

## SEA SCREENING TEMPLATE

### Part A – Plan/Programme (PP) and Responsible Authority

Title of PP: MSFD Programme of Measures

Responsible Authority: Environment and Resources Authority

Contact Person: Miraine Rizzo

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### Part B – Key Facts

Responsible Authority: Environment and Resources Authority

Title of PP:  
MSFD Programme of Measures

#### Purpose of PP:

This programme and the measures therein aim at the achievement of 'Good Environmental Status' (hereinafter referred to as 'GES') in Malta's marine waters.

Is the PP the result of legislative, regulatory or administrative provisions? Explain.  
The Programme of Measures was developed pursuant to Articles 13 and 14 of the EU Marine Strategy Framework Directive 2008/56/EC (hereinafter referred to as 'MSFD'). The MSFD seeks the achievement of GES in EU marine waters by 2020 through the development of marine strategies on the basis of a plan of action stipulated by the Directive itself. This plan of action includes a Programme of Measures designed to achieve or maintain GES for the GES descriptors listed in Annex I to the Directive.

Period covered by PP:  
2017-2021

Envisaged Frequency of Updates:  
6-yearly

Area covered by PP (ideally also attach map):

The Programme of Measures applies to the marine area within which the implementation of the MSFD is being sought for Malta. The maritime boundaries for

the implementation of the MSFD are defined separately for the water column and the seabed/subsoil as follows:

- (i) implementation of the MSFD for the water column extends up to 25nm without prejudice to Malta's jurisdiction beyond this limit; and
- (ii) implementation of the MSFD for the seabed/subsoil is sought on the area currently designated for hydrocarbon exploration and exploitation without prejudice to Malta's continental shelf boundary.

#### Summary of PP content:

The Programme of Measures (PoMs) is designed to achieve GES in Malta's marine waters in consideration of environmental targets put forward in the first reporting cycle and addressing predominant pressures and impacts as identified in Malta's Initial Assessment of environmental status of the marine environment. The PoMs considers the contribution of existing measures required under Community legislation and international agreements to the achievement of environmental targets and GES. Within this context, reference is made to relevant existing measures undertaken as part of EU and international policy instruments, including amongst others measures pursuant to the EU Water Framework Directive (2000/60/EC), the EU Habitats Directive (92/43/EEC) and the Common Fisheries Policy (EC Regulation 1380/2013). A gap analysis was undertaken to identify the need for further measures beyond the existing ones and new measures were proposed where deemed necessary to address current gaps in management regimes for the achievement of GES. This process was applied to each MSFD GES descriptor, including relevant biodiversity elements, and presented in individual reports for public consultation purpose. In accordance with the guidance provided by the EU Commission, new measures were classified as Category 2.a measures which include additional measures to achieve and maintain GES which build upon existing implementation processes regarding other EU legislation and international agreements but go beyond what is already required under these; and Category 2.b measures which include additional measures to achieve and maintain GES which do not build on existing EU legislation or international agreements.

The type of new measures put forward by the PoMs was influenced by the current state of knowledge on the marine environment, particularly in relation to the interactions between anthropogenic activity and marine resources. Limitations in knowledge have a strong bearing on the extent to which Malta can elaborate quantitative definitions of GES and quantitative environmental targets, thus also limiting the extent to which targeted measures can be defined. The new measures put forward by the PoMs acknowledge the need to further knowledge prior to implementing the required action. The programme also includes win-win measures targeting awareness raising and behavioural changes that would contribute to the achievement of GES. In cases where Malta deems that the environmental targets or GES cannot be achieved for reasons specified in the Directive, the application of exceptions was specified in line with Article 14 of the Directive.

