

FIFTH EVALUATION ROUND

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

ADDENDUM TO THE SECOND COMPLIANCE REPORT

MALTA



Adopted by GRECO
at its 100th Plenary Meeting (Strasbourg, 3-6 June 2025)



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



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 Addendum to the 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. The corresponding Compliance Report was adopted by GRECO at its 88th Plenary Meeting (22 September 2021) and made public on 24 May 2022. The Second Compliance Report was adopted by GRECO at its 95th Plenary Meeting (1 December 2023) and made public on 21 March 2024.

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. This report was received on 10 December 2024 and, along with the additional information provided by the authorities on 16 May 2025, served as a basis for the Addendum to 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 Sorin TANASE, on behalf of Romania, and 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 Second Compliance Report, GRECO concluded that recommendations viii, xvi, xviii and xix had been dealt with in a satisfactory manner, recommendations i, iii, vi, ix, xiii, xvii, xx, xxi, xxii and xxiii had been partly implemented and recommendations ii, iv, v, vii, 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

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.

with the highest standards of integrity, including as regards rules of conduct, conflicts of 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 Second Compliance Report. GRECO had noted the ongoing project aiming to improve the integrity and transparency in Malta, according to which many of the concerns underpinning GRECO's recommendations remained relevant². However, further measures were needed at the time to fully address both parts of the recommendation.

8. The Maltese authorities now report that Directive No. 16 of the Principal Permanent Secretary, setting out the framework for preventing and managing conflicts of interest in the public administration³, entered into force on 1 February 2024 (see further details under recommendation ix). The Directive also envisages escalating to the Conflicts of Interest Committee possible conflicts of interest with regard to the Principal Permanent Secretary, where s/he may or may be perceived not to be able to manage the matter in an objective manner.

9. GRECO takes note of the information provided. It notes a detailed framework for the detection and management of conflicts of interest, put in place pursuant to the Directive No. 16,⁴ which applies to public officials and broadly defined category of "public employees". However, it is not clear whether "persons of trust" are to follow this framework, as they are not considered "public employees" under the Public Administration Act (see paragraph 7 of the Second Compliance Report).⁵ In addition, GRECO received no information with regard to further measures to limit the number of discretionarily appointed officials in the executive and to ensure 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.

10. GRECO concludes that recommendation i remains partly implemented.

² The Review of the Standards in Public Life Act of Malta, published under the project "Improving the Integrity and Transparency Framework in Malta" is 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)

³ The Directive No. 16 issued by the Principal Permanent Secretary on 27 November 2023 governing framework for preventing and managing conflicts of interest in the public administration applies to (a) Public officers and employees of state agencies, and other entities of Government to which the Public Administration Act applies; (b) Public officers seconded to bodies outside the Public Administration of Malta; (c) Persons on a contract of employment within the Public Administration; (d) Employees and officials of companies where the Government of Malta holds a majority shareholding and a controlling interest. Employees, officers and officials referred to in paragraphs 2.1 (a), (b), (c), and (d) are hereinafter collectively referred to as "public employees"; (e) the chairpersons and members of standing boards and commissions within the Public Administration including the governing boards of state entities and companies where the Government of Malta holds a majority shareholding and a controlling interest, hereinafter collectively referred to as "board members".

⁴ The full text of the Directive can be consulted via the following link: https://publicservices.gov.mt/en/people/Documents/Directives/Directive_16.pdf

⁵ In the course of the 100th plenary meeting of GRECO, the delegation of Malta offered clarifications to the effect that rules on conflict of interest also apply to "persons of trust". This clarification will be duly reflected in GRECO's assessment during the next reporting exercise.

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 Second Compliance Report, neither the risk assessment had been carried out, nor the anti-corruption integrity strategy adopted.
13. The Maltese authorities provide no new information with regard to the present recommendation.
14. GRECO regrets the absence of any developments with regard to the design and implementation of an integrity strategy, based on a proper risk assessment, for all PTEFs, and calls on the authorities to take resolute action without 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 Second Compliance Report. GRECO had welcomed the increasing number of public employees involved in training under the Integrity and Ethics Awareness Learning Programme (IEAL) initiated in 2021. However, no information was available at the time as to whether any PTEFs took part in training and awareness-raising activities on ethics and integrity. Further, no information about the PTEFs' integrity requirements and their observance was readily available to the public.
18. The Maltese authorities report that, since its inception in 2021, the IEAL Programme has been delivered to public officials in senior positions, in the public service, including 21 Permanent Secretaries (including the Principal Permanent Secretary), 80 Directors General and Chief Information Officers, 262 Directors, and 232 Assistant Directors, as well as 14 future trainers. The authorities also indicate that over the last four years, the IEAL Programme has been transformed from a web-based tool into a dynamic, in-person learning experience. The new format was launched in 2024, introducing three face-to-face training sessions focused on the principal concepts of the Integrity Framework set out under Directive No. 15 through interactive discussions, practical examples, and expert guidance. Participation in the IEAL

Programme has become mandatory for all public officers in management positions within public entities and it is currently being expanded to public employees at lower salary scales (a further 568 officials in salary scales 3 to 15 already took part in the Programme).

19. Further, the authorities report that a pool of 13 trainers has been set up at the Institute for the Public Services (IPS) and at least 10 more training sessions were planned to be delivered under the IEAL Programme by the end of 2024. As of 2025, it is intended that training covering all headship positions will consist of mandatory modules for Chief Executive Officers, Chief Financial Officers, Chief Operating Officers and Heads of Human Resources of each public sector entity⁶ and will also be made available to Assistant Directors. After the completion of the first phase (training provided to all officials in senior positions and high-risk levels), a follow up case-based training will be designed, which will cover the integrity and related regulations and procedures. The authorities submit that the training material is being evaluated to be made available online and ensure continuity.

