



# STAKEHOLDER

Newsletter N°6 of ECO, The Malta Ecological Foundation on EU Accession and the Environment

## Intro

In the sixth issue of STAKEHOLDER we update you with the latest on the EU, enlargement and the environment, with news about the CAP, Car Free day, the Negotiation timetable under the Belgian Presidency and Environmental Liability. On pages eight and nine, abstracts from the progress report of the European Parliament on each Accession country are being provided.

As a Stakeholder in the Enlargement Process, we inform you about the handbook that has been published as guidance in the implementation of EU legislation and details about the Schörling Report are given.

You can also read an abstract of one of the two Case Studies that are being carried out as part of this project. This case study, about hunting in Malta, looks into Maltese legislation and compares it to EU laws.

It is now possible to read all the past issues of STAKEHOLDER online, so if you missed out on previous copies of this newsletter visit ECO's web page and download them.

Finally, the position paper drawn up by the Maltese environmental NGOs on water, is being published.

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### NEGOTIATION TIMETABLE

The Belgian Presidency has foreseen four negotiation meetings until the end of the year 2001:

- \* 27<sup>th</sup> July at chief negotiator level (already organized)
- \* 25 - 26<sup>th</sup> October at chief negotiator level
- \* 27 - 28<sup>th</sup> November at chief negotiator level
- \* 11 - 12<sup>th</sup> December at Foreign Minister level

The Belgian Presidency intends to conduct accession negotiations according to the enlargement "road map" adopted by the Nice European Council in December 2000. It foresees negotiations on the following issues: competition policy; transport policy; energy; taxation; customs union; agriculture (in particular veterinary and phytosanitary questions); fisheries; justice and home affairs; and financial control.

The Presidency will try to arrive at EU common positions on these nine issues and close negotiations on as many chapters as possible. The progress in enlargement negotiations will be discussed at the informal European Council of Ghent on October 19<sup>th</sup>. The Commission will publish its annual progress reports and the enlargement strategy in November and these will be adopted by the European Council of Laeken on December 14<sup>th</sup>. Besides that, the registration of the technical adaptations which will be necessary to start drafting the *ACCESSION TREATIES* in 2002, should be done during the second half of 2001, starting with the chapters which have been provisionally closed.

**"NO LINK BETWEEN CAP REVIEW AND ACCESSION TALKS"** - says Günter Verheugen-Enlargement Commissioner.

CAP reform and accession negotiations are two parallel issues, which should not be mixed up. "We cannot create new accession conditions in the course of the negotiations", said the Commissioner. It would be a new condition to say that we want to have the CAP reform accomplished before the accession negotiations on agriculture can start. The French (spring 2002) or German (autumn 2002) elections and the CAP reform will not interfere in the agriculture accession talks. The chapter has been opened will all countries except Bulgaria, Malta and Romania but haven't been closed with any of them. The Belgian Presidency would like to have a full common negotiating position on agriculture by the end of their term.

## PAN-EUROPEAN CAR-FREE DAY ON SEPTEMBER 22

For the second year running, a pan-European car-free day will be celebrated on September 22. Based on the French initiative "in town without my car", and inaugurated in 1998, this symbolic day ought to be celebrated in 500 European towns (located in the Union's Member States, as well as outside, notably in the Czech Republic, Hungary, Serbia, Slovakia and Slovenia). The actual number of participants is not yet known. (At the time of going to print, Malta's participation was not yet known).

The aim of this campaign is to raise awareness among citizens and politicians of the negative impact the car has on the quality of life in towns. It also promotes alternative concepts of mobility and creates the necessary motivation required to improve relay parks, extend pedestrian zones, and increase the networks of cycling paths. Like last year, the European Commission will participate in this campaign. The Commissioner for the Environment Margot Wallstrom believes that this effort can, in the long run, play a decisive role in the fight against air pollution, and especially that against climate change, the car being one of the foremost contributors to greenhouse gas emissions.

