



STAKEHOLDER

Newsletter N°8 of ECO, The Malta Ecological Foundation on EU Accession and the Environment

Intro

ECO welcomes you to the eighth and last issue of STAKEHOLDER ! This issue is full of useful information on the views of NGOs towards the implications of Malta's membership to the European Union.

As the project, "Towards Improved Information, Implementation and Integration" comes to an end, we hope that as Stakeholders in the enlargement process, this newsletter as well as the position papers, case studies and other activities that were organized as part of this project, have fulfilled the purpose of providing you with food for thought. Most importantly, we would like to thank all the Maltese NGOs who inspite of our limited resources and capacities, have collaborated to fulfill our role and act as watchdogs during the process of EU Enlargement.

ECO augurs that through this project, a further step has been taken towards achieving a more sustainable environment in the Maltese Islands.

Contents

| | |
|--|-------|
| Intro | 1 |
| Green doubts over EU better Governance Plan ... | 2 |
| Growing Noise problem still not being tackled | 3 |
| Position Paper on Horizontal Issues | 4-9 |
| Case Study Hunting in Spring | 10-14 |
| The EU and the Environment A Citizen's View | 15 |
| The environmental challenge of funding.. | 16-19 |
| Food for Thought | 20 |



European Commission plans for a shake-up in the EU's approach to regulation were criticized by environmentalists at the annual conference of the coalition group of the European Environmental Bureau (EEB).

The conference focused on the Commission's recently published white paper on governance, aimed at combating public "distrust and disinterest" in EU policymaking. Proposed measures include simpler legislation, more "framework" laws, more co-regulation - such as voluntary agreements and standardisation - and a stronger role for the little-known Economic and Social Committee. The EEB opposes greater use of voluntary agreements and standardisation in environmental policy.

The EEB also criticised a planned Commission code of conduct for consulting interest groups. John Hontelez, Secretary General of the EEB, said he feared this could cut off access to some environmental groups, particularly "ad hoc" ones formed for short periods on particular issues. Some parts of the Commission, such as the trade directorate, "mainly look for legitimization of policies" when they are consulted, he claimed. Raymond Van Ermen of European Partners for the Environment went further: the proposal would encourage "consultation manipulation," he said, with some groups arbitrarily denied participation rights. Also present at the meeting, German MEP Bernd Lange of the European Parliament's environment committee slammed the Commission's white paper, describing it as a "one hundred and eighty degree change" away from more democratic institutions and towards a "kingdom with the Commission as the king". He complained of a lack of control over voluntary agreements negotiated by the Commission, citing the 1998 accord with carmakers to reduce carbon dioxide emissions. "More and more were being registered as light-duty vehicles to get around the agreement", he claimed.

Growing Noise Problem still not being tackled

The European Environmental Bureau (EEB) and the European Federation for Transport & Environment (T&E), two major European Federations of Environmental NGOs, recently issued a press release in which they stated that they partially welcome the vote of the European Parliament on the second reading of the Environmental Noise Directive proposal.

On the positive side, the request of the Parliament to transform the directive proposal on assessment and management of environmental noise, into a Framework Directive, under which daughter directives laying down binding quality standards have to be put forward within 3 years, is a sign of hope for the growing number of European citizens exposed to unacceptable levels of noise.

The Parliament also adopted an amendment improving the aim of the directive from combating the effects of noise to "avoid, prevent and reduce harmful effects on human health" and amendments allowing the inclusion of quiet areas in the noise maps to be developed by the Member States.

However, the vote falls short of strengthening the timetable for the implementation of the various provisions and in requiring member states to use the harmonised indicators for acoustical planning and noise zoning. With the expected growth in demand of all transport sectors, a further increase in noise levels and in the number of people exposed to them, can be expected - despite technological improvements emitted from individual sources. Today more than half of the EU citizens are exposed to unacceptable levels of traffic noise, and as the WHO reports, more than 30% are exposed to levels that disturb sleep ¹.

