11.7.2022

MISSION REPORT

following the LIBE Delegation on the Rule of Law in Valletta, Malta from 23 to 25 May 2022

Committee on Civil Liberties, Justice and Home Affairs

Members of the mission:
Sophia in 't Veld (Renew) (Leader of the mission)
Vladimír Bilčík (PPE)
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Gwendoline Delbos-Corfield (Verts/ALE)
Nicolaus Fest (ID)
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Introduction

The delegation of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) to Valletta, Malta on 23-25 May 2022 was initiated upon recommendation of the Committee's Monitoring Group on Democracy, Rule of Law and Fundamental Rights (DRFMG).

In the present legislative term (2019-2024), the DRFMG group held already five meetings dedicated to Malta. The last delegation took place from 2 to 4 December 2019, and the last DRFMG meeting devoted to the follow-up to the Public Inquiry into the assassination of Daphne Caruana Galizia took place on 10 November 2021. At that meeting, the Prime Minister of Malta invited the Parliament to visit the country to witness the recent developments.

The objective of the visit was to take stock of the latest developments in the country as regards the situation of the rule of law, recent judicial reforms, safety of journalists and follow-up on the investigations following the murder of Daphne Caruana Galicia, anti-corruption measures, and to exchange views on the citizenship and residence by investment schemes. The Policy Department for Citizens’ Rights and Constitutional Affairs, at the request of the DRFMG, ahead of the mission, prepared a study to examine the situation of Democracy, the Rule of Law and Fundamental Rights in Malta and how Article 2 TEU values are respected and implemented in the country.1

The delegation was led by Sophie IN T VELD (Renew, NL) and of comprised Vladimír BILČÍK (EPP, SK), Franco ROBERTI (S&D, IT), Gwendoline DELBOS-CORFIELD (Greens/EFA, FR), Nicolaus FEST (ID, DE), and Konstantinos ARVANITIS (The Left, EL).

Summary account of meetings

Monday 23 May 2022

13h00 – 14h30 Round table with non-governmental organizations active in the field of Rule of law, fight against corruption and citizenship by investment schemes
Venue: Europe House, Valetta

• Professor Vicki Ann CREMONA - Repubblika President Emeritus and present Executive Committee Member, Repubblika
• Carla CAMILLERI - Assistant Director, Aditus
• Pia ZAMMIT - Occupy Justice
• Robert Louis FENECH, Moviment Graffitti

The representatives of the NGOs were critical towards the recent reforms and actions by the government, and mentioned the following concerns:

• the justice reform improved the appointment of the judges and magistrates, but the

The NGOs welcomed the rule of law conditionality regulation, and emphasised the need for the Commission to monitor closer the situation in Malta and draft its yearly rule of law report accordingly.

final decision is still in the hands of the government;
• expressed concerns on fundamental rights (FR) protection, as in case of a breach, only individual concerns can be launched which are very difficult to prove; if cases are brought before the European Court of Human Rights, the MT state loses in approximately 9 out of 10 cases;
• both civil and criminal judicial proceedings remained lengthy; the investigations before starting a criminal proceeding could last for years; in selected high profile cases, it became apparent that unexplained wealth in the possession of persons accused remains uninvestigated;
• on the “culture of impunity”: With regards to a former project manager at the Health Ministry who was allegedly running a large-scale medical visa scam, it was reported that he was charged with bribing witnesses in May 2022, whilst the original investigations does not seem to have been reopened at the time of the visit; in other cases, suspects in illegal oil trading were given reduced sentences, but then refused to testify;
• the current Attorney General has been criticised for facilitating the signing of an controversial contract with Electrogas without any further approval from cabinet or parliament in her former role as deputy attorney general;
• the rulings of the constitutional court have no effect of general applicability, even if they adress aspects which are contrary to the constitution;
• the two main political parties accumulated millions of debts, mostly to private enterprises; also the financing of the parties and of their election campaigns is highly intransparent;
• the Maltese society is polarised by the two main political parties;
• as regards the recommendations by the Public Inquiry Committee, the Venice Commission and GRECO, they expressed frustration that the civil society was not sufficiently involved in the implementation and in the follow-up and that many of them were still to be completed;
• the practice of a part-time parliament in Malta raised additional questions with regard to the ability to implement reforms and transpose EU legislation;
• relevant the procedure of granting the citizenship by investment schemes should be improved, for example the final decision is made at a minister level on the applications and the Russian applicants (to avoid the EU sanctions) first acquire Armenian citizenship and then apply for Maltese citizenship, this should be banned and the background checks should be more thorough; in addition, the benefits of CBI for the community are questionable, as foreign investment if mainly floating into expensive real estate, not social housing;
• on corruption: the whistleblower protection system does not function properly and is being instrumentalised for political purposes. It needs to be further improved as currently the prime minister is in charge of deciding about granting the protection;
• the outcome of the selection of the new attorney general raised concerns as the appointed candidate was the least strong amongst the three candidates;
• the importance of monitoring of the situation of the rule of law in the country and of a constant international pressure was also pointed out as a necessary premise to ensure an improvement in the situation.
14h30 - 16h00 Meeting with journalists and representatives Daphne Project
Venue: Europe House, Valetta

