



Marine Strategy Framework Directive (2008/56/EC)

Programme of Measures

Response to Public Consultation

14 February – 28 March 2017

Environment & Resources Authority

April 2017

EXECUTIVE SUMMARY / GENERAL COMMENTS

The EU Marine Strategy Framework Directive calls for the achievement or maintenance of Good Environmental Status (GES) in the marine environment by the year 2020 through the development and implementation of marine strategies. Such marine strategies involve the development and implementation of a Programme of Measures seeking the achievement of GES in consideration of environmental targets put forward by Malta in the first reporting cycle and addressing predominant pressures and impacts on the marine environment.

The Programme of Measures was developed by the Environment and Resources Authority, as the authority entrusted with the technical implementation of the Directive, in close collaboration with all relevant Government entities. In line with the guidance and recommendations provided by the EU Commission, the Programme includes existing measures which can contribute to the achievement of Good Environmental Status (GES) in the marine environment, and puts forward new measures geared at addressing current gaps in management regimes for the achievement of GES.

The existing and proposed measures were presented in separate reports for each MSFD GES Descriptor and/or relevant themes. The public consultation process was launched by a consultation meeting with public sectors through the Malta-EU Steering and Action Committee held on the 18th January 2017. The reports were uploaded on the ERA website (<http://era.org.mt/en/Pages/MSFD-Programme-of-Measures.aspx>) on the 14th March 2017 and the public consultation process was open until 28th March 2017.

This document outlines the comments received throughout the consultation period as well as comments compiled during two separate meetings held with Fisheries cooperatives and organisations on 20th March and 23rd March 2017 respectively.

DETAILED CONSULTATION FEEDBACK

Date	Name of Stakeholder	Comments Received	Response / Remarks
20 th March 2017 (meeting)	National Fishing Cooperative ¹ & the Cooperative Fishing Association ²	The cooperatives raised the need for more public awareness in relation to marine litter.	The Programme of Measures developed as part of the requirements of the EU Marine Strategy Framework Directive, as well as Malta's second Water Catchment Management Plan, include measures to raise public awareness on the impacts of marine litter.

¹ Kooperativa Nazzjonali tas-Sajd (KNS)

² Għaqda Kooperattiva tas-Sajd (GħKS)

		The cooperatives raised the need for facilities within all landing sites for disposal of waste	This will be explored as part of new measure MICMT-M084_NEW (<i>Implementation of 'Fishing for Litter' scheme</i>)
		Concerns raised regarding the outflow of Sewage Treatment Plants in specific marine areas.	Comments noted. The effects of this outflow on ecosystems will be assessed as part of the implementation of the MSFD monitoring programme.
		Cooperatives are concerned about the effect of the exploitation of certain species in particular sea-urchins (<i>Paracentrotus lividus</i>), in view of the influence such exploitation may have on food webs.	This concern has been noted coupled the need to improve knowledge on food webs throughout the upcoming implementation of the MSFD. In the interim, new measure MICMT-M077_NEW (Awareness Raising Campaign on protected species associated with benthic communities) can contribute in to addressing potential over-exploitation of such species.
		Concerns raised in relation to the impact of bunkering and related anchoring on the seabed.	Comments noted. Reference should be made to new measures MICMT-M075_NEW (Pilot implementation of selected management options aimed at addressing impacts from anchoring on the seabed).
		With reference to proposed new measure MICMT-M083_NEW (<i>to identify options for re-designing fishing gear or practices to reduce discarded or lost fishing gear</i>) the cooperatives agreed on the need to explore options for the design of Fish Aggregating Devices. They also pointed out the need to explore alternatives for the use of plastics in traps. Fishermen suggested that this measure is implemented at a later stage, so that it will give them time to explore options.	Comments noted and agreed.
		The cooperatives suggested to have no take zones for recreational fishery in MPAs	Comments noted. The Programme of Measures does not cover specific management measures within MPAs. Further consultation is required with respect to management of MPAs. Such consultation will be undertaken throughout the MPA management process which is separate from the MSFD PoMs.
23 rd March 2017 (consultation meeting)	Malta Artisanal Fishers; Federazzjoni tal-Ghaqdiet tas-Sajjieda Dilettanti	The fisheries organisations highlighted the need to base fish stock assessments on concrete data.	Comment noted. Proposed new measure MICMT-M078_NEW (<i>Launching of an educational programme targeting knowledge improvement to facilitate management of pressures associated with fishing activities</i>) will be