The EEB and T&E feel it is unfortunate that the debate around the amendments proposed by the Environment Committee report focused only on noise from aircrafts and implications for airports - for this sector a separate directive is being prepared by DG TREN, anyway. Due to a fierce lobby from the aviation industry, the all-round implications and necessity of developing a wider community noise policy, setting objectives for noise emissions from all transport sources, was overshadowed.

Due to the Council and Commission's strong opposition to the setting of daughter directives, it seems it will be difficult for the Parliament to negotiate a good compromise. NGOs hope however that the Parliament will stick to its guns during the conciliation procedure, and fight for the delivery of a concrete policy for combating community noise.

¹ COM (2000) 468 - Commission proposal for a Directive relating to the assessment and management of environmental noise, page 3.



Environmental Impact Assessments (EIA)

The Environment Protection Department and the Planning Authority are jointly responsible for the Environmental Impact Assessment Process. Through subsidiary legislation under the Development Planning Act, Directive 85/337/EEC (assessment of the effects of certain public and private projects on the environment) has been adopted and entered into force this year.

At present, a Project Description Statement (PDS) describing the proposed project and its envisaged impacts has to be prepared when an EIA is required. The Maltese NGOs suggest that those applications that require a PDS are clearly defined. According to the latest EIA regulations the following do not require an EIA and it is strongly believed that they should:

1. The construction of fireworks factories.
2. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 50,000 cubic metres per annum (Annex of EU Directive 97/11/EC).
3. Exploration (whether land based or sea based) for oil, petroleum and natural gas.
4. Any project consuming significant quantities of natural resources (water, energy, minerals, etc.).

The NGOs agree that the EIA should be carried out by independent consultants however point out that due to the fact that the Consultant is chosen by the developer it always seems to result in an EIA supporting the project. The NGOs propose that a list of consultants that are agreed upon by NGOs in conjunction with the PA, be published and if any consultants fail to live up to the standards expected by NGOs, then a recommendation for them to be removed from the list would be presented by the NGOs.

The NGOs observe that in some cases, the EIA carried out by the consultant appointed by the developer focuses mainly on the positive impact that the project could have on the environment, very often overlooking the detrimental side effects. Therefore to minimise this risk of this happening, the terms of reference of major projects should be agreed with an NGO board as well as the consultants.

The Maltese NGOs believe that the first principle for all EIAs should be to consider the sustainability of each application in terms of the prevailing situation in the country eg: if we have too many hotels there should be a general presumption that no more hotels are needed.

We also believe that the precautionary principle is not emphasised enough in the EIA regulations. When environmental data is lacking, a development should not be given the green light on the basis of lack of data and that the impact of the project is unknown.

Furthermore, many EIA's including the one for the proposed golf course suffer from a syndrome wherein the consultants have assumed that should the project not be given a go-ahead, nothing will possibly improve in the area; this principle should be discarded because we expect ministries to effectively start making improvements in these areas as well in the immediate future.

NGOs point out that EIAs should not look only at the immediate effects on the area where the project will take place, but that it should also examine the cumulative or combined impacts of sub projects that are done as part of the overall project. Furthermore, the EIAs must always be completed prior to the execution of the works. Apart from enforcing the development conditions during the construction phase of the project, we strongly suggest that projects are to be made subject to another environmental impact assessment during operation - to keep the developers in check and have their permit revoked or be subject to a fine if found to be in default. We think that this second assessment should not be carried out by the same consultants employed by the developer in the EIA but by the PA or the EPD. It should not be as extensive an EIA as the first, but it should examine key areas of impact.

The NGOs applaud the procedure whereby EIAs are presented for Public Consultation and that any public views are included; we also agree that a summary of the EIA, the terms of reference and the site plans are available on Internet since this makes them easily accessible to one and all. However, a sufficient time period should be secured for studying these plans and providing comments. We believe that the 15-day period for review of the Environmental Impact Statement is not enough. Furthermore, a copy of the draft EIA should be made available to environmental NGOs for proper review just as the Local Councils are given a copy. With the new EIA regulations, this is not the case. In certain cases EIAs should also be produced in Maltese.