- Herman GRECH - Times of Malta and Daphne Project
- Matthew VELLA - MaltaToday
- Kevin SCHEMBRI ORLAND - Malta Independent
- Manuel DELIA, Blogger and anti-corruption activist
- Julian BONNICI - LovinMalta

Although the public inquiry following the murder of Daphne Caruana Galizia brought a dramatic positive development, in practice, it did not result in any material changes hoped for the Maltese system. Impunity is still causing a general frustration, as only one person was convicted in relation to the assassination, after having confessed at the trial and receiving a reduced sentence. Malta is now losing the momentum to learn from the murder given the insufficient response from the government. There is still a chilling effect of the murder on the journalists. The media is divided as the Maltese society is divided to left and right with a tiny part of independent media. As for the television, according to the interlocutors, it would be controlled by the government party. Journalists are still targeted by online threats, and independent outlets have severe difficulties getting access to information, being confronted with either delays in or no answers from the Maltese authorities. In 9 out of 10 cases, independent journalists do not get a timely reply, or any reply, to their access to information requests. Allegedly, the official in charge of handling such requests could be subject to a conflict of interests. Journalists are also facing financial difficulties due to high number of SLAPP cases, which put pressure on them and on the newspapers employing them. The current law prescribes that mediation shall take place before a libel case is submitted, but in practice this never happens. Transparent funding of media - especially for online media outlets -, easier and faster access to information would be welcomed to improve the situation of the journalists. Again on the public inquiry, a committee of experts overseeing the implementation of the recommendations is expected to report on a first batch of measures in mid 2022.

Journalists referred to the lack of public trust in the judiciary, based on lengthy judicial proceedings, lengthy investigations and inefficient pre-investigations. Only small corruption cases are investigated and prosecuted in an efficient and timely manner.

As regards corruption, journalists explained that there is an unwillingness to follow up on the findings of the investigative journalists, as an example, there was no investigation or prosecution on the Panama Papers. Also, the citizens somehow tolerate corruption.

Meanwhile journalists criticised the investor citizenship and residence schemes, which are widely supported by the Maltese population as the island has very limited recourses and that income is used to build roads or other developments beneficiary for the citizens.

Pessimistic voices were expressed on the rule of law situation in Malta. The bipartisan division of the society, the lack of sensitivity of the society for corruption cases and the lack of efficient judiciary and the impunity all contribute to the deficiency in rule of law. Malta is a small country, easy to ignore. Unfortunately, it took a murder of a journalist to be put on the map. Many interlocutors stressed the need for an anti-mafia bill. A private bill was put
forward in Parliament against organised crime, but the initiative was mocked by government representatives. Following this round-table, the delegation met in the evening of 24 May with Caroline Muscat, representing The Shift News, who could not attend the meeting of 23 May. Discussions revolved around the same topics, describing the situation of independent media as a “constant swim against the current”.

**16h00 - 16h45 Meeting with Mr Jesmond Saliba, Commissioner for Voluntary Organisations**  
**Venue: Europe House, Valetta**

Following the Voluntary Organisations Act adopted in 2007, the Office of the Commissioner for Voluntary Organisations was launched in 2008 aiming at giving more visibility to the voluntary sector as well as guaranteeing transparency and accountability of the organisations. Voluntary organisations are not legally obliged to enrol with the Office of the Commissioner. There are around 1800 organisations in Malta, almost 800 out of them are small organisation. As regards to their aim, the variety is big, supporting from sport, educational to religious activities. The political division of the country is also mirrored in the voluntary organisations, and political activism is allowed for them. The biggest challenge for the voluntary organisations is financing.

Apart from encouraging bank transfers for the donations and funding, the Commissioner is proposing new legislation to improve the sector, which will hopefully elevate the economic social and financial prosperity of Malta.

**17h15 - 18h00 Meeting representatives of the family of Daphne Caruana Galizia**  
**Venue: Europe House, Valetta**

The family was represented by Daphne Caruana Galizia’s son and his father. They presented the latest progress in the implementation of the public inquiry recommendations following the investigation into the assassination with worry. The outcome of the public inquiry included recommendations for legal, inter-institutional and cultural changes and to correct some of the injustices, especially to correct the overall atmosphere of impunity, which was described to be generated from the highest levels of the government. Their impression was that the Government seemed eager to implement the recommendations, but then the main finding, the problem of impunity, is still not recognised by the government and the family did not receive information about the following steps. They referred to the still ongoing judicial proceedings (SLAPP cases) against the journalist. Right after the murder, the family had to deal with 46 defamation cases, out of which only three criminal cases were dropped due to a change in the regulation. These cases put a huge emotional, legal and financial pressure on the family.

Thanks to lawyers taking these cases pro bono, they can fight them, despite great difficulties. One of the cases they will most likely lose as the the source of the information was missing, being only known by Daphne Caruana Galizia. They questioned however the lack of progress on corruption cases raised by Daphne Caruana Galizia and by the Panama papers.

