

Malta

Country: [Middle East and North Africa](#) [1]

EIA Law: Environment and Development Planning Act, Cap. 504

Law Link: [Link](#) [2]

EIA Regulations: Environmental Impact Assessment Regulations, 2017 (S.L. 549.46)

Regulations Link: [Link](#) [3]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: The Authority has discretion in exceptional cases to exempt projects from the EIA provisions. In such instances, the Authority may "consider whether another form of assessment would be appropriate." EIA Regulations, sec. 5(1)(a).

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: "The Authority shall, at the earliest appropriate moment, undertake vetting to determine whether a project submitted for its consideration falls under these regulations. EIA Regulations, sec. 11

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Criteria for Screening Detail: Any project listed under Schedule I, Category I requires an EIA. EIA Regulations, sec. 10(1). Projects under Schedule I, Category II require mandatory screening. EIA Regulations, sec. 10(2). Other proposals are examined by the Authority on a case-by-case basis to determine whether they might have significant environmental impacts. EIA Regulations, secs. 10(3),(4). Schedule III details the criteria to be applied in screening.

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: The project proponent is responsible for commissioning the EIA report. Consultants engaged to draft the report shall be professional, independent, impartial, and duly competent experts in the respective areas of the assessment EIA Regulations, sec. 17.

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: EIA Regulations, sec. 17(1)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: Consultants carrying out the EIA report shall be professional, independent, impartial, and duly competent experts in the respective areas of the assessment. Consultants shall be registered and must follow the regulations, procedures, rules and guidelines established by the Authority and by the Registration Board. EIA Regulations, sec. 17(2). See also EIA Regulations, sec. 18(4) (consultants must ensure the professional and scientific integrity of the EIA report).

Conflict of Interest: Yes

Conflict of Interest Detail: Consultants are required to sign a declaration that they have no conflicts of interest that may affect any aspect covered by these regulations. EIA Regulations, sec. 17(3); see also sec. 36 (duty to carry out responsibilities in a fair and impartial manner and avoid conflicts of interest)

Terms of Reference: Yes

Terms of Reference Detail: "The terms of reference . . . shall be based on the information established in Schedule IV, and shall specify the information that may be required for reaching an informed conclusion in the significant effects of the project on the environment[.]" EIA Regulations, sec. 16(1).

Days for Decision Maker Review: Not specified

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: The Authority prepares a written "final assessment" of the EIA report. EIA Regulations, sec. 23(1). This report forms the basis for the permitting authority to approve or deny the project. The procedures for notification, public participation and availability of information to the public, in relation to development consent decisions shall follow the provisions of the Development Planning Act.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: Yes. The Authority may recommend to the permitting authority to include any conditions and measures in the development consent. EIA Regulations, sec. 32(1). See also Development Planning Act, sec. 72(1) ("[T]he Planning Board shall be entitled to impose such conditions which it may deem appropriate.")

Expiry of Decision: Variable

Expiry of Decision Detail: Development Planning Act, sec. 72(4) ("Development permission may be granted for a limited period but shall cease to be operative if the activity or development has not been completed within the period specified in the development permission.")

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: The Authority may recommend to the permitting authority to include the imposition of financial guarantees in favor of the Authority. EIA Regulations, sec. 32(a)(i)

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA report shall include "a description of the reasonable alternatives studied, which are relevant to the project and its specific characteristics. . . ." EIA Regulations, sec. 18(1)(e); Schedule IV(3).

No Action Alternative: Yes

No Action Alternative Detail: A "zero option" (no-development scenario) must be considered. EIA Regulations, Schedule IV(3)

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

Other

Mitigation: Yes

Mitigation Detail: The EIA report shall include a description of "measures envisaged in order to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects on the environment." EIA Regulations, sec. 18(1)(d); see also Schedule IV.

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA must include a proposed programme to monitor the site and environmental impacts of the project during the construction, operational, and decommissioning phases. EIA Regulations, Schedule IV(9)

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: Notice of submission of the EIA report to the Authority must be published in at least one daily or weekly newspaper in Maltese and one in English. The Authority must publish notice on its website. EIA Regulations, sec. 19(1).