Furthermore Part VII of the Act states that a bid bond must be put up by the developer against environmental damage. The NGOs ask who will stipulate the bid bond amount? The act does not specify so we suggest that certain guidelines for bid bonds be developed.



Access to Environmental Information

Directive 90/313/EEC (freedom of access to information on the environment) has entered into force this year. This enables public participation and clear procedures of data accessibility.

Environmental organisations strongly believe that transparency and public participation are essential building blocks to effective, public supported, environmental policies, and essential for the realisation of sustainable development. The public at large, and environmental organisations in particular, are key players in promoting sustainability, environmental policies and enforcement of existing rules. Access to information and adequate public participation mechanisms are required to make this possible.

The Development Planning Act already provides for the requirement that application reports, development permissions, together with the relative plans and documents, environmental statements and planning related documents are made available to the public. Furthermore policies are subject to a public consultation process, enabling wider participation in policy preparation and increasing public awareness.

The 1998 State of the Environment Report of Malta, was an important step in the right direction since it enabled the authorities, institutions and individuals to know in what state the Maltese environment stood. The Maltese NGOs believe that this exercise should be carried out annually to allow year to year comparisons thus identifying the areas in which considerable improvement has taken place, areas of status quo, and areas of deterioration which need working on.

As the Maltese NGOs pointed out in other position papers, access to information and data accessibility, should be applicable across all sectors. This includes:

- That air quality data should be made public on a daily basis in the Maltese Media and that Local Councils be involved in air quality control
- With regards to the protection of groundwater against pollution caused by certain dangerous substances, we demand that the government determines and publishes a list of pollutants that will be prevented from entering the ground water system. The publishing of these relevant substances will make the implementation of this directive more transparent.

Malta has participated in LIFE Third Countries since 1993. On accession, Malta will be able to participate in the two other strands of the LIFE programme. The Maltese NGOs reiterate the principles that should be followed during the planning stages for the use of such funds:

- The first step should be the diagnosis of the environmental problems.
- 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.
- Planning should be holistic and examine the economic growth created by the project as much as the environmental and social effects.
- 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.
- 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.

Ad Polidano



Prudent and Rational Utilisation of Natural Resources

Malta's environmental policy will have to ensure that its scarce natural resources are used prudently and in a rational way. The Maltese NGOs believe that for Malta to conserve its scarce natural resources, the following actions are necessary:

Stone: that the price of local virgin materials including stone, should reflect the real cost of their provision to promote efficient extraction/recovery/recycling of these resources. Furthermore, the charges on waste disposal should reflect the real cost of disposing of this waste. This would act as an incentive for quarry owners and constructors to reduce and avoid unsustainable exploitation of resources, particularly stone.

Water: As pointed out in the position paper on water, the Maltese NGOs insist that to ensure the rational utilisation of water:

- a. the price of water reflects its real cost to encourage the use of ecologically friendly machinery and appliances; the repair of leakages; and the treatment of urban wastewater. Sound water pricing would lead to more efficient water use and demand management.
- b. the infrastructure of water distribution be immediately repaired to limit the excessive amount of water that is lost during distribution
- c. the authorities should ensure that everyone pays for the water they consume in view of abuse due to faulty meters and theft
- d. the illegal extraction of ground water through the hundreds of unregistered boreholes over the Maltese Islands be stopped.

Energy: Undoubtedly two of the most important natural resources available to the Maltese Islands are the sun and the wind. In view of the fact that c. 11% of Malta's energy is used to desalinate sea water at a very high cost, the Maltese NGOs request the government to consider the use of alternative sources of energy like wind and solar energy that are probably more economically and ecologically feasible.

