



EUROPEAN COMMISSION
DIRECTORATE-GENERAL MIGRATION AND HOME AFFAIRS

Directorate A: International & Horizontal Affairs
Unit A.4 – Enforcement, Transparency and Rule of Law Monitoring

Brussels,
HOME.A4/FC

Nicholas Grech
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Dear Mr. Grech,

I hereby reply to your email of 25 June 2022 in which you submit your concerns related to instances of corruption allegedly occurring in Malta. Apologies for the long delay in reacting.

Based on the information provided in your correspondence, I must inform you that the matter to which you refer is not related to the implementation of European Union law and, as a result, the Commission is not entitled to intervene. Member States are responsible for maintaining law and order and safeguarding internal security. Consequently, any action – or lack thereof – by national authorities remains the responsibility of the Member State concerned.

While under the Treaties¹ the European Commission has no general powers to intervene in individual cases, it can do so if an issue of European Union law is involved. In this context, let me reassure you that the Commission is closely following the Rule of Law situation in all Member States (including Malta) in the framework of the Rule of Law Mechanism². Since 2020 the Commission adopts an annual Rule of Law Report which looks at significant developments across the 27 Member States in four key areas relevant for the respect of the rule of law, including the anti-corruption framework. The Report focuses on systemic issues, rather than on individual cases. In July 2022, the Commission adopted its third Rule of Law Report³, including a chapter on Malta⁴, which for the first time contains specific recommendations addressed to each Member State, which are intended to encourage Member States to take forward ongoing or planned reforms and help them identify where improvements are needed.

In the September 2022 State of the European Union address⁵, the President of the EU Commission von der Leyen explicitly flagged corruption as a key political priority for the EU, announcing that the Commission will present measures to update our legislative framework for fighting corruption. The Commission is currently working on an anti-corruption package, which focuses on the criminalisation of bribery, possibly including offences such as illicit enrichment, trading in influence and abuse of power.

Yours sincerely,

Stephen James Curzon

¹ Treaty on European Union and Treaty on the functioning of the European Union.

² https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism_en

³ COM(2022) 500 final. https://ec.europa.eu/info/sites/default/files/1_1_194062_communication_rol_en_0.pdf

⁴ SWD(2022) 518 final. https://commission.europa.eu/document/download/f698470d-4c8f-49d9-b749-5f9f484eaedd_en?filename=42_1_193996_coun_chap_malta_en.pdf

⁵ https://ec.europa.eu/commission/presscorner/detail/ov/speech_22_5493

Head of Unit

[E-signed]