



STAKEHOLDER

Newsletter N°5 of ECO, The Malta Ecological Foundation on EU Accession and the Environment

Intro

In the fifth issue of STAKEHOLDER you can read about the **Priority Environmental Programme for Accession** announced in a communication recently adopted by the European Commission.

Read EEB's priorities for the **Belgian Presidency** that has just started and will end in December, on page 4.

We also list the **transitional periods** that the Czech Republic, Hungary and Estonia have been granted by the EU, on temporarily closing the negotiations of the Environment Chapter.

Outlines of the Presidency Conclusions from the Göteborg European Council, with a focus on **Sustainable Development** have also been included. The NGOs are relatively pleased with the Commission's proposal, although the Summit took out many of the concrete targets and timetables proposed, which falls short of the high expectations of the NGOs.

Transport and **Bio-Diversity** are the themes of the two Position Papers on the implementation of the Acquis that the Maltese NGOs have drawn up for this issue.

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EU Environmental Support for Candidate Countries

On June 8th, the European Commission adopted a Communication on environmental financing in the Candidate Countries in which it examines the financial challenges that compliance with EU environmental legislation will pose for the countries preparing to join the Union, and gives guidance on how to best meet them. It recommends candidate countries to develop coherent and prioritised investment strategies; it proposes criteria for setting the priorities, and encourages the countries to leverage available funds to make the most of scarce resources.

This Communication describes how Community technical assistance will focus on those areas where preparations for compliance have been lagging behind. The NGOs are encouraged to see that the EU will work closely with Candidate Countries on their financing plans for problem areas in waste, air pollution and training for local authorities, which have been identified by NGOs among the priorities for the Maltese Islands.

The Communication also gives some guidance on how to develop a clear and credible investment programme for accession. For this task the countries can receive support from the Commission's **Priority Environmental Programme for Accession (PEPA)**, designed for this purpose. In PEPA, guidance documents are available including a format for a directive specific implementation plan and a checklist of the investment-heavy directives. The programme encourages exchange of best practices between Candidate Countries, and is developing a database of environmental projects in the Candidate Countries to help them identify and prepare priority projects for the medium and long term.

Four key "Investment-Heavy" Directives are identified in this Communication and step-by-step activities described on how to set up priorities, how to develop an investment programme and how to secure finances.

Water Supply/Wastewater Treatment, Waste Management, Air Pollution Control and Industrial Pollution Control, have been identified as the four "investment heavy" directives.

At the end of the Communication the Commission gives an estimation of the environmental financing needs in all candidate countries except Turkey. The amount according to recent calculations is considerably less (79 to 110 billion Euro) than it was in 1997 (120 - 122 billion Euro). The current Communication does not go further into details why these sums are different but it would be interesting to know where these differences come from.

NGOs express concern on EU financing

The Communication on EU Environmental financing should be perceived as a whiff of fresh air in the implementation of the Acquis on the Environment particularly in view of the estimated cost, which with no stretch of the imagination could our economy support. So why are environmental NGOs concerned about it? Because of two main reasons: the amount of funds involved and the sort of projects supported by these funds.

Clarity

First of all the NGOs believe that it is of crucial importance that clear criteria will be set up for these budget lines: for what goals exactly can these funds be used, who decides about the allocation of the funds and who will manage them?

The governments of Candidate Countries already have their 'wish lists' ready with project proposals, while at the same time local authorities might not even know about these EU budget lines. It must be avoided that proposals be submitted in which there is hardly any attention for Environmental Impact Assessments and possibilities of public participation. In Brussels, the allocation of the budgets will be dependent on the interpretation of bureaucrats who do not know the local situation so well. Transparency during the decision making process is what should be strived for.

Civil Servants

At the moment, a new generation of civil servants is emerging in the accession countries. It is very important to make these people aware about the importance of environmental aspects - experience in other candidate states has shown that environmental aspects have not always been taken into account in using pre-accession funds. Even the use of structural funds by member states has proved to be counter-productive. Numerous examples exist of Structural Funds being used in a completely unsustainable way; there are even projects supported by the Commission that try to curb back negative impacts of other projects supported before by the European Union! While this can be seen as a missed opportunity, Maltese NGOs are on time to make sure this does not happen in Malta.

