

Summary of position paper on Environment – Water Quality

Overview of Alignment with the Acquis

Environment

The Environment Protection Act (Cap. 348) constitutes the primary legislation regulating environment in Malta. A new Act to replace the Environment Protection Act will be adopted by Parliament by the second quarter of 2001. This Act together with subsidiary legislation issued under the Act will implement most of the provisions of the environment *acquis*. The new Environment Protection Act will also provide for an autonomous authority to be responsible for the implementation of the environment *acquis*.

The Development Planning Act (Cap. 356), the Occupational Health and Safety Authority Act (Cap. 424), the Malta Resources Authority Act (Cap. 423), the Product Safety Act (Act V of 2001), a new Veterinary Services Act and a new Animal Welfare Act which will be adopted by Parliament by the first quarter of 2001 as well as a new Public Health Act which will be adopted by Parliament by the first quarter of 2002, will also provide the framework legislation to transpose the respective sections of the environment *acquis*.

Malta's environmental policy is conditioned by its specific geophysical and demographic constraints and the impact which these constraints have on other policies including infrastructure, industry, agriculture and social affairs. The overall land surface area of the Maltese Islands amounts to 316 square kilometres and its population approximates 388,000. Malta's population density currently stands at 1,200 persons per square kilometre which is approximately eight times the current EU average. This figure does not take into account the arrival of over 1.2 million tourists each year. The problem will become more acute if the population were to continue to increase. A population projection based on a high variant scenario would give a total population in excess of 420,000 in 2015.

Given the limited surface area and population density of the Maltese Islands, land use is a pressing environmental concern. Particular effort has to be made to protect its few natural resources, its abundant archaeological sites and the diminishing area of agricultural land from the constant pressures of urbanisation and infrastructural development. Malta's agricultural sector contributes to a large extent to the maintenance and enhancement of the country's fragile eco-system and rural landscape. In the last 50 years agricultural land has decreased in total surface area from 54% to 35%, currently amounting to less than 11,000 hectares. During the same period the built-up area has increased in total surface area from 7% to 21%, which is approximately three times the current EU average.

With an expanding population and increasing industrial and infrastructural needs, land use in Malta is set to be an even more crucial issue in the future. By 2020, it is projected that the current number of Maltese households will increase by over 30%. In addition, Malta has an ageing population with the current economic dependency ratio standing at 1.02 and is projected to rise to 1.18 by the year 2040. The exploitation of this finite valuable resource has profound environmental and socio-economic implications. Consequently, Malta has little choice but to adopt the necessary safeguards in the interests of the environment and a better quality of life for present and future generations.

Water Quality

Urban Waste-water: The Sewer Discharge Control Regulations (LN8/93) provide for the quality of waste-water entering the public sewerage system from industrial plants. The Sewer Discharge Control Regulations establish a permit system for the discharge of industrial waste-water into the sewerage system on the basis of limit values for a number of parameters. Schedules A and B of these regulations also include a list of controlled and prohibited substances. These regulations also provide for the industrial processes listed in Annex III of Directive 91/271/EEC (urban waste-water treatment). The Malta Resources Authority Act (Cap. 423) also 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.

Amendments to the Sewer Discharge Control Regulations to fully transpose Directive 93/481/EEC (formats for the presentation of national programmes as foreseen by Article 17 of Directive 91/271/EEC) will be adopted and enter into force by the fourth quarter of 2001.

Pollution caused by Nitrates: Subsidiary legislation under the new Environment Protection Act transposing Directive 91/676/EEC (protection of waters against pollution caused by nitrates from agricultural sources) will be adopted by the fourth quarter of 2001. The action programme required by the Directive will be completed by the fourth quarter of 2002.

Dangerous Substances in the Aquatic Environment: Malta's legislation on the discharge of dangerous substances into the aquatic environment is partially in line with the *acquis*. The Malta Resources Authority Act provides for the regulation of the proper disposal of waste-water sewage. The Sewer Discharge Control Regulations regulate the discharge of industrial effluents into the sewerage system. Schedules A and B of the regulations are in line with Lists I and II of Directive 76/464/EEC (pollution caused by certain dangerous substances discharged into the aquatic environment).

