

Questionnaire for the report of Republic of Malta on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021

Information on the focal point for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Protocol (for example, Strategic Environmental Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 3

General provisions

I.3. According to article 3 (1) of the Protocol: “Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.” Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):

(a) Law on strategic environmental assessment (please provide exact title/reference number/year/access link, if any):

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any):

(c) Regulation (please indicate title/reference number/year/access link, if any): *Strategic Environmental Assessment Regulations issued under the Environment Protection Act (Chapter 435 of the Laws of Malta) and brought into force by Legal Notice 497 of 2010, as amended by Act XXV of 2015 and Legal Notice 82 of 2019. Throughout this text referred as the “Regulations”.*

Link: [LEĠIŻLAZZJONI MALTA \(legislation.mt\)](http://legislation.mt)

(d) Administrative rule (please indicate title/reference number/year/access link, if any):

(e) Other (please specify):

Please explain:

Article 4

Field of application concerning plans and programmes

I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country's legislation?

In line with Regulation 4(2) of the Regulations an SEA is carried out for all plans and programmes which:

(a) are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or

(b) in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.

However, in line with sub-regulation 4(3), plans and programmes referred to in paragraphs 4(2) (a) and (b) above which determine the use of small areas at local level, and minor modifications to plans and programmes also referred to in paragraphs (a) and (b) above, require an SEA only where the responsible authority determines that they are likely to have significant environmental effects.

In addition, following sub-regulation 4(4) the responsible authority must determine whether its plans and programmes, other than those referred to in paragraphs (a) and (b) above, which set the framework for future development consent of projects, are likely to have significant environmental effects, in which case the strategic environmental assessment procedure also applies.

Sub-regulation 4(5) sets that the responsible authority must determine whether plans or programmes referred to in 4(3) and 4(4) are likely to have significant environmental effects either through case by case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose the responsible authority must in all cases take into account relevant criteria set out in schedule II of the Regulations, in order to ensure that plans and programmes with likely significant effects on the environment fall within the scope of the Regulations.

List the types of plans and programmes that require strategic environmental assessment in your country's legislation and provide references to the relevant legislation: *Legal Notice 497 of 2010, as amended - Regulation 4(1-5)*

Plans and programmes prepared for:

Agriculture *yes*

Forestry *yes*

Fisheries *yes*

Energy *yes*

Industry including mining *yes*

Transport *yes*

Regional development *no*

Waste management *yes*

Water management *yes*

Telecommunications *yes*

Tourism *yes*

Town and country planning *yes*

Land use *yes*

Other (including those falling under article 4 (3)–(4)), please list

Please explain: Other areas not referred in Regulation 4(2) but falling under Regulation 4(4).

I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)): *The Regulations do not contain such definition. Nonetheless, each case is assessed on its own merits in line with sub-regulation 4(2)(a).*

I.4.3. Explain how the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)) is interpreted in your country’s legislation: *The Regulations do not contain such definition. Therefore, this matter is addressed on a case-by-case basis in line with 4(3),(5),(6), and when necessary 4(8), by taking into consideration the specificity and characteristics of each case, such as its aims, objectives, implications, and the geographical range and impacts. Given that the land area of the Republic of Malta is 316 square kms, the interpretation given to ‘small areas at the local level’ is taken in relation to its particular geographical size.*

I.4.4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4 (4)): *Regulations 4 (3), (5) and (6) outline how the Responsible Authority shall determine whether an SEA is necessary in respect to plans and programmes which involve minor modifications, including through consultations with Designated Authorities referred to in 7(3), and, if necessary, through a decision of the Competent Authority under the procedure outlined in 8(a-c).*

Article 5 Screening

I.5.1 According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.”