20. In addition, the authorities inform that the Public Administration developed a more comprehensive training programme which, in addition to integrity, includes topics such as the legal requirements and compliance with the Permanent Secretary's Directive No. 7.3 (2 September 2022) regulating the delegation of authority over recruitment, promotions and industrial relations in public sector entities, the revolving door policy and conflicts of interest, procurement and risk management. Finally, the authorities submit that the Ministry responsible for the European Union funds provides annual training to beneficiaries and stakeholders in the public sector to raise awareness on conflicts of interest, potential fraud and anti-corruption.⁷

21. GRECO takes note of the information provided by the authorities. With regard to the first part, GRECO welcomes the increasing participation of senior officials, including permanent secretaries, in training sessions on integrity and ethics under the IEAL Programme. GRECO encourages the authorities to extend the ethics and integrity training to ministers and all other senior officials in the executive. GRECO recalls that the awareness-raising measures should be provided to all PTEFs at the start, as well as at regular intervals throughout their term. As to the second part, no new developments have been reported with regard to informing the public about the conduct expected from public officials and how standards are enforced in practice. Therefore, this part of the recommendation remains unresolved.

22. GRECO concludes that recommendation iii remains partly implemented.

⁶ The authorities further indicate that in 2025 the IEAL training will also be provided to Permanent Secretaries and the Detention Services Agency, the Correctional Services Agency, the Court Services Agency, the Water Services Corporation, the Lands Authority, the Planning Authority, Heritage Malta, Wasteserve, Identita', Transport Malta, Project Green, Enemalta and Infrastructure Malta.

⁷ Workshops and training sessions for public sector staff, including senior management, are undertaken in line with Article 61 of the Regulation (EU, Euratom) 2018/1046 on the financial rules applicable to the general budget of the Union, whereby officers are also trained in using ARACHNE – an IT tool developed by the European Commission, intended to support national authorities in their administrative controls and management checks in the area of Structural Funds.

Recommendation iv

23. *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.*

24. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. No new developments had been reported at the time. GRECO took 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*”, which was to be completed in the course of 2023.

25. The Maltese authorities provide no information on any new developments regarding this recommendation.

26. GRECO recalls that attributing the function of confidential counselling to the main body responsible for enforcing the rules of conduct and other integrity requirements, and for verifying asset declarations, was not considered appropriate at the time of the evaluation. This is because it could have placed the Commissioner on Standards in Public Life in a situation where the advice requested would concern matters requiring his/her intervention as an enforcement body. It regrets that six years after the adoption of the Evaluation Report, no progress has been made in this regard. GRECO urges the Maltese authorities to take concrete steps so as to ensure that confidential counselling and advice on integrity matters is provided to PTEFs by a body/persons not having supervisory and enforcement functions in this area.

27. GRECO concludes that recommendation iv remains not implemented.

Recommendation v

28. *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.*

29. It is recalled that this recommendation was not implemented in the Second Compliance Report. GRECO rescinded its earlier “partly implemented” assessment, as the outcome of the previously initiated independent review of the Freedom of Information Act had not been reported, and a new initiative had been launched to set up a system for managing requests of information, expected by the end of 2024.

30. The Maltese authorities now report that the development of the new Freedom of Information (Fol) system, facilitating the submission of requests and their replies online, is nearing completion and should go live by June 2025. Amongst other improvements, the Fol system will include an online gateway for applicants to keep track of their requests, and a tool allowing swift communication between parties for clarifying elements of requests and replies,

so as to facilitate accessibility for users on both ends. In addition, training and guidance notes are planned for FOI officers in ministries and other entities to facilitate the application of the new system in practice.

31. GRECO takes note of the information provided by the authorities. It notes that a new, online system for lodging requests for information is soon to be completed and become operational. However, even upon its completion, this measure would not address the core of the present recommendation, i.e. the broad exceptions in the Freedom of Access to Information Act to the communication of information (“internal working documents”, “documents affecting financial or property interests of public authorities” etc.) and difficulties in obtaining information in practice, leading to frequent appeals against refusals of public authorities to provide information upon request (see paragraph 47 of the Evaluation Report). GRECO remains concerned that no tangible progress has been demonstrated in resolving these matters, whereas it is led to believe that access to public information remains a challenge.⁸

32. GRECO concludes that recommendation v remains not implemented.

Recommendation vi

33. *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.*

34. It is recalled that this recommendation was partly implemented in the Second Compliance Report. Some practical steps, such as the reform of the public consultation process and the updated website portal, had been taken, but the information provided did not address key issues underlined in the recommendation: that only specific, limited and clearly regulated exceptions to the disclosure of draft legislation and other texts of public interest are possible and that outcomes of public consultations are published online in a timely manner. No new information had been received with regard to limiting the exceptions to carry out public consultations. While the overhaul of the public consultation system and the launch of a renewed website were promising, the outcomes of such consultations had been published for only a very limited number of government actions.

⁸ Reference is made to the European Commission 2024 Rule of Law Report on Malta (published on 24 July 2024), which states that “there has been no progress with regard to adopting safeguards to improve access to official documents while journalists continue to face obstacles when requesting public information.” Full text of the 2024 Rule of Law Report on Malta is accessible via the following link: https://commission.europa.eu/document/download/a70d46f1-1967-4bc3-8f75-c7f434237bf3_en?filename=42_1_58072_coun_chap_malta_en.pdf

35. The Maltese authorities now submit that the Government is setting up a Public Consultation Directorate⁹ to act as a bridge between citizens and policymakers, enhancing democratic engagement. This Directorate will serve as the main channel for public consultations, enabling citizens to provide input on a broad spectrum of issues, including EU-related matters, that impact their daily lives. By creating structured forums for dialogue, the Directorate aims to make policymaking and legislation drafting more transparent and inclusive. Further, in partnership with the Malta Council for Economic and Social Development (MCESD), the Public Consultation Directorate will engage with diverse social, economic, and community groups and, with regard to EU matters, will collaborate within *Servizzi Ewropej f'Malta* (SEM – European Services in Malta).

36. As to public consultations, the authorities refer to a dedicated web-based platform, launched in 2023, to facilitate such consultations.¹⁰ They indicate that this platform offers a searchable database of ongoing and concluded consultations, indicating the responsible ministry or entity, date of publication, and consultation deadline. It allows users to access consultation documents, provide feedback, and, where available, review supplementary and supporting material.¹¹ Outcome reports of legislative consultations, which summarise the feedback received and outline the extent to which the consultation results were taken into consideration in the final policy or legislative text, are said to be often published.¹² Finally, the authorities indicate that 44 public consultations were conducted in 2022, 55 in 2023, 58 in 2024 and 24 until May 2025 through the public consultation website.