## ENVIRONMENTAL LIABILITY

A new legally binding instrument will be drawn up on civil liability for transboundary damage caused by industrial accidents in the context of the UN ECE. The establishment of a civil liability regime for industrial accidents that cause transboundary pollution, is intended to fill one of the major gaps in international environmental legislation. It will also have the potential to prevent accidents from happening in the first place. This document will be negotiated in the context of the two UN ECE Conventions - on the Protection and Use of Transboundary Watercourses and International Lakes and on the Transboundary Effects of Industrial Accidents. The first negotiations will take place in November 2001. Environmental NGOs, among other stakeholders, will be encouraged to take part. Adoption of this new legally binding instrument is expected to take place in Kiev in 2003 at the next Environment for Europe conference.

Advert Polidano

# HANDBOOK FOR IMPLEMENTATION OF EU ENVIRONMENTAL LEGISLATION



The European Commission (Environment DG) in collaboration with the Phare-funded DISAE programme, has published a handbook for implementation of EU Environmental Legislation, with the objective to provide a planning framework, and step-by-step guidance, on the approaches and specific activities required to implement EC environmental legislation.

This Handbook provides:

- a series of overview chapters which set out a framework for planning the implementation of the legislation contained within that particular environmental sector;
- a series of fiches containing information and guidance about each legal act presented in the Acquis Guide;
- a Reference Source.

The Handbook provides an overview of European Community environmental legislation and its implementation, but the actual legislative text must always be taken as the definitive reference. Environment DG has undertaken preliminary reviews of parts of the materials, however the findings, conclusions and legal interpretations expressed in this document should in no way be taken to reflect the policies or opinions of the European Commission.

The Handbook is aimed at officials (legislators, civil servants, planners, environmental advisers, etc.) in national, regional and local government agencies in the Candidate Countries who have responsibilities for the planning, management, and implementation of environmental laws and programmes. However, the Handbook may also be of interest to other parties in the Candidate Countries such as people working in industrial and commercial sectors affected by the legislation, and non-governmental organizations (NGOs).

The chapters covered are:

- Chapter 1: Introduction - Implementation and the Accession Process
- Chapter 2: Horizontal legislation
- Chapter 3: Air Quality
- Chapter 4: Waste Management
- Chapter 5: Water Protection
- Chapter 6: Nature Protection
- Chapter 7: Industrial Pollution Control and Risk Management
- Chapter 8: Chemicals and Genetically Modified Organisms
- Chapter 9: Noise from Vehicles and Machinery
- Chapter 10: Nuclear Safety and Radiation Protection
- Chapter 11: Civil Protection

The present version of the Handbook is a draft and the intention is to further update and improve it. It can be downloaded in PDF format chapter by chapter (or as a whole) from the following page:

<http://www.europa.eu.int/comm/environment/enlarg/handbook/handbook.htm>

# SCHÖRLING REPORT

## EU to finally assess effects of its programmes on the environment

2001 will be remembered for the voting by Euro-MPs for the Schörling report - on assessing the effects of certain EU plans and programmes on the environment. The new directive titled the "**Strategic Environment Assessment Directive (SEA)**" has been on the table for 4 years. This directive will ensure that an environmental assessment is carried out in the context of town and country planning and that the results are taken into account during the preparation and adoption of EU plans and programmes in the future.

Speaking on her own report, Inger Schörling MEP (Greens/Sweden), Member of the Environment Committee, welcomed that such assessments will finally go ahead. She said:

"In three years, when this directive enters into force, an assessment of the environmental effects of a plan or programme by the EU will have to be undertaken. This is a major step forward, as it will provide crucial information on the environmental consequences of, for example, building highways instead of railways.

"The Strategic Environmental Assessments-directive is fundamental for the functioning of the 6<sup>th</sup> Environment Action Programme and the strategy for a sustainable development. Without the information provided by the directive both of these would be much less effective.