Public Participation

In order to achieve sustainability, it will be necessary to incorporate environmental concerns into policies at all levels. Furthermore, to achieve long-term results and to make long term, sustainable decisions, it will be absolutely necessary to include NGOs and the local population in decision-making procedures. ECO urges the Maltese government to keep all stakeholders informed in time, to involve them in Environmental Impact Assessments, and allow them to participate actively in monitoring committees, which take decisions related to which projects will be funded so they can ensure the choice of sustainable techniques in implementation.

EEB recently published a list of 17 priorities for the Belgian presidency. In this article you can read about the issue of **Enlargement and the Environment**, since this is in line with the editorial content of this newsletter, however we invite you to read the full report at www.eeb.org

So far, the environmental acquis has been presented as one of the biggest hurdles to take in the accession process. EEB agrees that it is important that this acquis is being taken seriously and that means that the EU should keep up the pressure on governments and business in these countries to fully and completely implement the environmental acquis communautaire upon accession. This is good for the environment and public health, and allows for further improvement of EU environmental policies as a whole, whereas tolerance of a group of laggards will lead to stagnation. This strict requirement should however go together with maximising the contributions the EU can make to this implementation process, by focusing the pre-accession aid. And whenever Accession countries have environmental and nature protection policies that go beyond those of the EU, they should be encouraged to maintain them.

In particular the EEB calls upon the Belgian Presidency to:

- Assure strong **involvement** of environmental experts of Member States, accession countries as well as the Environment DG of the Commission in the whole process.
- Make the building of strong environmental **administrative capacity** in the accession countries, in particular on the local and regional levels, a priority in EU's assistance programmes.
- Promote a **public awareness campaign** in the accession countries about the positive impacts of the EU environmental policies, with major involvement of environmental citizens' organisations.
- Request the Commission to prepare a **public report** on the development of the environmental dimension of the accession process in practise, as well on how the Commission integrates the aim of sustainable development concretely in the accession negotiations and aid programmes. The report should also clearly identify bottlenecks and unresolved questions.
- Organise a **discussion of this report** by the Environmental Ministers in one of their meetings during the Belgian Presidency, in a debate accessible to the public.

EEB's priorities for the Belgian presidency are: EU Sustainable Development Strategy; Europe of the Citizens; Enlargement; 6th Environmental Action Programme; Transport and Environment; Climate Change; Green Tax Reform and Enhanced Co-operation; Environmental Liability; Release of GMOs; Waste policies; PVC; Integrated Product Policy; Air pollution; Water policies; Pesticides; Noise and Greening the CAP.

TRANSITIONAL PERIODS

Czechs, Hungarians and Estonians closed the Environment Chapters and these are the transitional periods they have been granted:

ESTONIA

EU DIRECTIVE 94/63/EC on control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations; transitional period ranging from 1 to 4 years, in order to put the installations in line with EU law gradually.

EU DIRECTIVE 1999/31/EC on landfills of waste: transitional period until 16/7/2009 for existing landfills to apply with the EU requirements for liquid and corrosive waste, and oil shale.

EU DIRECTIVE 91/271/EEC on urban waste water treatment: collecting systems will have to be provided as from 31/12/2009 in agglomerations of populations above 10,000 and as from 31 December 2010 in agglomerations of populations between 2000 and 10,000. Treatment will be provided for the total biodegradable load in populations with agglomerations above 10,000 as from 31/12/2002, while treatment will have to be assured in all agglomerations with a population above 2000 as from 31/12/2010.

EU DIRECTIVE 98/83/EC on the quality of water intended for human consumption: transitional period until 31/12/2013.

CZECH REPUBLIC

EU DIRECTIVE 94/62/EC on packaging and packaging waste: transitional derogation until 31/12/2005 for the recycling target for plastic and for the overall recovery rate.

EU DIRECTIVE 91/271/EEC on urban waste water treatment: while 18 agglomerations with a population above 10,000 will have to comply with the Acquis by 31/12/2002, collection systems and treatment will have to be provided in 36 other agglomerations with populations over 10,000 as from 31/12/2006. Furthermore, as from 31/12/2010, collecting systems and treatment in line with the mentioned EU Directive will have to exist in all 733 agglomerations with a population of more than 2000, representing a total biodegradable load of about 11,000,000 population.

HUNGARY

DIRECTIVE 94/62/EC on packaging and packaging waste: derogation for the recycling target for glass and plastic until 31/12/2005.

