup>145</sup> Media Pluralism Monitor (2026), pp. 19-21.

<sup>146</sup> The jury trial of the person accused of ordering the murder of Daphne Caruana Galizia commenced in July 2026. In 2021, 2022 and 2025 five individuals were convicted for carrying out the murder.

<sup>147</sup> Council of Europe, Platform to promote the protection of journalism and safety of journalists, available [here](#).

<sup>148</sup> European Centre for Press and Media Freedom, Media Freedom Rapid Response – Malta, available [here](#).

<sup>149</sup> The 2025 Rule of Law Report recommended to Malta to '[i]ntroduce a formal framework for public participation in the legislative process'. Limited progress was previously assessed on this recommendation in 2025, and some progress in 2024.

<sup>150</sup> Legal notices are subsidiary legislation with force of law, issued by Government, to operationalise an existing Act of Parliament. They may be amended by Parliament within 28 days. Parliament adopted 42 acts in 2025 (41 in 2025) while Government tabled 307 legal notices in the House (379 in 2024). Parliament of Malta (2026); Legislation.mt (2026).

<sup>151</sup> Country visit Malta, Parliament secretariat.

<sup>152</sup> Chamber of Commerce (2026), written input, p. 26.

<sup>153</sup> OECD Indicators of Regulatory Policy and Governance (iREG), 2024 data. OECD (2025), pp. 166-167.

<sup>154</sup> These included the reform of magisterial inquiries and the 2025 constitutional reform package. Aditus and Daphne Foundation (2026), written input, p. 48. Aditus Foundation (2025); Aditus Foundation, Daphne Caruana Galizia Foundation, Repubblika (2025); Chamber of Commerce (2025).

consultation<sup>155</sup>. While there were no legislative developments to formalise public participation in the legislative process, in October 2025 the Government established a Department of Public Consultation, with the aim to ensure that public perspectives are incorporated early on, and to monitor institutional compliance with the procedures and standards for consultations<sup>156</sup>. Stakeholders noted that the new Department is yet to concretely improve the procedures for public participation in the legislative process<sup>157</sup>. Overall, limited progress has been made on the recommendation.

**There has been no progress yet on the recommendation to establish a National Human Rights Institution (NHRI) taking into account the UN Paris Principles<sup>158</sup>.** The Government is preparing a Human Rights and Equality Commission Bill, with the aim to establish a dual-mandate body taking into account the UN Paris Principles<sup>159</sup>. The bill has not yet been published for consultation or tabled in Parliament. Based on the above, no progress has yet been made to implement the recommendation.

**On 1 January 2026, Malta had 15 leading judgments of the European Court of Human Rights pending implementation, an increase of 1 compared to the previous year<sup>160</sup>.** At that time, Malta's rate of leading judgments from the past 10 years that had been implemented was at 45% (43% in 2025; 55% remained pending). In 2025 the average time that the judgments had been pending implementation was 7 years and 1 months (compared to 6 years and 6 months in 2025)<sup>161</sup>. The oldest leading judgment has been pending implementation for 19 years and concerns disproportionate restrictions on property rights<sup>162</sup>. As regards the respect of payment deadlines, on 31 December 2025 there were 2 cases awaiting confirmation of payments (compared to 1 by end 2024)<sup>163</sup>. By the same date, the number of leading judgments pending implementation had decreased to 14<sup>164</sup>.

**More than two thirds of companies surveyed in Malta express confidence in the effectiveness of investment protection.** 68% of companies are very or fairly confident that investments are protected by law and courts, a figure which has significantly decreased (77% in 2025)<sup>165</sup>. As regards authorities relevant for economic operators, 58% perceive the level of

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<sup>155</sup> These included bills on planning reforms and on the protection of agricultural land. Chamber of Advocates (2025b; 2025c). Both bills expired upon dissolution of Parliament in view of early elections in May 2026.

<sup>156</sup> Maltese Government (2026), written input, p. 9. Country visit Malta, Maltese Government, National Commission for the Promotion of Equality.

<sup>157</sup> The Government reported 65 online public consultations in 2025, of which 21 legislative ones. Stakeholders noted that public consultations by ministries on draft laws remain occasional and discretionary, limited in scope and with unclear impact of stakeholders' contributions, while fast-track legislative procedures do not allow the chance to intervene in parliamentary debates. Country visit Malta, Maltese Government. Aditus and Daphne Foundation (2026), written input, p. 48. Repubblika (2026), written input, p. 58.

<sup>158</sup> The 2025 Rule of Law Report recommended to Malta to '[s]tep up measures to establish a National Human Rights Institution taking into account the UN Paris Principles'. No progress was previously assessed on this recommendation in 2025, 2024 and 2023.