"Both the Council and the Commission were initially sceptical to the inclusion of EU-funded plans and programmes in the scope of the directive. But during the conciliation negotiations they accepted the parliament's demands and it is now clear that the EU will have to apply the directive to their own plans and programmes."

Following 4 years of negotiations, Ms Schörling welcomed the inclusion of the Structural Funds into the directive, though delayed until the end of the current programming period. It is also welcomed that under the new directive, Member States will be obliged to monitor the environmental effects in their own countries as well as holding transboundary consultation with third countries concerning plans and programmes that may have an effect on the environment of those countries. Member States will also have to inform the public including relevant NGOs and give them the opportunity to express their opinion.



## Is Maltese legislation on hunting and trapping in Spring in conformity with EU Law?

Hunting in Spring is an activity which is banned in all Member States of the European Union. The basis of such a ban is two fold:

According to article 7(4) of Directive 79/409EEC,

"Member States shall ... see in particular that the species to which hunting laws apply are not hunted during the rearing season nor during the various stages of reproduction. In the case of migratory species, they shall see in particular that the species to which hunting regulations apply are not hunted during their period of reproduction or during their return to their rearing grounds".

Article 7(4) is clear in its wording, and no leeway whatsoever is allowed to Member States to adopt a less stringent interpretation of its provisions.

Furthermore, the Bern Convention on the Conservation of European Wildlife and Natural Habitats, which has been signed and ratified by the European Union, prohibits hunting in Spring.

In the light of the above, it would appear to be clear that the Maltese Government cannot hope to implement successfully the environmental acquis without ensuring that hunting in Spring is banned in Malta. Nevertheless, Maltese biodiversity protection legislation to date not only fails to prohibit hunting in Spring but actually allows such an activity without any significant restrictions.



Picture

Malta's current rules regulating the extent of the hunting season derive from the Protection of Birds and Wild Rabbit Regulations, 1993 (Legal Notice 146 of 1993), as amended by subsequent regulations namely the Protection of Birds and Wild Rabbits (Amendment) Regulations, 1996 and the Protection of Birds and Wild Rabbits (Amendment) Regulations, 1997 (Legal Notices 45 of 1996 and 23 of 1997 respectively).

The above regulations, which were all made by virtue of the powers granted to the Minister in charge of the environment under the Environment Protection Act, 1992, permit the hunting season on land during a period of seven months - from the 25<sup>th</sup> March to the 22<sup>nd</sup> May and from the beginning of October to the end of February. Moreover, under these regulations, trapping is permitted for a period of almost eight months - from the 1<sup>st</sup> of March to the 22<sup>nd</sup> of May and from the beginning of September till the end of January.

This is one of two case studies on the implementation of EU legislation and its consequences on the environment that will be carried out as part of this project on EU Enlargement. These case studies are intended to give the possibility to compare and further discuss national strategies as well as evaluating least cost options for reaching the *acquis communautaire* on environment.



During its September session, the European Parliament is voting on progress achieved by each of the 12 candidate countries over the past year; progress will be assessed on the basis of draft reports that its Foreign Affairs Committee adopted.

**BULGARIA:** "has set a target date for ending negotiations in 2004, ambitious but not unrealistic". The report stresses the stability of the Bulgarian political system, but calls on the government to step-up its fight against corruption, and for the integration of minorities.

**CZECH REPUBLIC:** has stepped-up the rate of its reforms, and one may hope that it will join the EU in 2004. The Czech Republic is also urged to further tackle trafficking in women.

**CYPRUS:** "fully meets the political and economic criteria ... and has made significant progress in adopting the *acquis communautaire*".

**ESTONIA:** the report welcomes progress made in the adoption of the *acquis*, especially regarding the environment, whereas it expresses its concern at social and economic problems in the northeast of the country.

**HUNGARY:** should be offered a firm date for concluding negotiations, so as to avoid discontent among public opinion. The report also calls for the number of Hungarian MEPs to be increased to 22, remedying the discrimination that emerged at the Nice Summit.

