

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, 2007 (S.L. 504.79)

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

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: Yes

Assessment Detail: For certain categories of projects an environmental planning statement is prepared. An environmental planning statement is defined as "a limited environmental impact assessment study presented as a report which describes a development listed in Category II of Schedule IA to these regulations and its effects on the environment indicating how these effects have been taken into account." EIA Regulations, sec. 2 (definitions); sec. 3(5); see also Schedule IA

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: EIA Regulations, sec. 7 (describing screening process)

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 development listed under Category I of Schedule IA to these regulations shall require a full environmental impact assessment by the preparation of an environmental impact statement. . . ." EIA Regulations, sec. 3(4). The Director of Environmental Protection may require a project proponent to prepare a full EIA "if he is of the opinion that significant impacts are likely to occur having regard to the criteria set out in Schedule IB and a normal planning application or an environmental planning statement do not provide an adequate basis for evaluating such development." EIA Regulations, sec. 3(6).

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

Who Prepares EIA Detail: "The applicant shall select the consultants to prepare an environmental impact statement from the register and communicate the names of the consultants so chosen to the Director of Environment Protection." EIA Regulations, sec. 11(1).

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: "The applicant shall be responsible for commissioning an environmental impact statement or an environmental planning statement. . . ." If there is doubt about the quality or impartiality of the EIA the the Authority may commission an independent assessment at the expense of the applicant. EIA Regulations, sec. 9(1).

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: See generally Part VI of the EIA Regulations: Register of Consultants and Reviews. EIA consultants must meet certain qualifications and register with an independent board (Registration and Review Board).

Conflict of Interest: Yes

Conflict of Interest Detail: "In the interests of fairness, objectivity and the avoidance of bias, all consultants shall be required to sign, and abide by, a declaration that they have no personal or financial interest in the proposed development." EIA Regulations, sec. 29. A consultant's registration certificate may be revoked if the consultant submits substandard or deliberately misleading work in an environmental impact assessment. EIA Regulations, sec. 40(c)

Terms of Reference: Yes

Terms of Reference Detail: The Director of Environmental Protection prepares the final terms of reference. EIA Regulations, sec. 10(4).

Automatic Approval: No

Written Decision: Yes

Written Decision Detail: The Authority must make a public statement containing "(i) the content of the decision and any conditions attached thereto; (ii) a statement containing the main reasons and considerations on which the decision is based, including information about the public participation process; and (iii) a description, where necessary, of the main measures to avoid, reduce, and if possible, offset the major adverse effects of the development." SL 504.79 44(4)(b)

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: The Authority may "include appropriate, and clearly specified conditions

in the development permission." EIA Regulations, sec. 43(2)(a)

Expiry of Decision: Variable (at discretion of Authority)

Expiry of Decision Detail: The Authority may "establish the period within which the construction phase of the development shall be completed together with any planning obligations" EIA Regulations, sec. 43(2)(b)

Financial Assurances or Bond: Sometimes

Financial Assurances Detail: The Authority may request the project developer to provide a guarantee by a bank or credit institution to ensure compliance with development conditions. "The said guarantee shall not be less than the greater of the cost of reinstating the area to an acceptable condition, or the cost of reinstatement and repair of damages arising from non-compliance with conditions imposed in the development permission." EIA Regulations, sec. 43(2)(c)

Interdisciplinary Team: No

Range of Alternatives: Yes

Range of Alternatives Detail: The EIA must include "[a] description of alternative sites considered, and alternative technologies that could be employed during construction and when in operation. . . ." EIA Regulations, sec. 14(1)(c)

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

Other

Mitigation: Yes

Mitigation Detail: "A full environmental impact assessment for development shall involve the following procedures . . . designing mitigation measures[.]" EIA Regulations, sec. 13(d). "Where adverse effects are identified, the consultants shall state clearly what significance they attribute to these effects and the mitigation measures they propose to be incorporated in the development and evaluate their effectiveness." EIA Regulations, sec. 17