New measures were proposed in relation to Descriptor 1 (biodiversity), Descriptor 3 (commercial species), Descriptor 8 (contaminants), Descriptor 10 (marine litter) and Descriptor 11 (underwater noise), while exceptions were identified in relation to Descriptor 2 (non-indigenous species), Descriptor 3 (Commercial species), Descriptor 9 (contaminants in seafood) and Descriptor 10 (marine litter). The new measures are currently being subject to cost-effectiveness and impact assessment including a cost-benefit analysis with a view to exclude potential social, economic and environmental impacts through implementation of such measures.

Part C – SEA Criteria

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
<p>Is the PP subject to preparation and/or adoption by a national, regional or local authority</p> <p>OR</p> <p>prepared by an authority for adoption through a legislative procedure by Parliament or Government (Regulation 3)</p>	<p>YES</p>	<p>The Programme of Measures has been developed pursuant to the requirements of the EU Marine Strategy Framework Directive as transposed into National legislation through the 'Marine Policy Framework Regulations': L.N. 73 of 2011. This Legal Notice establishes the Office of the Prime Minister (OPM) as the Competent Authority for implementation of the regulations, which competency has been delegated to the Ministry for Sustainable Development, the Environment and Climate Change (MSDEC). The Environment and Resources Authority (ERA) has been entrusted with the technical implementation of the regulations.</p> <p>Within this scenario, the Programme of Measures will be adopted by Government and will be implemented by ERA in collaboration with all relevant stakeholders.</p>
<p>Is the PP required by legislative, regulatory or administrative provisions? (Regulation 3)</p>	<p>YES</p>	<p>The Programme of Measures was developed pursuant to Articles 13 and 14 of the EU Marine Strategy Framework Directive 2008/56/EC.</p>
<p>Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use</p> <p>AND</p> <p>does it set a framework for future development consent of projects in Annexes I and II to</p>	<p>NO</p>	<p>The Programme of Measures is prepared with the aim to achieve Good Environmental Status in Malta's marine waters in line with the requirements of the EU Marine Strategy Framework Directive.</p> <p>The programme does not set a framework for future development consent. The majority of the proposed measures seek (i) strengthening of collaboration across relevant</p>

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
the EIA Directive? (Regulation 4(2)(a))		<p>entities; (ii) awareness raising and educational campaigns; (iii) adoption and/or promotion of good practices (iv) knowledge improvement with a view to facilitate management of anthropogenic activities and (v) improvements in data collection processes.</p> <p>At this stage, none of the measures are setting the framework for future development consent, since any interventions required would be identified following detailed studies undertaken as part of the Programme of Measures.</p>
Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))	NO	<p>Measures proposed by the PoMs are generally geared to achieve GES at a broad scale.</p> <p>The MSFD GES is strongly based on the definitions of 'Favourable Conservation Status' as the overall goal of the Habitats Directive. Therefore implementation of the measures of the MSFD PoMs would also contribute to the achievement of conservation objectives within MPAs. Within this context, the measures are considered to be directly connected with the management of the protected areas and are not likely to have a significant effect thereon.</p>
Does the PP determine the use of small areas at local level  OR  is it a minor modification of a PP subject to Regulation 4(2)(a) (Regulation 4(3))	NO	<p>In view of the large extent of marine area covered by the MSFD, the Programme of Measures addresses anthropogenic activity at broad scales. Therefore the PP does not determine the use of small areas at local level.</p> <p>PoMs are not a minor modification to other plans.</p>

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Regulation 4(4))	NO	<p>The programme does not set a framework for future development consent. The majority of the proposed measures seek (i) strengthening of collaboration across relevant entities; (ii) awareness raising and educational campaigns; (iii) adoption and/or promotion of good practices (iv) knowledge improvement with a view to facilitate management of anthropogenic activities and (v) improvements in data collection processes.</p> <p>At this stage, none of the measures are setting the framework for future development consent, since any interventions required would be identified following detailed studies undertaken as part of the Programme of Measures.</p>
Is the PP likely to have a significant effect on the environment? (Regulation 4(5))	NO	<p>The objective of PoMs is to achieve GES of the marine environment. In general, the measures are geared to address pressures and impacts from anthropogenic activity on the marine environment and are therefore designed to avoid these impacts in the first instance. Site specific and localised impacts will still be considered on a case-by-case basis. Furthermore, most measures are in line with existing environmental obligations at EU or international level, thus reinforcing the fact that the PoMs is geared towards environment protection with very unlikely significant effects on the environment.</p>
Is the PP's sole purpose to serve national defence or civil emergency	NO	<p>The Programme of Measures is not a financial or budget PP, and is not related to national defence or civil emergency.</p>