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: *In accordance with sub-regulations 4 (5) and 4(6) of the Maltese Regulations*

I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation: X
- (c) Other (please specify)

Please explain: *Consultations are conducted in line with 4(6) with the designated authorities listed in 7(3) of the Regulations*

I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain: *The public does not usually participate in the screening of plans and programmes as no such obligation emanates from the Regulations. Nonetheless, in line with 4(7), the responsible authority must ensure that the conclusions of the screening stage pursuant to 4(5), including the reasons for not requiring an SEA, are, inter alia, made available to the public. However, the competent authority, in its communications with responsible authorities draws the attention to Article 5(3) of the Protocol in this regard.*

Article 6 Scoping

I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”

Please explain how you determine the relevant information to be included in the environmental report. *Schedule I to the Regulation lists the information that has to be included in the environmental report. This includes:*

an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes; the current state of the environment and its evolution without the implementation of the plan or programme, and the environmental characteristics of the areas to be affected. Moreover, it requires focus any existing environmental problems which are relevant to the plan or programme; the environmental protection objectives, established at international, European or national level and how these have been taken into account during its preparation; the likely significant effects on the environment.

It also includes the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme; an outline of the reasons for selecting the alternatives dealt with, which includes description of how the assessment was undertaken including any difficulties (technical, lack of know encountered in compiling the required information); a description of the measures envisaged concerning monitoring; and a non-technical summary of the information provided in the Environment Report.

I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.

Please explain whether your country’s legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

- (a) On a case-by-case basis:

- (b) As defined in the national legislation: X
- (c) Other (please specify)

Please explain: *Yes. In accordance with sub-regulation 6(4) of the Maltese Regulations*

I.6.3 According to article 6 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.”

Please indicate whether your country’s legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No X

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain: *The public does not usually participate in the scoping stage of plans and programmes as no such obligation emanates from the Regulations. Nonetheless, in line with Regulation 7, the responsible authority must ensure that the draft plan or programme and the environment report, are, inter alia, made available to the public for consultation. However, the competent authority, in its communications with responsible authorities draws the attention to Article 6(3) of the Protocol in this regard.*

Article 7 Environmental report

I.7.1. According to article 7 (2): “The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives.”

How do you determine “reasonable alternatives”? Please specify (more than one option may apply):

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain: *Pursuant to Regulation 6(1)) an environmental report shall be prepared in which reasonable alternatives are identified, described and evaluated, taking into account the objectives and the geographical scope of the plan or programme. The reasonable alternatives are developed on a case-by-case basis*

I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments

-
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): X In accordance with the Regulations

Please explain: *Abiding to 6(2) of the Regulations ensures that the Environmental Report includes: (i) the information that may reasonably be required taking into account current knowledge and methods of assessment; (ii) the contents and level of detail in the plan or programme; (iii) its stage in the decision-making process and; (iv) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment. This is also ensured by following the requirements for the Environment Report set out in Schedule I of the Regulations.*

Article 8

Public participation

I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media
- (b) Through electronic media
- (c) Placing copies in public offices for the public
- (d) Through other means:

Please explain: *In accordance with 7(4) the responsible authorities make the plan or programme and the environment report available to public electronically and in published form for viewing at its offices. Moreover, in line with 7(5), responsible authorities publish the notice of availability of these documents in at least the Government Gazette including from where, how comments can be submitted and by what date (which shall not exceed 16 weeks).*

I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”

How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means:

Please explain: *Consultations are carried out in accordance with Regulation 7 (1-5)*

I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain: *In accordance to sub-regulation 7(5), in order to reach out to the public affected or likely to be affected by, or having an interest in, the decision making subject to these regulations, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned, the notice of availability of the plan or programme and the environmental report must be published in at least the Government Gazette together with specific details of where the documentation is available and how comments can be submitted and by which date.*

I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify:

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition): *In accordance with sub-regulation 7(2), the time-frame for the public to express its opinion shall not exceed sixteen weeks from the publication of the plan or programme and the environmental report.*
- (c) Other (please specify):

Please explain your selection: *See above*

Article 9 Consultation with environmental and health authorities

I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”

How are the environmental and health authorities identified? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: *Sub-regulation 7(3) lists the designated authorities to be consulted by the Responsible Authority (including for health) that are likely to be concerned by the environmental effects of implementing plans and programmes while also making the provision for any other authority to provide an input to the SEA process as appropriate.*

I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain: According to *sub-regulation 7(3)*, the responsible authority is to consult with the designated authorities. However, the Regulations do not stipulate the detailed arrangements for information and consultation. Nonetheless, it transpires that electronic communication is most commonly used, and when necessary, this is supplemented by meetings.