Monitoring Plans: Yes

Monitoring Plans Detail: "The consultants shall devise a scheme to monitor the impacts of the development which may arise during the construction and operational phases." EIA Regulations, sec. 18; see also sec. 13(e)

Public Notice of Draft EIA: Yes

Draft EIA Available: Yes

Draft EIA Available Detail: The project proponent must publish notice of the availability of the draft EIA and where the document may be viewed. This information must also be posted on the land where the project is proposed to take place. EIA Regulations, sec. 24(5), (6), (7)

Draft EIA Locations: Internet

Agency or ministry office

Local government office

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: Notification of availability of final EIA must be provided by the project proponent. EIA Regulations, sec. 24

Final EIA Available: Yes

Final EIA Available Detail: The final EIA must be made available to the public via "public reference room" and a non-technical summary published on the internet; however, it is not clear whether the public must be notified that the EIA is available. See EIA Regulations, sec. 32; see also Freedom of Access to Information on the Environment Regulations, 2005 (requiring public access to environmental impact assessment documents)

Final EIA Locations: Internet

Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: Yes

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment" EIA Regulations, sec. 30(3). Proprietary data shall not be incorporated by reference. Id.. sec. 30(4). See also Freedom of Access to Information on the Environment Regulations, 2005

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: The Authority must publish notice of the decision in a newspaper and make the decision available for public inspection, free of charge. EIA Regulations, sec. 44(4)(a)

Public Scoping: Yes

Public Scoping Detail: "The Director of Environment Protection shall place an advert in a local newspaper, at the expense of the applicant, inviting the general public to inform him, within twenty-one days of publication of the advert, of issues that they would wish to see incl

Public Review of TOR: No

Public Review of TOR Detail: The public is permitted to submit comments prior to preparation of the terms of reference but is not permitted to review a draft. Once the final terms of reference is adopted, it must be disclosed to the public. See EIA Regulations, sec. 10(6)

Public Participation Opportunities: Scoping

Terms of reference

Review of draft EIA

Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail:: "After having certified the draft environmental impact statement the Director of Environment Protection shall arrange for a public hearing to take place, at which the public may comment on the environmental impact statement and express their views on the impact of the proposed development." EIA Regulations, sec. 25

Public Input at Meeting: Yes

Public Input at Meeting Detail: "The Director of Environment Protection shall chair and regulate the proceedings of the public hearing. He shall, as much as is reasonable give every person present in the hearing who wishes to make any submissions the opportunity to air his views on the environmental implications of the proposed development. The language of the public hearing shall be in Maltese." EIA Regulations, sec. 25(7)

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

Public Comments on Draft EIA: Yes

Public Comments on Draft EIA Detail: Comments may be submitted in writing or provided at a public hearing. See EIA Regulations, sec. 24(5) (written comments) 25 (public hearing)

Public Comments on Final EIA: No

Public Comments on Final EIA Detail: The public is permitted to comment on the draft EIA, not the final EIA.

Response to Public Comments: Yes

Response to Public Comments Detail: All public comments are recorded and collated into a report. "A summary of all the comments shall be presented in an appendix to the final environmental impact statement." EIA Regulations, sec. 25(8). "Prior to the submission of the final environmental impact statement to the Authority, the consultants shall further revise the environmental impact statement and the proposed development in the light of the written comments made by the public and the comments made during the public hearing." EIA Regulations, sec. 26(1)

Facilitation of Public Participation: No

Citizen Administrative Review: Yes

Citizen Administrative Review Detail: Appeals may be lodged with the Environment and Planning Review Tribunal. See Art. 41, Environment and Planning Development Act, 2010 (available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11407&l=1>)

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: "The decisions of the Tribunal shall be final. An appeal by the appellant or any of the appellate parties to the appeal shall lie to the Court of Appeal constituted in terms of article 41(6) of the Code of Organization and Civil Procedure from such decisions only on points of law decided by the Tribunal in its decision." Art. 41(6), Environment and Planning Development Act, 2010 (available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11407&l=1>)

Province: Malta

Days for Public to Review Draft EIA: 22-37 days

Modified: January 3rd, 2017

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