<p>OR</p> <p>is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7</p> <p>OR</p> <p>Is it a financial or budget PP?</p>		
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## Part D – Likely Significance of Effects on the Environment

**Responsible Authority:** Environment and Resources Authority

**Title of PP:** MSFD Programme of Measures

<b>Criteria for determining the likely significance of effects on the environment</b>	<b>Likely to have significant environmental effects? Yes/No (no other answer except Yes/No)</b>	<b>Summary of significant environmental effects (negative and positive)</b>
<p>the degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources</p>	<p>NO</p>	<p>The PoMs does not set the framework for project and activities in the marine environment. It is mainly geared at addressing pressures at a broad scale by building on existing legislative requirements and going beyond such requirements through application of good practice or behavioural changes.</p> <p>Some measures may lead to interventions in the marine environment to address pressures and impacts from anchoring and litter, however, the PoMs call for detailed studies or plans on the basis of which the requirement of the interventions and the type of such interventions would be determined.</p>
<p>the degree to which the PP influences other plans and programmes including those in a hierarchy</p>	<p>NO</p>	<p>The PoMs build on existing policies, plans and programmes and ensures synergies with the objectives emanating from other Community legislation and international agreements. Links between the new measures proposed by the PoMs and the existing measures are described in the individual reports for each MSFD Descriptor or element.</p>
<p>the relevance of the PP for the integration of environmental considerations in particular with a view to promoting sustainable development</p>	<p>NO</p>	<p>Environmental considerations form an integral part of the PoMs since they constitute the overall goal of this Programme.</p>
<p>environmental problems</p>	<p>NO</p>	<p>The PoMs is geared towards the</p>

relevant to the PP		<p>achievement of 'Good Environmental Status' in the marine environment.</p> <p>The PoMs are geared towards environmental protection in the marine environment, mainly through :</p> <ul style="list-style-type: none"> <li>(i) a reduction in the level of known pressures on the marine environment;</li> <li>(ii) consideration of environmental issues in offshore operational processes</li> <li>(iii) knowledge improvement in relation to the impacts of anthropogenic activity on marine resources;</li> <li>(iv) behavioural changes and/or application of good practice which would contribute to the achievement of good environmental status</li> </ul>
the relevance of the PP for the implementation of Community legislation on the environment (e.g. PPs linked to waste management or water protection	NO	The PoMs is pursuant to Articles 13 and 14 of the EU Marine Strategy Framework Directive (2008/56/EC)
the probability, duration, frequency and reversibility of the effects	NO	<p>The PoMs ensures that technical action taken through the implementation of the programme is based on sound knowledge of the issue in question. Therefore the probability for the positive effects of the PoMs to occur is high. The duration of such positive effects on the other hand depends on sustained action through the revision of the PoMs on a 6-year cycle.</p> <p>No negative effects are envisaged through the implementation of the PoMs.</p>
the cumulative nature of the effects	NO	The new measures proposed by the PoMs, coupled to the relevant existing measures as included in the PoMs, are expected to result in progress towards the achievement of Good Environmental Status in