Subsidiary legislation under the new Environment Protection Act and amendments to the Sewer Discharge Control Regulations will be adopted and enter into force by the fourth quarter of 2001 to transpose 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 (discharges 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 90/415 (amending Annex II to Directive 86/280/EEC).

Bathing Water: Subsidiary legislation under the new Public Health Act to fully transpose Directive 76/160/EEC (bathing water) will be adopted by the second quarter of 2002 and will enter into force by the fourth quarter of 2002.

Water intended for Human Consumption: Subsidiary legislation under the new Public Health Act transposing Directive 98/83/EEC (quality of water intended for human consumption) will, except for the requests being made in Section C, be adopted by the second quarter of 2002 and will enter into force by the fourth quarter of 2002.

Surface Water: Subsidiary legislation under the new Environment Protection Act transposing Directive 75/440/EEC (quality required of surface water intended for the abstraction of drinking water in the member states), Directive 77/795/EEC (exchange of information on the quality of surface fresh water in

the Community) and Directive 79/869/EEC (measurement and frequencies of sampling and analysis of surface water) will be adopted and enter into force by the third quarter of 2001.

Groundwater: Subsidiary legislation under the Malta Resources Authority Act transposing Directive 80/68/EEC (protection of groundwater against pollution caused by certain dangerous substances) will be adopted and enter into force by the second quarter of 2002.

Fresh and Shellfish Waters: Subsidiary legislation under the new Environment Protection Act transposing 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) will be adopted and enter into force by the third quarter of 2001.

Acceptance of the Acquis / Requests for Special Arrangements

Malta requests a transitional period of six years for the implementation of Directive 91/271/EEC (urban waste-water treatment). This transitional period will allow the completion of the construction of waste-water infrastructure for the collection, treatment and disposal of waste-water in Malta. Malta wishes to request pre-accession assistance for the implementation of the infrastructural projects which are required in this regard.

Malta requests a transitional period of six years for the implementation of 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.

Malta requests a transitional period of three years for the implementation of Directive 98/83/EEC (quality of water intended for human consumption) with regard to the application of Annex I Part B on nitrate and fluoride and Part C on conductivity, chloride, sodium, sulphate and iron to bring these substances in line with the limits required by the Directive.

Capacity to Implement the Acquis

General environment

An autonomous authority will be responsible by the third quarter of 2001 for implementing most of the environment *acquis*. This authority will have the licensing and enforcing powers in the areas of waste management, air and water quality, nature protection, industrial pollution control and risk management, chemicals and genetically and modified organisms. Directorates within the authority will be responsible for habitats and species conservation, pollution control and abatement, waste management policy and regulation as well as inspection and enforcement. This authority will also take over the current responsibilities of the Environment Protection Department within the Ministry for the Environment.

Other administrative bodies responsible for the implementation and enforcement of the environment *acquis* include the Customs Department within the Ministry of Finance, the Civil Protection Department within the Ministry for Home Affairs, the Ministry for Agriculture and Fisheries, the Department of Health within the Ministry of Health, the Drainage Department and the Works Division within the Ministry for the Environment, the Planning Authority, the Occupational Health and Safety Authority, the Malta Standards Authority, the Malta Resources Authority and the Malta Maritime Authority.

The infrastructure necessary to implement the *acquis* on environment is being enhanced and upgraded. Measures to further strengthen and reinforce the human resource capacities are also underway.

Water Quality

Urban Waste-water: The Drainage Department within the Ministry for the Environment is responsible for the interconnectivity of all land-based, urban and industrial sources and agglomerations to the collecting system for waste-waters. The Department is also responsible for ensuring the proper disposal of industrial waste and the efficient functioning of treatment plants. The Malta Resources Authority is responsible for securing and regulating the conservation of water as a resource.

A Sewerage Master Plan has been drawn up in line with the provisions of Directive 91/271/EEC (urban waste-water treatment) and is currently being implemented.

The administrative capacity of the Drainage Department is being strengthened by the recruitment of additional scientific and technical personnel by the fourth quarter of 2002.

Pollution caused by Nitrates: The Department of Agriculture within the Ministry for Agriculture and Fisheries will be responsible for implementing the *acquis* in this area. The structures and procedures required by Directive 91/676/EEC (protection of waters against pollution caused by nitrates from agricultural sources) will be in place by the fourth quarter of 2002.