Subsidiary legislation under the new Environment Protection Act, is being adopted and will enter into force until the fourth quarter of 2002. This subsidiary legislation will transpose Directive 91/692/EEC (standardising and rationalising reports on the implementation of certain directives relating to the environment); Decision 92/446/EEC (questionnaires relating to Directives in the water sector); Decision 94/741/EC and Decision 97/622/EC (questionnaires for member states reports on the implementation of certain Directives in the waste sector); and Directive 96/511/EC (questionnaires provided for in Directives 80/779/EEC, 82/884/EEC, 84/360 EEC and 85/203/EEC). The Environmental Protection Department is responsible for the implementation of the Acquis in this area.

The EEA and the European Environment Information and Observation Network

The Maltese NGOs congratulate the Maltese government on becoming a member of the EEA on 9th October 2000 (ratified by Parliament 14th February 2001). Candidate Countries' participation in the EEA offers numerous benefits for the Candidate Countries and for the environment of Europe as a whole.

Conclusion

The commitments made by the government in the negotiations need to be followed by serious implementation and enforcement of the required new legislation. This is a question of credibility of the government vis-à-vis its own public, as well as to the other EU Member States. The NGOs also believe that during the accession process regular and transparent monitoring and evaluation is necessary.

Furthermore the NGOs insist that strengthening administrative capacities is an absolute priority. Administration should have quality, sufficient staff, enough legal status and good political support. Awareness raising and training is essential for politicians, civil servants and the public.

The Maltese NGOs insist that the transposition of EU legislation is only a means to an end. We request the government to state how it intends to ensure that these directives are being IMPLEMENTED and to specify what instruments will be used to ensure the implementation of directives. Furthermore, the Maltese NGOs demand that the government specifies how this will be ENFORCED and what corrective action will be taken against infringement.



Hunting in Spring

Is the Maltese Government's current position on hunting and trapping in Spring in conformity with EU Law?

LEGAL BASIS FOR BANNING SPRING HUNTING

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. This is in line with what is stated in paragraph 8 of the preamble to Directive 79/409EEC, i.e. that the species of wild birds naturally occurring in the European territory of the member states constitute a common heritage, and that "effective bird protection is typically a trans-frontier environment problem entailing common responsibilities".

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 as well, by virtue of the provisions contained in articles 4(3), 6(c), 7(3) and 10(2) of the same Convention.

Hence, according to article 4(3), the Parties to the Convention must undertake to give special attention to the protection of areas that are important for the migratory species specified in Appendices II and III¹ and which are appropriately situated in relation to migration routes as wintering, staging, breeding, moulting or feeding areas.

Article 6 (c) prohibits the deliberate disturbance of wild fauna particularly during the period of breeding, rearing and hibernation, in so far as disturbance would be significant in relation to the objectives of this Convention.

Killing, capturing or trading in birds is not prohibited by the Convention, but article 7.2 stipulates that "any exploitation (of Appendix III species) must be regulated", in order to keep the populations out of danger, taking into account the requirements of article 2, which requires the contracting parties "to maintain the population of wild flora and fauna at, or adapt it to a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements and the needs of sub-species, varieties or forms at risk locally". Article 7.3 requires Parties to take various measures to implement article 7.2 including closed seasons. As for article 10.3 of the Convention, it requires Parties "to co-ordinate their efforts for the protection of the migratory species specified in Appendix II and III whose range extends into their territories",

MALTESE LEGISLATION

In the light of the above, it would appear to be clear that the Maltese Government cannot hope to successfully implement 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 allows such an activity without any significant restrictions.

Our current rules regulating the extent of the hunting and trapping seasons 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 Rabbit (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 25th March to the 22nd 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 1st of March to the 22nd of May and from the beginning of September till the end of January.

¹ Appendices II and III contain strictly protected fauna species and protected fauna species respectively.



