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FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

SECOND COMPLIANCE REPORT

MALTA



Adopted by GRECO
at its 95th Plenary Meeting (Strasbourg, 27 November – 1 December 2023)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



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I. INTRODUCTION

1. GRECO's Fifth Evaluation Round deals with "Preventing corruption and promoting integrity in central governments (top executive functions, PTEF) and law enforcement agencies (LEA)".

2. This Second Compliance Report assesses the measures taken by the Maltese authorities to implement the recommendations issued in the Fifth Round Evaluation Report on Malta, which was adopted at GRECO's 82nd Plenary Meeting (22 March 2019) and made public on 3 April 2019, following authorisation by Malta ([GrecoEval5Rep\(2018\)6](#)). The corresponding Compliance Report was adopted by GRECO at its 88th Plenary Meeting (22 September 2021) and made public on 24 May 2022 ([GrecoRC5\(2021\)5](#)).

3. As required by GRECO's Rules of Procedure¹, the Maltese authorities submitted a Situation Report on measures taken to implement the recommendations contained in the Evaluation Report. Following the Maltese authorities' request for the extension of the due date for submitting the Situation Report, it was received on 1 May 2023 and, along with the additional information provided by the authorities on 3 November 2023, served as a basis for the Second Compliance Report.

4. GRECO selected Romania (with respect to top executive functions in central governments) and Portugal (with respect to law enforcement agencies) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Sorin TANASE, on behalf of Romania, and Mr Antonio DELICADO, on behalf of Portugal. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.

II. ANALYSIS

5. GRECO addressed 23 recommendations to Malta in its Evaluation Report. In the Compliance Report, GRECO concluded that recommendations xviii and xix had been dealt with in a satisfactory manner, recommendations i, iii, v, vi, viii, xiii, xvi, xvii, xx, xxi, xxii and xxiii had been partly implemented and recommendations ii, iv, vii, ix, x, xi, xii, xiv and xv had not been implemented. Compliance with the outstanding recommendations is examined below.

Corruption prevention and promotion of integrity in respect of central governments (top executive functions)

Recommendation i

6. *GRECO recommended i) that measures be taken to solve the legal situation of persons of trust and to limit the number of such discretionarily appointed officials to an absolute minimum, and ii) that those who would perform top executive functions be required to comply with the highest standards of integrity, including as regards rules of conduct, conflicts of*

¹ The Compliance procedure of GRECO's Fifth Evaluation Round is governed by its Rules of Procedure, as amended: Rule 31 revised bis and Rule 32 revised.

interest, declaratory obligations, and supervision by the Commissioner for standards in public life.

7. It is recalled that this recommendation was partly implemented in the Compliance Report. As to the first part of the recommendation, GRECO noted the adoption of a more detailed definition of “persons of trust”. As to the second part, GRECO noted the new functions of the Commissioner for Standards of Public Life to investigate violations of the integrity rules, report on corruption cases and seek judicial review, and new provisions establishing a “cooling-off” period of up to two years between public-to-private sector employments. However, the Public Administration Act left “persons of trust” outside of the scope of most of the integrity requirements and reporting obligations². In addition, the appointments of persons of trust had not been limited “to an absolute minimum”, and the overall number of “persons of trust” that could be recruited³ had not been decreased.

8. The Maltese authorities refer, once again, to the enactment of the Appointment (Persons of Trust) Act (Act XVI of 2021) defining a “person of trust” and providing a legal basis to Ministers and Parliamentary Secretaries to employ directly, on the basis of personal trust, individuals from outside the public service. They also reiterate that the Commissioner for Standards in Public Life (CPSL) has been given competence to investigate and report on breaches of the applicable codes of ethics by members of the House, or by persons of trust, upon the Commissioner’s initiative, or following a complaint, the power to refer a case to the Attorney General if “*it appears prima facie that a criminal offence or a corrupt practice has been committed*”, and to seek judicial review of decisions not to prosecute. They refer, once again, to the introduction of the two-year “cooling off” regarding employment in the private sector of public employees with regulatory or inspection functions. In addition, the authorities report that in September 2021, a two-year project entitled “*Improving the Integrity and Transparency Framework in Malta*” was launched at the request of the Commissioner for Standards in Public Life, with the funding from the European Union Technical Support Instrument, and is implemented by the OECD.

9. GRECO takes note of the information provided. The vast majority of the information submitted by the authorities was already taken into consideration in the previous Compliance Report. GRECO notes with interest the ongoing project aiming to improve the integrity and transparency in Malta, according to which many of the concerns underpinning GRECO’s recommendations remain relevant⁴. Until further measures are taken to fully address both parts of this recommendation (i.e. limiting the number of “persons of trust” to an absolute minimum and ensuring that all PTEFs comply with the standards of integrity, conflicts of interest, and declaratory obligations subject to supervision by the Commissioner for Standards in Public Life), GRECO cannot assess it as implemented more than partly.

² The express exclusion of “persons of trust” from among public employees under the Public Administration Act left the former beyond the reach of most of the integrity standards and reporting obligations.

³ At the time of the adoption of the Evaluation Report, it was permissible to recruit up to 700 “persons of trust”.

⁴ See the Review of the Standards in Public Life Act of Malta, published under the project “Improving the Integrity and Transparency Framework in Malta”, accessible via the following link:

[https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/PGC/INT\(2022\)9/FINAL&docLanguage=en](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=GOV/PGC/INT(2022)9/FINAL&docLanguage=en)

10. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii

11. *GRECO recommended that on the basis of proper risk assessments an integrity strategy be developed and implemented in respect of all pertinent categories of persons entrusted with top executive functions.*

12. It is recalled that this recommendation was not implemented in the Compliance Report. An inter-ministerial body had been established to develop a national anti-corruption integrity strategy, but the actual work on the strategy had not yet been initiated at the time.

13. The Maltese authorities reaffirm their commitment to develop an integrity strategy and refer to several integrity awareness raising measures that were implemented. The authorities also indicate that a newly developed framework for management of conflicts of interest for PTEFs is expected to be launched by the end of 2023. It is also specified that the development of a risk-based integrity strategy will be carried out on the basis of practical elements and learning curve that the Malta Public Service will have garnered, as the next step following the conflict-of-interest framework for PTEFs.