Final EIA Available: Yes

Final EIA Available Detail: The EIA shall be made available on the Authority's website and in its offices. The EIA is made available to the local council in the locality where the project is proposed. EIA Regulations, sec. (19)(1)

Final EIA Locations: Internet

Agency or ministry office

Local government office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "The technical studies shall be attached to the EIA report in the form of appendices or annexes" EIA Regulations, sec. 18(3)

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The Authority's final assessment shall be made publicly available on the Authority's website. EIA Regulations, sec. 23(1). The planning authority's decision to approve or reject a project would likely be made available to the public through provisions in the Development Planning Act and Malta's access to environmental information law.

Public Scoping: Yes

Public Scoping Detail: The Authority shall invite the government entities, local councils, and the public "to make recommendations and ancillary reasoned justifications on any relevant matters that merit inclusion in the terms of reference . . ." EIA Regulations, sec. 16(2)

Public Review of TOR: No

Public Review of TOR Detail: The Authority prepares a draft terms of reference that is shared with the project developer and EIA coordinator (if one has been appointed) for the opportunity to propose amendments. Thereafter,

the Authority issues the final terms of reference. The public is not included in this step.

Public Participation Opportunities: Scoping

Review of draft EIA

Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail: The Authority "shall arrange for a public hearing to take place at a suitable venue, within the same locality in which the project is proposed but not within the developer's property. At this hearing, the public may comment on, and enquire about, the EIA report as well as the proposed project and its impacts, and may request any relevant information and clarifications." EIA Regulations, sec 20(1)

Public Input at Meeting: Yes

Public Input at Meeting Detail: The Authority "shall arrange for a public hearing to take place at a suitable venue, within the same locality in which the project is proposed but not within the developer's property. At this hearing, the public may comment on, and enquire about, the EIA report as well as the proposed project and its impacts, and may request any relevant information and clarifications." EIA Regulations, sec 20(1)

Criteria to Hold Public Meeting: Public meeting and/or hearing is automatically required

Days for Public to Review Final EIA: 30 days

Public Comments on Draft EIA: No

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: The Authority "shall arrange for a public hearing to take place at a suitable venue, within the same locality in which the project is proposed but not within the developer's property. At this hearing, the public may comment on, and enquire about, the EIA report as well as the proposed project and its impacts, and may request any relevant information and clarifications." EIA Regulations, sec 20(1)

Response to Public Comments: Yes

Response to Public Comments Detail: The EIA coordinator must ensure to the extent reasonably possible that experts are available to respond to public inquiries during the hearing. EIA Regulations, sec. 20(5). All submissions, comments and enquiries must be collated into a report by the Authority and sent to the EIA coordinator for its response. EIA Regulations, sec. 21(1). The report including all relevance responses shall be presented in an appendix to the EIA report. EIA Regulations, sec. 21(1).

Facilitation of Public Participation: No

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Any aggrieved person or interested third party may seek review of the permitting authority's decision before the Environment and Planning Review Tribunal. See Environmental and Planning Review Tribunal Act, sec. 11(1). Appeals may be filed on any ground, including material factual error, material procedural error, or error of law. Id., sec. 11(3). Appeals must be filed within 30 days from the date of publication of the decision. Id., sec. 13.

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: Judicial review is available in certain circumstances. "The decisions of the Tribunal shall be final and no appeal shall lie therefrom, except on a point of law decided by the Tribunal or on any matter relating to an alleged breach of the right of a fair hearing before the Tribunal." Environmental and Planning Review Tribunal Act, sec. 39. Any appeal would be filed with the Court of Appeal. Id., sec. 50

Project Monitoring: Yes

Project Monitoring Detail: "The Authority shall determine the specifications and procedures required to monitor the relevant effects of the project on the environment. The Authority may also require any other post-permit analysis as may be relevant including verification and auditing of predictions and assessments, and implementation of corrective measures." EIA Regulations, sec. 32(b)

Enforceability of EIA: No

Enforceability of Permit: No

Province: Malta

Modified: June 29th, 2020

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