I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”

Does your national legislation call for consultations with environmental and health authorities?

(a) Yes (please refer to specific provisions and provide citations in order to clarify the issue) *Sub-regulation 7(2) clearly indicates that the designated authorities listed in 7(3), that is, including environmental and health authorities, ‘shall be given an early and effective opportunity within an adequate time-frame, to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the of the plan or programme or its submission to the legislative procedure. Such time-frames shall not exceed sixteen weeks from the publication of the plan or programme and its environmental report’.*

(b) No

Please explain:

I.9.4. How can the environmental and health authorities express their opinion?

- (a) By sending comments
- (b) By completing a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Please explain: *There is no specific reference in the Regulations in this respect. However, the approach taken is to inform the designated authorities through the same communication, as outlined in sub-regulation 7(5), that is, by means of the notice of availability, whereby the plan and programme is made available by the responsible authority, together with specific details on how comments can be submitted and by which date. Moreover, the practice is that the RA approaches the relevant authorities directly.*

Article 10

Transboundary consultations

I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”

As a Party of origin, when do you notify the affected Party?

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):

Please explain: According to sub-regulation 8(1), this is done at the earliest stage possible when the draft plan or programme and the environmental report are being prepared and prior to its adoption or submission to the legislative procedure.

I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:

(a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and

(b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, what information do you include in the notification? Please specify:

(a) The information required by article 10 (2)

(b) The information required by article 10 (2), plus additional information (please specify):

Please explain: *The transboundary consultations are conducted in line with regulation 8 (1-4) of the Regulations*

I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

(a) No *Nonetheless, according to sub-regulation 8(3) member States ‘shall agree, at the beginning of such consultations, on a reasonable time for the duration of the consultations’ on a case by case, depending on the plan and programme.*

(b) Yes (please indicate how long):

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.

How do the Parties agree on detailed arrangements?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) On a case-by-case basis

(d) In accordance with existing arrangements (for example, bilateral agreement)

(e) Other (please specify):

Please explain: *Detailed arrangements are agreed on a case by case as outlined in sub-regulations 8(2) through an agreement between the Parties. It should be noted that for the 2019-2021 reporting period, Malta has not registered any cases of transboundary consultations.*

Article 11 Decision

I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8–10

Please explain: *According to Regulation 9, the responsible authority is obliged to take into account the above ‘during the preparation of the plan or programme and before its adoption or submission to the legislative procedure’, inform the relevant authorities, the competent authority, the public, and any Member State consulted in respect of a transboundary context about the adoption of the plan or programme, including the items referred to in paragraphs (a) to (c) above.*

I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”

How and when do you inform your own public and authorities? *In line with sub-regulations 10(1-2), when the plan or programme is adopted, the responsible authority is obliged to make the adopted plan or programme and its environmental report available to the authorities and the public electronically and in published form for viewing at its offices, and in this respect, publish a notice of availability in the Government Gazette.*

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed): *As indicated above*

This is applied in line with Regulations 10.1 and 10.2.

- (b) Other (please specify):

Please explain:

I.11.3. Does the information provided to the public and authorities include?

- (a) Plan or programme:
- (b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account:
- (c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered:

I.11.4. How do you inform the Parties consulted (art. 11 (2))?

- (a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments: *Although not stated in the Regulations, the competent authority would opt for option (b) above and then the publication of the information is effected through the respective Member State being consulted. On the other hand, when Malta is consulted by other Member States, the competent authority, as established under Part III of the Regulations, 'shall act as the Focal Point for other Member States who wish to consult Malta in cases of transboundary effects'.*

Article 12

Monitoring

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”

I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes: *The responsible authority has an obligation, under regulation 11, to monitor the significant environmental effects of the implementation of plans and programmes in order, among other things, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action. Existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring. The competent authority must be kept informed on each outcome of the monitoring carried out.*

Article 13

Policies and legislation

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.

(a) Yes (please specify which articles of the Protocol apply):

(b) No

Please explain: *However, notwithstanding that the Regulations refer only to plans and programmes, responsible authorities for strategies and policies are expected to conduct a screening process, and eventually an SEA if necessary, not only for plan and programmes but also for strategies and policies.*

Part two

Practical application during the period 2019–2021¹

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation^a by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice..."^c

^a United Nations publication, ECE/MP.EIA/SEA/14.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

¹ Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

B. Example of application of the Protocol in your country during the period 2019–2021

II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.