37. GRECO takes note of the new initiative of the Government to set up a dedicated structure – Public Consultation Directorate – to enhance transparency in policymaking and drafting of legislation. This is indeed the objective sought by the present recommendation. However, GRECO is not in a position to assess to what extent this measure will contribute to its implementation. The web-based public consultation platform continues functioning, which is to be welcomed. However, no tangible steps are reported to ensure that, as a rule, all governmental draft legislation and other texts of particular public interest are disclosed, and that only specific, limited and clearly regulated exceptions are possible in this regard. Finally, GRECO notes that while the outcomes of public consultations appear to be published, it is not the case with respect of all consultations.

38. GRECO concludes that recommendation vi remains partly implemented.

Recommendation vii

⁹ A public call has been issued to identify and appoint a suitable public officer to lead the Directorate who, once appointed, will be tasked with formalising its terms of reference, defining the Directorate's operational responsibilities and core functions in supporting public consultation across Government.

¹⁰ <https://www.gov.mt/en/publicconsultation/Pages/default.aspx>

¹¹ It is indicated that in the course of the year 2025, public consultations were conducted on drafts regarding a broad range of issues, such as environmental impact, euthanasia, migration policies, construction and urbanization policies.

¹² By way of example, the authorities refer to an outcome report regarding public consultation (06/09/2024 – 07/10/2024) on the Government response to the Consultation on the transposition of Directive (EU) 2022/2555 on measures for a high common level of cybersecurity across the European Union, available via the following link: <https://www.gov.mt/en/publicconsultation/Pages/2024/L-0015-2024.aspx>.

39. *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.*

40. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. GRECO regretted the lack of any tangible progress and called upon the 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.

41. The Maltese authorities submit no new information on any developments regarding rules to govern contacts between PTEFs and lobbyists/third parties seeking to influence public decision-making process, and on the disclosure of such contacts.

42. GRECO regrets that no progress has been made, even at the level of preparatory works, to establish the rules with regard to contacts between PTEFs and lobbyists/third parties seeking to influence the decision-making process in the executive, and to disclose such contacts and subject-matters discussed to the public. This situation is clearly unsatisfactory. GRECO urges the authorities to take the necessary steps to address this recommendation with no further delay.

43. GRECO concludes that recommendation vii remains not implemented.

Recommendation ix

44. *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.*

45. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. It observed that Directive No. 16 addressing prevention and management of conflicts of interest, had been adopted on 27 November 2023, but was not in force at the time. The adoption of this Directive was a welcome development, but GRECO did not have an opportunity to assess its contents.

46. The Maltese authorities now submit that Directive No. 16 of the Principal Permanent Secretary governing framework for preventing and managing conflicts of interest in the public administration establishes an obligation for public employees¹³ to report any actual, potential,

¹³ More specifically, the Directive No. 16 applies to public employees and board members within the Public Administration, which includes a) public officers and employees of state agencies, and other entities of Government to which the Public Administration Act applies; b) public officers seconded to bodies outside the Public Administration of Malta; c) persons on a contract of employment within the Public Administration; and d)

or apparent conflicts of interest in their regard (Article 2.5), and to report any matters pertaining to other public employees, which may result in an actual, potential or apparent conflict of interest (Article 2.8).¹⁴ This obligation is also routinely included in contracts to be concluded with CEOs and other high officials in the administration. Further, Directive No. 16 sets out procedures for identifying, processing and managing situations of conflicts of interest. In addition, the authorities indicate that prospective public employees are to report any known actual, potential and apparent conflicts of interest prior to assuming office or accepting an appointment. In this context, current and prospective public employees or board members who hold or are to be appointed to certain public offices¹⁵ are duty bound to sign conflict of interest declaration forms prior to taking up respective functions.¹⁶

47. Further, the authorities indicate that the framework established under Directive No. 16 allows public entities to develop supplementary internal policies to manage conflicts of interest within or connected to their respective functions. They provide recent examples of such policies put in place by the Authority for the Responsible Use of Cannabis, the Authority of the Statutory Obligations Relating to Conflicts of Interest, and the Ministry responsible for EU Funds.

48. Finally, the authorities indicate that to implement the provisions of Directive No. 16, a Conflict of Interest Committee has been set up with a responsibility to review conflict of interest matters in high-risk or complex cases, referred to it by the Principal Permanent Secretary and/or Permanent Secretaries, and to provide recommendations on how to manage any identified conflicts of interest. On 18 July 2024, the Chair of the Conflicts of Interest Committee issued a Circular to all Permanent Secretaries within the public administration, clarifying the role of the Committee, obligations on declaring conflicts of interest, action to be taken by the relevant entities of public administration to identify employees who should submit such declarations and to ensure that such declarations are submitted in a timely manner, as well as the reporting and compliance procedures. The Circular also contains a template of conflict of interest declaration form. The authorities indicate that by May 2025, a total of 3 848 conflict of interest declarations have already been submitted. Up to date, the Conflict of Interest Committee has received 10 requests for information/assistance, of which seven concerned matters related to human resources and three to conflicts of interest.

49. GRECO takes note of the information provided. It notes with satisfaction that the Directive No. 16 establishes an obligation of senior office-holders in the public administration to declare any actual, potential or apparent conflicts of interest. GRECO also welcomes that supplementary guiding documents have been adopted, and a responsible body – the Conflict of Interest Committee – has been designated for reporting, examining and managing such cases. These documents clarify the procedures for reporting conflicts of interest, as well as

employees and officials of companies where the Government of Malta holds a majority shareholding and a controlling interest.

¹⁴ To that end, a dedicated email account has been established: conflictofinterest@gov.mt

¹⁵ Namely, (i) a post between salary scale 1 to 5; (ii) posts that are considered to be high-risk positions (as per the Sixth Schedule to the Public Administration Act); (iii) posts involving regulatory and inspectorate functions (as per Annex to Directive No. 14 entitled “Governing Framework for the Management of the Revolving Door Policy for Public Employees”).

