



STAKEHOLDER

Newsletter N°7 of ECO, The Malta Ecological Foundation on EU Accession and the Environment

Intro

In this, the seventh and penultimate issue of STAKEHOLDER we highlight the key proposals that NGOs from applicant states presented during the conference on Enlargement held recently in Budapest where Malta was represented by ECO, The Malta Ecological Foundation.

You can also read the detailed Case Study on soft drink packaging in Malta, with which the NGOs are urging the Maltese government to continue its commitment to avoid a case of downward harmonisation that would allow the importation of soft drinks in plastic bottles in Malta, after accession.

The position paper being presented in this issue is about Regional Policy whereby the Maltese NGOs invite the authorities to consider the various proposals put forward to ensure that the effect of this policy is beneficial for our environment.

On behalf of ECO I would like to thank all the Maltese environmental NGOs for their support and collaboration in carrying out this project and for all their contributions in drawing up the Position Papers.

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EURO-MEDITERRANEAN YOUTH ACTION PROGRAMME

On the 27 October 1998, the European Commission adopted the Euro-Mediterranean Youth Action Programme. The Programme has as a reference framework the Euro-Mediterranean Partnership Agreement, and the recommendations issued from the Ministerial Conferences of Barcelona (1995) and Malta (1997).

It is open to individuals, groups of young people, youth organizations, youth leaders, youth workers and Local Councils in countries signatories to the Barcelona Declaration, namely Algeria, Austria, Belgium, Cyprus, Denmark, Egypt, Finland, France, Germany, Greece, Ireland, Israel, Italy, Jordan, Lebanon, Luxembourg, Malta, Morocco, Netherlands, Palestine, Portugal, Spain, Sweden, Syria, Tunisia, Turkey, and the United Kingdom.

The aims of the Programme are the integration of young people in social and professional life, and ensuring the democratic process in civil society. This can be achieved by stimulating active citizenship within local communities, encouraging participation of youth and their organisations, and developing the employability of young people.

Participation in the Programme should improve mutual understanding in the Euro-Mediterranean region, promote dialogue, respect and tolerance, boost youth initiatives, encourage associative life, ensure training for youth leaders, strengthen civil society, promote the exchange of good practice between youth organisations, and set the basis for co-operation.

Exchanges, voluntary service, networking, training courses, partner finding missions, seminars, conferences and job shadowing are some of the activities supported through the Euro-Mediterranean Youth Action Programme. A good number of Maltese organisations are benefiting greatly from this Programme. For example, its typically generous financial contribution was crucial in the setting up of the MARE Network.

Applications are received on the first of January, June, and November every year. Assistance in finding partners, searching for projects, and applying for grants is available. If interested you can get in touch with Mr. Giovanni Buttigieg, National Co-ordinator, Euro-Mediterranean Youth Action Programme, National Pool Complex, Msida, Malta, tel. (356) 79701507, fax 336432, e-mail: giovanni@maltaeuromed.net or visit <http://www.maltaeuromed.net>

Promoting renewable sources of energy

By Elaine Cordina - Malta EU Information Centre

One of the main emphases in the EU's environmental policies is the effort to use renewable sources of energy instead of the conventional power produced from non-renewable fuels such as coal, oil, nuclear and gas. Renewable sources of energy include waterpower, solar energy, wind power, biomass, biogas (for example from mud coming from waste treatment, biological fuel). A resource is therefore called renewable if it can be naturally replenished. Renewable energy has a lower environmental impact than non-renewable energy.

Recently the EU approved a new directive promoting renewable energy sources. This new law should guarantee the continued development of clean energies while safeguarding the environment for citizens.

The directive creates a framework for an increase of the production of green electricity. Till 2010, gross internal energy consumption at Community level will have to reach 12%. Some 22% of the consumed electricity will have to be produced from renewable energy sources.

Besides these targets that the EU has set itself, the individual Member States have also committed themselves to set national objectives for consumption of electricity produced from renewable sources of energy (RSE). In Belgium, the share of electricity produced with those energy sources will have to reach 6% in 2010.