RESIDENT SPECIES ALMOST NON-EXISTENT

So acute is the problem of indiscriminate hunting in Malta that there are almost no resident species of wild birds on the Islands. The few that manage to survive usually share most if not all of the following characteristics: they are either so small that they do not provide an adequate target to hunters, or have an unattractive plumage and call which do not attract the attention of hunters or trappers, or are insectivores which cannot survive out of their habitat. These include the Spanish sparrow, tree sparrow, Sardinian warbler, spectacled warbler, cetti's warbler and zitting cisticola.¹ Yet a few other birds such as the Cory's shearwater, European storm-petrel and blue rock thrush² inhabit and nest in almost inaccessible places such as the tops of sea cliffs.

If given a chance, a number of other birds would certainly breed in Malta on a regular basis, as these have already been recorded breeding over here. Amongst such birds are the peregrine falcon, starling, quail, turtledove, barn swallow, house martin, short-toed lark, moorhen and little ringed plover.³

NO AMENDMENTS TO MALTESE LEGISLATION ENVISAGED

Although the Maltese Government has already started to implement the environmental acquis, at least insofar as legislation is concerned, no move has as yet been made to alter the hunting and trapping regulations. Nor is there any hint whatsoever of any intention on the Government's part to amend them in the near future.

Admittedly, the fact that an election is approaching does complicate matters for Government, since there are over 12,000 hunters in Malta and Gozo, plus some few thousand trappers, who are known not to be averse to voting in such a way as to have the best chance of continuing to practice their hobby. But neither this fact nor any other circumstance can be an adequate excuse for lack of implementation of the acquis.

Little Red Riding Hood
Page 17

¹ Latin names *Passer hispaniolensis*, *Passer montanus*, *Sylvia melanocephala*, *Sylvia conspicillata*, *Cettia cetti* and *Cisticola juncidis* respectively.

² Latin names *Calonectris diomedea*, *Hydrobates pelagicus* and *Monticola solitarius* respectively.

³ Latin names *Falco peregrinus*, *Sturnus vulgaris*, *Coturnix coturnix*, *Streptopelia turtur*, *Hirundo rustica*, *Delichon urbica*, *Calandrella brachydactyla*, *Gallinula chloropus* and *Charadrius dubius* respectively.

There are talks presently going on between an association of Maltese hunters and BirdLife Malta which are intended to provide a means of resolving the issue of hunting and trapping in Spring amongst other matters. However, no conclusive results have as yet been obtained. The problem is that there is in reality hardly any room for agreement, as most hunters are adamantly opposed to the abolition of the Spring hunting season, and will probably not be swayed by other concessions that Government might offer to make, such as a reduction in the current hunting license fees or help in breeding game birds on the Islands in order to provide the hunters with more quarry. There is also the issue that a significant number of hunters are members of other hunting associations, and are therefore not represented in these talks. If some form of agreement were to be reached, this lack of adequate consultation would most surely be resented.

ENFORCEMENT

Moreover, enforcement of the hunting laws is still of the same poor standard as it was prior to the opening of negotiations between Malta and the EU. If and when Government manages to find the courage to abolish hunting and trapping in spring, there will remain the problem of ensuring that the law is respected.

The Environment Protection Department (EPD) remains lacking in adequate facilities to carry out its role as an environment watchdog. Though doing the best it can in the circumstances, it is suffering from a lack of adequate human resources. It lacks the amount of personnel needed to carry out regular inspections of the countryside, both with and without police presence. Such regular inspections would serve to curb abuses as soon as they start, and possibly even pre-empt their occurrence.

A larger complement of staff would also enable the EPD to spare more persons for studies in Malta and abroad, thus increasing their efficiency. At the moment, for example, most Environmental Inspectors either do not have any sort of qualification, or else are in possession of a degree in an area which is only related to environmental management, such as biology or chemistry. The same goes for Environment Officers, with regard to the co-ordination of the work of the Department.

