



**Doc. 16322**

19 January 2026

## Implementation of Venice Commission recommendations on Constitutional Court rulings in Malta

**Reply to Written question<sup>1</sup>:** Written question No. 801 (Doc. 16259)  
Committee of Ministers

1. The Committee of Ministers thanks the Honourable Member for her question and informs her of the following information provided by the Maltese authorities.
2. Malta has implemented almost all the recommendations of the Venice Commission in its 2018 Opinion on Constitutional Arrangements, the Separation of Powers, and the Independence of the Judiciary and Law Enforcement. One matter remains under examination: the possible extension of the *erga omnes* effect of Constitutional Court judgments. Under Malta's legal system, such rulings currently apply only to the parties to the case, safeguarding legal certainty and ensuring decisions remain tied to their specific factual and procedural context.
3. Malta recognises the importance of ensuring that Constitutional Court judgments have wider effect. Safeguards are already in place whereby all Constitutional Court decisions are systematically transmitted to parliament, which has acted swiftly to translate them into reforms of the legal framework. In practice, this ensures that constitutional jurisprudence is given broad and meaningful effect, even in the absence of automatic *erga omnes* application. Work is ongoing to identify the most suitable model for Malta – one that strengthens constitutional guarantees while preserving legal certainty.
4. The Maltese authorities have affirmed that they will continue to engage closely with the Venice Commission as they pursue their ongoing reform efforts.

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1. Adopted at the 1547<sup>th</sup> meeting of the Ministers' Deputies (14 January 2026).