**LATVIA:** has made great efforts but still has to improve its legal and administrative systems and step-up the fight against corruption.

**LITHUANIA:** has made satisfactory progress, notably in the protection of minorities, but must improve its police and legal institutions.

**MALTA:** is well engaged on the path to membership, but the rapporteur deplores the fact that EU membership has far from unanimous support. The report also places emphasis on the importance of increased efforts concerning agricultural reforms and environmental legislation.

**POLAND:** MEPs back the European Commission's position of not allocating all direct aid to Polish farmers upon accession, but to practice gradual allocation, or a phasing-in of aid.

**ROMANIA:** has still to make a great deal of progress regarding children's rights and the situation of minorities.

**SLOVAKIA:** has made significant progress in restructuring its industrial and financial sectors, and in reforming its administration. The report calls on the government to implement tougher policy in combating discrimination and deplores the delays in adopting the acquis in financial control, the environment, justice, agriculture and home affairs.

**SLOVENIA:** has made great political and economic progress, but progress remains to be achieved regarding the transparency of rules relating to foreign investments and the conclusion of an agreement between the political parties on the country's regions.

It is expected that Draft Common Positions (DCPs) for Latvia and Poland will be ready in October making it possible to close the **environment chapter** with both countries in November; for Slovakia and Malta this would be in 2002. It is not clear when negotiations on environment will start with Romania, as their negotiation position is not ready yet.



## STAKEHOLDER

is now available on the web, through the web page of ECO, The Malta Ecological Foundation. To download this, and previous issues of this newsletter, click on the link "Publications" and proceed with the download.

In [www.ecomalta.org](http://www.ecomalta.org) you will also find information on the project Towards Improved Information, Integration and Implementation in EU Accession, under the link "EU". Information on other campaigns organized by ECO can also be found in the web page. You can either access each campaign to get a summary of what has been done over the years, both in terms of lobbying as well as in environmental education, or else you can have a look at the Annual Report of each year and get more detailed information on ECO's activities and successes in each respective year.

We look forward to reading your comments and feedback!

### 10<sup>th</sup> Anniversary of ECO

Please copy design of sticker but using green and blue (you might want to use different shades of green and blue and play with white).

www.ecomalta.org

# NGO'S POSITION PAPER ON WATER

## 1. The Maltese NGOs welcome the government's initiative to set up the necessary mechanisms to implement the acquis, in the form of:

- a. The Malta Resources Authority that is responsible for securing and regulating the conservation of water as a resource. It will be regulating, monitoring and licensing all practices, operations and activities relating to water. It provides for the regulation of the treatment, storage, disposal, use or re-use, as appropriate of sewage, waste-water, sludge and storm water run-off, the provision of adequate systems of public sewerage, the re-use of treated effluent and the proper and fit disposal of sewage. It is hoped that the Government will significantly strengthen the Malta Resources Authority in order to ensure that it actively contributes to the safeguarding of water resources.
- b. The Environmental Protection Authority, another autonomous body, which will be set up by the third quarter of 2001, and will be responsible for implementing most of the environmental acquis. This authority will have the licensing and enforcing powers for water quality.
- c. A Sewerage Master Plan that has been drawn up and is currently being implemented. The Maltese NGOs are concerned about delays in the implementation of the Plan. The Plan was drafted in 1992 and only parts of it have been implemented to date.
- d. Upgrading the human resource capacity of the Drainage Department by recruiting additional scientific and technical personnel by the fourth quarter of 2002; and of the environmental health branch by the second quarter of 2002. However it is the opinion of the Maltese NGOs that the Drainage Department should form part of the Water Services Corporation. It is inconceivable how Malta can aspire to have an integrated water management programme when the two major players fall under different ministries. The current situation leads to a number of 'grey' areas for which no department or corporation is directly responsible. Storm water management and the re-use of treated effluent are such examples.