Yet another problem arises in connection with police action. The branch of the Police Force in charge of enforcing environmental laws and regulations, namely the Administrative Law Enforcement (ALE) unit, suffers from the same limitations of the EPD, in that it is understaffed and desperately short of personnel possessing specialized training. In addition, it is also poorly equipped, especially where marine-based operations are concerned. Its sea craft are few in number and no match for the high-speed craft of hunters, who can thus evade capture AND pursue their quarry with equal ease!



The poor enforcement of local hunting laws, specifically those concerning protected species, has other serious legislative implications, since it prevents Government from being able to comply with the provisions of the Bonn Convention on Migratory Species of Wild Animals. Malta is not yet a party to this Convention, but it will have to ratify it as part of the environmental acquis of the European Union.

SUGGESTED REMEDIAL MEASURES

There are a number of measures which Government may take in order to bolster the enforcement of hunting legislation. To begin with, the weaknesses in Government's enforcement mechanism have to be identified and dealt with.

Therefore, Government must embark on a thorough capacity-building exercise at the EPD, providing the said Department with enough funds:

- 1) to enable the recruitment of an adequate number of qualified personnel;
- 2) to enable the Department to offer an adequate pay packet to its current and prospective personnel

The issue of funds is usually a difficult hurdle to overcome, since Central Government is usually very wary of giving raises to select categories of people within the public service. However, the Environment Protection Act, 2001 provides for the possibility of the establishment of an agency which would be separate from Government and would be charged with handling environmental affairs. If the relevant provisions are adopted, the Department would thus be replaced by an agency, and the current limitation on wage increases would be overcome.

As for the ALE, it is suggested that Government should either increase the number of personnel attached to the unit, or else set up a separate unit to deal exclusively with environmental offences. It is no excuse to say that financial constraints due to the Islands' small size make either solution impracticable. The Maltese Government has to acknowledge that environmental protection is crucial to the physical and psychological health of Malta's population, and act accordingly.

CONCLUSION

In conclusion, it seems that the Maltese Government will have to put in a lot of last-minute effort to meet the requirements of the environmental acquis on hunting and trapping in spring. Unless the intention to carry out the necessary reforms is genuine and is furthermore manifested with the greatest possible determination, it is unfortunately highly likely that Government will fail to deliver what is expected of it under EU law in this area of environment protection.

EU and the Environment – A Citizen's View

So far as the environment is concerned, I find it difficult to argue that accession of Malta in the EU will not bring but benefits to our country. One of the arguments against accession normally forwarded to the public, by those campaigning against accession, is that Malta could attain similar environmental standards without membership. I cannot decline this statement but cannot help pointing out that, first of all, public debate and awareness, and serious commitment from the governments' side, has been on the increase since negotiations have started. Secondly, enhancing our strategies and infrastructure, in a plausible time period, to achieve European environmental standards requires the technical and financial help that the EU offers, thus minimizing the social and economic impacts. The probable consequences of being excluded from the Union are not hard to imagine.

So what would be the consequences of implementing European environmental legislation? The first things that come to mind include better air quality, protection of our seas and beaches and treatment of sewage, higher quality of drinking water arriving to our households, an effective waste management strategy, the production of energy using alternative sources, the protection of biodiversity and rural environments as well as natural resources, the reduction of noise pollution, the right to access to information on matters dealing with the environment, consumer rights on eco-labelling, and the right to financial assistance from EU programs such as LIFE to help us undertake projects to protect and enhance our environment.

Amongst the numerous impact assessments and reports that are currently being drawn up on various environmental aspects, may I highlight the importance of environmental NGOs that never before have been so vital in our country. In these days of change, NGOs must take heed of all that is happening at the national level, voice their opinions and suggestions and be ready to face the challenge of the years to come once Malta becomes a member of the European Union. Equally important is that the government gives them the stake holding merit they deserve and can contribute to.

Finally, as a rapidly developing country, we strongly require that each Maltese citizen is conscious that the quality of life cannot be measured in income and material goods alone, but the environment also forms an integral part of one's well being. Once we have got this right, we can start working together at what is righteously ours - a better environment.