14. GRECO takes note of the information provided by the authorities. It would appear that neither the risk assessment has been carried out, nor the anti-corruption integrity strategy has been adopted. GRECO calls upon the Maltese authorities to step up their efforts to put in place a comprehensive anti-corruption and integrity, covering all PTEFs, with no further delay.

15. GRECO concludes that recommendation ii remains not implemented.

Recommendation iii

16. *GRECO recommended that i) more robust and systematic awareness-raising measures (e.g. refresher training and workshops, guidance documents, written reminders) be provided to all persons entrusted with top executive functions, at the start of their term and at regular intervals throughout their term and ii) that information about the integrity requirements for public officials and their observance is made readily available, including by posting such information on the websites of public authorities.*

17. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed the adoption of the Integrity and Ethics Awareness Learning Programme (IEAL) and the initiation of its implementation in 2021. Some further measures to raise awareness on integrity were in the pipeline and were expected to materialise in the course of 2021. However, the new measures were limited only to those in “high-risk” positions and candidates for senior management positions, which was insufficient, as the recommendation referred to “all persons entrusted with top executive functions”.

18. The Maltese authorities now report that along with introducing the Integrity and Ethics Awareness Learning Programme (IEAL), other measures are systematically implemented to

promote awareness and the dissemination of information (on-line flyers, webinars, seminars and in-service courses are being systematically implemented). According to statistical information provided by the authorities, 909 public employees took part in the IEAL programme in 2021 and a further 1134 in 2022. Further, the authorities submit that regular induction and refresher training on integrity and ethics is provided new employees and public officials already in service.

19. GRECO takes note of the information provided. It would appear that the IEAL programme is being implemented in respect of public employees, with the number of participants increasing yearly, which is to be welcomed. Nonetheless, GRECO received no new information as to whether any PTEFs took part in the awareness-raising and training activities on ethics and integrity, or whether these were geared to benefit PTEFs, as required by this recommendation. Furthermore, no information about the integrity requirements and their observance appears to be readily available to the public. It follows that GRECO cannot consider this recommendation as implemented more than partly.

20. GRECO concludes that recommendation iii remains partly implemented.

Recommendation iv

21. *GRECO recommended dissociating the functions of confidential advice and of enforcement by the Commissioner on Standards in Public Life, entrusting other persons or bodies with the former.*

22. GRECO recalls that this recommendation was not implemented in the Compliance Report. The authorities envisaged legal amendments to the Act on Standards in Public Life with a view to establishing a competent body to provide confidential advice to PTEFs, which was expected to undergo public consultation procedure and then be submitted to Parliament in June 2021.

23. The Maltese authorities reiterate that Government intends to take a holistic and contextual approach when evaluating the Standards in Public Life Act (Chapter 570 of the Laws of Malta), following the finalisation of the OECD project entitled “*Improving the Integrity and Transparency Framework in Malta*” (see paragraph 8 above). This project was concluded on 27 October 2023 and the authorities intend enhancing the effectiveness of the Office of the Commissioner on Standards in Public Life through implementing the recommendations resulting from this project.

24. GRECO notes that no new developments have been reported regarding the present recommendation, and takes note of the intention of the Maltese authorities to take concrete measures in the light of the outcome of the project “*Improving the Integrity and Transparency Framework in Malta*”, expected to end in the course of 2023.

25. GRECO concludes that recommendation iv remains not implemented.

Recommendation v

26. *GRECO recommended i) that the implementation of the Freedom of Information Act of 2008 be subject to an independent and thorough analysis and ii) that in light of the findings, additional measures be taken so that exceptions to the rule of public disclosure are interpreted and applied more specifically and narrowly.*

27. It is recalled that this recommendation was partly implemented in the Compliance Report. An outside consultant was selected to carry out the analysis of the Freedom of Information Act and the analysis appeared to be underway. However, the final outcome of this exercise, including any proposals as to how the exceptions to the rule of public disclosure should be applied more specifically and narrowly, was not available at the time.

28. The Maltese authorities provide no new information regarding the before-mentioned analysis. They further submit that following a call for tenders, an international company has been tasked to set up a new case management system for requests of information, which aims at launching a new website for such requests by the end of 2024/beginning of 2025.

29. GRECO regrets the absence of any progress regarding the implementation of recommendation v. What is more, the outcome of the previously initiated analysis is not known, and new initiative has now been launched to set up a system for managing requests of information, expected, at the soonest, by the end of 2024. It is not clear whether work on this new system has even started. Overall, more than four years since the adoption of the Evaluation Report, no tangible progress has been made in the implementation of the present recommendation. In the given circumstances, GRECO can no longer maintain its previous conclusion it has been partly implemented.

30. GRECO concludes that recommendation v has not been implemented.

Recommendation vi

31. *GRECO recommended to provide for the disclosure, as a rule, of governmental draft legislation and other texts of particular public interest, accompanied by an appropriate level of consultations and in that context (i) that only specific and limited exceptions to this rule are possible and clearly regulated and (ii) that the outcomes of public consultation procedures are published online in a timely and easily accessible manner.*

32. It is recalled that this recommendation was partly implemented in the Compliance Report. Some positive legislative and practical steps to facilitate public consultation on draft legislation were underway, but these were limited to narrowly specified purposes and were not applicable to governmental draft legislation and other texts of particular public interest. Further, no steps were taken to limit and clearly regulate exceptions to the rule of public consultation, as well as for certain categories of draft legislation.

33. The Maltese authorities now refer to Directive No. 6.1 of 6 April 2017 issued by the Office of the Principal Permanent Secretary, setting out a standard procedure to be followed

when executing an online Public Consultation Exercise. The authorities also report that an overhaul of the consultation system took place, with the aim of ensuring a centralised, structured and inclusive consultation process. In this regard, an updated consultation portal⁵ was launched in the beginning of 2023. The public consultation system is said to provide statistics showing how Ministries are keeping up with deadlines and managing the public consultation process. The authorities state that a number of important reforms are undergoing public consultation at present, including a reform of the compilation of evidence in committal proceedings and referrals procedures in the criminal justice, as well as amendments to strengthen the judicial investigation of deaths and serious injury at places of work. The authorities also submit that during 2021-2023, the government conducted more than 50 legislative public consultations and more than 130 non-legislative public consultations, each receiving between 49 and 2 596 comments.