DIRECTIVE 91/271/EEC on urban wastewater treatment: transitional period until 31/12/2008 for agglomerations with populations above 10,000 and a transitional period until 31/12/2010 for agglomerations with populations of more than 15,000.

- transitional period until 31/12/2015 for collecting systems and treatment in line with article 3 and 5 of the before mentioned directive for agglomerations with a population between 2000 and 15,000.

- transitional period until 31/12/2008 for discharges of biodegradable industrial waste water plants.

Industrial pollution control and risk management: all "new" installations as defined by EU Directive 96/61/EC will have to operate in compliance with the requirement set by the Directive, while "existing" industrial installations will operate in compliance with these requirements by 30 October 2007.

DIRECTIVE 94/67/EC on incineration of hazardous waste - transitional periods until 30/6/2005.



Outlines of the Presidency Conclusions from the Göteborg European Council, held on June 15-16th 2001, with regards to SUSTAINABLE DEVELOPMENT

A STRATEGY FOR SUSTAINABLE DEVELOPMENT (SD)

1. SD requires dealing with economic, social and environmental policies in a mutually reinforcing way. Failure to reverse trends that threaten future quality of life will steeply increase the costs to society or make those trends irreversible.
2. The European Council (EC) agrees a strategy for SD that completes the Union's political commitment to economic and social renewal, adds a third, environmental dimension to the Lisbon strategy and establishes a new approach to policy making.
3. Clear and stable objectives for SD will present significant economic opportunities with the potential to unleash a new wave of technological innovation and investment, generating growth and employment. The EC invites industry to take part in the development and wider use of new environmentally friendly technologies in sectors such as energy and transport and stresses the importance of decoupling economic growth from resource use.

A new approach to policy making

4. The Union's SD Strategy is based on the principle that the economic, social and environmental effects of all policies should be examined in a coordinated way and taken into account in decision-making. "Getting prices right" so that they better reflect the true costs to society of different activities would provide a better incentive for consumers and producers in everyday decisions about which goods and services to make or buy.
5. To improve policy coordination at the level of the Member States, the EC:
 - invites Member States to draw up their own national SD strategies;
 - underscores the importance of consulting widely with all relevant stakeholders and invites Member States to establish appropriate national consultative processes.
6. To achieve better policy coordination in the Union, the EC will:
 - at its annual Spring meetings give policy guidance, as necessary, to promote SD in the EU;
 - invites the Union institutions to improve internal policy coordination between different sectors. The General Affairs Council will coordinate the horizontal preparation;
 - notes that the Commission will include in its action plan for better regulation to be presented to the Laeken EC mechanisms to ensure that all major policy proposals include a sustainability impact assessment.

7. To build an effective review of the SD Strategy, the European Council:

- invites the Council to examine, for the purposes of implementing the strategy, the proposals in the Commission communication, in particular its proposals for headline objectives and measures, as well as to the 6th EAP and the sector strategies for environmental integration, when implementing the strategy;
- will review progress in developing and implementing the strategy at its annual Spring meetings, in line with the conclusions of the Stockholm European Council;
- notes that the Commission will evaluate implementation of the SD Strategy in its annual synthesis report, on the basis of a number of headline indicators, to be agreed by the Council in time for the Spring EC 2002; at the same time, the Commission will present a report assessing how environment technology can promote growth and employment;
- supports the Commission's work on a draft on labelling and traceability of GMOs;
- asks the Council to take due account of energy, transport and environment in the 6th Framework Programme for Research and Development.

The global dimension

8. SD requires global solutions. The Union will seek to make SD an objective in bilateral development cooperation and in all international organisations and specialised agencies. In particular, the EU should promote issues of global environmental governance and ensure that trade and environment policies are mutually supportive. The Union's SD Strategy forms part of the Union's preparations for the 2002 World Summit on SD. The Union will seek to achieve a "global deal" on sustainable development at the Summit. The Commission undertakes to present a communication no later than January 2002 on how the Union is contributing and should further contribute to global SD. In this context, the Union has reaffirmed its commitment to reach the UN target for official development assistance of 0.7% of GDP as soon as possible and to achieve concrete progress towards reaching this target before the World Summit on Sustainable Development in Johannesburg in 2002.

Targeting environmental priorities for sustainability

9. Building on the Commission communication on SD, the 6th EAP and the sector strategies for environmental integration, the EC has, as a first step, singled out a number of objectives and measures as general guidance for future policy development in four priority areas: climate change, transport, public health and natural resources, thus complementing decisions on social and economic issues taken by the European Council in Stockholm.

