Resolution on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia

2018/2965(RSP) - 28/03/2019 - Text adopted by Parliament, single reading

The European Parliament adopted by 398 votes to 85 with 69 abstentions, a resolution on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia.

Parliament strongly condemned the continuous efforts of a growing number of Member State governments to weaken the rule of law, the separation of powers and the independence of the judiciary, and noted with great concern the rising threats bearing down on journalists and media freedom. It urged the Council to follow up any proposals from the Commission and Parliament as regards infringement procedures and Article 7 TEU procedure, in particular by taking swift action based on the Commission's reasoned proposal of 20 December 2017 on Poland, as well as by putting the situation in Hungary on the Council agenda, and by inviting Parliament to present its reasoned proposal on Hungary to the Council.

Investigations and law enforcement

Members called on the Government of Malta to launch an independent public enquiry into the murder of Daphne Caruana Galizia, with particular stress on the circumstances that allowed it to happen, the response of the public authorities, and the measures that can be put in place to ensure that such a murder will not happen again. It also called for the publication of the full unredacted report of the magisterial 'Egrant' inquiry, noting that the available conclusions do not confirm the claims linking the ownership of Egrant Inc. to the Maltese Prime Minister and his wife and that no inquiry was launched to uncover the beneficial ownership of Egrant, which still remains to be clarified. Members noted, furthermore, that the Prime Minister's Chief of Staff and the current Minister of Tourism and former Minister of Energy are the only acting high-ranking government officials in any EU Member State who were found to be beneficial owners of a legal entity exposed in the Panama Papers. They called on the Maltese Government to launch an investigation into the Panama Papers revelations and the links between the Dubai-based company '17 Black' and the Minister for Tourism and former Minister for Energy and the Prime Minister's Chief of Staff. Parliament called on the EU institutions and the Member States to initiate an independent international public inquiry into the murder of Daphne Caruana Galizia and the alleged cases of corruption, financial crimes, money laundering, fraud and tax evasion reported by her, which involve high-ranking current and former public officials of Malta.

With respect to Slovakia, Parliament welcomed the charges brought by the Slovak authorities against the alleged instigator of the murders of Ján Kuciak and Martina Kušnírová and the alleged perpetrators of the murders, and called on the law enforcement authorities to ensure that all aspects of the case are fully investigated, including any possible political links to the crimes. It was concerned about allegations of corruption, conflicts of interest, impunity and revolving doors in Slovakia's circles of power.

It called for further resources to be allocated to Europol and Eurojust for investigations of this kind in the near future, noting that the current budgetary and human resources and mandates of Europol and Eurojust are not sufficient for those agencies to provide full and proactive EU added value in carrying out investigations such as in the cases of the murders of Daphne Caruana Galizia and of Ján Kuciak and Martina Kušnírová. Europol's mandate should be extended to enable it to proactively initiate setting up Joint Investigation Teams in such cases.

Constitutional challenges in Malta and Slovakia

Parliament called on Malta to implement all the recommendations set out in the recent Venice Commission report, without exception. It also underlined that the regulations covering the selection and nomination process for Constitutional Court judges in Slovakia have to meet the highest possible standards in terms of transparency, scrutiny and accountability, and it stated its concern about the current lack of progress in this selection process in the Slovak Parliament. It called for the transparent application of rules and procedures for the selection in 2019 of the new Slovak Chief of Police, which will ensure the independence and neutrality of the office.

Investor citizenship, residence schemes and visas

Parliament felt that the use of investor citizenship and residence schemes by EU Member States poses serious risks to the fight against money laundering, undermines mutual trust and the integrity of the Schengen area, allows for the admission of third-country nationals merely on the basis of accumulated wealth rather than on the basis of useful knowledge, skills or humanitarian considerations, and results in the actual sale of EU citizenship. It called on the Commission to continue monitoring the scale and impact of such schemes in the EU, with a particular focus on due diligence processes, the profiles and activities of beneficiaries, the potential impacts on cross-border crime, and the integrity of the Schengen area. The Government of Malta was asked to:

- publish annually a standalone list of all persons who have purchased Maltese and EU citizenship;

- fully investigate the allegations concerning mass sale of Schengen and medical visas, including the alleged involvement of former or current high-ranking Maltese government officials.

Safety of journalists and media independence

Parliament asked the Government of Slovakia to ensure the safety of journalists, noting with concern that the current legislative proposal for the Press Act risks limiting media freedom It deplored the lack of transparency on media ownership and expressed concern about the statements of Slovak politicians that call into question the value of independent journalism and public media.

Members reiterated that the Maltese Government should ensure the withdrawal of the libel suits being faced by the mourning family of Daphne Caruana Galiza, and refrain from using the libel laws to freeze critical journalists' bank accounts, and reform the libel laws that are being used to frustrate journalists' work.

EU responses

Parliament called on the EU institutions and the Member States to resolutely fight systemic corruption and to devise effective instruments for preventing, combating and sanctioning corruption and fighting fraud, as well as regularly monitoring the use of public funds. It emphasised that the persistent failure to address serious and persistent breaches of the values referred to in Article 2 TEU has encouraged other Member States to follow the same path, and it regretted the Commission's decision to postpone publication of its proposal to strengthen the Rule of Law Framework to July 2019.