



Aarhus National Implementation Report

Results of Public Consultation Process

08/06/2017

International Affairs

EXECUTIVE SUMMARY / GENERAL COMMENTS

Article 10 of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters requires the Meeting of the Parties to keep under continuous review the implementation of this Convention on the basis of regular reporting by the Parties. Reports are required to be prepared through a transparent and consultative process involving the public in a timely manner. In view of the upcoming Meeting of the Parties in September 2017, Parties are required to review their earlier report (submitted in 2014) and submit an updated version with track changes. The draft updated report for 2015-2017 was issued for public consultation on the 8th of March, with a deadline for comments of 28th March. Comments were received from BirdLife Malta and these are reproduced hereunder with a response. The main comments related to providing more information about what activities environmental non-Governmental organizations (eNGOs) carry out, concerns regarding lack of transparency and board composition, public participation and feedback subsequent to it.

DETAILED CONSULTATION FEEDBACK

Ref No.	Name of Stake-holder	Comments Received	Response / Remarks
1 (Pg 7): <i>Do environmental non-governmental organizations (NGOs) participate in environmental awareness raising? If so, how do they do this, and what support do they receive from the</i>	Birdlife	BirdLife Malta raises environmental awareness through a number of projects and activities, including through a collaborative partnership project on environmental and sustainability education called Lifelong Learning through Nature, nation-wide campaigning on illegal wildlife crime particularly during spring and autumn migration of birds, past and ongoing awareness raising of Malta's seabirds Yelkouan Shearwater (<i>Puffinus yelkouan</i>),	Comment is noted, the answer has been reworded as follows: <i>'Besides Government institutions, NGOs also participate in environmental education and awareness-raising campaigns, through a number of projects and initiatives such as training courses, the organisation of guided tours in the protected areas that they manage and the organisation of nature and heritage walks around the Maltese Islands.</i> <i>NGOs also work in schools, for example Nature Trust Malta, in collaboration with the Government of Malta, coordinates the</i>

<p><i>government to implement such activities?</i></p>		<p>Scopoli`s Shearwater (<i>Calonectris diomedea</i>) and the European Storm Petrel (<i>Hydrobates pelagicus</i>), and negative impact on health, environment and climate caused by air pollution from ships.</p> <p>Through the TerraFirma Collective - a platform for NGOs in Malta and Gozo working on environment, nature conservation and other related issues – environmental awareness is raised in a partnership approach. Representatives from environmental organisations meet on a regular basis to exchange knowledge on current environmental challenges in Malta and the region and decide on joint actions, including support of nation- and EU-wide environmental campaigns and stakeholder meetings with the government.</p>	<p><i>EkoSkola programme, which encourages students to take an active role in the environmental management of their school.</i></p> <p><i>Additionally, Nature Trust also has a programme ‘Young Reporters for the Environment’ designed for secondary school pupils and teachers whereby groups must define and investigate a local environment issue. Furthermore, Birdlife Malta coordinates the ‘Dinja Waħda’ initiative, as well as the ‘Lifelong Learning through Nature’ project, which seek to promote environmental education. Birdlife Malta also raises environmental awareness through nation-wide campaigning on wildlife crime and awareness raising of Malta’s seabirds Yelkouan Shearwater (<i>Puffinus yelkouan</i>), Scopoli`s Shearwater (<i>Calonectris diomedea</i>) and the European Storm Petrel (<i>Hydrobates pelagicus</i>).</i></p> <p><i>Through the ‘TerraFirma Collective’ (a platform for NGOs in Malta and Gozo working on environment, nature conservation and other related issues) environmental awareness is raised in a partnership approach. Representatives from environmental organisations meet on a regular basis to exchange knowledge on current environmental challenges in Malta and the region and decide on joint actions, including support of nation- and EU-wide environmental campaigns and stakeholder meetings with the government.’</i></p>
<p>2 (pg 7):</p> <p><i>Is there an established practice of including NGOs in environmental</i></p>	<p>Birdlife</p>	<p>The situation as described in the Aarhus Convention Implementation Report is correct, however, the board structure currently in place brings along certain challenges in board</p>	<p>This concern is noted. As per Article 6 of the Environment Protection Act, the appointed NGO member and the other six members appointed by the Minister are required to be ‘independent members’ and generally hold office for a period of 3 years. As per Article 63 of the Development Planning Act,</p>