Combating climate change

10. Emissions of greenhouse gases from human activity are contributing to global warming with repercussions on the world's climate. Therefore, the Conference of the parties in mid-July in Bonn must be a success. The Member States are determined to meet their own commitments under the Kyoto Protocol. The Commission will prepare a proposal for ratification before the end of 2001 making it possible for the Member States to fulfil their commitment to rapidly ratify the Kyoto Protocol. The EU will work to ensure the widest possible participation of industrialised countries in an effort to ensure the entry into force of the Protocol by 2002.



To enhance the Union's efforts in this area, the European Council:

- reaffirms its commitment to delivering Kyoto targets and the realisation by 2005 of demonstrable progress in achieving these commitments. Recognising that the Kyoto Protocol is only a first step, it endorses the objectives set out in the 6th EAP;
- furthermore reaffirms its determination to meet the indicative target for the contribution of electricity produced from renewable energy sources to gross electricity consumption by 2010 of 22% at Community level as set out in the Directive on Renewable Energy;
- invites the European Investment Bank to promote the Sustainable Development Strategy and to cooperate with the Commission in implementing the EU policy on climate change.

Ensuring sustainable transport

11. A sustainable transport policy should tackle rising volumes of traffic and levels of congestion, noise and pollution and encourage the use of environment-friendly modes of transport as well as the full internalisation of social and environmental costs. Action is needed to bring about a significant decoupling of transport growth and GDP growth, in particular by a shift from road to rail, water and public passenger transport. The EC:

- invites the European Parliament and the Council to adopt by 2003 revised guidelines for trans-European transport networks on the basis of a forthcoming Commission proposal, with a view to giving priority, where appropriate, to infrastructure investment for public transport and for railways, inland waterways, short sea shipping, intermodal operations and effective interconnection;
- notes that the Commission will propose a framework to ensure that by 2004 the price of using different modes of transport better reflects costs to society.

Managing natural resources more responsibly

12. The relationship between economic growth, consumption of natural resources and the generation of waste must change. Strong economic performance must go hand in hand with sustainable use of natural resources and levels of waste, maintaining biodiversity, preserving ecosystems and avoiding desertification. The European Council agrees that:

- the CAP and its future development should contribute to achieving SD by emphasizing the use of healthy, high quality products, environmentally sustainable production methods, including organic production, renewable raw materials and the protection of biodiversity;
- the review of the Common Fisheries Policy in 2002 should, based on a broad political debate, address the overall fishing pressure by adapting the EU fishing effort to the level of available resources, taking into account the social impact and the need to avoid over-fishing;
- the EU Integrated Product Policy aimed at reducing resource use and the environmental impact of waste should be implemented in cooperation with business;
- to halt biodiversity decline and reach this objective by 2010 as set out in the 6th EAP.

NGO'S POSITON PAPER ON TRANSPORT

1. The Maltese NGOs welcome the government's initiative to:

- a. Amend the Public Transport Authority Act that provides a framework for subsidiary legislation, and establishes the Malta Transport Authority
- b. Amend the Merchant Shipping Act to align Maltese legislation with the Community Acquis on crew qualifications and other maritime standards.
- c. No longer accept maritime vessels over 25 years old as new entrants onto the Maltese register. However the NGOs believe that no ship, irrespective of age, should be registered under the Maltese flag if it is not safe.
- d. Provide a regular national bus service in Malta that is in line with regulation (EEC) 1191/69 and Regulation (EEC) 1107/70. However, the NGOs are seriously concerned about the inefficient and ineffective bus service that entices the use of private vehicles contributing significantly to air pollution in Malta.

2. The Maltese NGOs welcome the government's decision:

- a. To adopt the new legislation by the fourth quarter of 2002 to transpose Directive 94/55/EC (transport of dangerous goods by road), Directive 95/50/EC (uniform procedures for checks on the transport of dangerous goods by road), and Directive 96/35/EC (appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway). We also agree that Malta will adhere to the European Agreement concerning the International Carriage of Dangerous Goods by Road by the fourth quarter of 2002.
- b. To amend the Dangerous Cargo Ships, Marine Terminals and Facilities and Bunkering Regulations of 1996 by the fourth quarter of 2001 to achieve full compliance with Directive 93/75/EEC (reporting requirements for vessels bound or leaving Community and carrying dangerous or polluting goods).
- c. To comply with Directive 92/14/EEC (operation of aeroplanes), Directive 89/629/EEC (noise emission from civil subsonic jet aeroplanes), Directive 80/51/EEC (limitations of noise emissions from subsonic aircraft) and Regulation (EEC) 925/99 (hushkitted aircraft), till accession.



