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Implementation of Venice Commission recommendations on Constitutional Court rulings in Malta

Written question No. 801 to the Committee of Ministers

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The European Commission for Democracy through Law (Venice Commission) has, on several occasions, expressed concern that in Malta's constitutional framework, judgments of the Constitutional Court do not have erga omnes effect. As a result, provisions found to be unconstitutional continue to remain in force until repealed by parliament. In its Opinion No. 940/2018 (December 2018), the Venice Commission recommended that rulings of the Constitutional Court should have universal applicability. This recommendation was reiterated in Opinion No. 993/2020 (October 2020). In 2024, the Maltese authorities confirmed that no steps had been taken to implement this recommendation, despite repeated calls from the Venice Commission, the Parliamentary Assembly, and other monitoring bodies.

Ms Tabaku

To ask the Committee of Ministers:

Why have the Maltese authorities not implemented the Venice Commission's recommendation on ensuring the erga omnes effect of Constitutional Court judgments, and when will they take the necessary measures to do so?