Dangerous Substances in the Aquatic Environment: The Environment Protection Department within the Ministry for the Environment will be responsible for implementing the *acquis* in this area. An authorisation system on the discharge of treatment plants and other land-based sources will be set up by the second quarter of 2002. The Department will also be responsible for drafting guidelines on the discharge of treated effluents into the marine environment.

Bathing Water: The Environment Health Branch within the Department of Public Health of the Ministry of Health and the Environment Protection Department possess the administrative infrastructure and human resources necessary for the effective implementation and enforcement of the *acquis* in this field. The Environment Health Branch is responsible for bacteriological and viral parameters whilst the Environment Protection Department is responsible for monitoring physico-chemical parameters. Both Departments will be responsible for controlling the quality of bathing water.

Water for Human Consumption: The Health Division within the Ministry of Health will be responsible for implementing the *acquis* in this area. The Division and the Water Services Corporation carry out regular monitoring of drinking water.

The human resources capacity of the Environment Health Branch will be strengthened by the recruitment of additional personnel by the second quarter of 2002.

Surface Water: The Environment Protection Department will be responsible for implementing the *acquis* in this area.

Groundwater: The Malta Resources Authority is responsible for implementing the *acquis* in this area. The Authority will establish a monitoring programme by the fourth quarter of 2001 to ensure quality groundwater. It will also secure and regulate the conservation of water as a resource.

Fresh and Shellfish Waters: The Environment Protection Department will be responsible for implementing the *acquis* in this area.

Transposition plan

EU Directive	Enabling Law	Adoption	Entry into Force
Water Quality			
91/271: Urban waste-water treatment	Amendments to the Sewer Discharge Control Regulations (LN8/93) under the Environment Protection Act	2001 (4 th quarter)	2008 (4 th quarter)
93/481: Formats for the presentation of national programmes as foreseen by Article 17 of Directive 91/271/EEC	Amendments to the Sewer Discharge Control Regulations (LN8/93) under the Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
91/676: Protection of waters against pollution caused by nitrates from agricultural sources	Subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2002 (4 th quarter)
76/464: Pollution caused by certain dangerous substances discharged into the aquatic environment of the Community	Subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2008 (4 th quarter)
82/176: Mercury discharges by the chlor-alkali electrolysis industry	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
83/513: Cadmium discharges	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
84/156: Mercury discharges by sectors other than the chlor-alkali electrolysis industry	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
84/491: Discharges of hexachlorocyclohexane	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
88/347: Amending Annex II to Directive 86/280/EEC	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)

86/280: Discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
90/415: Amending Annex II to Directive 86/280/EEC	Amendments to the Sewer Discharge Control Regulations (LN8/93) and subsidiary legislation under the new Environment Protection Act	2001 (4 th quarter)	2001 (4 th quarter)
76/160: Quality of bathing water	Subsidiary legislation under the Public Health Act	2002 (2 nd quarter)	2002 (4 th quarter)
98/83: Quality of water intended for human consumption (repealing Directive 80/778/EEC by 25 December 2003)	Subsidiary legislation under the Public Health Act	2002 (2 nd quarter)	2002 (4 th quarter) except for the requests being made in Section C
75/440: Quality required of surface water	Subsidiary legislation under the new Environment Protection Act	2001 (3 rd quarter)	2001 (3 rd quarter)
77/795: Exchange of information on the quality of surface fresh water	Subsidiary legislation under the new Environment Protection Act	2001 (3 rd quarter)	2001 (3 rd quarter)
79/869: Measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water	Subsidiary legislation under the new Environment Protection Act	2001 (3 rd quarter)	2001 (3 rd quarter)
78/659: Quality of fresh waters	Subsidiary legislation under the new Environment Protection Act	2001 (3 rd quarter)	2001 (3 rd quarter)
80/68: Protection of groundwater against pollution caused by certain dangerous substances	Subsidiary legislation under the Malta Resources Authority Act	2002 (2 nd quarter)	2002 (2 nd quarter)
79/923: Quality required of shellfish waters	Subsidiary legislation under the new Environment Protection Act	2001 (3 rd quarter)	2001 (3 rd quarter)
Nature Protection			