The state of the judiciary and rule of law is still concerning, the judicial proceeding are very slow, also given that the number of judges in Malta is one third of the EU average. Meanwhile, the number of lawyers are three times higher than the EU average. As a progress,
they mentioned that corrupt and incompetent police officers were removed following the murder, but a raise of salary of the investigators or police officers would be needed to improve the quality and speed of the investigations. These positive developments towards a more democratic system are still fragile. The family is worried that if EU and international pressure would lose in intensity, these democratic advancements are not strong enough to stay and ensure a permanent change in the system. They believe that the bi-party arrangements and cultural reflexes are great obstacles to the changes; and the system of part-time Parliament Members does not serve democracy.

18h00 – 18h45 Meeting with representatives of the Chamber of advocates; Dr Louis de Gabriele - President, Dr Anna Mifsud Bonnici - Council Member and Dr Karl Briffa - Council Member
Venue: Europe House, Valetta

The Chamber of advocates is an independent organisation representing the corps of warranted advocates admitted to the Bar of Malta with around 1600 members. The Chamber was involved in the judicial reform, while the reform of the legal profession is still ongoing.

On the judiciary, on the one side, the appointment of the judges has been improved, as instead of the prime minister, now a non-political Judicial Appointment Committee is in charge of shortlisting three candidates with a detailed report for each of them to the President who is entitled to elect the most suitable candidate.

On the other side, the Chamber representatives see administrative difficulties rather than legislative ones causing problems in the judiciary. As an example, a digitalisation strategy is in place, but its full implementation is expected by 2028 only. The judges still need paper based evidence, so when digital evidences will be available, the procedures should be much faster. The tribunals have human resources issues as well, both for judges and magistrates and for their offices. The level of salaries at the court are not high enough to attract people to work there, meanwhile access to court is very easy and very cheap, therefore Maltese people tend to go for every small issues to the court. And the system is overburdened in general by frivolous, vexatious cases.

Tuesday, 24 May 2022

08h30 - 09h30 Meeting with Financial Intelligence Analysis Unit
Venue: Europe House, Valetta

Mr Kenneth Farrugia – Director
Mr Alfred Zammit – Deputy Director
Mr Alexander Mangion – Head – Strategy, Policy, Quality Assurance
Ms Ruth Aisthorpe Gauci – Head – Intelligence
Ms Elena Tabone – Head Enforcement
FIAU explained that they have two main functions: receiving money laundering cases and anti-money-laundering (AML) supervision, obliging entities in Malta to carry out AML obligations, also to tackle beneficiary ownership.

The CBI/Golden passports issue is known as a high risk area. FIAU is being notified by all prospective applicants, applicants are cross-checked against FIAU's data bases and if FIAU discovers any problem, they request further information, in that moment the application process stops. All the information that the FIAU collects is shared with the competent authorities on their own initiative or by request.

They have regular meetings with Europol and they claim to be one of the most active FIAUs in sharing information with other EU FIAUs, with more than 5000 exchanges in 2021. They also explained that a Task force was established together with police, the secret service, and others, which deals with highly complex cases.

In 2021, the FIAU shared 188 analytical reports with the police. Out of that, 47 investigations were launched, while prosecutions took place in 19 of these cases. It was pointed out that in some cases, several intelligence reports ended with one single investigation. The FIAU also stated that the process takes long and that there is room for improvement in relation to follow up court proceedings.

With regards to the EPPO, the FIAU explained that all respective offices in Malta are cooperating, referring to clear guidance on the information flow. It was also pointed out that a few cases were sent to EPPO already (a few at least). They also underlined that they are using state-of-the-art technology for risk assessment, which is being used by other FIAUs as well, and that compared to other FIAUs, the Maltese authorities impose relatively high fines now.

With regard to the Pilatus Bank, the FIAU added that a competent person is taken care of it and that all the assets are frozen.

With regard to its supervisory role, the FIAU explained that their register includes information on beneficial owners. They conducted 1000 onsite inspections in 2021, focusing company service providers (“gatekeepers”) and making sure that those entities adhere to their obligations.

Finally, the FIAU claimed that they carry out more targeted reviews, which led to increase on investigations, while also details and depths of the reviews improved.

09h45 - 10h45 Meeting with Dr Lawrence Quintano, Chairman, Permanent Commission against Corruption and Dr George Hyzler, Commissioner for Standards in Public Life
Venue: Europe House, Valetta

The Permanent Commission against Corruption was established in 1988, and its aim is to conduct investigations into cases of alleged corruption, investigations which can be conducted on their own initiative or based on reports from other. Dr Lawrence Quintano was appointed as Chairman in 2019 for a second five-year-term of office. The Chairman pointed out that the challenge in Malta regarding corruption is that the public sector is competing with private consultancies for staff hiring and the level of salaries in the public sector are not high enough. A cultural change would also be needed in Malta, such as education on how the fight against
corruption should be included at all level of education, starting already with elementary schools. The Chairmen also underlined that no register for gifts or declaration of assets is required in Malta and mentioned a case in which ministerial funds were being used for the social media accounts of ministers. The Permanent Commission aims at reinforcing whistleblower protection. The success of the Permanent Commission cannot be measured in launched court cases, since it does not have administrative arrangements with courts to exchange information, but is obliged to stop the investigation, in case a court procedure starts.