34. GRECO takes note of the information provided by the authorities. Some promising practical steps appear to have been taken, such as the reform of the public consultation process and the updated website portal. That said, the information provided does not address key issues underlined in the recommendation: that only specific, limited and clearly regulated exceptions to the disclosure of governmental draft legislation and other texts of particular public interest are possible and that outcomes of public consultation procedures are published online in a timely manner. Regarding the first part of the recommendation, Directive No. 6.1 pre-dates the Evaluation Report and has therefore been taken into account when adopting the present recommendation. No new information has been received to indicate that the exceptions to carry out public consultations have been limited. As to the second part, while the overhaul of the public consultation system and the launch of a renewed website are promising, the outcomes of such consultations have been published for only a very limited number of government actions. A further improvement regarding public consultations on draft legislation is clearly necessary. It follows that the present recommendation cannot be considered as implemented more than partly.

35. GRECO concludes that recommendation vi remains partly implemented.

Recommendation vii

36. *GRECO recommended that rules be laid down to govern (i) contacts between persons with top executive functions and lobbyists/third parties that seek to influence the public decision-making process and (ii) the disclosure of such contacts and the subject-matters discussed.*

37. It is recalled that this recommendation was not implemented in the Compliance Report. Even though the Commissioner on Standards in Public Life published a consultation paper on regulation of lobbying in Malta, proposing that lobbying be regulated through dedicated legislation, no such legislation or rules were even at the drafting stage.

⁵ The consultation portal is accessible via the following link:
<https://www.gov.mt/mt/publicconsultation/Pages/default.aspx>

38. The Maltese authorities now submit that the Government intends taking a holistic approach to the matter when evaluating the Standards in Public Life Act, within the context of the OECD project on improving the integrity and transparency framework in Malta (see paragraph 8 above).

39. GRECO notes that no new information was provided by the authorities. It regrets the lack of any tangible progress in the implementation of the present recommendation and once again underlines the importance of a strong legal framework promoting transparency of lobbying activities in the top executive. GRECO calls upon the Maltese authorities to enhance their efforts towards establishing clear rules on contacts between all PTEFs and lobbyists/third parties and ensuring that such contacts and subject matters covered are disclosed to the public.

40. GRECO concludes that recommendation vii remains not implemented.

Recommendation viii.

41. *GRECO recommended that a strategy be developed and implemented in order to increase the capacity, authority and public accountability of State institutions entrusted with regulatory and control functions in relation to the management of public resources.*

42. GRECO recalls that this recommendation was partly implemented in the Compliance Report. Some legislative and practical measures have been taken regarding the appointment of PCAC members and the new capacity of PCAC and the Ombudsman to refer suspected cases of corruption directly to the Attorney General. However, not sufficient information was available at the time as to the effectiveness of these reforms in practice, which would be of relevance to the implementation of this recommendation.

43. The Maltese authorities once again refer to an updated [National Anti-Fraud and Corruption Strategy](#) (NAFCS), which has been made public on 31 May 2021 with the aim to increase the capacity, authority and public accountability of the State institutions entrusted with regulatory and control functions in relation to the management of public resources⁶. The authorities report that according to the Results of the [National Risk Assessment](#) on Fraud and Corruption, published in December 2022, the tasks set out in the NAFCS remain valid and sufficiently detailed. In addition, the authorities inform that in the period from 2015 to 2023, the budgets of main external and oversight bodies, such as the Office of the Ombudsman, National Audit Office, the Commissioner on Standards in Public Life and the Government's Internal Audit and Investigations Department (IAID) have been steadily increasing from 20% (Ombudsman) to 75% (IAID).

44. GRECO notes with interest the publication of the National Risk Assessment on Fraud and Corruption (NRA), which provides a general overview of the updated NAFCS, information

⁶ As already described in the previous Compliance Report, the NAFCS sets four main objectives: capacity building, communication, maximisation of national cooperation and maximisation of the EU and international cooperation. The NAFCS contains an Action Plan with 23 specific actions and the timeframe for their implementation.

on the Coordinating Committee of the Internal Audit and Investigations Board, in charge of preparing the NRA, definitions of fraud and corruption, approach and methodology applied during the risk assessment, the findings of the NRA and the way forward. Even though NRA does not set out a strategy to increase the capacity, authority and public accountability of State institutions having regulatory and control functions in relation to the management of public resources, GRECO notes that in practice the tendency towards increasing of budgets of relevant oversight bodies continues. GRECO encourages the authorities to enhance the work of these bodies to ensure that state institutions entrusted with regulatory and control functions regarding the management of public resources are kept under review by the oversight bodies and are effectively held accountable in cases of violations. Bearing in mind the progressive reinforcement of the oversight bodies, along with the on-going implementation of the National Anti-Fraud and Corruption Strategy, GRECO is now satisfied that the present recommendation has been complied with.

45. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.

Recommendation ix

46. *GRECO recommended that the system for managing conflicts of interest be supplemented with clear provisions and guidance regarding i) a requirement upon persons exercising top executive functions to disclose conflicts ad hoc and ii) clear procedures, responsibilities and deadlines for solving situations of conflict of interest, including following complaints by the public or other institutions.*

47. GRECO recalls that this recommendation was not implemented in the Compliance Report. The legislation referred to by the authorities did not establish at the time an obligation for PTEFs to disclose conflicts of interest *ad hoc*. Further, no procedures and deadlines were in place for solving situations of conflict of interest. Finally, the authorities were discussing establishing a policy on the management of conflict of interest in the public sector, but the process was only at the initial stage.

48. The Maltese authorities report that a conflict of interest framework for PTEFs is in development. In particular, the authorities refer to preparations of a Directive 16 entitled “*Governing Framework for Preventing and Managing Conflicts of Interest in the Public Administration*”. This framework will, in particular, define a conflict of interest, provide guidelines to public officials on identifying and managing conflicts of interest, and establish a requirement to report any such conflicts prior to assuming office, as well as while in office. The Directive 16 was adopted on 27 November 2023 and will enter into force on 1 February 2024. The authorities also refer to various initiatives to consolidate the relevant provisions in the Public Service Management Code (PSMC). In this context, the authorities refer Directive No. 15 entitled “*Governing Policy for Integrity Promotion, Awareness and Assessment for Public Employees*”, issued by the Principal Permanent Secretary on 20 April 2021.