¹⁶ Further information can be found on the following website: <https://recruitment.gov.mt/en/page/home>.

responsibilities of different office-holders in identifying and managing them. However, GRECO is yet to assess whether the rules regarding conflicts of interest are also applicable to “persons of trust”¹⁷ appointed upon discretion by the senior office-holders in the executive, whether complaints on possible conflicts of interest involving PTEFs could also be submitted by members of the public, and whether they would be examined by the competent officials/bodies in the same manner as reports submitted by public employees.

50. GRECO concludes that recommendation ix remains 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 Second Compliance Report. GRECO had noted the adoption of the Directive No. 16, which was said to establish a framework for managing and resolving conflicts of interest, incompatibilities, and side activities. However, its assessment on the substance was not possible at the time, as it had only been recently adopted.

53. The Maltese authorities indicate that the Framework for Preventing and Managing Conflicts of Interest in the Public Sector, set out in the Directive No. 16 (see paragraph 8 above), establishes standards to prevent and manage conflicts of interest in different circumstances, including with regard to incompatibilities and side activities. Article 7.4 of the Framework, entitled “Private Work”, stipulates that public employees or board members shall avoid situations which could give rise to a conflict of interest, perceived or otherwise.¹⁸ In particular, public employees or board members must consider whether (i) the concerned company or organisation is in, or entering into, a contractual relationship with Government; (ii) the concerned company or organisation has, as its primary purpose, the lobby of Government Ministries, directorates, departments, agencies, entities, similar organisations or Members of Parliament; or (iii) Government is in a regulatory relationship with the Company or organisation.

54. The Framework further stipulates that, before engaging in any form of business outside their official duties and responsibilities, public employees must obtain approval for doing so from their respective Permanent Secretary. When considering such requests,

¹⁷ In the course of the 100th plenary meeting of GRECO, the delegation of Malta offered clarifications to the effect that rules on conflict of interest also apply to “persons of trust”. This clarification will be duly reflected in GRECO’s assessment during the next reporting exercise.

¹⁸ The Framework further states that “Public employees before engaging in any form of business outside their official duties and responsibilities, are required to obtain approval from their respective Permanent Secretary, through their superior, Chairperson or Chief Executive Officer.”

Permanent Secretaries must take into account whether private work may give rise to a conflict of interest, after due consideration of the nature of the private work and the public employees' official duties.¹⁹ If during the validity of the permission to perform private work, the public employee is transferred or is promoted to a higher grade / scale, the permission is no longer valid, and a new request for authorisation should be submitted. By May 2025, a total of 55 requests have been made, examined and approved by the Conflict of Interest Committee.

55. GRECO takes note of the information provided by the authorities. It welcomes the adoption of clear rules, specifying that public employees should avoid private activities, which may lead to situations of conflict of interest, perceived or otherwise, and the fact that the authorisation regime for such requests started functioning in practice. The Framework set out by the Directive No. 16 clearly requires that any such activities must be subject to permission to be sought with the respective Permanent Secretaries, following due consideration of the nature of the work requested and the public employee's respective official duties. These developments are clearly positive. Nonetheless, GRECO is not certain to what extent the Framework for preventing and managing conflicts of interest is applicable to all PTEFs, in particular, "persons of trust" having a role in decision-making in the executive (see paragraph 95 of the Evaluation Report). It is also not clear, whether Permanent Secretaries or other officials/bodies have the competence of receiving and processing complaints from other institutions or members of the public in relation to possible incompatibilities of PTEFs' official duties and parallel activities. In light of the above, this recommendation can be seen as complied with only partly.

56. GRECO concludes that recommendation x has been partly implemented.

Recommendations xi and xii

57. *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)*

58. *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*

¹⁹ The Framework allows public employees to be granted permission to hold in their name a police licence for operating a shop or business premises, or the registration certificate of a non-political club in their own name, provided that there is no connection whatsoever between the business and the public employees' work in the Public Administration, and that the activities of the club do not conflict with their official duties.

actual filing of a declaration, including the possibility to refer a matter to criminal investigation. (recommendation xii)

59. It is recalled that recommendations xi and xii were not implemented in the Second Compliance Report, as no new developments had been reported. GRECO was concerned over the fact that no concrete steps had 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 adequate sanctions for violations.

60. The Maltese authorities provide no information with regard to the implementation of these recommendations.

61. GRECO is concerned by the lack of tangible action from the authorities of Malta to extend the regime of asset and interest declarations to all PTEFs, to be submitted to the Commissioner for Standards in Public Life and made public.²⁰ Moreover, no effective and proactive checks of such declarations are being conducted by the Commissioner for Standards in Public Life, despite the need for these checks to be coupled with effective, proportionate and dissuasive sanctions in cases of violations (such as failure to file a declaration or provide accurate information). Therefore, GRECO urges the authorities to prioritise and intensify their efforts in this regard.

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

Recommendation xiii

63. *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.*

64. It is recalled that this recommendation was partly implemented in the Second Compliance Report. With regard to the first part, GRECO welcomed the process of transfer of prosecutorial functions from the Police to the Attorney General's Office. However, no cases of investigations into corruption offences involving PTEFs had been reported at the time. GRECO also acknowledged that criminal investigation and prosecution function in relation to corruption offences involving PTEFs had been ascribed to the Attorney General's Office. However, parallel investigative functions had been retained by the PCAC and the Police Force, contrary to the recommendation. GRECO encouraged the authorities to continue the transfer

²⁰ Reference is made to the European Commission 2024 Rule of Law Report on Malta (published on 24 July 2024), which indicates that the Government has not adopted any measures to implement anti-corruption recommendations of the public inquiry into the assassination of journalist Daphne Caruana Galizia, including the adoption of legislative measures to improve the asset declaration mechanism aimed at avoiding and detecting unexplained wealth. (See footnote 7 above for the link to the 2024 Rule of Law Report on Malta).

of the function of investigating and prosecuting corruption offences involving PTEFs, including magisterial inquiry, to the Attorney General's Office, removing any parallel processes by other bodies. In relation to the second part, GRECO took note of the possibility of initiating investigations into criminal offences on the basis of a reasonable suspicion. Therefore, the second part of the recommendation was considered to be complied with.