The new directive will also introduce a system of certification of green electricity and will accelerate the authorisation procedure leading to the establishment of production centres for green electricity.

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KEY PROPOSALS ISSUED TO PROTECT THE ENVIRONMENT AFTER EU ENLARGEMENT



During a conference on EU Enlargement held at the end of October in Budapest, Hungary, Environmental NGOs called for prompt and concrete action to ensure that the environment and biodiversity of Candidate Countries is properly protected after their accession to the EU, and they issued 13 key proposals towards achieving this.

During the conference, initiated by the European Environmental Bureau and the Hungarian Government and attended by ministers and NGO representatives including ECO, The Malta Ecological Foundation, NGOs stressed that the current EU debate on a Sustainable Development Strategy (SDS) must be opened up to the Candidate Countries, by setting up an inclusive forum to work on a SDS acceptable to present and future EU countries.

"The Candidate Countries must be included in this process, or it will not work," said EEB Secretary General John Hontelez. "Work also needs to be done in raising the awareness in these countries to ensure proper public participation. And we also feel there is not enough discussion going on between governments and NGOs in the countries negotiating for accession, which is one of the main reasons for holding this conference today."

NGOs are concerned that governments from the Candidate Countries have finished negotiations on adopting EU environment legislation without fully ensuring that this will be properly implemented. "A proper mechanism is needed to monitor and evaluate progress in implementation and enforcement," said John Hontelez.

In agriculture, the NGOs criticised the lack of clear plans to prevent negative impacts on the environment from future intensification of agriculture. They called for specific plans to be made, and a shift towards organic farming.

The 13 key proposals to be discussed with the governments of Candidate Countries were formulated in three working groups at the NGO's pre-conference meeting: Agriculture, Sustainable Development and Enlargement. Since the focus of this newsletter is on enlargement, the key proposals of this working group will be outlined. For more information on the conclusions of the other sessions visit the EEB web site at www.eeb.org.

Proposals: THE ENLARGEMENT PROCESS

The participants of this working group discussed the results of a survey done by the EEB in the weeks before the conference. The survey, answered by NGOs, included questions on the knowledge and involvement of NGOs in the accession process, the results of the negotiations so far and perspectives on the implementation and enforcement of the environmental acquis.

The key conclusions were:

1. The commitments made by the governments of Candidate Countries in the negotiations need to be followed by serious implementation and enforcement of the required new legislation. This is a question of credibility with regard to each government's own public, as well as to the other EU Member States. Regular and transparent monitoring and evaluation is necessary.

2. There needs to be more flexibility and creativity in the negotiation process; NGOs see a lack of this at present. Innovative solutions to respond to the spirit of the Acquis Communautaire are seldom formulated. There is not sufficient transparency on how to use funds. The NGOs also regret the delays in programmes like Access and SAPARD.

3. Strengthening administrative capacities is an absolute priority. Administration should have quality, sufficient staff, enough legal status and good political support. There is not enough attention paid to this in any country. Awareness raising and training is essential for politicians, civil servants and the public.

4. The public needs to be involved far more in the negotiation process, and the implementation of the Aarhus Convention.

5. There were concerns that there is a decreasing level of national governmental finances for environment and sustainable development. EU funds should not be used at all to reduce national inputs.



Soft Drink Packaging in Malta

by **Julian Manduca** - Coordinator Moviment ghall-Ambjent, Friends of the Earth (Malta)

Malta's environment minister, Francis Zammit Dimech, has indicated that the Malta government will lobby to retain its law on the bottling of soft drinks when it negotiates to join the EU in the coming months. Although not referring directly to the negotiations, the Minister emphasised the importance of retaining the law.

While much of Malta's environmental law lags far behind EU standards and will have to be upgraded, Malta's environment has benefited from a regulation originally passed in 1961 which stated that all soft drinks should be bottled in glass with a mandatory deposit on the container. Carbonated drinks such as Coca Cola, Pepsi, etc cannot be bottled in aluminium or plastic in the Maltese islands and about 80 million glass bottles are sold annually.