49. GRECO takes note of the information provided. It observes that Directive 16, which is said to address the issues underlying the present recommendation, has been adopted on 27

November 2023. While the adoption of this Directive is a welcome development, it has not yet entered into force. GRECO recognises the steps taken by the authorities, notably, the adoption of new legislation on the subject, which represents an important step in the right direction. It will re-assess the implementation of this recommendation once the text of Directive 16 is made available. In light of the foregoing, GRECO considers that the present recommendation has been partly complied with.

50. GRECO concludes that recommendation ix has been partly implemented.

Recommendation x

51. *GRECO recommended (i) that the current provisions on incompatibilities and side-activities applicable to persons with top executive functions be made more coherent and robust for all categories of such persons, with clearer and stricter limits on permissible parallel activities, and (ii) that specific procedures, responsibilities and deadlines for solving such situations, upon ad-hoc disclosures and/or complaints by the public or other institutions be introduced.*

52. It is recalled that this recommendation was not implemented in the Compliance Report. The newly issued circular of the Principal Permanent Secretary prohibiting parallel occupations of Executive Heads and Executive Chairpersons covered only a limited part of PTEFs, thus departing from the objective of achieving greater coherence of existing provisions on incompatibilities and side-activities. No tangible progress was reported on the second part of the recommendation.

53. The Maltese authorities now report that Directive 16 (adopted on 27 November 2023) also establishes the framework relevant to incompatibilities and side activities of PTEFs.

54. GRECO notes the adoption of Directive 16, which is said to establish a framework for managing and solving conflicts of interest, incompatibilities and side activities. That said, the Directive has only been adopted very recently, precluding its assessment on the substance. Pending this, GRECO is not in a position to consider this recommendation as implemented, even partly.

55. GRECO concludes that recommendation x remains not implemented.

Recommendations xi and xii

56. *GRECO recommended that the current regime of asset and interest declaration be further developed by (i) extending to persons entrusted with top executive functions, including persons of trust who are associated with a minister's decision-making, the duty to file a detailed declaration with the Commissioner for Standards in Public Life, and considering including information on the spouses (it being understood that the latter information would not necessarily be made public), and (ii) ensuring that all declarations are made systematically, easily and publicly accessible on-line. (recommendation xi)*

57. *GRECO recommended to ensure (i) that asset and interest declarations of persons entrusted with top executive functions are subject to effective and proactive checks by the Commissioner for Standards in Public Life and that the institution is therefore provided with adequate legal, human and other means and required to report publicly and regularly about its work (ii) that clear consequences and effective, proportionate and dissuasive sanctions are applicable to guarantee the accuracy and correctness of information declared as well as the actual filing of a declaration, including the possibility to refer a matter to criminal investigation. (recommendation xii)*

58. It is recalled that recommendations xi and xii were not implemented in the Compliance Report. In relation to the first part of recommendation xi, no information had been provided as regards the extension of the persons obliged to file declarations, nor to cover assets and interests of spouses in the declarations. As to the second part of this recommendation, no steps had been reported to make declarations systematically accessible on-line. As to recommendation xii, no information had been provided on review and supervisory functions of the Commissioner for Standards in Public Life regarding checks into the declarations of assets and interest of the PTEFs under its purview. Some legal amendments were envisaged at the time regarding checks of declarations of public office-holders in top executive functions, but were not formally initiated. In addition, proposals of the Commissioner regarding the revised Codes of Ethics did not apply to all PTEFs and they had not materialised at the time.

59. The Maltese authorities allude, once again, to the fact that Members of the House of Representatives, including Ministers, Parliamentary Secretaries, and Parliamentary assistants, as well as “persons of trust”, are subject to supervision by the Commissioner for Standards in Public Life. The Government intends to evaluate the reports it will be receiving in the framework of the OECD project entitled “*Improving the Integrity and Transparency Framework in Malta*” (see paragraph 8 above) in order to address this issue in a holistic manner. Further, the authorities reiterate that the Commissioner for Standards in Public Life is not responsible for overseeing PTEFs who are in the public service⁷ as this falls under the remit of other constitutionally-established bodies.

60. GRECO observes that no new developments took place on the above two recommendations during the reporting period. It is concerned over the fact that more than four years after the adoption of the Evaluation Report, no concrete steps have been taken to enhance the system of asset and interest declarations in respect of PTEFs, ensure its accessibility to the public, provide for effective and proactive checks, and introduce dissuasive sanctions for violations.

⁷ According to the explanation provided by the authorities, The term “public sector” refers to all government organisations and their employees, as distinct from the private sector (private companies, non-government organisations, and their employees). The Public Service consists of ministries and departments of Government. The Public Service is the core of the Government’s administrative machinery, but this machinery has other components. These include statutory authorities and agencies, Government foundations, and companies with a Government majority shareholding. These entities are part of the public sector but not the Public Service.

See more at:

<https://publicservice.gov.mt/en/Pages/The%20Public%20Service/PublicServicePublicSector.aspx#:~:text=public%20service.gov.mt&text=The%20term%20%E2%80%9Cpublic%20sector%E2%80%9D%20refers,ministries%20and%20departments%20of%20Government.>

61. GRECO concludes that recommendations xi and xii remain not implemented.

Recommendation xiii

62. *GRECO recommended (i) that the criminal investigation and prosecution system in relation to persons entrusted with top executive functions be reformed along the lines identified by the Venice Commission in its assessment from December 2018, giving a central active role to the prosecutors and without retaining the parallel jurisdiction of the Permanent Commission against Corruption and (ii) that it be made clear for criminal investigative bodies that the launching of an inquest or investigation can be based on a reasonable suspicion and does not require that evidence is readily submitted to them.*

63. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO noted, in respect of the first part of the recommendation, the reforms of the criminal justice system, notably the initiation of transfer of the prosecuting functions from the Police to the Attorney General's Office and the introduction of a judicial review for non-prosecution decisions of the Attorney General. However, the Police still retained considerable prosecutorial functions in criminal proceedings, in parallel to the Attorney General's Office, in contrast to the Venice Commission recommendations. Further, the possibility of seeking judicial review against decisions not to prosecute was limited only to cases where a report has been submitted by the institutions concerned. GRECO also noted that in spite of an improved appointment procedure of the Attorney General, the executive branch still maintained considerable influence on this office, curtailing the necessary autonomy of the prosecution. In addition, contrary to the recommendation, the PCAC maintained jurisdiction regarding investigations into possible corruption cases. Finally, the function of a magisterial inquest had not been absorbed by the Attorney General's Office.