<p>Malta; Għaqda Sajjieda Ġnejna; Denci Sports Fishing Club; Hooked On Fishing Club Malta; Għaqda Sajjieda Dilettanti Gżira; Għaqda Sajjieda Dilettanti Birzebbuga</p>		highlighting the importance of Fisheries Data Collection Processes amongst fishermen.
	With reference to the measure on awareness raising on protected species with the divers, a question was raised as to whether fishermen are being included.	Spear-fishing will also be targeted through this campaign.
	Reference was made to the significant amount of litter which may be generated through the packaging of fish bait. Suggestions were put forward to address this matter.	Comment noted. The PoMs did not address this issue also in view of limited data in this regard. The extent of this pressure will be assessed to the extent possible as part of the upcoming assessment of environmental status pursuant to the EU Marine Strategy Framework Directive
	Fisheries organisations referred to the accumulation of floating litter and suggested the possibility for fishermen to report any encountered floating litter and that action is taken to remove such litter. Fishermen are significantly concerned about anchoring and welcome the measure proposed as part of the PoMs	Following this feedback, the scope of proposed new measure MICMT-M080_NEW (<i>Identification and mapping of areas with accumulated litter on the seabed or in the water column and potential removal of such litter</i>) has been widened to include floating litter.
	Fisheries organisations raised concerns in relation to the high light intensity that is currently being used by the Lampara fishery. This is not only having an impact in terms of light pollution, but also in terms of increased fishing effort.	Comments noted. The PoMs did not address this issue, also in view of limited data in this regard. The extent of this pressure will be assessed to the extent possible and on the basis of Fisheries data as part of the upcoming assessment of environmental status pursuant to the EU Marine Strategy Framework Directive
	There are also concerns in relation to exploitation of fish as fish-feed in fish farms, with subsequent effects on ecosystems.	Comments noted. The need to improve knowledge on food webs throughout the upcoming implementation of the MSFD is acknowledged. The PoMs did not address this issue, also in view of limited data in this regard. The extent of this pressure will be assessed to the extent possible and on the basis of Fisheries data as part of the upcoming assessment of environmental status pursuant to the EU Marine Strategy Framework Directive
	Concerns raised regarding the outflow of Sewage Treatment Plants in specific marine areas.	Comments noted. The effects of this outflow on ecosystems will be assessed as part of the implementation of the MSFD monitoring programme.

		Concerns raised in relation to the impact of trawling and anchoring on the seabed.	Comments noted. Reference should be made to new measures MICMT-M075_NEW (Pilot implementation of selected management options aimed at addressing impacts from anchoring on the seabed).
		The impacts of the use of trammel nets in bays on seabed habitats and species was pointed out. The fishery organisations also indicated an increase in use of trammel nets in the past years, including higher fishing effort.	Comments noted. The PoMs did not address this issue, also in view of limited data in this regard. The extent of this pressure will be assessed to the extent possible and on the basis of Fisheries data as part of the upcoming cycles of the EU Marine Strategy Framework Directive. MICMT-M076_NEW (<i>Inventory of fishery activity in coastal Marine Protected Areas designated for the protection of seabed habitats</i>) would shed light on the extent of this issue.
		The fisheries organisations acknowledged the need for them to report illegal fishing, but also requested more enforcement from the responsible authorities.	In case any unauthorised activity is detected, non-compliant activities are recorded by DFA and infringement proceedings are processed through courts of law. Illegal fishing can be reported to DFA at 2292 6888 or reported to the AFM.
		The fisheries organisations suggested that they are provided with a contact number for the to report fishing gear in the marine environment;	Lost Fishing gear at sea can the reported at the above mentioned contact number or to the AFM.
23 rd March 2017	BirdLife Malta (BLM)	Section 1 - Environmental Status and Relevant Pressures: BLM indicated that threats and pressures apply for all Malta's seabirds. A list of threats and pressures include (from highest to lowest threat): (i) Predation by alien mammals, particularly rats; (ii) Light and Noise pollution from coastal zone development and large vessels and oil rigs parked in Maltese waters; (iii) Recreational Activities including hunting; (iv) sea-bird by-catch.	These threats and pressures are noted and will be taken into consideration throughout the implementation of the proposed new measures as follows: (i) New measure MICMT-M071_NEW [<i>Awareness and educational campaigns targeting disturbance issues (noise, light and littering) in recreational areas where the presence of litter has been tied to rat predation on seabirds</i>] will be building on BLM's actions under the LIFE Arcipelagu Garnija project (LIFE14NAT/MT/000991) to extend public awareness in relation to all other Maltese seabird colonies; (ii) MICMT-M072_NEW (<i>Preparation of official guidance documents aimed at providing direction with respect to reduction/control/mitigation of light and noise pressures driven by</i>