The hot climate makes the Maltese one of the highest per capita consumers of soft drinks and the Maltese have a good record for returning their bottles. Most bottles are returned and reused around 30 times and some have been known to remain in circulation for up to 10 years.

While the EU is a free trade zone and it may be argued that to regulate what type of packaging is acceptable would go against free trade, the Malta government believes the island's circumstances warrant special treatment.

The Danish Case

Denmark tried to protect its environment in the now famous "Danish bottlers court case." Denmark kept its obligation for beer and soft drinks to be distributed in refillable bottles. The EU Commission claimed Danish law to be an infringement of EU regulations on free trade, however, the European Court of Justice decided in favour of the Danish government on the basis that its specific environment law took precedence over the more general EU Article 30 pertaining to the free market. The Court concluded that the protection of the environment is one of the EU's so-called 'mandatory requirements'. However things have changed dramatically in the past few weeks.

This Court's decision is likely to be overturned as Denmark's law has been found to infringe the EU's 1994 packaging directive and the bloc's treaty article 28 guaranteeing free movement of goods, court advisor Ruiz-Jarabo Colomer concluded recently.

While it now appears more than likely that Denmark will lose its case, the Danish government has taken steps to protect its environment. The Danes have re-designed their packaging tax in such a way that it probably overcomes the judge's objections, whilst at the same time implicitly banning (or penalising quite heavily) the use of one-trip metal packaging.

The environmental considerations

This is one possible way out for Malta. Francis Zammit Dimech and the rest of the Maltese Cabinet could consider a law to heavily penalise one-way packaging and make it unprofitable. This kind of law would be acceptable to the EU as it would be a measure taken for all types of beverage packaging and would have the clear intention of protecting the environment.

Should Malta lose its environmentally friendly law, it will not only be exacerbating its already perilous waste situation, but the bottlers of the 80 million soft drinks have indicated that should soft drinks be imported, in what would probably be plastic containers, the several hundred workers working on the production line would find themselves without a job.

In the past few months the Malta government engaged consultants to prepare a waste management strategy for the Maltese Islands. The strategy was presented to the government, which, in turn, decided to review it before adopting it. The strategy was adopted in September of 2001 and will be a great improvement on the present set up.

Environment Minister Francis Zammit Dimech had called for an environmentally friendly strategy, and retaining soft drinks in glass bottles would help in no small way.

Not long ago the great majority of Maltese people drank water from taps. More recently, poor water quality and the desire for a better product (due to better living standards and expectations) caused the majority of Maltese to turn to bottled water, which was mostly packaged in Polyvinyl chloride (PVC), but recently this is being replaced by one way PET (Polyethylene Terphthalate).

Nearly all shops and supermarkets give free plastic bags to consumers and these have replaced the traditional wicker, or cloth, baskets previously used. Our litterbins, previously lined with newspapers, have been replaced by plastic bags. The quantities of fruit juices sold have rocketed and most of these are sold in tetra packs, which contain an element of plastic.

Supermarket goods are increasingly being packaged, or bottled in plastic; these include: detergents, margarine, fresh fruit and vegetables, eggs, cheese, 'health foods', cosmetics and yoghurt among others. More and more fast-food outlets sell food in expanded polystyrene (jablo) packaging and soft-drinks in either polystyrene or plastic cups. All this has meant an increased toxicity in our waste that is exacerbated by the fact that Malta has no properly managed landfill and all waste is collected together and put in an open dump in the vicinity of the sea and tourism developments.



If Malta were to change its bottling regime for soft drinks, or should the EU try to open up the market to all possible types of packaging, it is likely that Maltese industry would go for single way PET bottles. While it could be argued, by both consumers and environmentalists, that returnable PET bottles would be preferable to refillable glass, one-way PET is likely to be the distributors preferred option as this would remove the necessity of collecting and washing the bottles. In a free trade situation, one-way PET would make the most commercial sense and has been the preferred option in other EU countries.