64. Regarding the second part of the recommendation, GRECO noted that in the Maltese legal system the exercise of investigative powers must be based on a reasonable suspicion that an offence may have been committed, requiring existence of information or proof to that effect. GRECO also referred to persisting challenges faced by the criminal justice system, reflected in the preliminary findings⁸ of the independent public inquiry into Ms Caruana Galizia's assassination.

65. The Maltese authorities now report that in the course of the second phase of transferring the prosecutorial function from the Police to the Attorney General, the latter took over additional offences from the Executive Police. The third phase has been initiated on 1 October 2022 and in that context new recruitments took place in the prosecution, and extensive training was provided to the newly employed and the already serving prosecutors.

⁸ In particular, the findings of the public inquiry suggested that *"the assassination was intrinsically, if not exclusively linked to [Ms Caruana Galizia's] investigative work, which included allegations of administrative irregularities or abuse in major development projects which involved elements of big business."* The preliminary findings recommended, *inter alia*, that *"every regulatory authority involved and the police must continue with their investigation to identify all the people who were in some way involved in the assassination of the journalist and assure that they all answer for their actions in court."*

The fourth phase has been initiated on 1 October 2023 and is currently on-going. The fifth and final phase of transferring prosecutorial function from the Police will be initiated on 1 October 2024. The authorities underline that prosecution of all offences related to corruption has been transferred to the Office of the Attorney General as of 1 October 2020. The authorities also inform of the launch, on 15 February 2023, of the Strategic and Operational Plan for the Office of the Attorney General and the Office of the State Advocate. The five-year plan identifies and aims to address the challenges faced by the Office and provides a practical roadmap of measures to maximise its effective operation.

66. To demonstrate the effects of ongoing reform, the authorities indicate that from 1 October 2020 to 31 December 2022 the Office of the Attorney General has initiated seventy-one (71) prosecutions either for money-laundering only (18) or money laundering accompanied by a predicate offence (53). Other cases have been submitted to court including on offences related to corruption in the private sector, attempted bribery, attempted corruption and tax evasion. Some of the persons charged are former politically exposed persons. According to the authorities, in the course of 2022, prosecutions initiated and conducted by the Attorney General's Office resulted in 11 convictions for financial crimes.

67. Moreover, following the amendments to the Permanent Commission Against Corruption Act (Chapter 326 of the Laws of Malta), allowing the PCAC to transmit reports on possible corruption to the Office of the Attorney General, three such reports were transmitted in 2021, which in turn were forwarded to the Police Force for criminal investigation. In two of these cases, the Police Force concluded that there was no evidence of criminal activity, while the third remains under investigation. Two further cases were transferred to the Office of the Attorney General from the PCAC in 2022, while simultaneously forwarding them to the Police Force for investigation. In 2023, one case was received by the Office of the Attorney General from the PCAC and was forwarded to the Malta Police Force for criminal investigation, where no evidence of criminal activity has been established. The authorities take the view that in practice, the inquiry by the PCAC does not prevent investigation and prosecution of offences by the Police and by the Office of the Attorney General.

68. The authorities further clarify that according to national legislation, the Police Force may initiate an investigation upon the receipt of information, report or complaint demonstrating that an offence may have been committed, without requiring any evidence going beyond that threshold. Finally, regarding magisterial inquiry, the authorities indicate that its purpose is effective collection and preservation of evidence, and such an inquiry can be initiated either following the receipt of information by the Police Force, or by a request made by a physical person.

69. GRECO takes note of the information provided by the authorities. Regarding the first part of the recommendation, it welcomes the process of gradual transfer of prosecutorial functions from the Police to the Attorney General's Office. GRECO is mindful of the fact that this reform has not yet been completed and some further measures are in the pipeline; so far, no cases of investigations into corruption offences involving PTEFs leading to convictions have been reported. Further, GRECO acknowledges that the role of the Attorney General's Office in the investigations has been steadily increasing, and it appears that criminal investigation

and prosecution function in relation to corruption offences involving PTEFs has been ascribed to this Office. However, from the information provided by the authorities, it transpires that parallel investigative functions have been retained by the PCAC and the Police Force, contrary to the first part of the recommendation. GRECO encourages the authorities to continue their efforts towards transferring the function of investigating and prosecuting corruption offences involving PTEFs, including magisterial inquiry, to the Attorney General's Office, with no parallel processes by other bodies.

70. As to the second part, GRECO takes note of additional clarifications regarding the possibility of initiating investigations into criminal offences on the basis of knowledge/information that a crime may have been committed, which has been confirmed by practical examples. This part of the recommendation has therefore been complied with.

71. In view of the above, GRECO concludes that recommendation xiii remains partly implemented.

Recommendation xiv

72. *GRECO recommended that i) legislation be issued giving criminal investigation bodies the authority to seek and use special investigative techniques (such as wiretaps and other similar measures) in the investigation of corruption offences, empowering the judicial authority to authorise their use, and making the evidence obtained thereby admissible in court, while respecting the case law of the European Court of Human Rights and that ii) it be made clear to all authorities involved in the investigation of corruption that the evidence lawfully obtained by such means is admissible evidence in court.*

73. GRECO recalls that this recommendation was not implemented in the Compliance Report. No steps – not even a legal analysis of what would be a possible way forward – had been taken by the authorities. It is recalled that the influence of the executive on law enforcement authorities (see paragraph 108 of the Fifth Round Evaluation Report), in particular the ones deciding upon the use of special investigation techniques *inter alia* for possible corruption offences, was one of the main factors for the inefficiency of the Maltese criminal justice system to effectively investigate allegations of possible involvement of PTEFs in corruption offences.

74. The Maltese authorities submit no new information relevant to this recommendation.

75. GRECO considers that recommendation xiv remains not implemented.

Recommendation xv

76. *GRECO recommended (i) that all persons with top executive functions be subjected, as a rule, to the supervision of the Commissioner for Standards in Public Life, who should be equipped with the appropriate means and possibilities to conduct inquiries and to propose effective, proportionate and dissuasive sanctions, and (ii) that the jurisdiction of the*

commissioner extends to on-going situations even where these result from actions which predate the enactment of the standards in Public Life Act.

77. It is recalled that this recommendation was not implemented in the Compliance Report. As regards the first part of the recommendation, the Commissioner's competence was limited to scrutinising conformity with the integrity rules. It was noted that in cases of breach of ethical and integrity rules, no sanctions were at the Commissioner's disposal. As to the second part of the recommendation, the Standards of Public Life Act limited the Commissioner's jurisdiction to acts having occurred after the entry into force of this Act.