			<p><i>both land-based and sea-based activities</i>) will be considering the sources of light and noise pollution as identified in BLM’s comments, including recreational activities;</p> <p>(iii) MICMT-M073_NEW (<i>Knowledge improvement on the interactions of seabirds, marine reptiles and marine mammals with fisheries activity and definition of good practice as necessary</i>) will address BLM’s concerns in relation to the lack of understanding of by-catch from different fishing methods.</p> <p>The initial section of the PoMs report for seabirds has been amended to reflect relevance of pressures to all species of seabirds.</p> <p>The description of the pressures as included in Section 1 of the Programme of Measures report on seabirds reflects the information included in the MSFD Initial Assessment (2013). The pressures and threats as listed by BLM coupled to the recommendations have been duly noted and all efforts will be made to consider such pressures/threats throughout the implementation of the proposed new measures.</p> <p>Some pressures described by BirdLife such as potential impacts through illegal dumping and light pollution from fuel-storing vessels would need to be verified prior to proposing action on such pressures.</p>
		<p>Section 2 - Good Environmental Status and Targets: BLM calls for continued monitoring of the Yellow-legged gull and European storm-petrel populations of Filfla</p>	<p>Comments noted. This concern will be addressed through the long-term implementation of the monitoring programme</p>
		<p>Section 3 – Existing Measures: BLM are highlighting the fact that EU policies and strategies such as Blue Growth, Maritime Spatial Planning and Integrated Coastal Zone Management can cause negative impacts to Malta’s seabirds if marine and terrestrial conservation is not considered during the planning processes thereunder. All planned activities are to be implemented in</p>	<p>Comment in relation to selected EU Directives was noted. The EU Blue Growth Strategy and Maritime Spatial Planning processes make reference to the objectives of the EU Marine Strategy Framework Directive (MSFD). Therefore the goals of the MSFD need to be taken into consideration throughout the mentioned processes.</p>

		close collaboration and consultation with the responsible management authority and NGOs.	
		Section 3 – Existing Measures BLM are pointing out inaccuracies in the text in relation to rat eradication efforts and references to EU LIFE Projects.	The inaccurate statements pointed out by BLM have been amended accordingly.
		Section 4 – Gap Analysis: BLM suggest that the development and implementation of management plans for the recently designated Marine SPAs should be highlighted separately. Potential constraints with regards to the management of MPAs could arise from an insufficient implementation	The PoMs acknowledge the need for further knowledge on sea-based pressures to enable elaboration of management measures. Furthermore the PoMs will provide a strategic framework for the development of site-specific management measures. The new measures proposed in the PoMs are facilitating the development of management measures for MPAs by providing guidance or codes of good conduct in relation to activities which may impact such MPAs and by improving knowledge on the extent of pressures within such areas.
		Section 4 – Gap Analysis: Only one rat control programme is currently in place on the Maltese islands at the Rđum tal-Madonna SPA. Further programmes shall be adapted in due course as part of the LIFE Arcipelagu Garnija project.	Noted and agreed. The management plans for the terrestrial Natura 2000 sites include the development and implementation of predation control programmes. This was thus included as an existing measures rather than as a gap. In order to avoid duplication of measures, the new measures were focused on awareness raising.
		Section 4 – Gap Analysis: Bunkering and oil rigs as sources of light pollution have to be mentioned	Noted. This issue is addressed in Section 3 (existing measures) with reference to the LIFE Arcipelagu Garnija (report amended in line with BLM corrections). New measure MICMT-M072_NEW will also be considering bunkering as a potential source of light pollution.
		Section 4 – Gap Analysis: There are no measurements in place for seabird bycatch, no action is currently ongoing to address this issue	Noted. The by-catch issue is included in the gap analysis and will be addressed through measure MICMT-M073_NEW.
		Section 4 – Gap Analysis: Management plans for Marine Protected Areas have to be developed and implemented	The PoMs acknowledge the need for further knowledge on sea-based pressures to enable elaboration of management measures. Furthermore the PoMs will provide a strategic framework for the development of site-specific management measures. The new measures proposed in the

