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From: European Commission
On: 8 September 2025
To: Working Party for Schengen Matters / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)

No. prev. doc.: 16433/24

Subject: Schengen evaluation of Malta - Review of the adequacy of the Action Plan to remedy the deficiencies identified in the 2021 evaluation of Malta on the application of the Schengen acquis in the field of the data protection

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (23.10.2025)

Delegations will find in annex the Review of the adequacy of the action plan of Malta to remedy the deficiencies identified in the 2021 evaluation carried out to verify the application of the Schengen acquis in the field of data protection, provided by the Commission in accordance with Article 21(2) of Council Regulation (EU) 2022/922. The review of the action plan was provided to Malta by Commission letter of 04 August 2025 (Ref. Ares(2025)6334210), as set out in the annex.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

The Director-General

Brussels,
JUST/C3/VB/en/just.c.3(2025)

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Permanent Representative of Malta to the
European Union
Rue Archimède 25, 1000 Brussels
e-mail: maltarep@gov.mt

Subject: Review of the adequacy of the action plan of Malta to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of data protection

Your Excellency,

I thank you for the action plan of Malta to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of data protection which was submitted to the Commission and the Council on 27 November 2024.

Please find attached, pursuant to Article 21(2) of Council Regulation (EU) 2022/922, the review of the adequacy of the action plan, done by the Commission services after consultation of the team.

The action plan is considered as generally adequate and it is welcome that Malta has already implemented or is in the process of implementing the recommendations. However, Malta is invited to pursue further efforts and provide additional information in relation to the implementation of some recommendations as indicated in the attached review of the adequacy of the action plan.

In accordance with Article 21(3) of Council Regulation (EU) 2022/922, Malta is to report to the Commission and the Council on the implementation of the action plan every 6 months from the date of notice of this review until the Commission considers the action plan fully implemented. In accordance with Article 21(2), second subparagraph, of Council Regulation (EU) 2022/922, the Commission will present the review of the action plan to the Council.

The Commission services are at the disposal of Malta to facilitate the implementation of the action plan.

Yours faithfully,

e-signed

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Contact: DELETED

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Annexes: Review of the adequacy of the action plan of Malta to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen acquis in the field of data protection

Review of the adequacy of the action plan of Malta to remedy the deficiencies identified in the 2021 evaluation on the application of the Schengen *acquis* in the field of data protection

(Article 21(2) of Council Regulation (EU) 2022/922)

1. INTRODUCTION

Council Regulation (EU) No 1053/2013 of 7 October 2013¹ established an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*².

In accordance with that Regulation, a Schengen evaluation was carried out between 15 and 19 November 2021 to evaluate Malta's application of the Schengen *acquis* in the field of data protection.

A report listing the findings and assessments identified during the evaluation was adopted by Commission Implementing Decision C(2024)2501. Following the adoption of the evaluation report by the Commission, the Council adopted an Implementing Decision³ setting out a Recommendation on addressing the deficiencies identified in that report in accordance with Article 15(3) of Council Regulation (EU) 1053/2013.

In the meantime, Council Regulation (EU) No 1053/2013 was replaced by Council Regulation (EU) 2022/922⁴, which started to apply on 1 October 2022. According to the transitional provisions set out in Article 31 of the new Regulation, for evaluations carried out before 1 February 2023 (like the evaluation of Malta) the follow-up and monitoring activities, starting with the submission of the action plans, shall be carried out in accordance with Regulation (EU) 2022/922. In accordance with Article 21 (1) of Regulation (EU) 2022/922, on 27 November 2024 Malta submitted to the Commission and the Council an action plan to remedy the identified deficiencies.

In accordance with Article 21(2) first subparagraph of Regulation 2022/922, the Commission carried out a review of the adequacy of the action plan and consulted the members of the team which carried out the evaluation. This review is provided below.

¹ OJ L 295, 6.11.2013, p. 27.

² Regulation (EU) No 1053/2013 has since been replaced by Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013 (OJ L 160, 15.6.2022, p. 1). Nevertheless, as the present report relates to an evaluation carried out before 1 February 2023, it is adopted pursuant to Regulation (EU) No 1053/2013 in accordance with the transitional provisions laid down in Article 31(3) of Regulation (EU) 2022/922.

³ Council document 13734/24

⁴ OJ L 160, 15.6.2022, p. 1.

2. ADEQUACY AND GENERAL REMARKS

The action plan is generally considered as **adequate**.

It provides summary information on the actions that Malta has taken or will take to remedy the deficiencies observed.

On the basis of the reported actions recommendations 1.1 (part concerning SIS), 5, 8, 22, 23 and 26 can be considered as fully implemented and no further follow-up reporting on them is necessary.

The implementation of other recommendations is underway or close to completion. Malta is invited to provide further information in relation to the implementation of recommendations 2, 7, 9, 11, 13, 14, 15 and 25 as indicated under section 3 of this review. For the other recommendations 17, 18, and 24 Malta is invited to review the proposed actions and provide information about the developments on their implementation.

In accordance with Article 21(3) of Regulation (EU) 2022/922, Malta is to report to the Commission and the Council every 6 months from the date of notice of the receipt of this review until the Commission considers the action plan fully implemented. The subsequent steps should take place through KOEL, the IT platform supporting the monitoring process.

In accordance with Article 21(2), second subparagraph, of Regulation (EU) 2022/922, the Commission will present the review of the action plan to the Council.

3. DETAILED REVIEW

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