



# Public Consultation Submissions & Responses

## Public Consultation Aarhus Convention National Implementation Report 2025

October 2025

Environment & Resources Authority



## CONSULTATION FEEDBACK

Ref No.	Name of Stakeholder / Date	Comments Received	Response / Remarks
1	Carmel Grima 09/09/2025	<p>This revision has to ensure that individual citizen's right to updated information on reported infringements tangibly change through this updating, when as a case in point, an ongoing communication crm01770/25 dated 21st April 2025 in relation to the Tlata site environmental, on which ERIS portal response space remains blank to this day.</p> <p>Kindly guide.</p>	<p>This specific case is being monitored and jointly enforced by both the Planning Authority and Environment and Resources Authority. The relevant Local Council is being kept in the loop on key developments.</p>
2	Daiva Repeckaite 26/09/2025	<p>My work requires requesting and processing environmental information, and, unfortunately, the right to obtain it, as enshrined in the laws and the Aarhus Convention, is often not respected.</p> <p>Recent examples:</p> <ul style="list-style-type: none"> <li>- Repeated refusals to disclose the Carrying Capacity Assessment for Comino in full or even disclose the data from the report, although this is environmental information for Directive 2003/4/EC Article 2 purposes;</li> <li>- The environment ministry failing to comply with the Freedom of Information ac, which would have required forwarding my FOI request to ERA, -- instead, it waited until the deadline to reject the request with a note that a new request should be filed with ERA.</li> </ul>	<p>With respect to the refusal in question, the decision was taken in line with the Freedom of Information Act (Chapter 496 of the Laws of Malta). The grounds for refusal were assessed carefully, taking into account both the provisions of the Act and the relevant obligations under the Aarhus Convention.</p> <p>We fully recognise the importance of transparency and the right of access to environmental information. However, there are specific circumstances under which disclosure may be restricted, as provided for by law.</p> <p>We regret any inconvenience this may have caused; however, the matter falls outside ERA's remit.</p>

	<p>Furthermore:</p> <ul style="list-style-type: none"> <li>- Land ownership information is obscure and inaccessible. In a previous consultation response, ERA wrote, "Land ownership and use data is managed by multiple authorities, including the Lands Authority, Planning Authority (PA), and sectoral ministries." Well, then it means that ERA and other actors must coordinate with these authorities to make sure that the Aarhus Convention and Directive 2003/4/EC are respected. Government fragmentation is not an excuse to impede people's access to essential environmental information. The general public deserves to know which lands are accessible for walking and activities. This includes the right to know where people can enjoy nature feeling free and safe from intimidation by hunters. Information on concessions and leases of government land must be proactively published in accessible formats.</li> </ul>	<p>The Lands Authority has an established mechanism whereby members of the public may submit a GLA20 online application form to enquire whether a particular property is government-owned. The Lands Authority will provide such information upon request.</p>
	<ul style="list-style-type: none"> <li>- In one of the documents submitted to this consultation, ERA's officer declares: "Persons exercising their rights under the provisions of the Aarhus Convention are adequately protected". Unfortunately, this is not true. If I am facing numerous hurdles to access environmental information as a person with a master's degree and knowledge of my rights under national and EU law, access to information and participation is even more limited to the most vulnerable persons in the society, who are also often the most affected by environmental damage. For example, the small print of PA's notices about proposed developments is inaccessible to people with limited literacy, limited education, dyslexia, aphantasia, limited vision and other conditions. Communication about what is going to happen to the environment people care about is often presented in legalese, and presentation formats lack diversity (e.g. visual and verbal).</li> <li>- The ongoing planning reforms seek to further limit opportunities for the general public to participate in decision-making that affects the environment. As such, the planning reforms go against the Aarhus convention. The public must be given ample time to scrutinise developments affecting the environment. Information must be presented in a manner accessible to all, in text, graphics and other formats,</li> <li>- If tourism is important for Malta, there is no reason why visitors cannot request environmental information. Aarhus convention rights should not be limited to holders of Maltese eID accounts. The new FOI platform has removed the opportunity to file a request using an online form, despite case law stating that</li> </ul>	<p>We take note of your observations concerning the accessibility of information and participation processes, particularly for individuals who may face challenges due to language, literacy, or other conditions.</p> <p>Comment has been noted and has been referred to the relevant entity.</p> <p>The FOI portal was designed exclusively for implementing CAP 496 of the laws of Malta. Please note that any requests under the Aarhus</p>

	<p>other EU citizens, not only holders of Maltese eID, have a right to request information: <a href="https://www.access-info.org/2023-01-26/malta-access-info-wins/">https://www.access-info.org/2023-01-26/malta-access-info-wins/</a> The ruling remains unimplemented in terms of request infrastructure.</p>	Convention may be submitted by email to relevant authorities.
	<p>- TV programmes for environmental awareness must be universally accessible and contain Maltese sign language interpretation and/or captions.</p>	We acknowledge the importance of ensuring that environmental awareness programmes are accessible to all audiences.
	<p>- When artist's impressions are used, they must be correct and true-to-life. For example, an image (AI-generated?) that comes with the Pinetum regeneration plans shows grass and green shrubs under pine trees: <a href="https://projectgreen.mt/2025/07/03/major-restoration-project-launched-for-florianas-pinetum-gardens/">https://projectgreen.mt/2025/07/03/major-restoration-project-launched-for-florianas-pinetum-gardens/</a> Everybody knows that soil under pine trees is acidic and the plants that can deal with it are usually not native to Malta. Is the public being adequately informed about the choices (including water use) that will have to be made to achieve the proposed vision?</p>	Comment has been noted and referred to the relevant entity.
	<p>- One of the documents submitted for this consultation states that "The Majjistral, Nature and History Park Management Board also includes representatives from three major local eNGOs, as required under the Establishment of the Majjistral, Nature and History Park Regulations (S.L. 549.48)". The annex listing these NGOs has recently been removed by legal amendment, and the government now has more powers to decide how many and which NGOs will be represented on the board. This is a step backwards in terms of Aarhus Convention -- what is going to be done to make sure that the space for civil society grows and not shrinks?</p>	The annex listing the NGOs was amended to remove the names of the three previously listed organisations. However, the requirement to include members from NGOs on the Board remains in place, in accordance with regulation 9 of the Establishment of the Majjistral Nature and History Park Regulations (S.L. 549.48), thereby ensuring continued opportunities for NGO participation.
	<p>- A recent legal notice removed some planning process conditionalities when developments are classified as 'greening projects'. Some forms of construction are being classified as such. The general public, especially local residents, must be informed what exactly makes building a toilet or a playground a 'greening project' and empowered to scrutinise such projects.</p>	Comment has been noted and has been referred to the relevant entity.
	<p>In short, three areas require urgent and comprehensive reforms: freedom of information, accessibility, and policy coherence.</p>	Comment has been noted.