3. The Maltese NGOs disagree with the transitional period for:

Directive 96/96/EC (roadworthiness tests for motor vehicles and their trailers) where the government is asking for a 2 year transition period. The Maltese NGOs insist that this directive be transposed, implemented and enforced with immediate effect.

4. The Maltese NGOs demand:

- a. The necessary capacity building to increase the efficiency and effectiveness of the implementation process, particularly in the maritime safety field.
- b. That the Maltese government intensifies its efforts to transpose, implement and enforce the acquis in the transport field.
- c. That motor vehicles testing stations (VRT) be really accountable and responsible, and that cars that fail the test are in actual fact removed from circulation.

5. The Maltese NGOs also suggest that in implementing the acquis on Transport the following actions be taken into consideration:

- a. The launch of an educational campaign, in collaboration with NGOs and the Malta Transport Authority, whereby the advantages of public transport are explained and public transport is promoted as the BEST option.
- b. To promote the concepts of "producers' responsibility", "The polluter pays principle" and "the precautionary principle" for maritime, land and air transport.
- c. That the Malta Maritime Authority enforces regulations and standards, to ensure that Maltese registered ships (that are currently responsible for a large part of accidents and hence pollution) are no longer responsible for maritime pollution due to accidents. We demand that the implementation and enforcement of international maritime safety and pollution standards be standard procedure to ensure maritime safety for present and future generations. The NGOs are concerned about the age and condition on some of the tankers flying the Maltese flag.
- d. That the transportation of dangerous goods by land, sea and air be given priority.
- e. That when dealing with transport, its effects on health, air pollution, noise pollution, and climate change be taken into consideration, as well as the social effects.

- f. The end of the monopolies in the fields of public transport, which will enable competition and a better, more environmental friendly and widespread service.
 - g. The setting up of a tram and/or metro system/s.
 - h. That ecologically friendly fuels (liquid gas/unleaded petrol etc) be promoted (especially by reducing the taxes on such fuels). That the quality of unleaded petrol and diesel be further improved.
 - i. The creation of bicycle lanes and pedestrian zones to promote these healthy and clean means of transport, in view of the short distances travelled within villages and towns in the Maltese Islands.
 - j. The extreme use of cars (in relation to the population and infrastructure, due to size) means unsafe roads, increased noise, terrible congestion, and very much higher deaths and chronic illness from air pollution directly attributable to cars.
 - k. Public transport needs to be supported and revitalised: it needs better environmental performance and a better service offer. Although public transport is generally better than private car transport in its safety and environmental performance, it is also the case that lack of investment and old and poorly maintained vehicles undermine public transport's environmental advantage. More importantly, public transport needs to improve its image and service.
6. The Maltese NGOs insist that the transposition of EU legislation is only a means to an end. We request the government to state how it intends to ensure that these directives are being IMPLEMENTED and to specify what instruments will be used to ensure implementation of directives. Furthermore, the Maltese NGOs demand that the government specify how this will be ENFORCED and what corrective action will be taken against infringement.

Conclusion

We, the Maltese NGOs reiterate our commitment to act as "watch dogs" over the accession process paying particular attention to the transposition, implementation and

Ad



1. The Maltese NGOs feel that there are certain aspects where Malta's progress to implement the biodiversity acquis must be considered as positive:

- a. The Maltese NGOs welcome the Government's initiative in providing for the setting up of an Authority to Protect the Environment, which according to Government will have all the necessary resources at its disposal.
- b. Nonetheless, the NGOs are aware that not all the relevant environmental legislation necessary in order to bring Malta in line with the environmental acquis has been enacted to date.
- c. The Maltese NGOs agree that, in the area of nature protection, the Maltese Government has already enacted a certain amount of legislation, most of which is satisfactory, in order to implement the applicable EU directives and regulations as well as Conventions and other bilateral and/or multilateral treaties to which the EU is a party. Nevertheless, in certain instances we feel that the transposing legislation is not adequate and is therefore in need of amendment. These instances shall be pinpointed and commented on accordingly.
- d. However, the Maltese NGOs declare that we consider as reasonable all the time frames specified by the Maltese Government within which other necessary legislation on biodiversity will be enacted.