<p><i>decision-making structures (committees, etc.)?</i></p>		<p>decisions. The power over decisions is heavily unbalanced, nominated board members are politically appointed which leads to a situation that individuals are influenced by political direction. To a great extent, outcomes of board conclusions are decided in favour of the respective governmental authority. This also applies for the ORNIS committee which is the committee deciding on wild bird regulations and the duration of the hunting and trapping seasons appointed by the government. Up to three members of this committee are politically appointed and likewise at most times they vote accordingly to political directions. Hence, one representative of civil society/environmental organisations does not have the power to influence decisions accordingly in the interests of the general public and change the outcome due to being overruled.</p>	<p>the Planning Board similarly includes five independent members as well as, <i>inter alia</i>, a member representing the interests of environmental NGOs chosen from amongst a number of persons nominated by the said NGOs. Finally, the Ornis Committee, as established by Regulation 10 of the Conservation of Wild Birds Regulations, is composed of nine to eleven members appointed by the Minister for a term of one year, and includes the Director, or his representative, responsible for environment protection within the Environment and Resources Authority, two members nominated by an organization which represents persons knowledgeable in, or working for, the protection of avifauna, as well as additional independent experts or representatives of civil society.</p>
<p>3 (pg 7/8): <i>How do any existing recognition and support measures address local-level and grass-roots (community) organizations?</i></p>	<p>Birdlife</p>	<p>Although public consultations are open for reactions, three main obstacles are responsible for the general public and (environmental) NGOs to not be able to provide input accordingly and in time.</p> <p>First, the volume of public consultations open to react on at the same time period presents a</p>	<p>The first concern is noted - please see related answers to question 16 (obstacles under article 6):</p> <p><i>'... Stakeholders mentioned concerns about the impact of the planning regularisation procedures and summary planning procedures introduced in May 2016, through the Development Planning (Procedure for Applications and their Determination) Regulations (S.L. 552.13) related to access to information in the</i></p>

		<p>limit to prepare comments from individuals/NGOs who mainly work on a voluntary basis. At times, consultations on large projects are launched at the same time, with deadlines coinciding together, making responses difficult to coin in enough detail.</p> <p>Second, if comments were sent according to regulations, it is often unclear how these comments are recognized during the process of decision-making. It occurred that after requesting the responsible governmental authority to provide a statement in this regard, no answer was provided.</p> <p>Third, the system to be informed about upcoming public consultations from governmental authorities is not consistent. Certain Planning Applications are being sent through a mailing list to the listed eNGOs. However, there is no information provided on the available mailing lists on the governmental authority websites to make sure to be listed on those of interest for organisations and individuals.</p>	<p><i>case of planning regularisations and timeframes for submissions from the public in the case of summary procedures. They mentioned that the minimum period (2 weeks) provided for public consultations on summary procedures are too short and should be extended.</i></p> <p><i>With respect to the summary procedure, the relevant applications were previously processed through the DNO procedure and therefore they were never published for public consultation. Through the summary procedure, applications are now published on the Government Gazette and DOI website, have a site notice affixed to the site and the public is allowed to submit any comments/objections generally within 15 days - thereby they are fully part of a public consultation process. Additionally, the law also gives third party rights of an appeal on all planning decisions.'</i></p> <p>Please also see the response to question 25 (obstacles under article 8):</p> <p><i>'Stakeholders mentioned that the minimum period (2 weeks) provided for public consultations on regulations under the Development Planning Act (Cap. 552) is too short and should be extended. Stakeholders also suggested that holiday periods are avoided when planning public consultation initiatives.'</i></p> <p>This is noted. However, it should be noted that some timeframes are imposed by EU and international law, and deadlines for transposition would need to be strictly adhered to.</p> <p>With respect to the second point, as required under the Development Planning Act, the Environmental Protection Act,</p>
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4(pg 38):	Birdlife	At least in one occasion, a requested extension for the public consultation period	The choice for extension of public consultation remains at the discretion of the authority responsible – see answer to Question 26 (emphasis added):

<p><i>Provide further information on the practical application of the provisions on public participation in the field covered by article 8.</i></p>		<p>from BirdLife Malta was denied by the governmental authority in 2016.</p>	<p><i>'The two week time limit as established by the Development Planning Act (Cap. 552) for public consultation is at times extended when requested to do so by ENGOs.'</i></p>
<p>5 (pg 7):</p> <p><i>Are there any relevant capacity-building activities aimed at journalists and, if so, which institutions or organizations implement them?</i></p>	<p>Birdlife</p>	<p>In case of interest, the IUCN has published the "Environmental information in the Mediterranean - A journalist's guide to key questions and institutions" which is a guideline designed as a consultation tool for environmental journalists in the Mediterranean region. It provides an overview of the main environmental problems facing the Mediterranean according to experts from various institutions, and the challenges that these threats pose at present and in the future. The objective is the information will provide journalists with a detailed picture of the environmental situation in the Mediterranean to serve as the basis for future press stories to be explored and developed. The guidelines can be downloaded here: https://portals.iucn.org/library/sites/library/files/documents/2017-005-En.pdf.</p>	<p>The information is noted with thanks, however it has not been included in National Implementation Report as it is not an initiative specifically undertaken by Malta to implement the Convention.</p>
<p>6 (pg 8):</p> <p><i>Is there a practice of including NGO members in delegations representing the State</i></p>	<p>Birdlife</p>	<p>The response to this question provided in the Aarhus Convention Implementation Report gives the impression that not enough practice for NGO members representing Malta as part of official delegations in international environmental negotiations is made available.</p>	<p>Comment is noted.</p>

<i>in international environmental negotiations or in any national-level discussion groups forming the official position for such negotiations?</i>		More support from Government in this regard would be very welcomed from national environmental NGOs, not least to increase collaboration with the government and to secure nature protection and conservation of the Maltese environment on an international level.	
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