<sup>159</sup> Maltese Government (2026), written input, p. 9. Country visit Malta, Maltese Government.

<sup>160</sup> Data according to the [online database](#) of the Council of Europe (HUDOC). For an explanation of the supervision process, see the [website](#) of the Council of Europe.

<sup>161</sup> All figures calculated by the European Implementation Network (EIN) and based on the number of cases that are considered pending at the annual cut-off date of 1 January 2026. EIN (2026), written input, pp. 6-7.

<sup>162</sup> ECtHR judgement in the case 31122/05, *Ghigo v. Malta*, pending implementation since December 2006.

<sup>163</sup> Council of Europe (2026), p. 157.

<sup>164</sup> Data according to the online database of the Council of Europe (HUDOC).

<sup>165</sup> Figures 52 and 53, 2026 EU Justice Scoreboard. Only 9% and 3% of the surveyed investors respectively perceive (i) concerns about quality, efficiency or independence of justice and frequent changes in legislation

independence of the Malta Competition and Consumer Affairs Authority as very or fairly good, a figure which has significantly decreased (82% in 2025)<sup>166</sup>.

**A regulatory framework for civil society remains to be established.** The civic space in Malta continues to be rated by Civicus as ‘narrowed’<sup>167</sup>. The Government has yet to table a draft law establishing a regulatory framework for civil society, following the public consultation led by the Commissioner for Voluntary Organisations in 2024<sup>168</sup>. The envisaged Voluntary Organisations and the Non-Profit Organisations Act would aim to strengthen the legal recognition of the sector and reduce administrative and bureaucratic burdens<sup>169</sup>. In December 2025, the Government adopted a volunteering strategy 2025-2030<sup>170</sup>, with the aim to highlight the resources needed while fostering participation, engagement and collaboration. Stakeholders consider that the new strategy is yet to lead to concrete improvements<sup>171</sup>. The 2025 ODIHR report on the situation of human rights defenders in Malta did not lead to further initiatives by the Government to follow up on its recommendations<sup>172</sup>. Some stakeholders raised concerns about statements by political actors which might have the effect of undermining public trust in civil society organisations<sup>173</sup>.

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or (ii) concerns about the quality of the law-making process as a reason for the lack of confidence in investment protection.

<sup>166</sup> Figure 60, 2026 EU Justice Scoreboard.

<sup>167</sup> Malta’s score is 78/100. See <https://monitor.civicus.org/country/malta/>. Ratings by Civicus (2025) are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

<sup>168</sup> Country visit Malta, Commissioner for Voluntary Organisations. 2025 Rule of Law Report, Malta, p. 15.

<sup>169</sup> Country visit Malta, Maltese Government.

<sup>170</sup> Ministry for Inclusion and the Voluntary Sector (2025).

<sup>171</sup> Aditus and Daphne Foundation (2026), written input, p. 50.

<sup>172</sup> OSCE/ODIHR (2025). Aditus and Daphne Foundation, written input, p 53; Repubblika, written input, pp. 28, 42, 77.

<sup>173</sup> Aditus and Daphne Foundation, written input, pp. 42-44. Repubblika, written input, pp. 50-53, 78.

## Annex I: List of sources in alphabetical order\*

\* The list of contributions received in the context of the consultation for the 2026 Rule of Law Report can be found at [https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation\\_en](https://commission.europa.eu/publications/2026-rule-law-report-targeted-stakeholder-consultation_en).

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## **Annex II: Country visit to Malta**

The Commission services held physical and virtual meetings in January and March 2026 with:

- Office of the Prime Minister
- Ministry for Foreign and European Affairs and Trade
- Ministry for Justice and Reforms for the Construction Sector
- Ministry for Culture, Lands and Local Government
- Ministry for Home Affairs, Security, Reforms and Equality
- Court Services Agency
- Chief Justice
- Attorney General
- State Advocate
- Malta Police Force: Financial Crimes Investigations Department
- Internal Audit and Investigations Department
- Permanent Commission Against Corruption
- Secretariat of Parliament (Office of the Clerk to the House of Representatives)
- Parliamentary Ombudsman
- Commissioner for Standards in Public Life
- National Audit Office
- Broadcasting Authority
- Information and Data Protection Commissioner
- Commissioner for Voluntary Organisations
- National Commission for the Promotion of Equality
- Chamber of Advocates
- Institute of Maltese Journalists
- Aditus Foundation
- Daphne Caruana Galizia Foundation
- Repubblika
- Malta Business Bureau
- Malta Chamber of Commerce

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

- Civil Liberties Union for Europe
- Civil Society Europe
- End FGM EU
- European Civic Forum
- European Partnership for Democracy
- Human Rights Watch
- ILGA-Europe
- International Federation for Human Rights
- Philea - Philanthropy Europe Association
- Transparency International EU