		<p>terms of each MSFD GES descriptor for the marine waters where Malta exercises jurisdictional and sovereign rights. This is the legal requirement emerging from MSFD which applies to all Member States.</p>
<p>the transboundary nature of the effects</p>	<p>NO</p>	<p>The measures are in line with EU or regional obligations, therefore implementation of these measures would also contribute to the protection of the marine environment at a regional scale.</p> <p>With respect to new measures targeting reduction of pressures on migratory species or reduction of pressures which may be of transboundary nature (e.g. marine litter), these measures are considered to also reduce negative impacts on marine resources in other countries, and are thus associated with positive transboundary effects.</p> <p>The transboundary effect of each new measure proposed by the PoMs is discussed in each individual report.</p>
<p>the risks to human health or the environment (e.g. due to accidents)</p>	<p>NO</p>	<p>The new measures proposed in the PoMs are geared at improving water quality and the condition of marine resources. Therefore the PoMs would contribute to improved human health when related to the use of marine resources.</p> <p>Interventions in the marine environment as a result of the PoMs which can be associated with accidents are not envisaged. The only measure which can lead to physical interventions in the marine environment is MICMT-M001. Through this measure options to address impacts from anchoring activity will be explored through detailed studies, however the measure includes the possibility</p>

		for the implementation of selected options on a pilot basis. Any interventions considered would be subject to detailed assessment procedures.
the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	NO	The effects of the PoMs should cover all marine waters where Malta exercises jurisdictional and sovereign rights as defined for the purpose of MSFD implementation.

Criteria for determining the likely significance of effects on the environment	Likely to have significant environmental effects? Yes/No (no other answer except Yes/No)	Summary of significant environmental effects (negative and positive)
the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values (iii) intensive land-use	NO	Marine resources are expected to be positively affected though the implementation of the PoMs. The status of these resources in terms of their distribution and condition is expected to improve.
the effects on areas or landscapes which have a recognised national, Community or international protection status	NO	The PoMs are expected to have positive effects on Marine Protected Areas designated pursuant to the Habitats and Birds Directives.  The MSFD GES is strongly based on the definitions of 'Favourable Conservation Status' as the overall goal of the Habitats Directive. Therefore implementation of the measures of the MSFD PoMs would also contribute to the achievement of conservation objectives within MPAs.

#### Part E – Summary of Environmental Effects

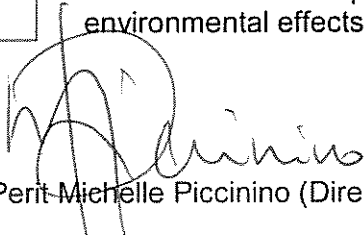
(Provide a summary of the significant environmental effects of the PP)

The MSFD Programme of Measures does not set a framework for future development consent and is geared towards the achievement of Good Environmental Status in the marine environment. The PoMs is designed to address current pressures and reduce negative effects on marine ecosystems. Therefore, the PoMs is not considered to have a significant environmental impact.

**Part F – Screening Outcome**

Screening is required under the Strategic Environmental Assessment Regulations, 2010 (Legal Notice 497 of 2010). It is our view that:

- An SEA is required because the PP falls under the scope of Regulation 4(3) of the Regulations and is likely to have significant environmental effects
- An SEA is required because the PP falls under the scope of Regulation 4(4) of the Regulations and is likely to have significant environmental effects
- An SEA is not required because the PP is unlikely to have significant environmental effects.



Perit Michelle Piccinino (Director Environment & Resources)

\_\_\_\_\_  
Name of Officer responsible for the Screening Report

\_\_\_\_\_  
Signature of Officer responsible for the Screening Report

Environment and Resources Authority  
\_\_\_\_\_  
Name of Responsible Authority

19 / 04 / 2017  
\_\_\_\_\_  
Date

**Notes to Responsible Authorities:**

1. The SEA Focal Point cannot provide any feedback to incomplete Screening Templates
2. All responsible authorities should provide the SEA Focal Point with an original signed copy of each Screening Template prepared
3. All responsible authorities should provide the SEA Focal Point with a copy of the public notification which is obligatory under Regulation 4(7) of the Strategic Environmental Assessment Regulations, 2010.