2. Comments on the applicable legal norms in the various sectors of biodiversity.

- a. **Trade in Endangered Species, Import of Whales, Skins of Seal Pups and Leghold Traps.**
In this area the applicable legal norms are found in 1) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); 2) Regulation (EEC) 348/81. Furthermore, Regulations (EEC) 338/97, 2473/98, 2307/97, 939/97, 2551/97, 3254/91 as well as Directive 83/129 (EEC) and Decisions 35/97 and 97/602 (EEC) respectively will be adopted and brought into force by the third quarter of 2001 through legislative enactments.
- b. **Protection of Flora, Fauna and Habitats**
In this area the applicable legal norms are found in Directive 92/43/EEC and Decision 97/266/EEC. The former is in part already transposed by a number of local Regulations. The Maltese Government plans to adopt the necessary legislation transposing the remainder by the second quarter of 2002 and have it enacted by the fourth quarter of 2002.

Articles 10 to 11, which focus on the protection of habitats, will be impossible to enforce because measures suggested are unachievable unless new resources are given to our enforcement agencies and harsher penalties and heavier fines for infringements are implemented.

The Maltese NGOs make this statement because the current level of enforcement is inadequate, leading to vandalism, pilfering and illegal developments, which are often subsequently 'legalized'. Moreover, there is at present no adequate protection of nature reserves in place, a shortcoming that has often led to shooters entering a reserve and shooting all the birds inside.

NGO'S POSITION PAPER ON BIO-DIVERSITY (cont.)

Article 22 actively encourages the reintroduction of species, which are native to their territory. This is impossible with current enforcement levels, since any birds thus reintroduced would be immediately wiped out by hunters. Moreover, other animals would probably also be eradicated due to lack of adequate protection from various other threats.

Moreover, the Maltese NGOs are aware that Malta is a party to the Bern Convention on the Conservation of European Wildlife and Natural Habitats, the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean and the Convention on Biological Diversity. We agree with the Maltese Government's request to add a number of endemic species of flora and fauna to the list of the Habitats Directive.

However, the Maltese NGOs note with disapproval that Malta appears still very far from reaching the objectives set in these legal instruments. Considerable difficulties are foreseen where compliance with certain provisions of these international legal instruments is concerned. A case in point are Articles 2, 3.2, 6, 7 and 10 of the Berne Convention, as well as article 8 of the Convention on Biodiversity (Art. 8 deals with in situ conservation, and requires parties to adopt an extensive list of protection measures). Moreover, Malta still has no definite biodiversity strategy, and neither does it have any marine reserves. In fact, there are no closed seasons for local fishing activities, no legislation on harpoon fishing and very little control of such abuses as fishing with explosives.

c. Suspension of the Introduction of Certain Species of Wild Fauna and Flora

Regulation 168/99 is already partly transposed by local legislation. Government intends to implement the rest of the provisions of the Regulation through subsidiary legislation that is to be adopted and enacted by the third quarter of 2001. Once again the Maltese NGOs believe that enforcement is lacking in this area and not enough is being done to replace widely spread alien species such as acacia and eucalyptus with native species.

d. Protection of Wild Birds

The Maltese NGOs do not agree that Directive 79/409/EEC has been adequately transposed. Malta's Position Paper on the Environment states that the Environment Protection Department "will maintain the current system of protection of wild birds". This current system is not satisfactory at all. Under our present bird protection legislation, killing and capture (trapping) is permitted in spring, in violation not only of Article 2 of the Birds Directive but also of the Berne Convention. Due to poor enforcement of our hunting laws not only game birds but also protected birds such as harriers, buzzards, ospreys and hawks as well as waders like herons, may fall victim to shooters. Moreover, smaller birds such as robins, wagtails, pipits and flycatchers are often captured by trappers, either for amusement or sometimes in order to be used as decoys in the trapping of finches. Like hunting, bird trapping in springtime is not prohibited. The Maltese NGOs have been expecting new bird protection legislation to be drafted in order to prohibit spring hunting, thus enabling Malta to comply with the EU acquis. However, the Position Paper of the Government on the Environment indicates otherwise.