78. The Maltese authorities maintain that a violation found by the Commissioner, in spite of no consequent fine or another sanction, still grants just satisfaction to society and to the complainant and asserts the authority of the Code of Ethics. In their view, the importance of reputational damage in case of a breach of ethical and integrity rules, established by the Commissioner represents an adequate measure. That being said, the Government expresses preparedness to reassess this aspect in light of the findings and recommendations under the OECD project entitled "*Improving the Integrity and Transparency Framework in Malta*" (see paragraph 8 above) and address this issue in a holistic manner. One of the reports deliverables under the project aims at strengthening the capacity of the Commissioner.

79. GRECO takes note of the authorities' diverging view regarding this recommendation. However, this position is immaterial in the context of the compliance procedure. GRECO expects recommendations issued as a result of the mutual evaluation to be acted upon. The findings of the above-mentioned OECD project may serve as an opportunity to take concrete steps for providing the Commissioner for Standards in Public Life with effective means to conduct inquiries and impose proportionate, effective and dissuasive sanctions for any breaches by PTEFs, including those that have occurred prior to the enactment of the Standards in Public Life Act. GRECO urges the authorities to take the necessary steps with no further delay.

80. GRECO concludes that recommendation xv remains not implemented.

Corruption prevention and promotion of integrity in respect of law enforcement agencies

Recommendation xvi

81. *GRECO recommended that the Maltese Police Force establish a policy to communicate at regular interval and through authorised channels about its work including on steps taken with regard to concrete cases which are of particular interest to the public or to victims of crime and closely related persons.*

82. GRECO recalls that this recommendation was partly implemented in the Compliance Report. It welcomed the adoption of the Standard Operating Procedures for communications with the media, the designation of the Media officer as the spokesperson of the police and the holding of press conferences on important cases. GRECO also noted that enhancing public trust was among the objectives of the Maltese Police Force Transformation Strategy in the

Police. The setting in motion of the Victim Support Agency was also welcomed. However, these measures were only very recent at the time, and their effectiveness needed to be evaluated in light of concrete examples from practice.

83. The Maltese authorities now report that following the publication of the Transformation Strategy in September 2020, the Police Force has attained the highest public trust track record since 2008, standing at 69%, bringing it on par with the average level of trust in the European Union,⁹ which rose to 70% according to the Eurobarometer survey of winter 2022-2023¹⁰. Periodic briefings are regularly being held by the Police to communicate with the press (and by extension, the general public). By way of example, the authorities refer to numerous media briefings conducted in 2021-2023 by the Police Force regarding cases of general public interest (60 in 2023 (up to September), 88 in 2022 and 80 in 2021), some of which were also transmitted through social media. Finally, the persons filing reports to the Police are provided with an official report card, which acknowledges the receipt of the report and allows the filer to provide feedback on the Police action taken in response.

84. GRECO notes with satisfaction the record of increased public trust towards the Police Force in Malta, reflected in the surveys. While this is an encouraging development, the surveys also suggest a general worsening of the corruption perception in Malta (92% of the respondents suggesting that corruption is widespread in the country, a 13% increase since 2022)¹¹. Furthermore, the recent Eurobarometer 534 survey also demonstrates that in Malta, police and customs is the area mentioned as having widespread corruption by 55% of the respondents. Against this background, GRECO calls upon the authorities to continue surveying the public perception of corruption in the Police in a targeted manner and address any remaining challenges. As to the present recommendation, it would appear that consistent measures are being taken to improve communication policy of the Police Force. The information provided by the authorities allows to consider that this recommendation has been complied with.

85. GRECO concludes that recommendation xvi has been implemented satisfactorily.

Recommendation xvii

86. *GRECO recommended that a dedicated anti-corruption strategy be adopted and implemented for the Maltese Police Force, based on proper risk assessments, so as to promote a culture of integrity and to restore public trust in the Force through a robust set of rules, effective compliance, merit-based career systems, sufficient operational independence and political neutrality, as well as increased awareness and gender balance at all levels.*

⁹ According to Standard Eurobarometer 97 survey, entitled “Public Opinion in the European Union”, published in September 2022, accessible via the following link:

<https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=83434>

¹⁰ Standard Eurobarometer 98 survey, entitled “Public Opinion in the European Union”, published in the beginning of 2023, accessible via the following link:

<https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=86115>

¹¹ According to Special Eurobarometer 534 Citizens’ attitudes towards corruption in the EU in 2023, accessible via the following link: <https://europa.eu/eurobarometer/api/deliverable/download/file?deliverableId=87714>

87. It is recalled that this recommendation was partly implemented in the Compliance Report. The adoption of the Horizontal Movement Policy and the Anti-Fraud and Corruption Policy and the setting up of the IAO were welcomed. However, the authorities were encouraged to consider whether exceptionally acceptable “minor courtesy gifts” should be covered in a policy document or in the Code of Ethics. GRECO pointed out that various policies needed to be well adjusted to each other, as well as with the Code of Ethics, in order to avoid that ethical conduct and integrity principles were scattered in different documents. Further efforts were needed to address the remaining issues, such as a risk-assessment-based strategy, merit-based career systems, sufficient operational independence and political neutrality, as well as increased awareness and gender balance.

88. The Maltese authorities now report that the Police Force is actively promoting its Anti-Fraud and Corruption Policy through its internal communication tools and comprehensive training programmes. The Police Force is also raising awareness of different reporting instruments supporting this mission. The authorities also point out that officers are proactively using the available reporting mechanisms to uphold the Anti-Fraud and Corruption Policy and promote transparency and accountability. Thus, since the establishment in December 2020 of the Gifts, Gratuities and Hospitality Register, it has seen some 356 entries. According to the authorities, information from this Register is often requested by the local media under the Freedom of Information Act. Further, the Office of the Integrity Officer can be approached by the staff of the Police Force for reporting possible corruption, including anonymously through a dedicated restricted website. In addition, the Internal Audit Office (IAO) within the Police Force carried out several performance audits in specific areas, such as the Weapons Office, the staffing and major events unit, and the disposal of vehicles. Currently, the IAO is conducting a departmental audit within the Human Resources to centralise and rationalise data and re-engineer HR processes through automation.