65. The Maltese authorities now report that following the adoption on 1 October 2024 of Legal Notice No. 192, the gradual transfer of prosecutorial functions from the Police to the Attorney General's Office has been completed, while the investigation of offences remained within the remit of the Police Force. As a result, the Attorney General has now taken over the decisions to prosecute all serious offences, including any corruption-related offences committed by PTEFs. These arrangements apply regardless of whether the Attorney General directs that the offences be tried in the Criminal Court, or in the Court of Magistrates as a court of criminal judicature. The authorities further indicate that to cater for the increased workload, the Attorney General's Office increased its staff from 56 in 2020 to 100 in 2024, of which 71 are prosecutors. Finally, the authorities report that in 2024 alone, at least three cases were initiated with regard to PTEFs on grounds of possible corruption-related offences.

66. GRECO takes note of the information provided by the authorities. While investigative functions have remained with the Police Force, GRECO is satisfied that all prosecutorial responsibilities with regard to corruption offences are now exclusively with the Attorney General's Office. In view of the above, GRECO concludes that recommendation xiii has been implemented satisfactorily.

67. In spite of these positive developments, GRECO cannot disregard recent reports²¹ in the media²² concerning the Bill 125, enacted by Parliament on 11 April 2025 as Act No. VIII of 2025 entitled the Criminal Code (Amendment No. 3)²³ amending selected provisions of the Criminal Code with regard to the procedures for initiating and conducting magisterial inquiries. According to these reports, the Government's intention is ensuring that justice is done efficiently and timely, whilst respecting the fundamental rights of individuals. The same reports, however, convey strong criticism of the amendments aimed at by the Bill 125 from civil society groups and political parties, which take the view that the ongoing reform will

²¹ See, in particular, the following articles: <https://maltachamber.org.mt/quest-for-truth-and-justice/> <https://www.independent.com.mt/articles/2025-02-16/local-news/The-what-and-the-why-of-the-government-s-controversial-magisterial-inquiry-reform-6736267904>

²² See the following article: [https://www.maltatoday.com.mt/news/national/134022/controversial_magisterial_inquiry_reform_clears_sec
ond_reading_stage](https://www.maltatoday.com.mt/news/national/134022/controversial_magisterial_inquiry_reform_clears_second_reading_stage)

²³ The authorities specify, in particular, that The amendments introduced ensure that the institute of the Magisterial Inquiries is made more robust, effective and efficient and relate to the establishment of specialized Magistrates who deal with Magisterial Inquiries; the possibility for other authorities to conduct their investigation on the site of the accident and to be given access to places, exhibits, documents and witnesses by the Magistrate under such conditions or limitations as the Magistrate may impose and the issuing of copies of conclusions of the magisterial inquiries without payment to victims or to the heirs of the victims amongst others. The appointment of experts was also revised. They also indicate that legislative changes introduce clear timeframes and deadlines, new statutory rights for victims, and safeguards for fundamental rights. Full text of the amendments to the Criminal Code adopted by Parliament on 11 April 2025 is accessible via the following link: <https://legislation.mt/eli/act/2025/8/eng>

considerably weaken and restrict the applicability and effectiveness of magisterial inquiry, considered to be an efficient and trusted instrument of the Maltese criminal justice system for independent investigations, *inter alia*, of corruption-related offences. In this regard, GRECO notes that achieving a track record of final judgments for high-level corruption cases remains a challenge.²⁴ However, as the text of the amendments has been made available only recently, GRECO did not have an opportunity to examine, in a comprehensive manner, their impact on the criminal prosecution of corruption offences involving PTEFs in Malta. GRECO will continue observing further developments on this matter, including in light of additional information requested from the authorities.

Recommendation xiv

68. *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.*

69. GRECO recalls that this recommendation was not implemented in the Second Compliance Report as no information had been provided by the authorities at the time.

70. The Maltese authorities, again, submit no information on measures taken to implement this recommendation.

71. GRECO regrets that a key recommendation aimed at improving the efficiency of criminal investigations into corruption remains unaddressed. It recalls that this recommendation dates back to Malta's First Evaluation Report and was reiterated in the Fifth Round Evaluation Report seven years ago. The continued inaction of the authorities over the years is clearly unsatisfactory. Therefore, GRECO urges the authorities to take the necessary legislative and practical measures to enable the use of special investigative techniques in corruption cases and ensure the admissibility of the resulting evidence in court.

72. GRECO considers that recommendation xiv remains not implemented.

Recommendation xv

73. *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*

²⁴ Reference is made to the European Commission 2024 Rule of Law Report on Malta (published on 24 July 2024), which notes that “no progress has been made on establishing a robust track record of final judgments.” (See footnote 7 above for the link to the 2024 Rule of Law Report on Malta).

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

74. It is recalled that this recommendation was not implemented in the Second Compliance Report. GRECO stressed that the authorities' diverging view regarding this recommendation were immaterial in the context of the compliance procedure and that it expected recommendations issued as a result of the mutual evaluation to be acted upon. GRECO also noted that the findings of the OECD project²⁵ could 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 breaches by PTEFs.

75. The Maltese authorities provide no new information in relation to this recommendation.

76. GRECO considers that the persisting inaction to implement this recommendation is disappointing. It notes with interest the findings and recommendations made in the Final Report of the above-mentioned OECD project entitled "*Improving the Integrity and Transparency Framework in Malta*", which, in many respects, go in the same vein as the present recommendation.²⁶ GRECO calls upon the authorities to give new impetus to the much-needed reform as regards the proper supervision by the Commissioner for Standards in Public Life of PTEFs compliance with the applicable ethics and integrity standards, including through conducting inquiries and proposing effective, proportionate and dissuasive sanctions for breaches.

77. GRECO concludes that recommendation xv remains not implemented.

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

Recommendation xvii

78. *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.*

79. It is recalled that this recommendation was partly implemented in the Second Compliance Report. GRECO noted that a register of gifts and gratuities, as well as the Office of

²⁵ A two-year project entitled "Improving the Integrity and Transparency Framework in Malta" was launched in 2021 at the request of the Commissioner for Standards in Public Life, with the funding from the European Union Technical Support Instrument and was implemented by the OECD. The Final Report of this project is accessible via the following link: https://reform-support.ec.europa.eu/publications-0/improving-integrity-and-transparency-framework-malta_en

²⁶ The Final Report recommends, inter alia, to "Establish a comprehensive and proportionate system of sanctions under the Standards Act" and to "Amend the Standards Act to allow the Commissioner to impose corrective measures in the review process of asset declarations."

the Integrity Officer and the Internal Audit Office had become operational. However, the information provided at the time was only partially relevant to the core of the recommendation and left several key aspects unresolved.