Furthermore, Articles 3, 4, 5, 7 and 8 are also currently unenforceable. (These articles respectively require Member States to take the necessary measures in order to preserve, maintain or re-establish a sufficient diversity and area of habitats; make bird species the subject of special conservation measures; establish a general system of protection for all species of birds occurring naturally in Europe; require inter alia that the practice of hunting be carried on in accordance with the principles of wise use and ecologically balanced control of the species of birds concerned; and prohibit the use of, inter alia, all methods used for the non-selective or large scale capture or killing of birds).

e. Wild Animals in Zoos

Legislation transposing Directive 99/22/EEC will be adopted by the second quarter of 2002 and will enter into force by the fourth quarter of the same year.

4. General Comments on Enforcement of Biodiversity legislation

The Maltese NGOs agree that enforcement of environmental regulations is weak, and sometimes non-existent. The EPD lacks the manpower and human resources necessary in order to adequately fulfil its role. On the other hand, the Planning Authority, which formulates land-use, plans and controls terrestrial and marine development, is greatly hampered by bureaucracy, red tape and misdirected efforts within its ranks, a state of affairs, which can easily lead to corruption and collusion with developers.

Moreover, the Maltese NGOs note with disapproval that Maltese politicians and Authorities still see development as taking precedence over the environment and have not yet taken a firm stand against allowing further development unless it is absolutely necessary. The implications of such an attitude are that the EPD does not have the final say as to whether a development is approved or not, and its consequences can be seen in the fact that the Islands have one of the highest proportion of developed to undeveloped land in the world, a state of affairs which threatens the Maltese countryside.

As regards the Police, there are not enough officers to effectively check abuses and bring offenders to book. The ALE Section of the Police Force, which is the Section charged with protecting the environment, also has to see to a good number of other abuses which have nothing to do with the environment. As a result, its resources are badly stretched. Moreover, the Police officers in the ALE do not receive any formal training on how to deal with environmental crime.

With regard to hunting offences carried out at sea, there is almost no enforcement activity on account of the ease with which hunters, with their fast sea craft, manage to escape arrest and also because the policing of hunting at sea is not seen as a priority due to the fact that offences committed in connection with this activity are usually hidden from the public eye.

The task of law enforcers is made more difficult by the fact that 1) offences such as hunting offences are widespread, and licensed hunters total about 12,000 out of a population of 380,000, i.e. more than 2%, to which number must be added an indefinite number of unlicensed hunters who nevertheless still dare to practice the sport; 2) the Maltese psyche seems to have an inbuilt disregard for all that is public, or the ownership of which is not immediately traceable to some individual. This attitude serves to encourage offences against biodiversity.

As a result of this, all flora and fauna on the Maltese Islands are threatened by hunting, hunting-related and commercial activities, by vandalism as well as by illegal and excessive development.

5. Recommendations

The Maltese NGOs suggest that the following courses of action be taken into consideration as a means of enabling a better implementation of the acquis on biodiversity:

- a. The setting up of a branch of the Malta Police Force which will deal exclusively with environmental offences, and which will be adequately furnished in terms of both personnel and equipment;
- b. The establishment of the Environment Protection Department or Authority as the entity having the final say on whether development projects - large or small - which may affect the environment can go ahead;
- c. A greater involvement of environmental NGOs and other stakeholders as partners in helping Government achieve better protection of biodiversity in Malta
- d. The employment of wardens - whether on a full or part-time basis - to guard Malta's present and future nature reserves (whether land-based or sea-based) who will have access to adequate training and equipment and be able to count on the full support of the Police;
- e. The holding of regular training courses in Malta and abroad for all those individuals involved in trying to create a better environment (including the Police, wardens, Government personnel and environmental NGO members) which should focus on instilling in participants both a theoretical and a practical (simulation exercises etc) knowledge of their respective roles, and the various interlinkings between such roles.

Conclusion

We, the Maltese NGOs, reiterate our commitment to act as 'watchdogs' over the accession process paying particular attention to the transposition, implementation and enforcement of EU legislation and its consequences on the Maltese environment. We commit ourselves to discuss national strategies as well as to evaluate least cost options for implementing the acquis communautaire.

This position paper has been signed by Birdlife, Din l-Art Helwa, ECO The Malta Ecological Foundation, Friends of the Earth, Marine Life Care Group, Moviment Graffiti and Nature Trust.

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Food for Thought

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