89. GRECO takes note of the information provided. It notes the application in practice of a register of gifts and gratuities, as well as the operation of the Office of the Integrity Officer and of the recently established Internal Audit Office. Nonetheless, the information provided only partly relates to the core of the recommendation: putting in place a robust set of rules, effective compliance, merit-based career systems, sufficient operational independence and political neutrality, as well as increased awareness and gender balance. Until specific measures addressing these aspects are reported to and assessed by GRECO, it cannot consider this recommendation as implemented more than partly.

90. GRECO concludes that recommendation xvii remains partly implemented.

Recommendation xx

91. *GRECO recommended (i) that objective, fair and transparent criteria, based on merit and adequate open competitions, be clearly provided for, and effectively used for all recruitments and promotions in the Maltese Police Force, including at the lower and higher ranks; (ii) that mobility and transfers involve the co-decision of a body.*

92. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed the new, more transparent procedure for selection and appointment of the Police Commissioner, as well as the Deputy Police Commissioner. It also noted that, as per the Horizontal Movement Policy, the filling of vacant positions in the Police Force was to be conducted through a fair, impartial and non-discriminatory process, with specific criteria, and involved a co-decision of a body. However, these procedures appeared to be limited to initial recruitment and horizontal transfers. No similar requirements appeared to be in place for all promotions in the Police Force, including lower and higher ranks. Besides, the Appointments Regulations only contained provisions on withholding of promotions, but not on the promotions *per se*. At the time, Malta was still to demonstrate a consistent application of the procedures as regards promotions in the Police Force as a whole, as required by the recommendation.

93. The Maltese authorities maintain that the Horizontal Movement Policy provides for merit-based horizontal movements, with internal vacancies filled following calls for applications and a fair and transparent selection process. The authorities report that in 2023 alone a total of 486 applications have been submitted in pursuance of this policy, which indicates a high level of trust. The authorities indicate that officers must complete a Mentorship Programme and be in office for at least three years to become eligible for horizontal transfers to specialist branches – a practice that is becoming ingrained within the culture of the Police Force, with an increasing understanding among officers that these movements are based on merit and they should seek no alternative routes.

94. GRECO takes note of the information provided. It recalls that the adoption of the Horizontal Movement Policy has been taken into consideration in the previous Compliance Report, and its drawbacks highlighted at the time do not appear to have been addressed, i.e. this policy it still not applicable for promotions, covering lower and higher ranks. Bearing in mind that no new developments have been reported by the authorities, GRECO is not in a position to consider this recommendation as implemented more than partly.

95. Consequently, GRECO concludes that recommendation xx remains partly implemented.

Recommendation xxi

96. *GRECO recommended that the exercise of parallel activities is regulated by more explicit and strict criteria and that additional measures be taken to promote such rules and to ensure effective compliance with these.*

97. GRECO recalls that this recommendation was partly implemented in the Compliance Report. It welcomed the adoption of the new policy regarding parallel activities in the Police, setting out a procedure to apply for pursuing such activities, and providing examples of possibly compatible/incompatible activities. Nonetheless, the range of activities allowed for police officers appeared rather broad, which failed to establish a “more explicit and strict criteria”. Further, the amended legal provisions (Article 11 of the Police Act) did not apply to

police officers already in service prior to the adoption of the Act No. LVI of 2021¹², thus bypassing most of the new restrictions and generating two parallel authorisation regimes. Finally, no information was provided on any measures to promote the new rules and increase awareness thereof among the Police Force.

98. The Maltese authorities refer once again to the Police Force policy and Procedure document, regulating Business Interests and Additional Occupations, and the amendments to the Police Act of 27 August 2021, requiring police officers to devote all their time to the service and not to perform any other work, unless authorised in advance in writing. According to the authorities, some 376 applications for the performance of work outside official duties have been submitted since the publication of the policy, of which four were rejected and a further six were withdrawn. Moreover, five police officers have been under investigation for allegedly engaging in a Business Interest without prior approval. The authorities sustain that only one authorisation regime applies for parallel activities in the Police Force – in their interpretation, Article 11 of the Police Act as amended applies to all officers in service. However, no additional information is provided to explain the limitation contained in paragraph 4 of the Act LVI, stipulating that the Act does not apply to those who were members of the Police Force before its adoption.

99. GRECO takes note of the information submitted by the authorities. It recalls that the developments described in the Situation Report submitted by Malta on 1 May 2023 have been duly taken into consideration in the previous Compliance Report. The reports of consistent application in practice of the Policy and Procedure regulating Business Interests and Additional Occupations in the Police Force are encouraging and demonstrate progress in this regard. Nonetheless, it would appear that no new measures have been taken to address the remaining issues, i.e. to establish a more explicit and strict criteria for the exercise of parallel activities and to ensure that the amended Article 11 of the Police Act also applies to police officers already in service before the adoption of the Act LVI of 2021, so as to avoid two different authorisation regimes for parallel activities. In the absence of any new measures in this regard, GRECO cannot consider that this recommendation has been fully complied with.

100. GRECO concludes that recommendation xxi remains partly implemented.

Recommendation xxii

101. *GRECO recommended i) that the Independent Police Complaints Board be properly equipped, resourced and given adequate guarantees of independence for it to become an effective supervisory mechanism entirely dedicated to such tasks (disciplinary appeals should be excluded from its jurisdiction) and ii) that its activity be documented in a meaningful manner in a public and easily accessible annual activity report.*

102. It is recalled that this recommendation was partly implemented in the Compliance Report. GRECO welcomed that IPCB was no longer in charge of disciplinary appeals and noted the introduction in law of the Police Disciplinary Appeals Board, endowed with this function.

¹² Paragraph 4 of the Act LVI of 2021 stipulates that “this Act shall not apply with regard to a member of the Force who was part of the Force prior to the enactment of the Police (Amendment) Act, 2021.”

However, the Disciplinary Appeals Board was not operational at the time. No new information was provided as to the guarantees of independence of the IPCB, nor about its resources, and no measures were reported to ensure that the activity of the IPCB was properly documented and accessible to the general public.

103. The Maltese authorities now report that the new Police Disciplinary Appeals Board (PDAB) has been appointed and is operational since January 2022. The PDAB conducts hearings of appeal cases following the finding of guilt and the imposition of a penalty by the Commissioner of Police in relation to minor offences, or where there has been a gross disregard of the procedures which prejudiced an officer's interests. By way of example, the authorities indicate that in 2020, the previous PDAB held six sittings and determined 101 cases, in 2021 three sittings and 48 cases and in 2022 12 sittings and 156 cases.