80. The Maltese authorities now report that on 22 October 2024, the Malta Police Force Anti-Fraud and Corruption Policy and Procedure, initially put in place in November 2020, has been updated to further enhance levels of compliance within the Police Force (see further details under recommendation xxiii). With regard to gender balance, the authorities report an increase of 0.6% of the representation of women in the Police Force: in 2022, there were 596 women police officers out of a total of 2 444 officers (24.4%), while by August 2024, there were 610 women officers out of a total of 2 478 Officers (25%). The authorities specify that among the high-ranking police officers, women currently hold positions of an Assistant Commissioner, Director General and two Directors.²⁷

81. GRECO takes note of the information provided by the authorities. It notes with interest the evolution of the Anti-Fraud and Corruption Policy and Procedure, which mainly facilitate reporting of wrongdoings in the Police Force through various channels, including anonymous reporting, and provide additional safeguards against retaliation for whistleblowing. Efforts are clearly being made to achieve gender balance in the Police Force, although their practical impact remains modest. While these are positive developments, overall, the measures taken to implement this recommendation still do not address some of its fundamental parts, such as developing a risk-assessment based anti-corruption strategy and ensuring sufficient operational independence. GRECO considers that until these two issues are not addressed in a more comprehensive manner, this recommendation cannot be assessed as implemented more than partly.

82. GRECO concludes that recommendation xvii remains partly implemented.

Recommendation xx

83. *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.*

84. It is recalled that this recommendation was partly implemented in the Second Compliance Report. GRECO recalled that the adoption of the Horizontal Movement Policy had been considered in the previous Compliance Report, and the drawbacks highlighted at that time had not been addressed, i.e. this policy was still not applicable to promotions, covering both lower and higher ranks.

85. The Maltese authorities now report that on 19 June 2024, the Police Force launched a new Organisational Mobility Policy, specifically intended to continue ensuring that all recruitment, transfers, promotions and progressions covering higher and lower ranks within

²⁷ The organisational chart of the Police Force is accessible via the following link: <https://pulizija.gov.mt/wp-content/uploads/2024/09/Organisational-Chart-Public.png>

the Police Force are carried out on the basis of objective, fair and transparent criteria, based on merit. This policy document consolidates all vertical and horizontal movements within the Police Force. Further, the Anti-Fraud and Corruption Policy and Procedure of the Police Force aims at preventing fraud and corruption, assisting individuals and their supervisors in ensuring that their actions can withstand scrutiny. It defines corruption and fraud within the context of policing and provides a framework for identifying and preventing corruption, as well as actions to be taken when corruption and/or fraud is suspected or has been committed by colleagues. Finally, according to the Comprehensive Report on the 2023 Calls for Applications for Horizontal Movement within the Police Force, 73 calls for applications for horizontal movement were issued in 2023, resulting in a total of 608 applications, of which 96 were later withdrawn.

86. GRECO takes note of the information submitted by the authorities. It notes with satisfaction that the new Organisational Mobility Policy also regulates promotions within the Police Force and stipulates that *"promotions are based on merit and require employees to apply for higher positions."* Further, while the final approval on staffing requirements is the responsibility of the Police Commissioner, the selection process for promotions is evaluated by a selection board, appointed by the Public Service Commission, which receives recommendations from the selection board, based on the results of the selection procedure. Thus, the new Organisational Mobility Policy puts in place a procedure for promotions in the Police Force, involving a co-decision of a body, and it also allows unsuccessful candidates to challenge the decisions of the selection board before the Public Service Commission. Therefore, GRECO is satisfied that the requirements of this recommendation have been met.

87. GRECO concludes that recommendation xx has been implemented satisfactorily.

Recommendation xxi

88. *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.*

89. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. GRECO noted that the consistent application in practice of the Policy and Procedure regulating Business Interests and Additional Occupations in the Police Force demonstrated progress in this regard. However, no new measures had been taken at the time to establish more explicit and strict criteria for the exercise of parallel activities, nor to avoid two different authorisation regimes for parallel activities - one for newly recruited police officers and the other for those already in service.

90. The Maltese authorities, with regard to avoiding two different authorisation regimes for parallel activities, clarify again that Circular No. GHQ 40/2020 (16 November 2020) entitled *"Business Interests and Additional Occupations"* stipulates that *"all previous activities which have been considered as compatible, in line with GHQ Circular 08/2018, GHQ Circular 24/2015, or any other previous deposition, shall be automatically revoked on from 1 February 2021."*

The authorities clarify that all previous approvals of parallel activities pre-dating this policy have been revoked, and that all such requests have since been subject to uniform regulations.

91. In addition, the authorities submit that, on 5 August 2024, the Police Force Business Interests and Additional Occupations Policy and Procedure was revised to further safeguard the integrity and the reputation of the Police Force. The updated Policy now sets out the procedure to be followed in notifying all “business interests” or any additional employment outside the Police, on which approval should be sought. The Policy also introduced a scoring matrix to provide a more objective and transparent method of assessment for each and every application for approval of parallel activities. The matrix allows assigning scores to each criterion and assess the applications with regard to a required minimum threshold. This serves as clear guidance to the decision-making body as to whether the application should be recommended for approval or rejection. The authorities specify that, notwithstanding the score attained, Board Members may recommend a different conclusion, provided that such recommendation is reasoned. The authorities submit that in 2023, the Evaluation Board on the Business Interest and Additional Occupation approved 376 applications, rejected 4 applications and registered 6 withdrawals by applicants. In 2024, a further 108 applications were approved, 9 rejected, 1 revoked and 18 withdrawn. Up to May 2025, the Evaluation Board approved 129 applications, rejected 12, revoked 35 and registered 34 withdrawals.