2. The Maltese NGOs BELIEVE and insist that the state of water resources and aquatic ecosystems be monitored and that the results be made accessible to the Maltese public. We request that the pertinent authorities make public how this monitoring will take place. This is in line with the Aarhus Convention to which Malta is signatory. We also insist that Local Councils should be involved in water quality control in their locality.



### 3. The Maltese NGOs welcome the government's decision to transpose and enter into force:

- a. Directive 93/481/EEC on sewer discharge control regulations, through the amendments to the sewer discharge control regulations till the fourth quarter of 2001. Although this Directive has been transposed into Maltese legislation through Legal Notice 8 of 93, the regulations are largely ineffective as enforcement and monitoring is very limited. The recruitment of additional scientific and technical personnel is a must.
- b. Directive 91/676/EEC (protection of waters against pollution caused by nitrates from agricultural sources) by the fourth quarter of 2001 and the action programme by the end of 2002.
- c. The following directives regarding the discharge of dangerous substances into the aquatic environment: Directive 82/176/EEC (mercury discharges by the chlor-alkali electrolysis industry); Directive 83/513/EEC (cadmium discharges); Directive 84/156/EEC (mercury discharges by sectors other than the chlor-alkali electrolysis industry); Directive 84/491/EEC (discharge of hexachlorocyclohexane); Directive 86/280 (discharges of certain dangerous substances included in List 1 of the Annex to Directive 76/464/EEC); Directive 88/347/EEC (amending Annex II to Directive 86/280/EEC) and Directive 88/347 and Directive 90/415 (amending Annex II to Directive 86/280/EEC) by the fourth quarter of 2001.
- d. Directive 76/160/EEC (bathing water) by the fourth quarter of 2002 through subsidiary legislation in the Public Health Act.
- e. Directive 98/83/EEC (quality of water intended for human consumption), except for the requests in Section C (see 4c), by the fourth quarter of 2002 through subsidiary legislation in the Public Health Act.
- f. Directive 75/440/EEC (quality required of surface water intended for the abstraction of drinking water; Directive 77/795/EEC (exchange of information on the quality of surface fresh water) and Directive 79/869/EEC (measurement and frequencies of sampling and analysis of surface water) by the third quarter of 2001.
- g. Directive 80/68/EEC (protection of groundwater against pollution caused by certain dangerous substances) by the second quarter of 2002. The Maltese NGOs call for caution since this directive was not transposed accurately into national law by most member states. This directive obliges member states to prevent the input of certain pollutants into ground water. Therefore the Maltese NGOs demand that the government actually determines and publishes the list of relevant substances to make the implementation of the directive more transparent (e.g. the list of United Kingdom has 79 substances).

h. Directive 78/659/EEC (quality of fresh waters needing protection or improvement in order to support fish life) and Directive 79/923/EEC (quality required of shellfish waters) by the third quarter of 2001.

#### 4. The Maltese NGOs DISAGREE:

a. That a six year transitional period was requested for Directive 91/271/EEC (urban waste-water treatment) to allow the completion of the construction of waste-water infrastructure. The Maltese NGOs disagree with this transitional period believing that further deterioration to the quality of water in the Maltese Islands will occur during the time lapse. At present over 80% of our sewage is being pumped into the Mediterranean Sea, an activity that is detrimental:

- i. to marine life
- ii. to the health of the Maltese population who swim in this sea
- iii. to our economy, through the negative impact on tourism

b. That a six year transitional period was requested for Directive 76/464/EEC (pollution caused by certain dangerous substances discharged into the aquatic environment) to allow industry to meet the sewage disposal parameters of this Directive. It is not acceptable to the Maltese NGOs that industrial waste is pumped into the sea, and rather than give a transitional period to industry, the polluter pays principal should be applied with immediate effect.

c. That a three year transitional period was requested for Directive 98/83/EEC (quality of water intended for human consumption) with regards to the application of Annex I Part B on nitrate and fluoride and Part C on conductivity, chloride, sodium, sulphate and iron. The NGOs do not understand how the government is ready to ask for a transitional period on water quality intended for human consumption when this is directly affecting the health of the Maltese population.

d. That a one year transitional period was requested for Directive 96/61/EEC (Integrated Pollution Prevention and Control) due to the transitional periods being requested under Water Quality.