			PoMs are facilitating the development of management measures for MPAs by providing guidance or codes of good conduct in relation to activities which may impact such MPAs and by improving knowledge on the extent of pressures within such areas.
		<p>Section 5 – New Measures: With reference to MICMT-M071_NEW - <i>Awareness and educational campaigns targeting disturbance issues (noise, light and littering) in recreational areas where the presence of litter has been tied to rat predation</i>, BLM pointed out that this measure will be implemented as part of the LIFE Arcipelagu Garnija project (LIFE14 NAT/MT/000991) for the Yelkouan Shearwater colonies, hence the Responsible Delivery authorities/ organisations will be BirdLife Malta. The LIFE Arcipelagu Garnija project aims towards achieving a sustainable long-term improvement in the status of Yelkouan Shearwater in Malta, the attitude of the wider public users must be in support of the changes required to achieve this. General awareness raising through the media is an important part of this process and the effectiveness of this should be measured in order to determine best practice. The public attitude surveys will therefore enable the impact of these actions. The work to change behaviour by site users on land and at sea is vital to the success of this project and greater public understanding of why behaviour needs to change is vital to achieve support for Yelkouan Shearwater conservation measures.</p> <p>- Since the LIFE Arcipelagu Garnija project mainly tackles Yelkouan Shearwater, the actions under this MSFD Measure should be extended to all other Maltese seabird colonies. Collaboration between the Responsible Competent Authority and BirdLife Malta is advisable for knowledge exchange and resource mobilization.</p>	The new measure will not include rat control programmes since this has already been officially included in the management plans for the terrestrial Natura 2000 sites. The measure is thus focused on raising awareness amongst users of areas in close proximity to seabird breeding sites on the existence of these communities and the impacts caused by anthropogenic disturbances (littering, noise and light pollution, and predation). Noting that this measure is partly also being sought through the LIFE Arcipelagu Garnija, ERA will be seeking further collaboration with BirdLife Malta for the implementation of this measure.
		<p>Section 5 – New Measures: With reference to MICMT-M072_NEW <i>Preparation of official guidance documents aimed at providing direction with respect to</i></p>	Comments are noted. ERA will be seeking further collaboration with BirdLife Malta throughout the implementation of this measure.

		<p><i>reduction/control/mitigation of light and noise pressures driven by both land-based and sea-based activities</i>, BLM pointed out that this measure will be implemented as part of the LIFE Arcipelagu Garnija project (LIFE14 NAT/MT/000991) for the Yelkouan Shearwater colonies, hence the Responsible Delivery authorities/ organisations will be BirdLife Malta. Actions will tackle the following combined reasons behind high levels of light pollution in Malta: (i) Insufficient public and business awareness of the impact of coastal light pollution on Malta seabird colonies; (ii) Insufficient policy and legislation restricting the use of excessive exterior lighting schemes at developed coastal sites; (iii) lack of knowledge of innovative lighting schemes by both government authorities and the private sector in order to suggest and promote their use; (iv) Insufficient financial incentives to revise, restructure or improve existing lighting schemes that could do with less light emissions</p> <p>BLM will undergo a desktop review combining information from published journals on the subject matter with current policy and legislation governing exterior lighting schemes for coastal areas. This desktop study will result in concrete recommendations to reduce light pollution on the Maltese Islands based on international standards taking into account the main light sources. The results can contribute to the development of guidelines under the proposed measure</p> <p>BLM also suggested communication of the codes of conduct and guidelines with the right target groups (particularly stakeholders from the maritime sector including shipping operators, bunkering operators and ship owners) and the provision of regular training sessions, network and stakeholder meetings between private entities and experiences NGO's (including BirdLife Malta)</p>	
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		<p>Section 8: Regional cooperation</p> <p>BLM pointed out that it can be very beneficial to establish regional cooperation for the implementation of the MSFD Programme of Measures for instance under the Environmental Implementation Review (EIR) which is a tool to improve implementation of EU environmental law and policy. It aims to address the causes of implementation gaps and try to find solutions before problems become urgent.</p>	<p>Comment has been noted.</p>
24 th March 2017	Sports fisherman (on an individual basis)	<p>Concerns raised in relation to exploitation of fish as fish-feed in fish farms, with subsequent effects on ecosystems.</p>	<p>Comments noted. The need to improve knowledge on food webs throughout the upcoming implementation of the MSFD is also acknowledged. The PoMs did not address this issue, also in view of limited scientific data in this regard. The extent of this pressure will be assessed to the extent possible and on the basis of Fisheries data as part of</p>