92. GRECO takes note of the information provided by the authorities. It welcomes the revision of the Police Force Business Interests and Additional Occupations Policy and Procedure, which puts in place specific criteria to assess each application for engaging in parallel activities, to be submitted by police employees. GRECO also notes with satisfaction that all such requests are to be processed in accordance with one policy document, thus clarifying its previously noted concern over the risks of having two different parallel regimes in this regard. Therefore, the requirements of this recommendation have been complied with.

93. GRECO concludes that recommendation xxi has been implemented satisfactorily.

Recommendation xxii

94. *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.*

95. It is recalled that this recommendation was partly implemented in the Second Compliance Report. GRECO noted with satisfaction that the Police Disciplinary Appeals Board was operational and had examined a considerable number of cases in 2020-2022. That said, more information was needed regarding the resources allocated to the Independent Police Complaints Board (IPCB), guarantees of its independence, and availability of information about the IPCB’s work to the general public.

96. The Maltese authorities now submit that each of the two Chambers within the IPCB is composed of three members, appointed by the President of Malta upon the advice of the Minister of the Interior. The Chairpersons of each chamber must be a retired judge or a magistrate. As a safeguard of the independence of the IPCB, its members may only be removed from office by the President upon advice of the Minister of the Interior if they are unable to fulfil their functions for health reasons, or in case of misbehaviour.²⁸ The authorities submit that the IPCB is fully functional, and all its members have been appointed. Legislation also allows setting up additional chambers in the IPCB, indicating that additional human resources shall be made available to it, namely a Legal Office and the necessary administrative staff.²⁹ Moreover, the legislation also provides for public reporting duties by stipulating that annual reports are to be submitted to the Minister for Home Affairs, Security and Employment and to the Social Affairs Committee of Parliament, and should also be made public.³⁰

97. Further, the authorities report that since January 2022, appeals of disciplinary decisions with regard to employees of the Police Force are carried out by the Police Disciplinary Appeals Board (PDAB). They specify that the PDAB hears appeals as a reviewing authority for disciplinary cases examined and decided upon by the Police Disciplinary Board (PDB),³¹ and indicate several legal provisions, aimed at safeguarding PDAB's independence.³² The authorities also indicate that legislation provides for the allocation of additional resources to the PDAB and that statistical information regarding cases processed by the PDAB is expected to be made available to the public in the Annual Reports of the Ministry in a near future.

98. GRECO takes note of the information submitted by the authorities. It notes that the relevant bodies within the Police Force continue exercising their tasks with regard to disciplinary proceedings against police officers. However, new information focusses mainly on the disciplinary bodies of the Police, whereas this recommendation relates to the independence, resources and effective supervisory functions of the Independent Police Complaints Board, as a body specifically responsible for the external oversight of the Police Force. GRECO had already noted that disciplinary proceedings had been removed from the

²⁸ As stipulated under Article 35(5) of the Police Act (Chapter 164 of the Laws of Malta).

²⁹ More specifically, the authorities indicate that in 2022-August 2024, the Board was made up of one Chamber composed of four members (the Chair, two members and a secretary). On 19 August 2024, the second Chamber has been set up, bringing the total number of the Board members to eight (one Chair of each Chamber, two members and two secretaries per Chamber).

³⁰ The IPCB reports for 2022 and 2023 (in Maltese) are accessible via the following links:

<https://www.parlament.mt/media/126628/dok-28.pdf> and

<https://www.parlament.mt/media/132075/04714.pdf>

³¹ The Police Disciplinary Board (PDB), set up under Articles 23 and 24 of the Police Act at the request of the Commissioner of Police, hears all disciplinary cases that are not deemed serious. According to the authorities, the PDB examined 101 disciplinary cases in 2020, 48 in 2021, 156 in 2022, 229 in 2023 and 88 by 31 August 2024. The PDAB (second instance) examined appeals on four disciplinary cases in 2022, seven in 2023 and four by 31 August 2024.

³² In particular, Article 34A of the Police Act provides that the PDAB is to be appointed by the President of Malta upon advice of the Cabinet of Ministers. The Chairperson of the PDAB should be an advocate with at least an aggregate seven years' practice, and the two other members are to be retired public officers. A member of the PDAB may only be removed from office by the President of Malta, acting upon advice of the Cabinet of Ministers, should he/she be unable to discharge their functions for health reasons, or misbehaviour.

competences of the IPCB, and that the IPCB has become operational. It notes with satisfaction that the annual reports of the IPCB, although very succinct, are being made public. However, additional information regarding its independence does not allow to conclude that adequate guarantees have been provided in this respect. Further, it remains to be seen whether the human and financial resources provided to the IPCB are sufficient to allow it to perform its tasks effectively.

99. GRECO concludes that recommendation xxii remains partly implemented.

Recommendation xxiii

100. *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.*

101. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. GRECO had previously acknowledged the improvement of reporting channels within the Police Force, and the use of such channels in practice. However, the proportion of the investigations and proceedings by the Professional Standards Office or the Public Service Commission originating from internal reporting was unknown. More importantly, no new information was provided regarding the protection measures available to police officers reporting wrongdoing, including protection against retaliation.

102. The Maltese authorities now report that the Malta Police Force Anti-Fraud and Corruption Policy and Procedure, updated on 22 October 2024, envisages a number of channels for reporting wrongdoings by police officers. The Policy encourages police officers and other staff members to report any concerns about potential corruption through open channels, confidential reporting, or anonymously, by email or regular mail. In addition, under the updated Policy, those reporting wrongdoings are now explicitly protected from any form of retaliation, such as unfair treatment or adverse career actions.³³ Finally, police officers also have access to support services, and the Professional Standards Office is to monitor signs of retaliation to ensure officers' well-being.³⁴ The authorities submit that in 2024, a total of 189 reports were received and investigated by the Professional Standards Office, of which six are

³³ More specifically, the Policy states as follows: *"the Malta Police Force is committed to protecting employees who report suspected corruption or wrongdoing in good faith. Such employees will be safeguarded against any form of retaliation, including but not limited to unfair treatment, harassment, discrimination, or adverse career actions such as demotion or dismissal."* The authorities indicate that protection measures provided may vary, depending on the nature and specific circumstances in each case. However, at a minimum, they include protection of confidentiality of the identity of employees reporting misconduct within the Police Force; access to support services for employees reporting wrongdoings, including counselling and guidance throughout the investigation process, direct assistance from the Victim Support Unit and the Employee Support Programme (ESP) offering a range of confidential, free-of-charge support services to public employees. In addition, enhanced protection measures may be provided, based on risk assessment and case-specific factors, which include reassignment from current posting; fixed-point patrols near the employee's residence; other safeguards deemed necessary to ensure the well-being and security of the reporting employee.

