

## **MEPA's comments on the SEA scoping report on Malta's European Maritime and Fisheries Fund (EMFF) Operational Programme 2014 - 2020**

**2<sup>nd</sup> April 2014**

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MEPA notes that an SEA will be carried out for the EMFF Operational Programme for 2014 to 2020, in line with the Strategic Environmental Assessment Regulations of 2010<sup>1</sup>.

Our comments on the SEA Scoping Report are provided below and we look forward to be consulted on the SEA Environmental Report. It is recommended that these comments are taken into consideration in the drafting of the new EMFF 2014 - 2020 and the SEA Environmental Report.

### **1. General comments**

- 1.1 The Environmental Report is an important step in the SEA process to ensure that all significant environmental impacts are addressed.
- 1.2 Any future proposals emerging from or are connected to the implementation of the EMFF 2014 - 2020 will require separate environmental assessment once more detailed information about the specific projects and alternatives are available. This may include an Environmental Impact Assessment (EIA) and/or an Appropriate Assessment in line with the requirements of the EIA Regulations of 2007 and the Flora, Fauna and Natural Habitats Protection Regulations of 2006, respectively.

### **2. Detailed comments**

- 2.1 In addition to the SEA Scoping Report, MEPA considers that the Environmental Report should also address the following issues:

#### Chapter 2 environmental policy, legislative and planning context

- 2.2 Table 2 should also include reference to:
  - the EU Biodiversity Strategy to 2020, in particular Target 4 and actions 13 and 14;
  - the Marine Strategy Framework Directive;
  - the Water Framework Directive;
  - the Habitats Directive;
  - the Birds Directive; and
  - EU Regulation on the Prevention and Management of the Introduction and Spread on Invasive Alien Species.
- 2.3 United Nations Convention on the Law of the SEA, 1982: the assessment should take into consideration the *Scope, Parameters and Feasibility of an UNCLOS Implementing Agreement on the Conservation and Sustainable Use of Marine Biodiversity on Areas Beyond National Jurisdiction* and the EU's position on this agreement.

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<sup>1</sup> Legal Notice 497 of 2010

- 2.4 The Convention on Biological Diversity, 1992: the assessment should take into consideration the relevant decisions of the Conference of Parties of the CBD (<http://www.cbd.int/marine/decisions.shtml>); the relevant aspects of the Agenda 21; the CBD Global Biodiversity Strategic Plan and Aichi Targets, in particular 3, 4, 6 and 7 (<http://www.cbd.int/sp/targets/>); and the CBD Programme of Work on Marine and Coastal Biodiversity (<http://www.cbd.int/marine/resources.shtml>).
- 2.5 Proposed National Biodiversity Strategy and Action Plan (NBSAP) (2012 – 2020): The NBSAP has been approved and published in 2012. The most relevant aspects of the NBSAP include Targets 3, 4, 6, 7, 9, 11 and 13, and Measures SH2, SH3, EN2, BR2, PC3, EF4, CB1 and SI4.
- 2.6 Legal Notice 311 of 2006 Flora, Fauna and Natural Habitats Protection Regulations of 2006 and Government Notices 161 of 2007, 112 of 2007 and 1138 of 2005: reference should also be made to Government Notice 851 of 2010 which establishes 4 additional marine SACs.

Chapter 3 assessment framework, section 3.1 description of environmental baseline:

- 2.7 The uptake of renewable energy sources and cleaner energy solutions could also be addressed under the section on climate change. This will provide the baseline for the assessment of the relevant criteria which are already identified in Table 4 of the Scoping Report.
- 2.8 In addition to protected sites and species, the environmental baseline should also include other relevant issues, such as the state of the natural coast, terrestrial coastal and maritime habitats (even if not formally protected) and other relevant information regarding the capture of wild fish species.
- 2.9 The baseline should also refer to the relevant aspects of the Water Catchment Management Plan, mainly the designated waterbodies, their current status, main sources of impacts on the water environment and the objectives for water bodies.

Chapter 3 assessment framework, section 3.2 SEA objectives:

- 2.10 It is recommended that the criteria and indicators for assessment of the likely environmental impacts should also take into consideration the following issues:
  - *Biodiversity / fauna and flora*: the assessment should also address the likely impacts of fishing-related activities and their ancillary facilities on: the natural coast; important marine and coastal habitats (even those which are not located within formally protected area/site); birds, including important bird areas, rafting zones, migratory routes, etc.; and wild fish stocks and protected marine species such as cetacean and turtles; and
  - *Water*: the assessment should also be linked to the objectives and measures for the relevant waterbodies as identified in the Water Catchment Management Plan.
- 2.11 Expert judgment should be used where no information is available.

Chapter 4 general approach and methodology, section 4.1 impact assessment methodology:

- 2.12 It is important to note that environmental assessments are not limited to project-level Environmental Impact Assessments. Therefore, it is recommended that section 4.1 is revised as follows:

“The impact assessment will use prediction methods which are fit for purpose and proportional to the level of detail of the strategic action being proposed in line with published SEA guidance. As explained earlier, the OP is a strategic document which proposes strategic actions that are not spatially specific. Site selection studies are not within the scope of this assessment but maybe carried out at a later stage ~~during subsequent environmental assessments of plans/policies and projects such as project-level, particularly for those projects which may require an~~ Environmental Impact Assessment (EIA) and Habitats Directive Assessments (Appropriate Assessments).”