II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration.

II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input checked="" type="checkbox"/>	(a) Yes <input checked="" type="checkbox"/>
(b) No <input type="checkbox"/>	(b) No <input type="checkbox"/>
If so, please provide the access link to the register: https://environment.gov.mt/en/sea/Pages/plansProgrammes.aspx	If so, please provide the access link to the register: https://environment.gov.mt/en/sea/Pages/plansProgrammes.aspx

II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,² the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/>	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/>
Please explain:	Please explain:
(b) No (no objection) <input checked="" type="checkbox"/>	(b) No (no objection) <input checked="" type="checkbox"/>

² ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

C. Experience with the strategic impact assessment procedure in 2019–2021

II.7. Please list the benefits of strategic environmental assessment that are identified by your country:

- (a) Cost effectiveness
- (b) More focused and informed planning
- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies
- (d) Environmental and health benefits
- (e) Other

Please provide your comments:

II.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets: *n/a*

II.10. With regard your country's experience with domestic and/or transboundary procedures:

- (a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3

As per Malta Regulations, Responsible Authorities shall ensure that the designated authorities likely to be concerned by the environmental effects of implementing plans and programmes, include Health Authorities, (7(3)). This also entails that the Health Authorities are given an early and effective opportunity within an adequate timeframe to express their opinion on the draft plan and programme and the accompanying environmental report before the adoption of the plan and programme or its submission.

- (b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

- Biodiversity
- Circular economy
- Energy transition
- Development cooperation
- Smart and sustainable cities
- Sustainable infrastructure
- Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or

climate objectives. When providing an example, you may also make use of the template in annex III to the present questionnaire.)

Please refer to Annex III

(c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals

Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals

No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

If “Yes”, please list the most relevant Sustainable Development Goals³ (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement

Malta’s Waste Management Plan (2021-2030) contributes towards the achievement of SDG 12, by promoting effective waste management process by improving inter alia sustainable consumption and production.

³ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.

The National Energy and Climate Action Plan contributes towards the attainment of SDG 7 and SDG 13, including the promotion of energy efficiency and energy renewable and decrease GHG emission levels.

II.11. Please indicate whether your country has been carrying out monitoring according to article 12.

(a) No

(b) Yes :

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available *Not available for the period in question.*

II.12. With regards to your country's experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country's general experience. You might also want to include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

(ii) Other issues

Not applicable

(b) What elements of the environmental report and other documentation does your country usually translate as a Party of origin? *Not applicable*

(c) As an affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):

(i) No

(ii) Yes (please indicate how):

Not applicable

(d) What has your country's experience been of the effectiveness of public participation?

Not applicable

(e) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe):

D. Experience regarding guidance in 2019–2021

II.13. Has your country used in practice the following documents:

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE/MP.EIA/SEA/2014/2)

Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)

Yes

No

Please specify reasons for not using the Good Practice Recommendations:

(i) Lack of awareness about the document

(ii) The document is not relevant

(iii) The document is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations:

Yes

No

Please specify reasons for not using the Manual:

(i) Lack of awareness about the document

(ii) The Manual is not relevant

(iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Resource Manual:

E. Contributions to the funding of the workplans

II.14. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Convention and covered both the Convention and the Protocol:

(i) Yes

(ii) No

If your response is “No”, please provide the information regarding the contributions to the trust fund below.

II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,⁴ applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “Urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties.” For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1⁵, regarding funding of the adopted workplans, the Meeting of the Parties decided that: “All the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget.”

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

(i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

(ii) Individual contribution in 2019

Yes Amount and currency:

⁴ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁵ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

No Please explain the reason:

(iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

(iv) Individual contribution in 2021:

Yes Amount and currency: €1,000.

No Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023 *Full contribution addressed to the Trust Fund for the period 2021-2023 carried out in December 2021*

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how:

No Please explain the reason

F. Suggested improvements to the report

II.16. Please provide suggestions for how this report could be improved:

It has been noted that the current questionnaire format represents a significant improvement on the one for the previous reporting period. No further suggestions can be made at this juncture.