Pictures of ducky  
1 and 2



The Maltese NGOs support the Maltese government's request to be eligible to Structural and Cohesion Funds which will be used in those areas for which transitional periods are being requested, among them water quality. The Maltese NGOs insist that these funds should be made available before accession since this will have a direct bearing on the length of the transition periods requested.

We suggest that besides reducing the transitional periods:

a. The price of water reflects the real cost of water since otherwise, the consumer (households and industry) will not be motivated to use machinery or white goods that use less water. Furthermore, with the present system, where the price does not reflect the cost, consumers refrain from repairing leakages and faults and are wasting more water since they consider it a "free" good. Sound water pricing would lead to more efficient water use and demand management. Besides, it must be reminded that at present, less than 20% of urban wastewater is being treated so the sooner the rest of the wastewater is treated, the better as this will increase the supply. However, second-class water should be priced, distributed and used with the same diligence as normal water. We suggest the establishment of a sub-committee within the Malta Resources Authority to devise a strategy for the maximum and efficient use of treated sewage effluent, once this water resource becomes widely available.

b. That the infrastructure of water distribution be immediately repaired to limit the excessive amount of water that is lost during distribution

c. That the pertinent authorities ensure that everyone pays for the water they consume in view of abuse by consumers (both normal water and second-class water). It is suspected that a number of households/farmers/industries do not pay what is due for their water due to faulty meters and abuse. The NGOs demand that the pertinent authorities investigate and stop this abuse.

Picture on toilet on top of the  
world.  
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- d. In view of the fact that a considerable amount of Malta's energy (c. 11%) is used in the production of water (desalination) at a very high cost, the Maltese NGOs request the government to consider the use of alternative sources of energy (e.g. wind and solar energy) that are probably more economically and ecologically feasible. Furthermore the dependence on seawater desalination must be reduced to a minimum, as this is not considered to be a sustainable means of water production. Other more sustainable measures should be encouraged, such as the harvesting of rainwater (through the construction of reservoirs and dams in watercourses), the collection and re-use of storm water and the re-use of treated sewage effluent as second class water.
  - e. The Maltese NGOs are particularly concerned about the illegal extraction of ground water through the hundreds of unregistered boreholes over the Maltese Islands. Apart from accelerating the salinization of the aquifers, the illegal extraction of ground water prevents the implementation of any aquifer restoration programmes devised by the Water Services Corporation for the rehabilitation of the aquifers in the long-term. The Maltese NGOs demand that the extraction of ground water from the aquifers does not exceed sustainable levels.
  - f. Since Malta's landfills are not engineered, there is a high possibility that dangerous substances have seeped from them into the water table and into the sea. The Maltese NGOs ask the government to assess the extent of this contamination and prepare a strategy to reverse this process and to ensure that it does not repeat itself in the future.
5. Finally the Maltese NGOs suggest that in implementing the acquis on water an educational campaign be continued, in collaboration with NGOs and the National Environmental Educational Strategy (NEES), whereby the practice of saving and not wasting water is promoted as the BEST option.

## Conclusion

"One of the biggest problems that future water protection might be facing is not insufficient legislation but the fact that basically no directive has been completely implemented and applied by member states."<sup>[1]</sup> The Maltese NGOs are greatly concerned that the severe shortage of human and financial resources in Malta will be used as an excuse not to implement and enforce these directives.

The position paper on water has the support of: ECO, The Malta Ecological Foundation, Friends of the Earth (Malta) and Moviment Graffiti.

[1] EEB Handbook on EU Water Policy under the Water Framework Directive, Dr Klaus Lanz and Stefan Scheuer, January 2001 page 14