The office of the Commissioner for Standards in Public Life was created in 2018, and Dr George Hyzler is the first Commissioner. He was appointed by the President of Malta on the basis of a resolution of Parliament adopted by unanimity - for the selection the support of at least two thirds of all members of Parliament is necessary. At the beginning of its operation, the public did not trust the office, but the impact and its achievements were received positively. The Commissioner ensures proper scrutiny for the parliamentarians, thus he deals with breaches of ethics and has a reporting obligation to the Attorney General and the Police Commission. Case reports and annual reports are published on the website of the Commissioner, and this ‘naming and shaming’ approach helps to prevent breaches and to change the culture in Malta. Following his office reports, there were two resignations, which in his view demonstrates that the office has achievements. The Commissioner also makes recommendations for the improvement of the relevant codes of ethics and the better regulation of related matters, such as lobbying and the acceptance of gifts. The Commissioner has issued proposals on the regulation of lobbying and recommendations for the adoption of improved codes of ethics for ministers and Members of Parliament. The Commissioner has recommended to reinforce the separation of powers, and to change the part-time parliamentarians to full time.

A concern was expressed about the appointment of the Ombudsman, which did not happen since March 2022. Also strong reservations were mentioned on the employment of “persons of trust” in government offices.

13h00-14h00 Meeting with the President of the Republic of Malta George Vella
Venue: Sant’ Anton Palace, Attard

In respect to the reform of the Maltese constitution, the President stressed that his function is not executive. At the same time, he praised the developments. The Venice Commission recommendations were fully implemented in a timely manner, resulting in more transparency. The Chief Justice was nominated with unanimity, the new nominations of judges are smooth thanks to the reforms and the shortlisting - the candidates are evaluated by a committee which presents the three strongest by a written report to the President, who selects the most suitable for the post.

From the GRECO recommendations, two have been fully and 12 partially implemented. The recommendations made by the public inquiry are being followed up as well, he personally met the family of Daphne Caruana Galizia and the case still has high media attention. The judicial reform had been on the agenda even before he took office in 2019, and a six-month-long consultation was carried out concluding 500 proposals from citizens and the civil society. The next step is the creation of committees with representatives from both parties.

While the President emphasised that the golden visas matter does not fall under his
competencies, he noted that the government banned Russian applicants and made the scheme much stricter and safer.

On a question linked to the part-time parliamentarians, the President pointed out the cultural heritage from the British colonisation, and the evolutions over the last few years. As an example he mentioned that the parliamentarians are much more involved in the parliamentary work than they used to be. However, the Maltese parliament is small, with limited financial and human resources, and even the research has to be done by the parliamentarians. To change to full time system can be challenging.

He agreed with the delegation that the general feeling of impunity of the public should be changed, and that measures by the government are needed.

14h30 - 16h30 Meeting with Prime Minister Robert Abela and Cabinet Members; Mr Ian Borg, Minister for Foreign and European Affairs and Trade, Mr Jonathan Attard, Minister for Justice, Mr Byron Camilleri, Minister for Home Affairs, Mr Chris Bonnet, Parliamentary Secretary for EU Funds, Ms Rebecca Buttigieg, Parliamentary Secretary for Reforms and Equality
Venue: Auberge de Castille, Valletta

The Prime Minister opened by introducing his new cabinet members and presenting the steps taken by the government since the last meeting with the LIBE DRFMG in November 2021.

The report of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) found structural deficiencies in the fight against money laundering, therefore the government restructured the anti-money laundering system. Few days after the Financial Action Task Force (FATF) put the country on the grey list in 2021, an action plan was submitted by the government to FATF. He noted that the cooperation of Malta with FATF was so good in this respect that it will be shown as a best practice in the organisation to other countries.

He underlined that the recommendations of the public inquiry were followed up, amongst others, by appointing experts for future reforms and by introduction of anti-SLAPP laws.

Rule of law is a high priority for Malta, as by improving it, they hope for more investments in the country, so the cultural changes is longed for. He highlighted the appointment of the new Attorney General and measures going towards more segregated responsibilities.

On the justice reforms, the delegation praised the steps towards a more independent system, but asked for further efforts to make it more efficient. In his answer to questions, the Prime Minister pointed out that the length of the criminal proceedings is determined by the three different steps (1. inquiry, 2. criminal investigation by the court, 3. trial), and admitted that the lengthy duration of the process is of concern. In Daphne Caruana Galizia’s case, all three sections were used, but Malta is working on shortening the criminal proceedings. They aim at setting up specialised magistrates for criminal and civil cases, and this division should have an impact on the speed. The Prime Minister expressed his surprise to hear that the judiciary would lack financial resources, according to him, health and judiciary are always provided

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2 Malta was removed from the grey list in June 2022.
with all necessary means, the later in regards to all; financial, staff and digitalisation.