Daniel Said Pullicino



The environmental challenge of financing and funding in candidate countries

Is it true that accession countries will have to invest heavily to implement the acquis in environment?

The straightforward answer to this is definitely yes. No matter what financing and sources of funding exists, there will definitely have to be a considerable amount that individual governments will have to fork out. This is why the EU currently keeps emphasising the need for national implementation plans which are not simply restricted to pre-accession but also post-accession. Through the National Plan for the Adoption of the Acquis, Malta has outlined the timetable for necessary changes that are needed with the exception of those cases where a transition period or a special arrangement is being negotiated. In the light of all this, the Commission has developed the Priority Environmental Programme (PEPA) to help countries prioritise their investment strategies. Through this programme, guidelines have been developed as to implementation plans, a checklist of the "investment-heavy" directives, as well as a database of environmental projects in the candidate countries. It was estimated that investment would lead up to 120 billion euros for the ten countries of Central and Eastern Europe alone. It has also been estimated that candidate countries will need to spend between 2 to 3% of GDP in the coming years for full implementation of the environmental acquis.

On the other hand, according to a study undertaken by the Commission, there is a certain amount of avoided costs that implementing EU directives would bring about. The study also reveals that implementation will in the long run result in increased economic efficiency and higher productivity. This report also estimates an increase in the size of protected areas: in Malta this is expected to change from 18% to about 28%.

How should prioritisation take place?

A number of issues should first be taken into consideration. According to a Communication issued by the Commission¹, the following main issues should be taken into consideration:

¹ The Challenge of Environmental Financing in the Candidate Countries, European Commission, 8th June 2001

1. Accession issues for example those issues which require less time than others, where transition periods have not been requested
2. Environmental issues, that is, taking into consideration the gravity and health impacts of the problem
3. Financial issues: how available is the money?
4. Economic issues: Affordability of changes
5. Technical issues: the complexity of the project
6. Institutional issues: is an Environmental Impact Assessment required?
7. Commercial issues: identifying responsibilities.
8. Timing

This is also the stage where countries should be thinking about setting up environmental funds in their own countries where the revenue comes from environmental taxes, in line with the Polluter Pays Principle.

Loans and Pre-accession funds

Malta, together with Cyprus, benefits from a pre-accession financial instrument which amounts to euro 38 million covering 2000-2004.

One can also get a loan from the European Investment Bank. This is the European Union's financial institution and finances investment projects which contribute to the balanced development of the Union, wherein environmental projects are also included.

Post-accession Funding

In a publication released in March 2001, Eurostat confirmed that Malta's GDP per capita currently stands at 52% of the EU average. On accession, Malta therefore expects to be eligible for support from the Cohesion Fund. The Cohesion Fund in particular finances projects designed to improve the environment and develop transport infrastructure in Member States. Greece for instance received 550 million euros in assistance from the Cohesion Fund in 1999 with 206 million euro going to environmental policies, in particular with regards to drinking water, waste water, solid waste, erosion and afforestation.

One example of a project funded in part by the EU was the Barcelona Composting Scheme, run by the Barcelona Metropolitan Area Environmental Authority over an area of 113 square km. The scheme consists of collection of separated waste by households and food markets as well as treatment at a centralised composting plant. Through this scheme, approximately 10700 tonnes of biodegradable waste are composted each year. The compost produced is then sold to private gardens, commercial plant nurseries and retailers. The total set-up cost for this project amounted to EUR 5.4 million, 22% of which was funded by the European Regional Development Fund.



The LIFE programme

Apart from the Structural Funds, the EU also has a number of programmes that provide for co-financing. In the environment field, the LIFE programme has a primary objective of contributing to the development, implementation and updating of Community environment. The LIFE programme is made up of three main strands: LIFE-nature which co-funds projects that are related to conservation of wild birds and habitats; LIFE-Environment which includes demonstration projects that integrate considerations relating to the environment and to sustainable development; and LIFE-Third Countries aims to contribute to the establishment of capacities and administrative structures.