³⁴ In particular, the Policy stipulates as follows: *"the Professional Standards Office will oversee the well-being of employees who have reported wrongdoing to ensure they do not suffer any detrimental consequences as a result of their report. This includes monitoring for any signs of retaliation and taking prompt action if such cases arise."*

pending before the local courts, seven were referred to the Public Service Commission for serious disciplinary action, and 32 resulted in minor disciplinary action for 45 officers. A total of 21 reports were received through the “Break the Silence” anonymous reporting channel.

103. In addition, the authorities indicate that, in accordance with the Police Force “Conflict of Interest Policy”, issued on 12 February 2024, all police officers and civilian staff are now required to report any conflict of interest to an appropriate supervisor or manager as soon as it becomes evident.³⁵ Finally, the authorities report that, on 20 June 2024, the Police Force issued the Standard Operating Procedure on “*Handling of Informants and Covert Human Intelligence Sources*”. The procedures require “proper handling” of both informants and covert human intelligence sources.³⁶

104. GRECO takes note with satisfaction that protection from retaliation has now been explicitly included in the updated Anti-Fraud and Corruption Policy and Procedure and a number of protection measures for police employees reporting wrongdoings have been clearly articulated. The high number of reports on wrongdoings submitted by police officers to the Professional Standards Office, tasked with ensuring whistleblower protection in the Police Force, is encouraging. GRECO therefore considers that the requirements of this recommendation have been complied with.

105. GRECO concludes that recommendation xxiii has been implemented satisfactorily.

III. CONCLUSIONS

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

107. As regards persons entrusted with top executive functions (PTEFs), only very limited progress has been demonstrated. Training on integrity and ethics continues, including for some categories of persons in top executive functions, but it needs to be extended to ministers, permanent secretaries and other senior officials. Declaring conflicts of interest has become mandatory, and the Conflict of Interest Committee has been designated to examine and manage such situations, also in the context of incompatibilities and parallel activities. However, it remains unclear whether these rules are also applicable to “persons of trust”, who remain outside of the supervision by the Commissioner for Standards in Public Life, and

³⁵ The Policy also requires that all Senior Executive Meetings have a standing agenda item requiring all in attendance to declare any known conflicts of interest at the onset of meetings.

³⁶ The Policy defines “covert human intelligence sources” as a person who establishes or maintains a personal or other relationship with a police officer and is directly tasked by the department for the purpose of covertly obtaining information or providing access to any information to another person or disclosing information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

whether complaints on possible conflicts of interest could also be submitted by other institutions and the members of the public.

108. Against the background of these modest steps, progress is still lacking in the vast majority of areas fundamental to promoting integrity and preventing corruption in the executive. No new developments have occurred in adopting and implementing an integrity strategy for persons in top executive functions. The function of the confidential counselling has not been dissociated from the competences of the Commissioner on Standards in Public Life, a body in charge of supervising ethics and integrity observance. No evidence has been provided that GRECO's concerns regarding various obstacles in access to information have been resolved, notably, in relation to broad exceptions and difficulties in obtaining information in practice. The imminent setting up of a new Public Consultation Department is expected to enhance transparency in policymaking and drafting of legislation. However, no concrete information has been provided concerning the application of exceptions to the disclosure of governmental draft legislation, nor regarding the consistent and timely online publication of outcomes from public consultation processes in an accessible format. No adequate rules have been put in place to govern and disclose to the public contacts between persons in top executive functions and lobbyists/third parties seeking to influence the decision-making process. Of particular concern is the persisting lack of action to extend the regime of asset and interest declarations to all persons in top executive functions, make sure that such declarations are subject to effective and pro-active checks, and introduce effective, proportionate and dissuasive sanctions for breaches.

109. With regard to the criminal justice response, the completion of the transfer of competences to prosecute for corruption-related offences exclusively to the Attorney General's Office is to be welcomed. However, nothing has been done to address a long-standing concern of GRECO: the need to introduce legislative and practical measures to enable the use of special investigative techniques in corruption cases and ensure the admissibility of the resulting evidence in court. Finally, the recently adopted amendments to the Criminal Code with regard to magisterial inquiries may require closer examination, as the recent reports in the media raise concerns over possible risks of weakening and restricting the applicability and effectiveness of magisterial inquiries, an efficient and trusted instrument for independent investigations, including into corruption-related offences.

110. As regards law enforcement authorities, more notable progress has been achieved. The Anti-Fraud and Corruption Policy and Procedure continues to evolve and now explicitly sets out additional safeguards against retaliation for whistleblowing, articulating a number of protection measures, and making conflicts of interest subject to mandatory *ad-hoc* reporting. The new Organisational Mobility Policy has been extended to also cover promotions, involving a co-decision of a body, and specifying that promotions should be based on merit. The recently amended Police Force Business Interests and Additional Occupations Policy and Procedure introduces specific criteria to assess police officers' applications to engage in parallel activities. All such applications have been made subject to a uniform procedure. The function of conducting disciplinary proceedings against police employees has been removed from the competences of the Independent Police Complaints Board. However, guarantees for its independence, resources and effective external oversight functions of this Board are lacking.

Succinct annual reports on its activities are made public, but require further development for reflecting these activities in a more meaningful manner. Further, the development of a risk-assessment based anti-corruption strategy, sufficient operational independence and political neutrality of the Police Force have still not been completed. Additionally, efforts made to achieve gender balance in the Police Force need to lead to more decisive outcomes and be addressed in a more comprehensive manner.

111. In view of the above, GRECO concludes that Malta is still 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 xxii, by 30 June 2026 at the latest.

112. In addition, in accordance with Rule 32 revised, paragraph 2, sub-paragraph (ii.c), GRECO invites the Secretary General of the Council of Europe to send a letter – with a copy to the Head of delegation of Malta – to the Minister of Foreign Affairs of Malta, 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.

113. 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.