Regarding to the citizenship programme, the Prime Minister emphasised that solid due diligence is ensured, the rejection rate is high compared to other countries, the sanction list following the Russian invasion of Ukraine has been respected and citizenships were withdrawn. On the pending infringement procedure, while it is a national competence, he reassured that Malta will comply with the Union rules. A EUCJ decision would be welcome to clarify the future of the schemes. In case of a ban on the schemes, Malta will immediately follow the decision as the economy of Malta is not dependent on the schemes.

He acknowledged that the part-time parliamentarians system has to be changed to full time, while emphasising that the issue is more a cultural one than a financial, it would include increasing the salaries, what could be questioned by the society after living through the Covid-19 pandemic crisis and currently having high inflation and the negative impact of the war in Ukraine. The Prime Minister confirmed that there is an obligation to declare conflict of interest for the parliamentarians, which will be examined even more carefully in the future.

The delegation expressed dissatisfaction about excluding some media outlets from government press conferences and about the slow treatments of the access to information requests, but these comments were refuted by the Prime Minister.

The delegation questioned the cooperation with EPPO, referring to Ms Kövesi’s last visit in Malta. The Prime Minister emphasised that the timing of the visit was difficult, as it was shortly before the elections and pointed at seven cases transmitted to the EPPO since then. Also, he claimed that procurement procedures are much safer as blacklisted citizens can’t apply.

The Prime Minister argued that impunity is not tolerated, rejected claims that Labour party would have debts, and reassured the delegation that there were consequences of the Panama papers, namely dismissals at high levels.

17h00 - 18h00 Meeting with Attorney General Dr Victoria Buttigieg
Venue: Admiralty House, 53, South Street, Valletta

The Attorney General, Dr Victoria Buttigieg told the delegation that several reforms have been undertaken, including recruitment of 20 prosecutors in 2020, changing the competences of the Attorney General, so police would become a purely investigative body and prosecutors would prepare the trials, and new units responsible for preparing trials were created, such as the Prosecution Unit for extraditions, the Mutual Assistance and International Cooperation Unit and for relationship with the EU, the European Affairs Unit. The aim of the structural changes, the specialisation of the prosecutors and digitalisation is aimed at shortening the procedures.

When answering questions from the delegation, the Attorney General confirmed that the office’s budget is increasing each year, the position of the Attorney General is strong as she was appointed for life by 2/3 majority of the Parliament, and the same 2/3 majority applies when removing the head of the office.

18h30 - 19h00 Meeting with a journalist, Caroline Muscat - The Shift News
Venue: Europe House, Valetta

See above report on meeting with journalists and representatives Daphne Project.

19h00- 19h45 Meeting with representatives of CBI/RBI licensed agents; Dr Juerg Steffen, CEO, Henley & Partners; Ms Ann Camilleri, Senior Applications Processing Manager, Henley & Partners; Mr Yakof Agius, Latitude
Venue: Europe House, Valetta

The representatives of licensed agents explained that small countries like Malta can benefit from the schemes since their other resources are limited. They were of the opinion that investing in migration is acceptable. The licensed agents’ duty is to ensure the highest standards of due diligence when screening possible future applicants and assisting them throughout the process.

The delegation questioned whether the conflict of interest can be excluded while an agent can be a former public servant working in the same field. The delegation was sceptical about the argument of the licenced agents that they are not willing to take risky applicants, as these cases could cause reputational damage to them, meanwhile the Russian war against Ukraine showed that the Russian oligarchs are persona non grata in Europe and the agencies took applications of Russian and Belarus citizens until recently. The delegation also reiterated that Malta remains the last country running a citizenship by investment scheme in the EU.

Licensed agents showed willingness to improve their process to increase safety and high level standards for the procedure.

19:45 - 20:45 Meeting with members of the Maltese Parliament
Venue: Europe House, Valetta

Hon. Andy Ellul – Parliamentary Secretary for Social Dialogue (Government)
Hon. Rebecca Buttigieg – Parliamentary Secretary for Reforms and Equality (Government)
Hon. Randolph Debattista (Government)
Hon. Karol Aquilina (Opposition)
Hon. Darren Carabott (Opposition)
Hon. Joe Giglio (Opposition)

The delegation witnessed a heated debate between the two party representatives. On the opposition side, they pointed out to (i) the lack of willingness for cooperation of the governing party and the almost automatic rejection of proposals coming from the opposition, highlighting as an example the appointment of the new Chief Justice or the Ombudsman, (ii) the lack of follow-up on the recommendations of the public inquiry, with exception of the launching the Committee of Experts on Media, (iii) the fact that the 17 committees in the Parliament - with one exception - are chaired by the government party, (iv) concern and criticism that the government does not support the setting up of a justice committee in the Parliament, (v) limited resources to the Parliament research capacity, and (vi) public funds being used for financing media outlets linked to the government. On the other hand, the
representatives of the government praised (i) the changes on the female representation in the Parliament, which resulted in 13 female members elected, (ii) the Speaker’s full time employment for the first time, (iii) the setting up of researchers’ support in the present term, and (iv) the financial support of the printed media during the pandemic.