Malta currently participates in this last strand of the programme. One of the projects that was in fact approved and is currently still going on is the MERMS project, which is being coordinated by the Malta Maritime Authority in Malta. The aim of this project is to set up a database of all the possible resources that exist between the partners involved so that in the incidence of maritime accidents immediate action can be taken. After membership, Malta will also be able to participate in the other strands of the programme. Funding from this programme varies on the different strands. Thus, under LIFE-Nature, one can receive up to 50% funding of the project, for Life-Environment projects the ceiling is 30%, whereas for LIFE-Third Countries projects the ceiling is 70%.

The Short and Medium Term Priority Environmental Programme

This programme falls within the Euro-Mediterranean Partnership and is therefore also open to Malta as a Mediterranean Partner. The main objective of this programme is to identify and carry out projects that combine economic development and environmental protection. Therefore, eligible projects would include issues that relate to national needs, human health, the deterioration of natural resources and sustainable development. Funding of projects is taken up under the MEDA financial instrument mentioned earlier. One successful project under this programme was one that focused on the promotion of sustainable use of agricultural land through the introduction of organic farming methods. This was a project that was coordinated by Egypt and involved also Turkey, Tunisia and Germany. The total cost for the project amounted to 1,157,585 Euros, 810,310 euros of which were funded through the programme.

Specific calls for proposals under DG Environment

Apart from these "standardised" programmes, DG Environment also issues regular calls for funding on specific issues. For example each year it issues a call for proposals to support European environmental organisations. For this year, the budget allocated to this call was 3.1 million euro and 19 projects in all were selected for funding. The European Cyclists Federation in Belgium was one such beneficiary and received 121,988 euros to promote the use of the bicycle as an alternative use of transport.

The Fifth Framework Programme

This is the EU's research programme which focuses on a number of research areas that have been listed as areas of priority by the Commission. To this effect, one of the four thematic programmes of the Fifth Framework Programme, which comes to an end in 2002, has focused exclusively on research in environmental issues. The aim of this sub-programme, entitled Energy, Environment and Sustainable Development is to improve the eco-efficiency of the EU's energy, industrial and social systems. The budget that has been allocated to this programme is 3104 million euros, 1083 million of which have been allocated to environmental research (the rest going to energy and nuclear energy research). A number of projects under this programme have focussed on the issue of groundwater management for instance, looking at issues such as over-exploitation of groundwater and developing guidelines for the assessment, remediation and sustainable management of such resources.

Creative ways of looking for funding?

Many environmental NGOs, local authorities and even educational institutions naturally look for environmental funding under the options listed in the Environment DG. There are however other sources of funding, most particularly, the education programmes of the EU, which are worth looking into.

Under the **Socrates** programme, for instance, schools, universities and even adult education centres may form cooperative partnerships with NGOs, local authorities, on an educational issue. One project for instance was coordinated by an Austrian school and sought to raise pupil's awareness on alternative energy, domestic waste through activities that affected their methods of transport to school.

The **Leonardo** programme on the other hand provides for training of young people but also workers. One project coordinated by Germany for instance focused on training workers in the recycling industry by giving them a work experience in other countries' partner countries.

Finally the **Youth** programme provides for informal education projects, where environmental issues can also play a part. One such project was coordinated by a Greek Scout Group which tackled the issue of modern technology in the service of environmental protection. Through this four-month project, 30 young scouts became familiar with modern technology in order to use it to safeguard the environment. Therefore, in the course of this project, the young people collected information about the artificial lake Kerkini in Macedonia and the surrounding environment through the use of the Internet. This was then followed up by meetings with local inhabitants, the results of all which were all placed on a web page.

Through a specific association agreement, Malta can now participate in all the above-mentioned education programmes as well as in the Fifth Framework programme as a pre-accession country.

by Elaine Cordina
Malta EU Information Centre