The Malta situation is perhaps unique in Europe, and possibly in the world. Malta is an island state with a relatively small population (about 386,000), a high population density, limited land area and a limited availability of natural resources. Most of the goods and raw materials consumed in Malta are imported. Furthermore, Malta is relatively distant from major waste treatment centres in Europe and is dependent on tourism as a major source of foreign currency.

The net result is that Malta:

- Generates a substantial amount of waste when compared to its small land mass;
- Does not have the industrial and consumer base to make waste recycling an economically feasible scenario;
- Does not benefit from the availability of large waste treatment centres for the treatment of its waste (unlike Luxembourg which exports waste for recycling to neighbouring countries Germany, France and Belgium).
- It is more realistic to assume that Malta would have to treat most of its own waste in the near and distant future;
- Malta's economy is highly sensitive to the income from tourism which is in turn responsive to a general well-being of the state of the environment on the Islands.

An ECO Balance Study

An ECO balance study on the impact of introducing alternative packaging for soft drinks in Malta has been carried out as part of the study on the environmental impact of Malta joining the EU. That study concluded that retaining the present packaging regime would be most beneficial to Malta.

The study shows that, for Malta, refillable glass is the best option. The main conclusions are that should Malta retain refillable glass bottles: less waste will go to landfill; the effluent from cleaning the bottles has a negligible impact on the environment; less trips will be required for waste collection vehicles; glass bottles tend to result in less litter than PET ones.

The study indicates that:

- based on 1999 data collected from the bottlers, the introduction of PET would result in some 86 million containers entering the waste management stream; of these about 51.62 million would be 1 litre bottles weighing 40 grams each and another 34.62 million 0.5 litre bottles weighing 30 grams each;
- the total PET waste generated would be just less than 3,100 tonnes increasing to 4,100 by 2010. This waste would probably have to go to a landfill as volumes are not considered to be sufficient for recycling or commercially viable for exporting;
- the waste generated would take up to 35,400 cubic metres of landfill space by 2010 even if 15% of the waste is recycled in compliance with the EU's Packaging and Packaging Waste Directive. This would represent anything between 25 to 33% of the capacity of any new landfill that is expected to be created in Malta in the coming years;
- a Life Cycle Analysis showed, without a shadow of doubt, that refillable glass is preferable to PET; the analysis actually showed that refillable glass was in many instances significantly better than PET when studying the environmental 'fingerprinting' of the bottles and processes including the energy and raw material consumption, emissions to air, land and sea, other environmental impacts as well as the different environmental cost and benefit scenarios including studies involving the changing of waste collection methods, distance to transfer stations and methods of treatment or disposal;
- one-way PET containers would result in a 15-fold increase in the number of waste collection vehicle trips needed, meaning increased traffic congestion on what are already highly congested roads;
- the potential for litter would also increase considerably with the introduction of PET bottles; the light weight PET is much more likely to find its way to the sea than glass, with considerable detrimental effects on marine life.
- The report concludes that, on environmental grounds, there is a very clear case for Malta retaining its packaging regime for soft drinks.
- Whether Malta will succeed to keep its law on joining the EU or not, is an entirely different matter and given the recent developments in the Danish bottles case, the likelihood of this happening is slight. The best option would be for Malta to introduce a law to favour refillable packaging for beverages before it becomes a EU member.



Malta's Waste Management Strategy

There have been some significant developments in the plans for Malta's waste in the past few months. While the waste management strategy prepared by the Ministry for the Environment excluded incineration as an option for Malta, at least for the period 2002 to 2009, the subsequent waste management plan prepared by EU approved consultants Carl Bro, suggested that an incinerator is essential for Malta's waste management plans. The consultants argued that, in order to meet the targets of the Landfill Directive, Malta would have to have an incinerator by 2013.

This conclusion was hotly disputed and Friends of the Earth (Malta) has shown that some critical figures used by the consultants are incorrect. Several towns in Italy and other parts of Europe are confidently looking to meet the EU Landfill Directive without resorting to incineration. The biological treatment of biodegradable waste, which produces a sort of low quality compost (rather like what Malta is producing at Sant' Antnin), may be part of the solution. Friends of the Earth (Malta) is convinced that with the right determination, the targets of the Landfill Directive can be met without incineration and biological treatment can be resorted to should separate waste collection targets not be reached.