			the upcoming assessment of environmental status pursuant to the EU Marine Strategy Framework Directive.
		Concerns raised in relation to the impact of bunkering and related anchoring on the seabed.	Comments noted. Reference should be made to new measures MICMT-M075_NEW (Pilot implementation of selected management options aimed at addressing impacts from anchoring on the seabed).
		Concerns raised in relation to the increased fishing effort by deployment of trammel nets close to the shores by commercial fishing boats. Solutions to this issue were suggested.	Comments noted. MICMT-M076_NEW (<i>Inventory of fishery activity in coastal Marine Protected Areas designated for the protection of seabed habitats</i>) may shed light on the extent of this issue. The DFA would also be approached on the matter. The PoMs did not address this issue, also in view of limited data in this regard. The extent of this pressure will be assessed to the extent possible and on the basis of Fisheries data as part of the upcoming cycles of the EU Marine Strategy Framework Direct
26th March 2017	Malta Skin Divers Club	The Malta Skin Divers Club did not provide specific comments on the Programme of Measures, but raised concerns and questions in relation to various environmental issues. The individual issues/concerns are listed hereunder.	The MSFD Programme of Measures builds on existing measures and initiatives pursuant to a number of existing policies. Most of the concerns raised by the club are being addressed through targeted processes as indicated hereunder.
		the treatment of urban waste water in Malta;	the collection systems of Urban Waste Water Treatment Plants are subject to continuous improvements and extensions to replace or supplement old parts of the sewerage network to serve the growing urbanisation and development needs. Efforts to address shortcomings are sought through the implementation of the Urban Waste Water Treatment Directive.
		pollution emanating from discharge waste from vessels, heavy use of antifouling and other chemicals in Marinas.	Existing legislation is in place to address discharges from vessels (as described in relevant sections of the reports). Nevertheless, it should be noted that monitoring is in place to assess levels of contaminants in the marine environment. Furthermore, new measure MICMT-M079_NEW (Improvement and harmonisation of data collection processes in relation to contaminants reported in Maltese waters) will be seeking to improve the data collection processes for contaminants reported in Maltese

			waters.
		Discarded fishing gear and related ghost fishing;	The existing and proposed measures in the MSFD Programme of Measures report on marine litter address pressures in relation to lost/discarded fishing gear.
		Monitoring of aquaculture activities;	In line with measure SWM 8 in Malta's Second Water Catchment Management Plan (http://era.org.mt/en/Pages/Water-Catchment-Management-Plan.aspx) pursuant to the EU Water Framework Directive, the operational processes for the aquaculture sector will be regulated as part of the environmental permitting processes;
		Fisheries management including (a) regulation and control of hook sizes for long-lining; (b) protection of juvenile fish through changes in mesh sizes of trammel nets; (c) Minimum fish sizes and catches of juvenile fish; (d) catches of fish to be used as fish feed.	Existing fisheries management regimes are in line with EU fisheries policies and regulations as quoted in the relevant reports compiled as part of the MSFD Programme of Measures.
		The need to involve the fishing community throughout management of MPAs	The MPA management process pursuant to the EU Habitats Directive and Birds Directive will involve interested stakeholders.
		In addition to the concerns raised in relation to specific environmental issues, the Malta Skin Divers Club also highlighted the need to allow recreational fisheries, albeit agreeing with the need for regulation of such fisheries. The club also highlighted misunderstandings in relation to the impacts of spear fishing, which is considered to be very selective; the club questioned the existing legislation on spear-fishing.	Comments noted and suggestions will be taken into consideration in the upcoming assessments pursuant to the MSFD.
		The club raised concerns with respect to safety with reference to the licensing system of spear guns.	ERA has referred these comments to the Malta Police Force.