Annex I**List and number of domestic strategic environmental assessment procedures initiated in the reporting period**

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:	2		2	9 months 26 months	n/a
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:	1		1	7 months	n/a
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):	1		1	ongoing	n/a

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments:

Annex II

List and number of transboundary strategic environmental assessments in the reporting period

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):					

Annex III

Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

I. General information

1. Title of plan/programme *Long Term Waste Management Plan 2021-2030*
2. Authority responsible for the plan's/programme's development *Ministry for the Environment, Climate Change and Planning*
3. Nature of the related strategic environmental assessment procedure:
 - (a) Domestic
 - (b) Transboundary
4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:

The entire procedure

Screening (art. 5) Scoping (art. 6) Environmental report (art. 7) Public participation (art. 8) Consultation with environmental and health authorities (art. 9) Transboundary consultations (art. 10) Decision (art. 11) Monitoring (art. 12)
5. Please indicate to which topic(s) of the 2021–2023 workplan the example is related:

Biodiversity

Circular economy Development cooperation Energy transition Smart and sustainable cities Sustainable infrastructure

II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

Short Description of the Plan and General Information about the Strategic Environmental Assessment

The Long-Term Waste Management Plan 2021 to 2030 (WMP) sets out Malta's Government's vision for the national waste sector, and was developed through a collaborative and evidence-based approach. The WMP includes a 10 year Vision, underpinned by six strategic objectives of:

- *Maximise the resource value in waste through different management options,*

- *'Innovate by designing waste prevention initiatives to lower Malta's per capita generation rate,*
- *'Reform the collection system to increase economies of scale, harmonise collection practices and modernise the collection fleet and*
- *'Build the necessary waste management facilities to treat recyclable, organic and residual waste to achieve Malta's targets',*
- *'Study the feasibility of an enhanced producer responsibility framework to complement Malta's transition to a circular economy and reflect further on the true cost of waste management'.*
- *Promote further the involvement of the private sector in waste management.*

In total the WMP contains over 130 measures aimed addressing the key challenges facing the waste sector in Malta which defines policy direction for sustainable waste management practices, to ensure that the country can meet and exceed the EU Directives and targets of 2021-2030.

The draft WMP was subject to a Strategic Environmental Assessment (SEA) and a public consultation on both the draft WMP and accompanying SEA Environmental Report ran from December 2020 until June 2021.

The SEA was carried out in accordance with Malta's SEA Regulations (SEA Chapter 435 of the Laws of Malta brought into force by Legal Notice 497 of 2010, as amended), including the necessary phases of the SEA exercise.

Taking into account, and the outcomes of the SEA process, including environmental report and consultations with the public, the WMP was published and is available on the Ministry for the Environment, Climate Change and Planning website at <https://environment.gov.mt/en/Documents/ministerialConsultations/longTermWasteManagementPlan.pdf>.

III. Procedure under the protocol on strategic environmental assessment and elements of good practice

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

III.1. Field of application (art. 4)

The field of application of the SEA was Waste Management. As per the stipulations of Art. 4(2), a strategic environmental assessment shall be carried out for plans and programmes which are prepared for waste management (amongst the other areas mentioned) and which set the framework for future development consent for projects listed in Annex I and any other project listed in Annex II that require an environmental impact assessment under national legislation.

III. 2. Screening (art. 5)

As per the requirements of Art. 5, a screening process was undertaken vis-à-vis the draft WMP, and the required SEA Screening Template was prepared and duly submitted to the national SEA Focal Point. The SEA Focal Point provided guidance to the Responsible Authority in fulfilling the objectives of the screening procedure.

III. 3. Scoping (art. 6)

Following the screening process for the draft WMP, a Scoping Report which summarised the overall vision of the Plan was prepared, outlining the methodology that would be used to complete the phases of the SEA and identified the key environmental themes and main objectives of the Environment Report.

The initial Scoping Report was published for public consultation in December 2020. The Designated Competent Authorities were consulted giving them ample time to provide a consolidated and comprehensive feedback. The Environment and Resources Authority (ERA) was the one main contributor to the process.

