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Greco RC-I (2005) 3E
Addendum

First Evaluation Round

Addendum to the Compliance Report on Malta

Adopted by GRECO
at its 34th Plenary Meeting
(Strasbourg, 16-19 October 2007)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Malta at its 12th Plenary Meeting (9-13 December 2002). The report (Greco Eval I Rep (2002) 8E), which contains 15 recommendations addressed to Malta was made public on 24 January 2003.
2. Malta submitted the Situation Report required by GRECO's compliance procedure on 14 March 2005. On the basis of this report and a Plenary debate, GRECO adopted the First Round Compliance Report (RC-report) on Malta at its 23rd Plenary Meeting (17-20 May 2005) which was made public on 20 May 2005. The Compliance Report (Greco RC-I (2005) 3E) concluded that recommendations iv, v, vi, vii, ix, x, xi, xii, xiv and xv had been implemented satisfactorily and recommendations i, ii and iii had been dealt with in a satisfactory manner. Recommendations viii and xiii had been partly implemented; GRECO requested additional information on their implementation. The additional information was submitted on 5 September 2007.
3. Pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure the objective of the present Addendum to the First Round Compliance Report is to appraise the implementation of recommendations viii and xiii in the light of the additional information referred to in paragraph 2.

II. ANALYSIS

Recommendation viii.

4. *GRECO recommended to offer specialised training for members of the Judiciary and the Attorney General's Office in economic and financial matters and to introduce a particular in-service training programme, including for the fight against corruption.*
5. GRECO recalls that this recommendation was considered partly implemented. The information contained in the 2005 Compliance Report, indicated that officers at the Attorney General's Office had undergone some international training concerning, *inter alia*, corruption and that in-service training was provided on an on-going basis to younger officers by senior staff. Moreover, it was reported that since the Attorney General's Office was undergoing a reform process, fully fledged training had not been developed. Concerning the judiciary, GRECO recalls that at the time of the adoption of the Compliance Report, a Judicial Studies Committee had been established, but no information on training had been provided.
6. The Maltese authorities, in the additional information submitted for the present Addendum, state that in the still on-going reform process, including recruitments to the Attorney General's Office which has resulted in more specialised staff in the field of financial matters and corruption, no other forms of training than international seminars and in-service training in the form of senior officers teaching new recruits, has yet been established. The authorities, furthermore, add that one of the objectives of the National Anti Fraud and Corruption Strategy (introduced on 19 April 2007) is to establish continuous professional training programmes to address fraud and corruption, involving initial training of a general character for staff of various authorities as well as more targeted training on investigation techniques etc for the competent law enforcement authorities. To this end a training needs analysis has been launched. The authorities emphasise that the aforementioned strategy is expected to result in specialised training to be provided both to the Judiciary and to the staff of the Attorney General.

7. GRECO regrets, on the one hand, that no specialised in-service training for members of the Judiciary and the Attorney General's Office has yet been put in place, almost five years after the adoption of the Evaluation Report. On the other hand, it appears that the level of expertise in economic and financial crime in the Attorney General's Office has increased, along with staffing levels, and there are also indications that proper in-service training may eventually be established in connection with the implementation of the general objectives of the National Anti Fraud and Corruption Strategy. However, the information submitted does not change GRECO's previous conclusion as no concrete measures on particular in-service training programmes for the Judiciary and the Office of the Attorney General have apparently been introduced.
8. GRECO concludes that recommendation viii has been partly implemented.

Recommendation xiii.

9. *GRECO recommended that the Permanent Commission against Corruption (PCAC): i) be empowered to make use of means of compulsion; ii) be given the possibility to appoint, on its own capacity, persons with special knowledge when it is necessary to assist the PCAC in its investigations; iii) publish the results of its investigations on its own, without prejudice to pending Court proceedings; and iv) be empowered to present its reports before Parliament.*
10. GRECO recalls that recommendation xiii was considered partly implemented as reports of the PCAC's activities had been published and submitted to Parliament (via the Ministry of Justice); GRECO had, furthermore, noted that amendments to the pertinent legislation had been prepared by the Attorney General's Office.
11. The Maltese authorities, in the information submitted for the present Addendum, maintain that the reports sent by the PCAC to the Minister of Justice continue to be submitted to Parliament. To date no decision has been taken on legislative amendments to further implement the above recommendation. The authorities also indicate that the National Anti Fraud and Corruption Strategy envisages the setting up of a policy making body, namely a Co-ordination Committee with representatives from authorities and entities involved in combating fraud and corruption. The Committee is supposed to follow up on the relevant legislation, review existing mechanisms, identify areas of collaboration and address areas of risk.
12. GRECO takes note of the information provided, which does not indicate any noticeable progress in respect of recommendation xiii. On the contrary, almost five years after the adoption of the Evaluation Report, no decision to further empower the PCAC has been taken. However, the authorities have referred to the possibility of establishing a Co-ordination Committee consisting of, *inter alia*, corruption experts with the task to propose new legislation in the field of corruption. The possible establishment of such a body may well help address the concerns raised in recommendation xiii. It appears that amendments to the pertinent legislation concerning the PCAC have been put on hold pending a review of the legislation in the area of anti-corruption as envisaged in the National Anti-Fraud and Corruption Strategy. Under the circumstances, GRECO can only maintain its previous conclusion in respect of this recommendation.
13. GRECO concludes that recommendation xiii has been partly implemented.

III. CONCLUSION

14. In addition to the conclusions contained in the First Round Compliance Report on Malta and in view of the above, GRECO concludes that recommendations viii and xiii remain partly implemented. GRECO notes that full compliance with the two outstanding recommendations is linked to the implementation, in practice, of the National Anti Fraud and Corruption Strategy. GRECO also recalls that Malta has already implemented satisfactorily or dealt with in a satisfactory manner 13 of the 15 recommendations contained in the First Round Evaluation Report. The authorities of Malta are encouraged to rigorously pursue the implementation of recommendations viii and xiii. They may wish to report, in due course, further progress in respect of these recommendations to GRECO.
15. The adoption of the present Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Malta.
16. Finally, GRECO invites the authorities of Malta to authorise, as soon as possible, the publication of the Addendum.