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Digitalisation Regulation - Member State notifications

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Malta



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This page contains information about the notifications done by the Member States pursuant to Regulation (EU) 2023/2844.

1. National IT portals for communicating with courts or other authorities

The only portals which are currently used are Digicourts/Ecourts, which are accessible at the following link <https://ecourts.gov.mt/onlineservices>. This website is maintained by the Court Services Agency. It is accessible to all who have an e-ID account, and access is granted through e-identification. Should there be any access issues or should a user require any specific assistance for logging in, the IT services of the Court Services Agency may be contacted. FAQs are also present on the above-indicated website together with an email address for any assistance that a user may require.

The Court Services Agency website also provides access to the submission of certain judicial acts of a civil or criminal nature. Several judicial acts in civil proceedings may be filed online while all judicial acts of criminal proceedings may be filed online. The tab for the respective [online forms](#) is found on the landing page.

Other information and forms for the submission of acts and other general details and online capabilities as to the respective courts and online services of the Courts and Tribunals of Malta are available on the Court Services Agency [website](#).

With regards to the videoconferencing system, this is not integrated in any of the latter mentioned portals and rather MS Teams, or on occasion also Webex, are used when videoconferencing is required or requested in proceedings.

Any individual present in the physical Court Hall can see and hear the person/s on the other end via a television set and speakers installed within the Court Hall. When videoconferencing is to be used, a link to the respective party joining via videoconferencing is provided by the Deputy Registrar of the Court.

The camera located in each hall has 3 set locations, depending on the required view. There is one camera which is aimed at the Magistrate or Judge, one which is aimed at the Witness and one which is aimed at the Lawyers. Each of these participants in court proceedings has a microphone available, which are all connected to a mixer with 2 outputs, i.e. the device hosting the videoconference and the hall speakers. The camera also has the capability of rotating and therefore can shift focus. Court proceedings held via videoconferencing are regulated by all general procedural court rules.

Moreover, the possibility of joining proceedings through videoconferencing is also available to court assistants and experts. For example, in specific Administrative Review Tribunal cases whereby the court is assisted by experts, the court may allow the respective expert to join the proceedings via videoconferencing. Such participant will be visible to all individuals present in the court hall as better described above.

2. National law on videoconferencing in civil and commercial matters

In general, the same procedural rules apply to proceedings that are held with the assistance of videoconferencing. As such, the Code of Organisation and Civil Procedure, [Chapter 12 of the Laws of Malta](#), is therefore also applicable to such proceedings. However, some rules (identified below) have been introduced to better regulate proceedings held via videoconferencing.

Article 622B of the Code of Organisation and Civil Procedure, Chapter 12 of the Laws of Malta holds that witness or party testimony may be conducted through videoconferencing. The court's decision is also vital here, in that videoconferencing may only be permitted by the Court following a specific request. The same provision also states that testimony may be produced by audio or video recording with permission from the Court or testimony through videoconferencing. Moreover, any regulations that the Minister for Justice may from time to time prescribe for the use of videoconferencing, its procedures, formalities, modality or other restrictions in terms of witnesses to be allowed by videoconferencing shall wholly apply. The court may not issue any directive or condition which runs counter or in conflict with these regulations, should any have been issued.

Due to procedures outlined in Chapter 12 of the Laws of Malta also wholly applying to any proceedings or testimony held via videoconferencing, discretion of the Court is paramount. By way of example, should an interpreter be required, the same provisions shall apply in videoconferencing as would have been applicable to a party in proceedings physically held in the court hall who would have required an interpreter.

Moreover, the recent introduction of Article 199A of the Code of Organisation and Civil Procedure, Chapter 12 of the Laws of Malta has allowed the use of videoconferencing in any cause through the application of one party or at the court's own discretion can attend proceedings through videoconferencing and shall be deemed as if the respective party is physically present in the court hall during proceedings. The court decision on any matters in relation to the use of videoconferencing is paramount and justified reasons must be provided by the court should such a request for videoconferencing be denied. Lastly, the Rule-Making Board as composed in virtue of Article 29 of Chapter 12 of the Laws of Malta, may from time to time by regulation prescribe rules and codes of practice for the better administration of procedures held via videoconferencing.

3. National law on videoconferencing in criminal matters

Please see the answer to question 2 above, which is equally applicable. It should be noted that in criminal proceedings vis-a-vis Article 6, the accused is not yet allowed to testify by videoconferencing. However, in criminal proceedings, the use of videoconferencing may be allowed to hear expert witnesses and other witnesses in mutual legal assistance proceedings. Therefore, while all court halls are equipped with the necessary videoconferencing capabilities, legislation pertaining to criminal proceedings do not yet allow an accused to be present through videoconferencing and must therefore be physically present in the court hall. Since the court halls in Malta are equipped with videoconferencing capabilities, should a Requesting State require a person in Malta to be heard through videoconferencing, then that could be arranged within the framework of the Digitalisation Regulation. However, should this person be accused in Malta, then this person has to be physically present in the court hall and may not participate through videoconferencing.

4. Fees for the procedures in civil and commercial matters

The procedure is free and therefore no fees are charged for the use of videoconferencing in proceedings.

When it comes to court fees, no distinction is made between any acts filed physically or through any IT portal and as such all normal fees will apply to every individual. If a fixed fee is ascertained, then such a fee will be made known on the respective document for the payment through the online court system. Any court fines and court registry fees may be paid online through the court system operated by the Court Services Agency.

<https://ecourts.gov.mt/onlineservices/Contact> may be used to contact the Court Services Agency for any queries on the payment of court registry fees or court-imposed fines.

5. Electronic payment methods

Since no fees are charged, no electronic payment methods are needed in the instance of videoconferencing.

Should any fees be required to be charged (other than for the use of videoconferencing) in order to file any claims, then the Court Services Agency allows for the settlement of such fees via electronic payment with the use of credit card/debit card. Online payment can also be done for any court-imposed fines or other court registry fees.

6. Notification on the early use of the decentralised IT-system

Efforts are being made to ensure earlier operation of the decentralised IT system by all stakeholders, however at this stage no guarantees can be given as to the earlier operation of the decentralised IT system prior to the date of entry of each legal act indicated in the Annexes.

7. Notification on the early use of videoconferencing in civil and commercial matters

In Malta, videoconferencing in civil and commercial matters is already in use and there is the applicable legislation in place. Article 5 can therefore be applied by the date of entry.

8. Notification on the early use of videoconferencing in criminal matters

In criminal proceedings vis-a-vis Article 6, the accused is not yet allowed to testify by videoconferencing. However, in criminal proceedings, the use of videoconferencing may be allowed to hear expert witnesses and other witnesses in mutual legal assistance proceedings. Therefore, while all court halls are equipped with the necessary videoconferencing capabilities, legislation pertaining to criminal proceedings do not yet allow an accused to be present through videoconferencing and must therefore be physically present in the court hall. Since the court halls in Malta are equipped with videoconferencing capabilities, should a Requesting State require a person in Malta to be heard through videoconferencing, then that could be arranged within the framework of the Digitalisation Regulation. However, should this person be accused in Malta, then this person has to be physically present in the court hall and may not participate through videoconferencing. MT is therefore not yet in a position to comply with Article 6 before the date of entry in application of Article 6.

■ Last update: 17/04/2026

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