In particular, ERA put forward a number of recommendations aimed at improving the Scoping Report, for instance: expanding which national resources are taken into account in the report, and increasing the indicators included in the SEA's impact assessment. These recommendations were useful when it came to improving the comprehensiveness of the Scoping Report, and, subsequently, the Environment Report.

The consultants subsequently responded to the feedback received, and the Scoping Report reflected the integrated input and was finalised accordingly.

III.4. Environmental report (art. 7)

In accordance with sub-regulation 6 of the SEA Regulations, the Scoping stage was followed by the preparation of the Environment Report which laid out the results of the SEA exercise. The report provided a background to the proposed draft WMP, analysed alternative scenarios, described the Plan's policy measures and assessed their impacts on 11 environmental themes. Namely, the Environment Report analysed the impacts of the WMP's measures on air quality, biodiversity, soil, climate change, cultural heritage, energy, water, human health, landscape, transportation and infrastructure, and waste and resources management. The impact assessment also included an evaluation of the cumulative impacts of the measures proposed in the draft WMP.

The Environment Report further outlined recommendations to reduce the significance of any identified negative impacts, and details monitoring requirements for the environmental themes throughout the WMP's implementation. A non-technical summary was also included for the benefit of the public, which outlines in laymen's terms the scope and impact of the report.

III.5. Public participation (art. 8)

The draft Environment Report was issued for a 4-week public consultation period in May 2021. This provided ample time for all interested parties to review, analyse the draft plan and provide input for further consideration by the Responsible Authority.

III.6. Consultation with environmental and health authorities (art. 9)

The aforementioned Designated Authorities were also asked to provide their feedback. By the end of the consultation period, substantive feedback was received from ERA, the Energy and Water Agency (EWA) and the Water Services Corporation (WSC). The feedback received was analysed and considered, and responses to the comments submitted were drawn up. The feedback provided was taken on board, as appropriate, whilst in other instances, clarifications were requested and provided. This two way consultative process ultimately provided for a more inclusive approach with regards to environmental matters.

III.7. Transboundary consultations (art. 10)

This is not applicable since the WMP was not likely to have significant transboundary environmental effects.

III.8. Decision (art. 11)

The public consultation on the SEA environment report resulted in substantive feedback being received from the Water Services Corporation (WSC), the Energy and Water Agency (EWA) and ERA.

The feedback from WSC and EWA focused on issues related to water, and was mainly directed towards clarifying statements in the Environment Report regarding groundwater and desalinated seawater in Malta. EWA also provided feedback aimed at clarifying issues related to Malta's energy supply. Overall, this feedback provided the added value of ensuring that the information pertaining to water and energy in the Environment Report was up to date.

ERA's feedback was detailed and comprehensive. It related to various aspects of the Environment Report, such as its impact assessments, mitigation measures and recommendations, and monitoring. The feedback was reviewed by MECP and the consultants, with responses to each point having been drafted, and alterations having been made to the Environment Report where appropriate.

Following discussions with MECP, the consultants updated the SEA environment report to reflect the aforementioned feedback received during the consultation process. Moreover, the draft WMP was updated, taking into account the findings of the Environmental Report.

III.9. Monitoring (art. 12)

The SEA Regulations require that the Responsible Authority to monitor the significant environmental effects of the implementation of plans and programmes in order, among other things, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

The Environment Report in line with the requirements of the national Regulations put forward recommendations for the monitoring of the impacts of the WMP measures across a number of environmental themes. These included air quality, biodiversity, soil, climate change, cultural heritage, energy, water, human health, landscape, transport and infrastructure, and waste and resource management.

The Responsible Authority will inform the SEA Focal Point on the relevant monitoring actions.

IV. Lessons learned and advice to other parties:

IV.1. Please indicate:

(a) Challenges in carrying out the procedure, if any, and how those were tackled

N/A

(b) Lessons learned

N/A

IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals¹ or climate objectives.

The application of the SEA to the WMP will positively impact the WMP's aims related to Sustainable Development Goal 12, Responsible Production and Consumption, which aims to ensure sustainable consumption and production patterns and which places waste management and prevention amongst its crucial objectives.

¹ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
 - (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
 - (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
 - (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
 - (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
 - (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
 - (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
 - (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
 - (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
 - (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
 - (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
 - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
- For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.