Parliamentarians thanked the LIBE Committee and the Venice Commission for the pressure, so the changes could be made. It was mentioned that some of the members grew up in a country where journalists were taken to court, but now, there is a consensus to change this culture.

Wednesday, 25 May 2022

08h30 - 09h15 Meeting with, Mr Anġlu Farrugia, Speaker of the Parliament of Malta
Venue: Parliament of Malta

The Speaker explained that the structure of the Parliament was inherited from the British times; being unicameral and using similar rules as the House of Commons. The Maltese Parliament only became autonomous in 2017, when it received its own administration, before that there was no clear division from the government. To achieve transparency, all the sittings are webstreamed, and all meeting minutes and documents are published online. The number of the administration staff was increased as well. On the chairing of the committees, the Speaker defended the present ratio as it reflects the democratic balance. The question of changing to a fulltime employment system came up several times, but according to him, the decision would be a political risk to the governing party. To ensure efficient transposal of Union law, there is a Conciliation Committee, which is quite active compared to the size of the country. Following the recommendations of the Venice Commission, a mandatory declaration of assets was introduced for parliamentarians.

The delegation questioned how the Maltese Parliament can function efficiently without a justice committee. The Members also raised questions on whether the distribution of the chairs of the committees could be done in a more balanced way, as opposed to the current situation of a vast majority of the committees being chaired by the government representatives.

09h45 - 10h30 Meeting via remote connection with Mr Jari Liukku, Head of the European Serious and Organised Crime Centre (ESOCC) and Mr Sebastian Moras, Head of Cabinet, Europol
Venue: Europe House, Valetta

Europol representatives presented the cooperation with the Maltese authorities especially on the investigation of the murder of Daphne Caruana Galizia. Europol provided local support, but this project was closed in 2021, so there are no pending issues for Europol on this case, apart from the court procedures, where the agency will provide information as expert witness. Europol keeps contacts with the Maltese police forces.

The delegation heard more about the new mandate of Europol and the cooperation with other third countries on fighting financial crime.
10h30 - 11h30 Meeting on citizenship with Mr Carmel L De Gabriele the Office of the Regulator, Granting of Citizenship for Exceptional Services
Venue: Europe House, Valetta

The Office of the Regulator was introduced in 2020 to ensure that the process of the granting of Maltese citizenship by naturalization is duly followed, to investigate complaints, and to report back to the government. The Regulator has wide access to information to carry out his tasks. He reassured the delegation that the applications are carefully examined, as already the licensed agents - helping the applicants to put together their requests - filter out the risky applications, therefore the Regulator never had to report a criminal activity.

The delegation was critical about the lack of scrutiny on whether the applicant is actually residing in Malta, but the Regulator has no power to check this.

12h30 - 13h30 Press conference

The press release issued at the end of the mission is available on the European Parliament website:


DRFMG meeting on 10 June with the Police Commissioner, Angelo Gafa

Due to previous commitments, the Police Commissioner could only meet online with the delegation on 10 June 2022.

He introduced the last September transformation strategy which is a modernisation programme to be implemented within two years. The strategy puts emphases on a lead by example approach, it encourages employees in the police forces to anonymously report colleagues, if necessary and there is a mandatory reporting obligation introduced regarding gifts and offers. The outcome expected is increased public trust, high level of efficiency and digital transformation.

Measures were introduced by the new Police Commissioner to focus on protection of journalists, such as the creation of a dedicated unit in the police, and two recommendations from the public inquiry on police were implemented, awareness raising of the journalists role and monitoring the social media.

Special attention is payed to financial crime: while in 2004, there were no police investigations, in 2017 seven, and in 2022 27 cases were launched, which shows the increased efficiency of the police in this field. Europol also assists in high profile financial crime investigations and in police training to Malta, and further options of cooperation are being checked as well.
Malta law enforcement forces closely cooperate with the UK on the protection of journalists, with the US on fight against financial crime, and with Italy on witness protection to learn from the best practices.

The main challenges remain to keep attractive police jobs and to change the culture in Malta.