The Malta government has now adopted its waste management strategy and incineration has been excluded as an option, at least for the next ten years. This decision adds weight to the argument for retaining refillable bottles as there will be no incinerator to deal with the millions of bottles that will appear in our waste streams if one-way packaging for soft drinks is allowed.

Even if it may not seem often the case, the Environment Minister's duty is to strive for an improved environment. Allowing PET one-way packaging instead of refillable glass will prove to be a big administrative headache for the authorities and will also be costly in terms of collection, recycling, incineration and landfilling.

Keeping a healthy environment for the Maltese has never been a high priority of Maltese administrations, but public pressure, aided by an ever more vigilant media, is mounting on our current minister. As with other environmental problems, the solution will depend heavily on political will. It is unlikely that the Maltese people, given their socio-political history, will come together and demand environment friendly packaging. If Malta is to keep its law to protect the environment, the Maltese government will have to present a water-tight case to Brussels so as to convince the EU that the impacts of changing our present bottling law would be much more disastrous than any benefits that can be gained from the protection of free trade.

POSITION PAPER ON REGIONAL POLICY

Background on Regional Policy

The development of a Regional Policy by the EU arose from a need for economic and social harmonisation among member states. In order to support the development of the Regions within the EU, the Cohesion and Structural Funds were set up to provide the member states with the financial resources necessary for these structural interventions in their economies. On the same conceptual lines, the pre-accession instruments were created, this time directed towards applicant states.

Since their initiation in the 80s, these funds have gained an infamous reputation through their history as regards impacts on the environment. NGOs in member states have shown a concern particularly due to the impact (more often than not, negative) that the projects financed by these funds have had on the environment. Due to the mere size of intervention that they support, they have provided the means for the implementation of projects that led, or would have led if not interrupted, to massive disruptions of natural processes, landscapes and wildlife. This was because originally environmental concerns were not inbuilt into the methodology of the funds used. While the situation has improved considerably, NGOs are still keeping a cautious eye on the implementation of these projects and NGOs in applicant states can learn from the experience of the past twenty years and as watchdogs in the Enlargement Process, ensure that the same mistakes are not repeated in our countries.

1. Past experience of NGOs from Member States, leads the Maltese NGOs to OBSERVE that:

- Although the Regulations for the use of these funds now cater for the appropriate combination of development and environmental protection, in practice this is not always so. Due to the subsidiarity principle, many issues are left up to the judgement of Member / Applicant States, and there are many examples of minimal interpretation of environmental clauses, which have allowed for faster implementation of projects albeit with an increased environmental cost.



- At the project level, the environmental effects are examined by Environmental Impact Assessments (EIAs) that are mandatory for most categories of projects as specified by the EU legislation. NGOs in member states have complained that EIAs have only looked at the immediate effects on the area where the works took place, often failing to co-examine the cumulative or combined impacts of sub projects that were done as part of an overall project. Furthermore, the EIAs were not completed prior to the execution of the works and were not conducted by an independent body. Their effectiveness is therefore limited and would not lead to timely corrective action.
- The planning process is very often done centrally, as the central ministries prepare the Operational Programmes without seeking input at the local and regional level. This has resulted in programmes that are not adapted to the needs and specifications of each region, and which sometimes contrast with the environmental character and carrying capacity of some areas.
- The participation of environmental authorities is restricted to their input for the Operational Programmes that deal with the environment, while the overall environmental performance of the Plan is not controlled. In addition, the participation of NGOs in the planning process is very rare, while at the implementation stage it is marginal thus leaving valuable input unused.
- Finally, past experience has shown that the provision of information to the public as regards the plans and projects implemented under these funds has been in many cases incomplete and single sided. This has limited the possibility of civil society and NGOs to react in time to action that may bear an increased environmental burden, with any corrective action coming late and at a higher cost.