104. GRECO takes note with satisfaction that the Police Disciplinary Appeals Board is in operation and has examined a considerable number of cases in the course of 2020-2022. That said, more information is needed regarding the resources allocated to the PDAB, the guarantees of its independence, and accessibility of information about the PDAB's work to the general public.

105. GRECO concludes that recommendation xxii remains partly implemented.

Recommendation xxiii

106. *GRECO recommended to foster the mechanism for the reporting of suspicions of corruption and other malpractice within the Maltese Police Force and to ensure adequate protection measures are in place for members of the Force when they report such instances.*

107. GRECO recalls that this recommendation was partly implemented in the Compliance Report. It welcomed the new framework for reporting wrongdoings within the Police Force, including anonymous reporting. However, the provisions of the Protection of Whistle-blowers Act were not applicable to police officers. Therefore, while the reporting possibilities were improved, the protection measures (e.g. against retaliation) remained insufficient.

108. The Maltese authorities now report that the Police Force's internal communication tools and extensive training programmes allow to efficiently promote integrity and responsibilities, while raising awareness of the reporting instruments in the Police Force. By way of example, the authorities refer to a recent case where three police officers have apparently abducted and beaten foreign nationals, which was brought to light through internal reporting and led to an investigation and subsequent charges. In addition, the authorities indicate that 106 internal reports on wrongdoings were submitted by the police officers in 2022 and a further 36 in 2023. According to the authorities, in 2022, the Professional Standards Office handled a total of 467 cases, half of them leading to investigations. A total of 59 breaches were established, with 48 resulting in minor disciplinary action. As to cases resulting in serious disciplinary action, three cases¹³ led to proceedings by the Public Service

¹³ One case was initiated in respect of an officer under the influence while on duty and two for serious lack of action according to duty.

Commission (PSC). Four other cases leading to PSC proceedings involved officers the officers resigned following positive drug tests or refusal to take one. Three cases resulted in criminal proceedings, including two for assault and one for making a false report.

109. GRECO takes note of the information provided. The improvement of reporting channels within the Police Force was acknowledged in the previous Compliance Report, and recent examples from the practice suggest that such channels are indeed used. That said, it is not clear what share of the investigations and proceedings by the Professional Standards Office or the Public Service Commission originate from internal reporting. More importantly, the authorities provide no new information regarding protection measures available to police officers reporting wrongdoing, in particular, protection against retaliation. Until this aspect has been adequately addressed, GRECO cannot consider this recommendation to be fully complied with.

110. GRECO concludes that recommendation xxiii remains partly implemented.

III. CONCLUSIONS

111. **In view of the foregoing, GRECO concludes that Malta has implemented satisfactorily or dealt with in a satisfactory manner four of the twenty-three recommendations contained in the Fifth Round Evaluation Report.** Ten recommendations have been partly implemented and nine have not been implemented. More specifically, recommendations viii, xvi, xviii and xix have been dealt with in a satisfactory manner, recommendations i, iii, vi, ix, xiii, xvii, xx, xxi, xxii and xxiii have been partly implemented and recommendations ii, iv, v, vii, x, xi, xii, xiv and xv have not been implemented.

112. As regards persons entrusted with top executive functions (PTEFs), only a modest progress has been made. The process of transferring the prosecuting function from the Police to the Attorney General continues through several stages, but it has not been completed yet. No developments have occurred as regards developing an integrity strategy in respect of persons in top executive functions, which is regrettable. A two-year project entitled *“Improving the Integrity and Transparency Framework in Malta”* launched at the request of the Commissioner for Standards in Public Life and implemented by the OECD since 2021 is expected to generate concrete new initiatives in several areas, such as dissociating the advisory and enforcement functions of the Commissioner, the rules on interaction with lobbyists, effective and proactive checks of asset and interest declarations, and introducing the possibility for the Commissioner to impose proportionate, effective and dissuasive sanctions for violations of integrity rules. However, no new measures have been taken in these areas since the previous Compliance Report. On a positive note, the authorities continued strengthening the capacity of the competent bodies responsible for integrity oversight, and legislation setting out a framework for managing conflicts of interest and side activities has been adopted, which is to be welcomed. The previously reported analysis of the Freedom of Information Act appears to have been abandoned, and some new measures are now planned in this regard. The introduction of ad-hoc disclosure of conflicts of interest, as well as clear rules regarding the side activities by persons in top executive functions are at a complete standstill. Finally, no new developments are reported regarding the introduction of legislation

allowing criminal investigation bodies to seek and use special investigative techniques when investigating corruption offences.

113. As regards law enforcement authorities, further progress has been made since the previous Compliance Report. Some recent surveys indicate a steady increase in public trust towards the Police Force in Malta, which may partly be due to an intensified communication policy of the Police Force with the public. While the practical operation of a register of gifts and gratuities and of the Internal Audit Office are encouraging, no new measures have been reported as regards fostering of merit-based career systems, operational independence and political neutrality, and gender balance in the Police Force. The Police Disciplinary Appeals Board is already operational; however, the human and financial resources allocated to the IPCB, as well as the guarantees of its operational independence still need to be confirmed. No progress has been achieved as regards the applicability of objective, fair and transparent criteria in the Police Force, currently limited to initial recruitments and horizontal movements only, thus excluding promotions from its scope. Finally, explicit and strict criteria for the exercise of parallel activities in the Police Force, and more effective protection measures for police officers reporting corruption, in particular, against retaliation, are yet to be introduced.

114. In view of the above, GRECO concludes that Malta is not in sufficient compliance with the recommendations contained in the Fifth Round Evaluation Report within the meaning of Rule 31 revised bis, paragraph 10 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 revised, paragraph 2 (i) and asks the Head of delegation of Malta to provide a report on the progress in implementing the outstanding recommendations (i.e., recommendations i-vii, ix-xv, xvii and xx-xxiii) by 31 December 2024 at the latest.

115. In addition, in accordance with Rule 32 revised, paragraph 2, sub-paragraph (ii.b), GRECO invites the President of the Statutory Committee to send a letter – with a copy to the Head of delegation of Malta – to the Permanent Representative of Malta to the Council of Europe, drawing attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.

116. Finally, GRECO invites the Maltese authorities to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make the translation public.