**Conclusions**

As a follow up of this mission, the Members of the delegation reached the following key findings:

- noticed the slow progress in the follow-up of the murder of Daphne Caruana Galizia, namely as regards the process of implementation of the recommendations by the Public Inquiry while recognising that the judicial proceedings are still ongoing; called for finalising the investigation into the core motives behind the murder and closing the criminal judiciary proceedings as fast as possible;
- expressed concern about the impunity afforded to key figures in the Muscat administration, including of former Prime Minister Joseph Muscat, his chief of staff Keith Schembri, and former cabinet minister Konrad Mizzi, who remain unprosecuted for serious and substantiated evidence of corruption, including through NAO and FIAU reports and evidence published by the late Daphne Caruana Galizia;
- reiterated the urgent need to step up the pace and see through the necessary legislative reforms; called to tackle the slow proceedings and insufficient capacity as two of the main issues relating to the justice system;
- welcomed that additional capacities are being made available for investigation and prosecution of crime in general and the reformed appointment procedure for judges, and the ongoing reform of the Attorney General’s office and role;
- welcomed the efforts of the FIAU and emphasised that it is essential that high-profile financial and economic crimes, especially corruption and money laundering, be prosecuted rigorously;
- welcomed the recent referrals to EPPO, however the overall number of cases remains relatively low in comparison to other Member States and the delegation shared the European Chief Prosecutor’s observations that the Maltese system to detect, investigate, and prosecute crimes remains opaque;
- stressed that the Maltese Citizenship by Investment (CBI) programme remains a source of major concern, as well as Parliament’s position that EU citizenship is not for sale, and called for an immediate ban of the programme; regretted that the concerns presented by the delegation were not met by the government, which signalled that the CBI programme would continue unless there is a prohibitive ruling by the EU’s Court of Justice;
- was concerned that obstacles to media freedom and pluralism, for example with regard to access to information requests to the government as well as potentially discriminatory funding of media outlets, persist and need to be addressed; acknowledged that the government brought forward a proposal for an anti-SLAPP law, but at the same time deplored that journalists, as well as family members of the late Daphne Caruana Galizia, are currently still targets of such frivolous lawsuits, and reiterates its urgent call to drop the cases;
• was concerned about the alleged debts accumulated by the two main political parties, as well as the lack of transparency on party financing in Malta;
• called for more efforts to separate powers and the need to hold government to account requires equal means for MPs, regardless of political affiliation;
• raised additional questions on the practice of a part-time parliament with regard to the ability to implement reforms and transpose EU legislation;
• propose to constantly monitor, especially through the permanent Representation of the European Parliament in Malta and the NGOs operating in the territory, any progress made by the Maltese Institutions in relation to the critical points highlighted above and to repeat the mission within the next year.
# Annex I

**Committee on Civil Liberties, Justice and Home Affairs**

### Mission to Valletta, Malta

**23 - 25 May 2022**

## Programme

### Monday, 23 May 2022

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Venue</th>
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</thead>
<tbody>
<tr>
<td>13:00 – 14.30</td>
<td>Round table with non-governmental organizations active in the field of Rule of law, fight against corruption and citizenship by investment schemes</td>
<td>Europe House</td>
</tr>
<tr>
<td>14:30 – 16:00</td>
<td>Meeting with journalists and representatives Daphne Project</td>
<td>Europe House</td>
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<tr>
<td>16:00 – 16:45</td>
<td>Meeting with Mr Jesmond Saliba, Commissioner for Voluntary Organisations</td>
<td>Europe House</td>
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<tr>
<td>16:45 – 17:15</td>
<td>Coffee break</td>
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<tr>
<td>17:15 – 18:00</td>
<td>Meeting with the representatives of the family of Daphne CARUANA GALIZIA</td>
<td>Europe House</td>
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<tr>
<td>18:00 – 18:45</td>
<td>Meeting with representatives of the Chamber of advocates</td>
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<tr>
<td></td>
<td>• Dr Louis de Gabriele - President;</td>
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<td></td>
<td>• Dr Anna Mifsud Bonnici - Council Member;</td>
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<td></td>
<td>• Dr Karl Briffa - Council Member.</td>
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</tbody>
</table>