2. With regards to the situation in Accession countries, the Maltese NGOs BELIEVE that most of the accession countries do not have previous experience in designing large-scale programmes. The NGOs observe that this has created various problems in countries that acceded in previous enlargements mainly in the absorption of such funds or the effectiveness of the actions that were implemented. For these reasons, the Maltese NGOs augur that the Maltese government will learn from these mistakes and ensure that they are not repeated in Malta.

3. The Maltese NGOs propose that the planning for the use of funds should follow these principles:

- Planning for the use of any funds given to the Maltese government in this process should be holistic and examine the economic growth created by the project as much as the environmental and social effects of implementation.
- The first step should be the diagnosis of the environmental problems of Malta under the appropriate studies supported by the funds.
- The projects undertaken must come as a result of the studies, taking into account future trends, and the impacts (positive and negative) for their broad range of influence in the framework of a strategic assessment.
- Projects must be planned with an objective of creating maximum value for environmental protection out of the support provided, rather than securing the maximum absorption of funds for operational and macro economic reasons.
- The necessary institutions that will be managing the funds and implementing the projects, must be ready and in operation before the projects are approved. This would avoid mismanagement that could lead to delays and to the insufficient monitoring of the environmental dimension.
- In view of these observations, the role that civil society and environmental NGOs have to play is very important. Through timely interventions at the right level, the NGOs can ensure that the environment of Malta would not be sacrificed but will benefit in the process of EU accession.



4. The Maltese NGOs believe that they can INFLUENCE this process in the following ways:

- a. **At a strategic level:** this concerns the process and the conditions agreed between the accession countries and the Commission for providing support under the accession packages and the plans proposed and approved for the use of the funds.
 - Communication channels should be established between NGOs and the officials responsible for planning and implementation of the projects. This would enable the NGOs to participate in the process from the early stages.
 - The NGOs should aim to agree with their national authorities that they would be invited to review the plans submitted to the Commission prior to their formulation. A sufficient time period should be secured for studying these plans and providing comments.
 - NGOs can establish collaborations with NGOs in other accession countries, since the problems they face might be along the same lines. In this way, the burden of research for information, training and expert opinion can be shared, achieving substantial economies in time and resources. Furthermore a common position by NGOs will have a greater impact both at a national and EU level.
 - Collaboration of the NGOs with the press may help to create pressure to the government and raise public support to reinforce the position of NGOs.
 - NGOs can develop contacts with EU institutions achieving information, expertise and capacity building.
 - NGOs in accession countries can collaborate with NGOs in member states, who have good contacts in Brussels. Besides providing quick and valuable information, such collaborations provide expertise and support in critical situations.

b. **At a practical level:** this is related to the possibility for NGOs to participate in and/or influence the implementation of the Funds.

- NGOs may propose projects that aim at sustainable development in the framework of the Accession agreements.
- NGOs could play a role by controlling the environmental suitability and profile of projects that are being executed, to ensure that a minimum of environmental safeguards is being respected.
- In order to play a significant role in this process, NGOs must ensure that they receive information early enough to have margins to react and second that they have a formal way of expressing their opinion. One way of doing so is by getting involved as early as possible and by having a participation in the Monitoring Committees set up.
- As a means of gaining support, NGOs should establish partnerships with bodies that have an interest in this process, like Unions, Social Groups, and Professional bodies amongst others.
- As a last resort, NGOs could also seek the support of the EU institutions by presenting complaints, particularly through the Ombudsman and the European Parliament.

Conclusion

It is clear that Structural, Cohesion and Pre Accession Funds, represent one of the most direct forms of intervention in the EU, as regards the economies of Member States and now of accession countries. Besides their financial importance, these funds are also a very important lever of influencing the development process in their target countries. The effect of these funds on the environment of the recipient countries may be positive or negative, depending on the procedure followed and the safeguards set to avoid development at the expense of the environment.

In the case of the upcoming enlargement, environmental NGOs should be in a position to ensure considerable benefits for the environment and should not miss this opportunity.

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