

Resolution CM/ResDH(2024)335 Execution of the judgments of the European Court of Human Rights Five cases against Malta

(Adopted by the Committee of Ministers on 5 December 2024
at the 1514th meeting of the Ministers' Deputies)

Application No.	Case	Judgment of	Final on
50473/20	GALEA AND BORG	14/11/2023	14/11/2023
50693/20	MICALLEF AND OTHERS	06/02/2024	06/02/2024
788/21	MARTINELLI AND OTHERS	14/11/2023	14/11/2023
3158/21	ZAMMIT	16/01/2024	16/01/2024
6335/21	CACHIA AND OTHERS	24/10/2023	24/10/2023

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter “the Convention” and “the Court”);

Having regard to the final judgments transmitted by the Court to the Committee in these cases and to the violations established on account of the insufficient compensation awarded by the domestic courts following findings of violations of Article 1 of Protocol No. 1 due to the operation of rent control legislation related to requisitioned properties and indefinite extension of private leases;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having invited the Government of the respondent State to inform the Committee of the measures taken to comply with the above-mentioned obligation;

Having examined the action plan provided by the Government indicating the individual measures adopted to execute these judgments including the information provided regarding the payment of the just satisfaction awarded by the Court (see document DH-DD(2024)1133);

Considering that the question of individual measures was resolved, given that the properties in question have been vacated by the tenants or agreements have been reached between the owner and the tenant on the amount of rent to be paid;

Recalling that the question of general measures required in response to the shortcomings found by the Court in these judgments continues to be examined within the framework of the *Apap Bologna/Ghigo* and *Amato Gauci* groups of cases also in the light of the Court's findings in these cases, and that the closure of these cases therefore in no way prejudices the Committee's evaluation of the general measures required;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases;

CONCLUDES that the necessary individual measures have been adopted;

DECIDES to continue to supervise the adoption of the necessary general measures concerning the operation of rent control legislation related to requisitioned properties and indefinite extension of private leases in Malta in the framework of the *Apap Bologna/Ghigo* and *Amato Gauci* groups;

DECIDES to close the examination of these cases.