### Tuesday, 24 May 2022

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Venue</th>
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</thead>
<tbody>
<tr>
<td>08:30 - 09:30</td>
<td>Meeting with Financial Intelligence Analysis Unit</td>
<td>Europe House</td>
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<tr>
<td></td>
<td>• Mr Kenneth Farrugia – Director;</td>
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<td></td>
<td>• Mr Alfred Zammit – Deputy Director;</td>
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<td></td>
<td>• Mr Alexander Mangion – Head – Strategy, Policy, Quality Assurance;</td>
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<td></td>
<td>• Ms Ruth Aisthorpe Gauci – Head – Intelligence;</td>
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<td>• Ms Elena Tabone – Head Enforcement.</td>
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<tr>
<td>Time</td>
<td>Event</td>
<td>Venue</td>
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<tr>
<td>09:45 - 10:45</td>
<td>Meeting with Dr Lawrence Quintano, Chairman, Permanent Commission against Corruption; and Dr George Hyzler, Commissioner for Standards in Public Life.</td>
<td>Europe House</td>
</tr>
<tr>
<td>10:45 - 11:00</td>
<td>Break</td>
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<tr>
<td>11:45 - 12:30</td>
<td>Lunch break</td>
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<tr>
<td>12:30 - 13:00</td>
<td>Travel</td>
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<tr>
<td>13:00- 14:00</td>
<td>Meeting with the President of the Republic of Malta George Vella</td>
<td>Sant’ Anton Palace, Attard</td>
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<td>14:00 - 14:30</td>
<td>Travel</td>
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<tr>
<td>14:30 - 16:30</td>
<td>Meeting with Prime Minister Robert Abela and Cabinet Members</td>
<td>Auberge de Castille, Valletta</td>
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<tr>
<td></td>
<td>• Hon. Ian Borg, Minister for Foreign and European Affairs and Trade</td>
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<td></td>
<td>• Hon. Jonathan Attard, Minister for Justice</td>
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<td></td>
<td>• Hon. Byron Camilleri, Minister for Home Affairs</td>
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<td></td>
<td>• Hon. Chris Bonnet, Parliamentary Secretary for EU Funds</td>
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<td></td>
<td>• Hon. Rebecca Buttigieg, Parliamentary Secretary for Reforms and Equality</td>
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<tr>
<td>16:30 - 16:45</td>
<td>Travel</td>
<td></td>
</tr>
<tr>
<td>17:00 - 18:00</td>
<td>Meeting with Attorney General Dr Victoria Buttigieg</td>
<td>Admiralty House, 53, South Street, Valletta</td>
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<tr>
<td>18:00 - 18:30</td>
<td>Travel/coffee break</td>
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<tr>
<td>18:30 - 19:00</td>
<td>Meeting with media representative</td>
<td>Europe House</td>
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<tr>
<td>19:00 - 19:45</td>
<td>Meeting with representatives of CBI/RBI licensed agents</td>
<td>Europe House</td>
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<tr>
<td></td>
<td>• Dr Juerg Steffen, CEO, Henley &amp; Partners;</td>
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<td></td>
<td>• Ms Ann Camilleri, Senior Applications Processing Manager, Henley &amp; Partners;</td>
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<td></td>
<td>• Mr Yakof Agius, Latitude</td>
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<tr>
<td>19:45 - 20:45</td>
<td>Meeting with members of the Maltese Parliament</td>
<td>Europe House</td>
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<tr>
<td></td>
<td>• Hon. Andy Ellul – Parliamentary Secretary for Social Dialogue (Government)</td>
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<tr>
<td></td>
<td>• Hon. Rebecca Buttigieg – Parliamentary Secretary for Reforms and Equality (Government)</td>
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<td></td>
<td>• Hon. Randolph Debattista (Government)</td>
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<tr>
<td>Time</td>
<td>Event</td>
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<tr>
<td>08:30 - 09:15</td>
<td>Meeting with, Mr Anġlu Farrugia, Speaker of the Parliament of Malta</td>
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<td></td>
<td>Venue: Parliament of Malta</td>
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<tr>
<td>09:30 - 09:45</td>
<td>Travel</td>
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</tr>
<tr>
<td>09:30 - 10:15</td>
<td>Meeting via remote connection with Mr Jari Liukku, Head of the European Serious and Organised Crime Centre (ESOCC), Europol</td>
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<tr>
<td></td>
<td>Venue: Europe House</td>
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</tr>
<tr>
<td>10:15 - 11:15</td>
<td>Meeting on citizenship with Mr Carmel L De Gabriele, the Office of the Regulator, Granting of Citizenship for Exceptional Services</td>
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<tr>
<td></td>
<td>Venue: Europe House</td>
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</tr>
<tr>
<td>11:15 - 12:15</td>
<td>Coffee break</td>
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<tr>
<td>12:30 - 13:00</td>
<td>Press conference by the Chair of the Delegation</td>
<td></td>
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<tr>
<td></td>
<td>Venue: Europe House</td>
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</tr>
<tr>
<td>13:15</td>
<td>Transport to the airport from Europe House</td>
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</tr>
</tbody>
</table>
Annex II
Participants list

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

Mission to Valletta, Malta

23 - 25 May 2022

List of participants (by protocol order)

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Group</th>
<th>Full Member/ Substitute</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Vladimír BILČÍK</td>
<td>EPP</td>
<td>Full Member (LIBE Committee)</td>
<td>Slovakia</td>
</tr>
<tr>
<td>2</td>
<td>Franco ROBERTI</td>
<td>S&amp;D</td>
<td>Full Member (LIBE Committee)</td>
<td>Italy</td>
</tr>
<tr>
<td>3</td>
<td>Sophie IN'T VELD (Chair)</td>
<td>Renew</td>
<td>Full Member (LIBE Committee)</td>
<td>The Netherlands</td>
</tr>
<tr>
<td>4</td>
<td>Gwendoline DELBOS-CORFIELD</td>
<td>Greens/EFA</td>
<td>Substitute Member (LIBE Committee)</td>
<td>France</td>
</tr>
<tr>
<td>5</td>
<td>Nicolas FEST</td>
<td>ID</td>
<td>Full Member (LIBE Committee)</td>
<td>Germany</td>
</tr>
<tr>
<td>6</td>
<td>Konstantinos ARVANITIS</td>
<td>The Left</td>
<td>Full Member (LIBE Committee)</td>
<td>Greece</td>
</tr>
</tbody>
</table>